Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 17 AUGUST 1886

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Tuesday, 17 *August*, 1886.

Order for Executive Minutes.—Schedule of Estimates-in-Chief, 1886-7.—Petitions.—Question.—Elections Tribunal Bill—third reading.—Offenders Probation Bill—third reading.—Adjournment,—Water Bill—introduction.—Divisional Boards Bill—second reading.—Divisional Boards Bill No. 2—second reading.—Gold Mining Companies Bill—second reading.—Employers Liability Bill—committee.—Adjournment.

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

ORDER FOR EXECUTIVE MINUTES.

The PREMIER (Hon. Sir S. W. Griffith) said: Mr. Speaker,—In pursuance of an order made by this House on the motion of the hon. member for Cook (Mr. Hill), I beg to lay upon the table copies of all Executive minutes from 1st November, 1883, to the date of the resignation of the late Ministry. I may say, with respect to minutes that are purely formal, that the title only is given.

SCHEDULE OF ESTIMATES-IN-CHIEF, 1886-7.

The COLONIAL TREASURER (Hon. J. R. Dickson) laid on the table of the House the Schedule of the Estimates-in-Chief for the year 1886-7, and moved that it be printed.

Question put and passed.

PETITIONS.

Mr. ANNEAR presented a petition signed by 500 ratepayers and owners of property in the east ward of the municipality of Brisbane, in reference to the action of the licensing authority in refusing a renewal of license to Foster J. Atkinson for the Queensland Hotel, Edward-street; and moved that it be read.

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

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

Mr. DONALDSON presented a petition from certain pastoral tenants in the district about Charleville, asking for an extension of their leases; and moved that it be read.

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

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

QUESTION.

Mr. McMASTER asked the Minister for Works—

1. Is it the intention of the Government to ask the sanction of the House, this session, for the extension of the Southern and Western Railway into the city near the Normal School, and through Fortitude Valley?

2. If so, when will the plans be laid on the table of the House for approval?

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

The Government intend to adhere to and carry out their public works policy as indicated by them in their Loan Act, 48 Vic., 25; but they claim the right to arrange their measures so as to secure despatch.

ELECTIONS TRIBUNAL BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

OFFENDERS PROBATION BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—Before proceeding to the Orders of the Day, I think it will be convenient to settle now what we propose to do to-morrow. I propose to ask the House to adjourn at its rising until half-past 5 o'clock to-morrow. The House will then meet at 6, so as to resume business at 7 o'clock. That will practically give hon. members the whole of daylight to-morrow, and we shall be able to do some work in the evening, when my hon. colleague the Colonial Treasurer proposes to make his Financial Statement. This course is the same as was adopted last year, and it is just as well that we should understand that it is the course which we shall in future adopt. I move that this House at its rising shall adjourn until to-morrow at half-past 5 o'clock.

Mr. NORTON said: Mr. Speaker,—As far as I am personally concerned I shall be very glad to be in attendance at the hour named by the hon. the Premier. I might say that it has been represented to me that, to-morrow being proclaimed a general holiday, it is scarcely fair to the officers of the House and those engaged at the Printing Office that they should not have their holiday with others. For that reason there have been some objections made to the usual course being followed. For some years we have always met in the evening as proposed just now by the Chief Secretary.

The PREMIER: Last year was the first time, I think.

Mr. NORTON : I think the practice was in force before last year. We met last year, at any rate, in the evening, and my impression was that we met before in the same way. It is really for hon. members to consider whether it will suit their convenience, and whether some consideration ought not also to be given to the the officers of the House and to the workpeople connected with the Printing Office. As I have said, as far as I am personally concerned, if it is the wish of the House to meet at the hour named, I shall be here, and be glad to help to form a House.

Question put and passed.

WATER BILL—INTRODUCTION.

The PREMIER said : Mr. Speaker,—I beg to move that you do now leave the chair, and that the House go into committee to consider the desirableness of introducing a Bill to declare and define the rights to natural water, and to provide for the construction, maintenance, and management of works for the storage and distribution of water. I have it in command to inform the House that His Excellency the Administrator of the Government, having been made acquainted with the provisions of this Bill, recommends to the House the necessary appropriation to give effect to it.

Question put and passed; and the House having gone into Committee of the Whole,

The PREMIER said : Mr. Fraser,—In moving that it is desirable to introduce a Bill to declare and define the rights to natural water, and to provide for the construction, maintenance, and management of works for the storage and distribution of water, I think it will be convenient if I briefly indicate to the Committee the general nature of the Bill proposed to be introduced. As the title of the Bill shows, it is proposed to declare and define the rights to natural water. The Government are quite aware that in undertaking to do that they are undertaking a somewhat ambitious enterprise. The law with respect to natural water at the present time is not defined by statute in any of Her Majesty's dominions, so far as I am aware. We are supposed in this colony to be governed by the rules of common law, which were no doubt introduced into Great Britain long ago as being rules of natural justice, which commended themselves to the judges from time to time as being applicable to the circumstances connected with watercourses in that country. I think they may be briefly stated in this way—that the rights of a person whose land fronts a watercourse are these: He is entitled to the benefit of the natural flow of water down that watercourse past his land, and he is entitled to prevent anyone from increasing or diminishing that flow to his detriment. Beyond that I do not know that any details would be of much value. These provisions a moment's consideration will show to be totally inapplicable to the circumstances of Queensland. There may be some few streams on the sea-coast to which these rules might be applied without injustice; but with respect to the watercourses in the interior, which are dry for a long time together, any such rule would effectually prevent the conservation of water altogether. I think, sir, that to attempt to deal with the subject of water rights or the storage of water while the law is in so unsatisfactory a condition would be vain. It would be opening the door to endless litigation. In some countries attempts have been made to deal with the subject by legislation ; in Great Britain there has been no attempt, as far as I know. The Government, in trying to find laws on the subject, have referred to the Code Napoleon, which contains information on a great variety of subjects ; but I am sorry to say that from that source there is to be got very little dealing with this subject. The rules there are plain and distinct enough, but very like the rules of the English common law. In one of the American States the rule has been laid down that all running water is the property of the State. That is a very good rule as far as it goes ; but it is of course quite inadequate for dealing with the circumstances of this country. Well, having regard to this condition of things, and the necessity for laying down some rule, the Government have attempted the somewhat ambitious project of defining the principles that are to govern the rights to natural water. I do not suppose for a moment that the rules laid down here will be found perfect ; but I will venture to predicate this of them—that they will be found a great deal better than having no rules at all. They will be found to meet a large proportion of cases and do justice in them. I have no doubt that the discussion, which I hope these provisions of the Bill especially will provoke, will throw additional light on the matter. I will read these rules — they are not very long. It is proposed to distinguish watercourses into main watercourses and minor watercourses, and to declare that the property in the water in main watercourses is the property of the State, and the property in the water in minor watercourses the property of the persons through whose land they run. In case any question arises as to the category under which a watercourse falls, it is proposed to appoint a commission to inquire into the matter and report, and upon the report of that commission the Governor in Council is to declare in which category the watercourse is to be placed. I think that so far the scheme will commend itself to hon. members as a convenient one. The difficulty, of course, is in the definitions, and I will read the definition of a main watercourse. I will not at present give the reasons for every word, or every part of the definition ; but I will ask hon. members in criticising it to believe that every word has received very full consideration. The definitions adopted here are not the first that occurred, but they have been adopted after carefully sifting the matter and trying many others. The 5th clause of this Bill proposes to provide that—

"(1.) When a watercourse discharges into the sea or into a navigable river, then that part of the watercourse in which water ordinarily flows is a main watercourse.

"(2.) When a watercourse is such that ordinarily, or after heavy or continuous rains, water flows therein for a distance exceeding *fifty* miles measured along the course of the flowing water, or for a distance exceeding *twenty-five* miles measured in a straight line from point to point, then, whether the watercourse discharges into the sea or into a navigable river or not, so much of the watercourse as is distant from the source not less than *fifty* miles measured along the course of the flowing water, or not less than *twenty-five* miles measured in a straight line from point to point, is a main watercourse."

The distances are, of course, arbitrary, and they are printed in italics to indicate that they are laid down as a rough-and-ready way of determining the question. The clause proceeds—

"(3.) When a watercourse is formed by the union two or more tributary watercourses, the length of the watercourse is to be measured from the source of the principal tributary watercourse.

"(4.) When a tributary watercourse falls into a larger watercourse the length of the tributary watercourse is to be measured to the point of junction only."

I will ask hon. members when they receive the Bill to criticise that clause with all the attention they can give it. Then it is proposed to declare by the 6th clause—

"Every watercourse or part of a watercourse which is not a main watercourse is a minor watercourse."

Then it is proposed to declare by the 7th clause—

"The right to the water in a main watercourse, and the right to store water therein, and the right to intercept the flow of water therein and to divert water therefrom, belong to the Crown and not to any private person; and no private person is entitled to store water, or to intercept or divert the flow of water, in or from any such watercourse."

The 8th clause provides—

"The right to the water in a minor watercourse, and the right to store water therein, and the right to intercept the flow of water therein, and to divert water therefrom, belong to the proprietors of the land through which the watercourse passes."

Then it is proposed to declare that the right to the soil of a watercourse follows the right to the water, that when a man's land is bounded by a main watercourse, his land goes to the bank and not to the middle. Then, sir, it is proposed to provide, by the 11th clause—this is a very important provision—

"The rights of the Crown with respect to water in main watercourses situated in water areas shall be vested in and exercised by the water authorities of the water areas in which such watercourses are respectively situated."

The 12th clause provides for the determination of the question whether a particular watercourse falls into one category or the other, by a commission consisting of an engineer and two other persons. That is very much like a provision in force under the common law of England, called an inquest of office, for determining many matters affecting the rights of the Crown. It is the law of this country, too, though it is not often put into force. It is an old mode of determining questions of this sort. The advantage of it will be that it will entirely prevent litigation. Some one may ask, "How can there be any question about it? It depends on distance." It does depend on that, but it also depends on the question whether, "ordinarily or after heavy or continuous rains," the water flows there for that distance. Those are questions of fact, which, if left to courts of law, may lead to conflicting decisions; and it is absolutely necessary that some definite rule should be laid down. So much for the rights of the public and the Crown to the main watercourses. With respect to minor watercourses, it is proposed to lay down several rules to determine how the owners of land are to deal with the water in the watercourses on their land. The right to the water is to belong to them, but of course that right must be exercised so as not to injure their neighbours. Now, we propose to wipe away at once the rule that a man may not stop the flow of water on a neighbour's land. Of course, if that rule were adopted here, no man could store any water on his own land, because he would be thereby diminishing the flow on his neighbour's land. The result would be, in respect to every owner but the man who is on the lowest part of the watercourse, that he could not erect a dam at all. Up to the present time there have been no quarrels of that sort in this colony, but there have been many in New South Wales and very many in California. It is quite time the question was settled, and it is proposed to lay down simple rules on the subject which, I think, will commend themselves to hon. members. The 14th section provides that—

"When a minor watercourse divides the lands of two proprietors, neither of them is entitled without the consent of the other to intercept the flow of water in that part of the watercourse which divides their lands, or to divert water therefrom."

That, of course, is fair when the water runs between them. Provision is made further on for settling any dispute between them in a summary way, if either of them is unreasonable. In cases in which a minor watercourse flows through the lands of several proprietors, it is proposed to lay down certain rules, some of which are analogous to the Code Napoleon, and the 15th section provides that the following rules shall have effect:—

"(1.) The land on the lower part of the watercourse is liable to receive all water which naturally and without any artificial aid or interference flows over it from the higher part of the watercourse.

"(2.) The proprietor of the lower land is not entitled to obstruct such flow to the prejudice of the proprietor of the higher land.

"(3.) The proprietor of the higher land is not entitled to do anything which may increase the flow of water over the lower land beyond the natural flow.

"(4.) The proprietor of the higher land is entitled to intercept water, and to erect dams or other works for the storage of water, upon that part of the watercourse which is within his land, notwithstanding that the flow of water to the lower land is thereby diminished, but in such case he must take reasonable precautions to prevent any sudden or injurious flow of water from his land upon the lower land.

"(5.) The proprietor of the higher land is not entitled to divert water from the watercourse for the purpose of storage without the consent of all the proprietors of the lower land within a distance of twenty-five miles measured along the bed of the watercourse."

You may put dams up, but you must not divert the water. Then it is proposed in the 16th section to provide a summary way of settling disputes between proprietors by referring them to the water authority, if there is a water authority, or if there is none to the Minister, who will hear the parties and determine the matter. In the 18th section it is provided that—

"All laws and rules of law inconsistent with the rules declared in this part of this Act are hereby repealed."

This part of the Bill will probably invite more criticism and require more careful consideration than any other part of the measure. I ask for the Bill the most careful consideration that can be given to it, because, as I have said, we have very little authority to guide us in the matter. Hon. members must apply their own knowledge of the circumstances of the colony to the rules proposed to be laid down here. I am sure we are all agreed that it is desirable to lay down some rules—whether the rules laid down here are the best is the matter for consideration. The third part of the Bill deals with the constitution of water authorities. It is proposed to appoint them in three ways: first by the appointment of a local authority—that is, a municipal council or divisional board having jurisdiction within the water area;—I should have said that there will be water districts. The second mode is to require the local authorities having jurisdiction in the water area to elect the members of the water authority. The third way is by appointment by the Governor in Council. It is proposed that when the members are to be elected they shall be elected by the local authorities having jurisdiction within the area and not directly by the ratepayers. So much for the constitution of water authorities. The rest of the Bill is to enable the authorities to carry out the powers given to them. I shall not trouble the Committee now with the nature of those provisions. They are, of course, very much like those in other Acts dealing with similar subjects; they deal with the subjects of water rights, waterworks, and all matters usually found in measures of this kind. I have thought it convenient to call special attention to the provisions of the second part of the Bill, which contain a definition and declaration of the rights to natural water, because they are new, and because I think they ought to receive full consideration and criticism in every part of the colony, and I believe that is more likely to be secured by calling attention to them at this stage. I move the motion affirming the desirableness of introducing this Bill,

Question put and passed; and the resolution having been reported to the House, the report was adopted. The Bill was introduced, read a first time, and the second reading made an Order of the Day for Tuesday, the 31st instant.

DIVISIONAL BOARDS BILL—SECOND READING.

On the motion of the PREMIER, this Order of the Day was discharged from the paper.

DIVISIONAL BOARDS BILL No. 2—SECOND READING.

The PREMIER said: Mr. Speaker,—In rising to move the second reading of this Bill, it is unnecessary, I think, to say anything in general about the advantages of local government. We have had the system in force in this colony now for nearly eight years, and we are all agreed, I think, that it is desirable that the system of local government which we have should be continued with such improvements as experience has shown to be necessary. The Government have undertaken to consolidate the laws relating to local government outside the boundaries of municipalities in this Bill. The circumstances of country districts and of town districts are still to a great extent different, and we have, therefore, thought it better not to do as has been done in Victoria—namely, to include the whole subject-matter in one Act. That way of dealing with the matter has been considered by the Government, but the adoption of it would make the measure too cumbrous. It would involve the inclusion in the Bill of a great many provisions which were not applicable to one class or other of local authorities. It was determined accordingly, first to put the laws relating to divisions on a satisfactory footing, and to leave till a later period the consolidation and amendment of the laws relating to municipalities. I may repeat here what I think I said in moving for leave to introduce the Bill—that after this Bill is passed, or as soon as it has passed through committee, and the approval of the House has been given to some of the more important amendments in it, it is the intention of the Government to introduce another Bill applying them to municipalities. I propose now briefly to call attention to some of the leading features in this Bill in which changes are made in the existing law. The Bill contains all the provisions of the existing law that are deemed desirable to be retained. The first alteration to which I will call attention is in the 5th section, the last paragraph of which provides that—

"When a person entitled to the possession of land does not usually reside on it, and the land is in charge of an agent or servant of such person who resides thereon, such agent or servant shall be deemed to be the occupier."

That, Mr. Speaker, is introduced to meet cases which often occur in country districts, such, for instance, as the managers of stations the owners of which reside elsewhere. It is desirable that such persons should not only be rated but should be entitled to take part, if they think fit, in the government of the division in which the property is situated. It is proposed to further amend that paragraph of the clause to meet the case of corporations. A corporation, as such, cannot vote; but where a corporation occupies land there is no reason why its manager should not vote and take part in the work of local government. With respect to the mode of constituting divisions, it is proposed to leave that in the hands of the Government. I am sure they would always be prepared to listen to the wishes of the inhabitants of the districts before taking any action in the matter. The 11th section, as I pointed out in moving the introduction of the Bill, provides for the case when a change is made in the boundaries of divisions, such as when a division is added to a municipality, or one division is added to another, or a portion is taken from one division and added to another. It is provided that in those cases, when any of the local authorities is indebted to the Government by way of loan, the liabilities of the different local authorities may be apportioned, and that the Governor in Council shall have power to declare upon what part of the districts of such local authorities any part of the loan shall be primarily chargeable. That, as I pointed out on the previous occasion, would have the effect of removing the objection now very often made by the inhabitants of a portion of a division free from debt to being united to a municipality to which they naturally belong, and being compelled to assist in paying the interest on a large debt from which they have received no benefit. The next matter is rather of a minor nature. Clause 14 provides that—

"Every division shall be governed by a board composed of not more than nine members and not less than three members, as the Governor in Council may from time to time declare by proclamation. If the division is subdivided, the Governor in Council shall from time to time in like manner assign the number of members for each subdivision. The number so assigned shall not be more than three for any subdivision, and need not be the same for each subdivision."

At present there must be three for each subdivision, but I really do not see in the nature of things, to use a familiar expression, why the number of members in subdivisions, which will differ so greatly in size and population, should necessarily be the same. Very often a subdivision will have two or three times as much rateable property in it as the other two put together, and, as I said before, I see no reason why it should have only the same representation. I merely call attention to that. The 26th section is new, but I need not call particular attention to it now. The 27th and 28th sections provide a summary way of determining the question of disputed elections or qualification for office. They are in force now under the Local Government Act, and are undoubtedly a very great convenience. Those who have had the pleasant experience of settling disputes in the old-fashioned way, called *quo warranto*, will see that the mode of procedure is capable of at any rate enormous improvement. The 29th section provides for the qualification of voters. It is proposed to allow all selectors to have a vote. A man may become a selector at the age of eighteen years, and on becoming a selector at that age he shall also be entitled to be a voter. It is proposed to continue the present system of qualification in divisions; that is to say, every ratepayer who has paid his rates up to noon on the day of nomination may vote. Under the Local Government Act voters' rolls are prepared every year—prepared necessarily some time before the annual elections—that is, in November; the elections taking place in February. It would be very inconvenient, in many of the divisions as at present existing, to insist upon a condition of that kind. I, indeed, have always had some doubt as to its wisdom with respect to municipalities, and I certainly do not think it would be wise to make it apply to divisions. But it is proposed to provide a substitute for the voters' roll by requiring a ratepayers' list to be kept, and to be open to inspection, at the office of the board, by any ratepayer at all reasonable times during office-hours. The same section—section 32—also provides that when a division is subdivided a separate ratepayers' list shall be made out for each subdivision. The fourth part of the Bill deals with the election of members; that is, with

the subject of elections generally; and it is proposed that the penalties for corrupt practices shall be the same as those which apply to the election of members of the Legislative Assembly. There are no important changes in that part of the Bill, but the various provisions on the subject are collected together. Parts V. and VI. deal with the mode of voting. It is proposed—and this is a very important provision in the 51st section, being a change from the existing law—that when a poll is required to be taken—that is, where there are more candidates than require to be elected—it shall be taken in the mode described in Part V. of the Bill—that is to say, by ballot—unless the Governor in Council directs that it shall be taken in the whole division or in one or more subdivision or subdivisions, in the mode described in Part VI. of the Bill—that is, by post. That is to say, that unless some other order is made, the elections are to be taken by ballot; but it is not necessary that they should be taken throughout the whole of a division by ballot. There are many divisions in the colony in which in one part voting by ballot could easily take place and be most convenient, and in other parts of the same division, which are really rural districts, voting by ballot would not be easy or convenient, and the voting in such cases may be taken by post. The same rule need not apply to the whole of a division. I take as an instance the division of Dalrymple, near Charters Towers. One of the subdivisions of that division is as much a town as Fortitude Valley or a part of Brisbane, while other subdivisions of it are entirely rural, and where voting by ballot would be impracticable. I should add in this connection that it is proposed that the Bill should come into operation on the 1st November. The object of that is to enable the necessary arrangements to be made for declaring before the next elections come on whether the elections are to be by ballot or by post, otherwise probably the 1st January would be a more convenient date for commencing the operation of the Bill. Part V., dealing with voting by ballot, adopts entirely the provisions applicable to voting of the Elections Act of last year. I need not, therefore, trouble the House further with a discussion of those provisions. I think it is convenient to have one uniform system of voting by ballot in the colony. In the matter of voting by post various minor amendments have been introduced for the purpose of striking against some frauds that have happened on various occasions, in connection with voting by post during divisional board elections. Voting by post was introduced in 1879, and amended somewhat in 1882, but various malpractices have since been enabled to take place under the system in its present form. One doubt arising, which was, however, decided by the Supreme Court after a costly proceeding, is set at rest, in the 96th section, which provides that a person who is a candidate or the agent of a candidate may not witness the signature of a voter to a voting paper, but the vote shall not be thereby invalidated. That is the law now, but I daresay a great many votes have been rejected upon that account, and in the case I referred to votes were wrongfully rejected upon that account, and it is as well that the doubt should be removed on the face of the Act. I have already called attention to the provisions of the Bill requiring that a divisional ratepayers' list shall be kept. The 110th section contains a provision making it penal for a scrutineer to make any notes as to the way in which a vote is given. There is reason to believe that scrutineers are by no means as scrupulous as they ought to be in the observance of their oath in this particular, and, by making it penal to offend in this way it will make those interested more careful. In Part VIII. of the Bill, dealing with the proceedings of the board, many of the provisions of the Local Government Act of 1878 have been introduced, and I think all those introduced will commend themselves to hon. members as being just as applicable to divisional boards as to local authorities. I desire to call particular attention to the 126th section, which provides that a resolution once adopted cannot be rescinded except by a special meeting of which special notice has been given. That will be found, I think, very desirable. The 9th part of the Bill, dealing with the accounts and auditing, is adopted entirely from the Local Government Act. It provides for the keeping of the accounts of boards in a much more systematic manner than at present. We have had some very curious transactions with respect to the keeping of accounts of boards, and there ought to be proper provisions made for auditing the accounts and rendering responsible the persons who cook them or misapply the money. The 11th part deals with the powers and duties of boards. I call attention to one or two sections of this part. In the 153rd section it will be found that rather more words are used in conferring the charge of roads and highways upon boards. Some little difficulty has arisen in connection with the matter, and I think the form used here, "the care, construction, maintenance, management, and control of public highways," will be found to give them complete jurisdiction in this matter. The 154th section provides that when a river is the boundary of two districts the Governor in Council may place a ferry across that river under the control of one of the boards; this power would have been of extreme benefit in some cases that have come under my notice. The 155th section gives the definition of a main road, and it is the same definition which was inserted in the Divisional Boards Act of 1882. I have not been able since that time to discover a better definition, nor do I think a much better one can be found. The subsequent provisions of this part of the Bill are taken considerably from the Local Government Act. The 169th section is a very useful one, and deals with the construction of sewers and drains. Some doubts have arisen as to what the powers of boards are in this matter. They probably have sufficient power under the Health Act, but, at the same time, by this clause doubts will be removed. That they ought to have power to make all necessary drains in their districts, there can be no doubt. The 175th and following sections are in fact a re-enactment of the provisions of the Enclosure of Roads Act of 1864—re-enactments with such alterations as are necessary to make the law clear and applicable to divisional boards. They have now the power to do what they are enabled to do under these clauses; but in order to discover these powers it is necessary to read the Enclosure of Roads Act, and substitute in the reading of it the word "board" for the word "justices"—not a convenient thing to do. The 186th section deals with the subject of noxious weeds. I am afraid it will be necessary to limit this section somewhat, because power is given here to the boards to destroy noxious weeds in any place within their jurisdiction; and as they might, in some cases, make a charge upon the Treasury for all they chose to spend, some restriction should be placed upon their action, otherwise the drain upon the Treasury may be much larger than is desirable. The 12th part of the Bill—dealing with by-laws—will be found to contain some larger powers than are given in any previous Act on this matter in the colony. Many doubts have arisen as to the construction

of by-laws and the powers of the boards in this respect, and an endeavour has been made to remove all those doubts. I think that the powers given here will be found sufficient, at any rate, to declare what the boards may or may not do. One important provision is the 9th paragraph, authorising the Board to make by-laws regulating the traffic upon tramways within the district, the form and construction of cars used thereon, and requiring the drivers and conductors of such cars to obtain licenses from the board. I do not think there can be any objection to giving local authorities power to regulate the traffic upon tramways any more than any other kind of traffic. It is, however, a power that might be very much abused, and it will be necessary to see that it is not abused. Many of the provisions applicable to other traffic are not applicable to tramways ; and if the local authority should endeavour to act unreasonably with regard to them, the Governor in Council would have to interfere. I now come to the 14th part of the Bill, dealing with rates, which is probably one of the most important and at the same time one of the most difficult parts of the subject. The definition of rateable property remains unchanged in substance, though there is an alteration in the language with respect to mines, of which, as now, the surface and buildings only are to be rateable. With respect to the principle of rating, it is proposed to adopt a system not quite the same as that contained in the Divisional Board Acts or that in force in municipalities. At present in a municipality the rateable value of a property is the rent at which it might reasonably be expected to let from year to year free of all usual tenants' rates and taxes, deducting therefrom the probable annual average cost of insurance and other expenses—if any—necessary to maintain such property in a state to command such rent. That is a very good definition, and is probably the actual annual value of the property. It is the definition in the Local Government Act ; but there is also in that Act a minimum, which has been found in the case of highly improved properties to operate injuriously. An attempt was made to remedy that last year, and no doubt that attempt when repeated, as we hope it will be shortly, will be successful. In the Divisional Boards Acts the annual value is defined in much the same way as in the Local Government Act, with this difference, that half of so much of the annual value as is attributable to improvements on the land is to be taken off. I confess I do not know how that should be done, but the provision has been applied in a rough-and-ready way ever since it has been in existence. It is difficult to define how much of the letting value of a particular piece of property is attributable to the land and how much to the buildings. If it has no buildings it will probably let for nothing, or next to nothing ; on the other hand, if there are buildings, they will in many cases probably let for as much as they are let for irrespective of the value of the land. The attempt thus to define the rateable value has not been altogether an unsuccessful attempt, though I do not believe that any logical or proper valuation has been made on that basis. Various attempts have been made in framing this Bill to provide a better scheme, and many of the definitions which seemed most perfect had to be rejected for various reasons. There is no doubt that one of the first conditions in defining the rateable value is that it should be so simple that anybody who has to deal with the subject may understand and apply it. That is what the Government endeavoured to arrive at in the provision as to rating in this Bill. Of course, I assume that it should be correct in principle ; but having provided for the principle, we should see that the provision is simple and easy of application. On this subject I should refer to the difference of opinion that has arisen as to whether the rating should be on the land alone or whether improvements should be taken into consideration. Unless much larger amounts in the pound were allowed to be levied as rates, which would operate harshly in some cases, the rates on town properties would not be at all in proportion to their annual value if the land alone were rated. Again, there is no doubt that in the country districts which are more sparsely settled, where the holdings are large, it would make little difference whether the valuation of the land alone were taken or that of the land with the improvements. But in many divisions which are thickly populated, the result would be that an enormous burden would have to be placed on the unoccupied land in order to get any revenue at all, while the owners of improved lands would not be bearing their share of the burden in many cases. But there is a larger objection to rating land irrespective of improvements. It would be a land-tax ; and the revenue derived from a land-tax ought to go into the general revenue. There is not the slightest doubt that before very long a land-tax will form a portion of the revenue of this colony, and of all the other Australasian colonies ; and I shall not be sorry when that time comes. I have no intention of anticipating my hon. friend the Treasurer's Budget Speech, but I may do so to the extent that I do not think the proposal will be found in it ; but I shall be glad when the time comes for imposing a land-tax in this colony, and making the land bear a much larger share of the general burdens of the State than it does at present. I do not think, however, that it would be convenient to introduce a land-tax into a Local Government Act, for we could not have one land-tax going into the general revenue and another into the revenues of local authorities. The rule that has been laid down for determining the value of land in the Bill is that the annual value is to be two-thirds of the rent at which the land may reasonably be expected to let from year to year, on the assumption—if necessary to be made in any case—that such letting is allowed by law, and on the basis that all rates and taxes, except consumers' rates for water, gas, or other things actually supplied to the occupier, are payable by the owner. That is two-thirds of the gross income which the owner may reasonably expect to get from the land, and I think that is a very fair rule. I do not think the net result would be different to any appreciable extent from the result under the present system, but it is a much more convenient rule, and easier of application. The question to decide will be—"What would be a fair rental for the property, supposing the tenant to be free from taxes?" That is not a very difficult question to answer ; and having arrived at the answer, the annual value is two-thirds of the amount. Hon. members may ask the meaning of the words "on the assumption (if necessary to be made in any case) that such letting is allowed by law." Of course, we know that there are many properties which our land laws do not allow to be let—for instance, homestead selections and other selections ; and it must be assumed that the property might be let, otherwise many would escape altogether. Then it is provided that properties not fairly improved shall not escape by reason that they could not be let for a fair rent ; and as the letting depends more on the improvements than anything else, it is proposed that 5 per cent. on the capital value shall be taken to be the minimum annual value. We know very well that much property ordinarily improved would bring in more than 5 per cent.

Property that is not fairly improved—say, a valuable piece of property with a two-roomed humpy in one corner of it that would not bring more than 5s. a week—could not be said to be fairly improved, although if it were fairly improved it might bring £2 or £3. In cases of that sort a minimum should be imposed. When property is highly improved it does not bring in anything like 5 per cent.; very often it does not. There are plenty of properties the owners of which would be very glad to let for as much as 5 per cent. upon the capital value. So it is proposed—as was proposed last year in a Bill to amend the Local Government Act—a Bill that met with unqualified acceptance in both Houses as far as this provision was concerned—that when land is fully improved there shall be no minimum fixed. If it is fully improved, two-thirds of what it will let for is to be the annual value. With respect to unimproved or unoccupied land, it is proposed that the annual value shall be as it is now, not less than 8 per cent., or more than 10 per cent. of the capital value of the fee-simple. Before I call attention to the exceptions to these clauses, which are practically the same as under the present law, I will direct attention to the provisions of the 199th and following sections, that provide for the valuation of rateable properties. It is provided that the valuator shall specify the particulars set forth in the 4th schedule, which requires that the valuator shall specify the annual value upon both principles, at two-thirds of the letting value, and also at so much per cent. upon the capital value; so that the valuator will have to say in the first place what the land will let for, and two-thirds of that will be the annual value; he will also have to put down the capital value and value it at 5 per cent., or 8 per cent., as the case may be, according as it is improved or unimproved. If that is done and the person rated thinks he is unfairly dealt with he has the means of appealing. If he is valued at, say, £100 as rental, and can show that the property is not worth more than £60, he will be able to appeal. At present the rated person does not know what he is rated at—whether it is at the annual value or at 5 or 8 per cent. He does not know what capital value is put down, or anything else. Here he has material to go upon. If he thinks he is rated at a rental more than he can fairly get for the property—that the rent is estimated at too high an amount—he can turn to the capital value; and if he finds that he is rated at 5 per cent—which may be higher than the rent—if he can show that the property is fully improved he can appeal on that ground, and the maximum in that case will be two-thirds of the amount of rent he could get. That will facilitate doing justice in the way of rating, and prevent unjust valuations which have been extremely common in some municipalities, and some divisions as well. The provisions as to exceptions are contained in the existing law, and I do not know that it is worth while to alter them. I think, on the whole, they are very fair. Rateable land held as a homestead selection under the Crown Lands Alienation Act of 1876 is not to be estimated as of a capital value—apart from houses and buildings thereon—greater than the selection price thereof. It would come much to the same thing whether that exception were left in or out. Rateable land held as a conditional selection under the Crown Lands Alienation Act of 1876 is not, during the first five years from the date of selection, to be estimated as of a capital value greater than the selection price thereof. Then there is another provision, analogous to that, that an agricultural farm under the Crown Lands Act of 1884 is not to be estimated as of a capital value greater than one-half of the purchasing price thereof during the first five years as fixed by the proclamation by which the land was declared open to selection. There is a provision also with respect to estimating the capital value of mines, laying down in distinct words what may be inferred from the existing law; also with respect to lands held under lease or license for pastoral purposes only, or as grazing farms, the annual value of which is to be taken to be the rent under the lease, which is the most convenient mode in such cases, and, indeed, I believe, the fairest, and almost the only, rule which we can lay down in those cases. The present minimum annual value of £2 10s. is proposed to be preserved. I believe these provisions will be found to work very simply and justly, and will have the effect of reducing some of the extravagant valuations that have been made, and I do not believe they will hamper the boards in any way in the carrying on of their operations. There is a provision in the 209th section which may excite some opposition perhaps. It is this:—

"If the board has, at the beginning of any year, to the credit of the divisional fund, sufficient money to defray all the probable and reasonable expenses of the board for that year, the Governor in Council may excuse the board from making any such rate during that year, or may direct that the maximum amount of any rate to be made during that year shall not be more than an amount to be specified by the Governor in Council."

I do not think that it is reasonable that a board which has a large sum of money lying to its credit, and is doing nothing with it, should make a rate and come down upon the Government to pay a large subsidy to them. The provisions in clause 213 and the following sections, with respect to separate and special rates, I think, will be found to be clear and simple, and will remove any doubts that may exist upon that score. It is proposed to retain the system at present existing in the Divisional Boards Act to make the owner the person ultimately liable for the rates. That is right. The occupier is the person who has to make the payment, but the owner is the person who owes the debt. It is the land that is liable for the rates, and one mode of recovering the rates is to let the land; so that the owner is the person who is to be responsible. If I am not mistaken, under the Local Government Act it is the occupier who is responsible; but I think this is the better system. The 24th clause requires that a person who sells or subdivides land shall give to the board the name of the transferee, and his liability will continue until he does give such notice. Sending in the name of the purchaser will save a great deal of inconvenience to the board. The 245th section contains another provision for preventing public moneys from being wasted by being handed over to boards who have large sums of money to their credit. The 16th part of the Bill contains provisions respecting loans, and proposes to allow a vote to be taken—a plebiscite—if you so call it—on the question. That provision will be found very useful. No elaborate scheme is introduced in the Bill as to the taking of the poll, but it is proposed by clause 257 that—

"When such an application is made the Governor in Council may, if he thinks fit, direct that a poll be taken of the ratepayers of the division or subdivision in such one of the modes prescribed in Parts V. and VI. of the Act as is in force in the division or subdivision, and may describe the form of ballot-paper," &c.

I believe there will be no objection to this provision. The 17th part of the Bill is a re-enactment of the Agricultural Drainage Bill which was introduced by the hon. member for Logan (Mr. Stevens) two years ago. It is desirable that it should be embodied in this Bill, and no change has been made in it. So far as the general provisions contained in the remainder of

the Bill are concerned, there is not much to which I need call special attention, except perhaps clauses 275 and 280. The first contains provisions analogous to those to which I referred in the earlier part of the Bill relating to the constitution of new divisions and municipalities; but clause 280 is a new one, and a very useful one indeed, and is as follows:—

"Any member of a board or clerk of a division who wilfully misapplies any money forming part of the divisional fund, or of any other fund or account under the control of the board, or who wilfully or by culpable negligence connives at or concurs in the misapplication of any such money, shall be guilty of a misdemeanour, and shall, on conviction, be liable to be imprisoned for any period not exceeding two years with or without hard labour."

Unfortunately there have been some instances of the most scandalous misappropriation of moneys, in some cases by chairmen and in others by the clerks of boards, and there is no convenient way of punishing them according to common law; and that having been found insufficient it is considered desirable to provide for it by statute. There are a number of Acts proposed to be repealed—some very old ones now entirely obsolete, relating to tolls and such matters. On the whole, I believe this Bill will be of considerable assistance to divisional boards. The changes that are introduced are, I believe and hope, improvements, and will bear consideration. A great many minor changes are made for the purpose of removing doubts that have occurred in the working of the Act. The Government have had under their consideration various suggestions from various boards. I believe all the suggestions made have been carefully considered, and this Bill is the result of the full consideration of the Government as to amending the law. I move that the Bill be now read a second time.

Mr. NORTON said: Mr. Speaker,—The principle laid down in this Bill has been already accepted by the country, and I may say approved, and in the discussion which is likely to take place there is no doubt it will be conceded that the principle of the Bill has been accepted by the House. In what I have to say with regard to it, therefore, I shall not deal with the principle itself so much as with some of the more important changes which have been made in the consolidation; and in referring to the measure I think it is only fair to congratulate the Chief Secretary on the trouble he has taken with this Bill. I believe myself that it will be one which will be most useful to the divisional boards, and to all those who are connected with the working of them. Of course, it is a very great convenience to have a number of stray Acts brought together and consolidated into one, and I think it will be found of great assistance to have some of the new provisions which have been added on to the old Acts inserted in this Bill. Before discussing the measure itself I would point out that some of the marginal references given will not be very useful, because they are not correct. A great many are incorrect. In looking over the first portion of the Bill, which consists very largely of improvements upon old Acts, I notice a great many references to wrong Acts or wrong sections. There is one other matter I would point out, and that is with regard to the use of the word "board." Sometimes it is used in the plural and sometimes in the singular, and sometimes in both, in the same section.

The PREMIER: Is it?

Mr. NORTON: Yes; I marked a number of places where it does occur, and in committee I will point them out. With regard to the amendments that have taken place upon the previous Act, I think, in clause 17, it would have been just as well to have excepted licensed victuallers from among the list of persons disqualified to sit on boards. Why they should not be allowed to sit on divisional boards when they can become members of a municipal council or members of this House, I cannot understand. When we admit that they are entitled to sit on municipal councils and in this House, we might as well allow that they are just as good as any other men for the purpose of sitting on divisional boards. Therefore I think that clause ought to be amended. I notice a difference in the 30th section that ought not to be passed over without remark; that is, the provision referring to joint liability to be rated. The provision now adopted is that which is found in the Local Government Act, that only three ratepayers, being joint owners, have a right to vote, whereas in the Divisional Boards Act, no matter how many ratepayers are interested in a property, they are all equally entitled to vote. I think that is so. I will now skip over a large portion of the Bill until we come to the 155th section. That is a section which attempts to define main roads. Well, I think it is hardly necessary to continue that provision in this Bill. I know when I was in the Works Office the officers there and the officers of the Lands Department were puzzling their heads to find out what a main road was, and after several attempts—a large number of claims having been put in for assistance under the supposition that those who applied had main roads in their districts—I think, after a great deal of trouble, they selected one road only, and that was the road from Cooktown to Maytown.

The PREMIER: There were two or three more.

Mr. NORTON: They had only found out that one when we went out of office; at any rate, that was the only road which answered the definition in the amending Act, and under the circumstances it is scarcely worth while admitting the provision here. The next portion of the Bill to which I shall refer is the 186th section, with regard to the extirpation of noxious weeds. There may be some objection to the passing of this portion of the Bill as it stands, although with a slight alteration it is the same provision as already exists in the amending Act. In the first place, it is objected that no provision of this kind should be applied to country districts which is not applied to towns. As a matter of fact, there is no power compelling the extirpation of noxious weeds within municipalities. If there is power to do this it is not made use of, but I understand there is no power.

The PREMIER: No; there is none.

Mr. NORTON: Three years ago I pointed out to the Inspector of Brands a patch of burr which was becoming very common, the Noogoora burr, which was growing on a vacant allotment in Ann street. He went to the town hall and represented the matter to the mayor at the time, but, notwithstanding whatever was said, the plants were allowed to grow until they seeded. They have since that time increased, and I have seen them scattered all over vacant allotments, and at the present time I know there are thousands of these burrs existing ready to be carried off by any animal that comes in contact with them. Of course it is desirable, as far as possible, to enforce a provision of this nature; but if the towns are to be used as nurseries for the seed, and from them any horses, or cows, or even dogs carry it into the country, I think it is hardly fair to enforce the condition on the country alone. If the conditions are to be enforced, then provision ought to be made that they shall not be brought into operation until they are also brought into operation in the towns. The 23rd subsection provides, as is already provided by the

law, that the boards shall have power to say what are noxious weeds. The effect of that will be, as I believe it has been already, that some boards will declare plants to be noxious weeds which are not declared noxious weeds in other districts. Some boards have actually been cutting up plants at the expense of those in whose property they grew, while the same plants were allowed to flourish as well as they could in the districts adjoining. It is very desirable that plants destroyed by boards in one part of the country should be destroyed in the adjacent parts of the country, and I believe that the only way to effect that is to leave it to the Government or the Parliament to say what are noxious weeds and not to the boards. Of course, recommendations might be made by boards, but I do not think it is desirable that they should have the definition in their own hands. Again, if the State is to pay the cost of cutting up noxious weeds on unoccupied Crown lands, the Crown should have the right to say what should be considered noxious weeds on those lands, because the more noxious weeds are brought under the operation of the Bill, the more will be the amount the Government have to pay for their extirpation. There is one other matter with regard to this clause that ought to be referred to. The 7th subsection says that the Treasurer is to make provision for cutting up all noxious weeds on unoccupied Crown lands. But suppose the Treasurer does not put an amount on the Estimates for that purpose. There is no provision for it in the Estimates laid on the table the other day, and, as far as my knowledge goes, there never has been an amount put on the Estimates for the purpose. Now, if the boards undertake to destroy noxious weeds on unoccupied Crown lands under the impression that they are going to get the money from the Government, they had better see that the money is provided before they do it; because, in many instances, I think the Government would be very reluctant to put any sum on the Estimates for that particular purpose. If the section is to come into operation as far as unoccupied Crown lands are concerned, it is absolutely necessary to make some provision by which the money should be obtainable when it is required. In respect to the rates, the provisions are very much the same—in fact, quite the same—as those under the present Act; but in the mode of making valuations, as the Chief Secretary has explained, there is a good deal of difference—very material difference. Now, I remember, when the Divisional Boards Bill was passing through committee in this House, very great objections were raised by hon. members who then sat on this side of the House, but now occupy seats on the Treasury benches, as to the impropriety and the wickedness of taxing industry by taxing the improvements placed on land. I do not know how it is, but owing to some peculiar alteration in circumstances, hon. gentlemen seem to have changed their minds on that subject. They are now prepared to tax improvements whatever they may be.

The PREMIER: This does not tax them.

Mr. NORTON: I say it does tax them. It is quite true that in the 198th clause, where it refers to land being rateable, improvements are not distinctly mentioned; but it is the improvements put on the land which give a value to the land. For instance, if a selector takes up a piece of unoccupied land, he probably gets it at a very low price; but as selection goes on around, the mere fact of the country being occupied gives additional value to that land. The additional value arises from occupation and improvement. Now, if you take the rateable value of that land, and set aside the improvements altogether, you still have the value given to the land itself by occupation and improvement; so that I do not care whether you mention improvements explicitly or not, you cannot take the value of the land without including the value arising from the improvements. Now, one very great objection which was strongly urged in the first instance against the Divisional Boards Act, though we have not heard so much about it lately, was this: The first-comers to a district had the pick of the land, and took up all the water frontages. A great number of these selections were purposely taken in order that future comers might not select the back country, on which there was little or no water. Now, it happened in many districts that those who came afterwards did select that land, and in order to make the fullest use of it they spent large sums of money in obtaining a permanent supply of water by artificial means. Now, according to my reading of this Bill, the land will be rateable to the full value given to it by the expenditure for this purpose. If that is not the case, I do not read the Bill correctly. That was one of the chief objections raised against the Divisional Boards Bill by selectors; and because of that objection, when the amending Bill was passed, tanks and dams and such like were purposely excluded from the operation of the rateable clause. I forget the other exceptions, but at any rate there were a number of improvements excluded from the operation of the tax, because it was urged that it was not fair to put a tax on industry. Now, with regard to the mode of estimating the value of these rateable lands, I notice that homestead selections under the old Act are to be rated as they were before; but conditional selections under the same Act are not rated as before. Provision is made here that rateable land held under the Act of 1876 shall be rated as at present for the first five years. Under the present Act there is no provision of that kind; it is rated at the selection price for ten years. So that according to this Bill conditional selections under the new Act will be rated as they are now for the first five years, and after that the price will be raised.

The PREMIER: Only if they have not improved the land.

Mr. NORTON: Then paragraph (*c*) of the same section refers to agricultural farms under the new Land Act of 1884. I cannot see any reason why they should be treated differently to grazing farms under the same Act. Grazing farms are to be rated according to the annual rent payable under the lease or license, while agricultural farms are to be rated for the first five years on the purchasing price placed on the land by proclamation.

The PREMIER: As a means of estimating the minimum.

Mr. NORTON: As a means of estimating the minimum? Why should they not be rated according to the rent payable for them as well as grazing farms? I cannot see why they should not. The distinction will have this effect: that the holders of agricultural farms will have to pay more for their lands than the occupants of grazing farms. I do not know why such a distinction should be made, and I think it is quite time enough to rate land according to the purchasing price when the holders have secured the fee-simple. Subsection 5 refers to the annual value of rateable land held under lease or license from the Crown for pastoral purposes. I do not think that provision will work equitably. It deals not only with the leased runs of the occupants, but also with those portions which have been resumed and over which the lessees have only a grazing right. A

grazing right, it has been admitted, is of far less value than a lease, and I think that under the circumstances it is hardly fair or reasonable to charge lessees at the same rate for land which may be taken away from them any day, as they are charged for land held under lease for a number of years. This objection applies also to the provisions dealing with noxious weeds. Under those provisions a licensee who holds a grazing right over the resumed portion of his run, which may be taken from him any day, may be put to the expense of clearing off all weeds, and in some cases the expense would be large and the land might be taken from the licensee immediately afterwards. These are matters which will have to be considered with a good deal of care when we go into committee. Another section to which I wish to refer, and which the Premier said is rather a good one, is section 245. The object of that section is to prevent boards from accumulating money as some boards have been doing lately—I think in some cases with a great deal of advantage—and placing it at interest until it is required. They go on charging rates year after year, and, instead of spending the money on improvements, they let it accumulate and put it out at fixed deposit. The object of section 245 is to prevent that; but although the effect of levying rates and investing money in that way has not in some cases been good, I believe the general effect has been decidedly good, and my only regret is that during the last few years, since the Act has been in operation, while seasons have been more favourable for setting aside sums of money in that way, the practice has not been followed more largely. Many boards have exacted fair rates from the ratepayers, and have received endowment from the Government, but the whole of their money has been spent as it has been received; and the consequence is that, although the roads are very good in fair weather, when bad seasons come—that is, bad seasons for roads—and they have to contend against heavy and continuous rains, they will require very much more money to keep their roads in order than in good seasons. I think if the boards generally had saved a portion of their money in those seasons, and laid it up as a nest-egg for a rainy day—because it is on a rainy day that it is wanted—instead of having to levy higher rates now they would be able to keep their roads, perhaps not in so good a condition as they could during a dry season, but at any rate in a reasonable state of repair. When the time comes that they are likely to be called upon to carry out more works—some of them of a heavy nature—they would have some money at their back to fall back upon for that purpose. For that reason I object to the 245th section. I am of opinion that it is desirable that the accumulating of money by the boards in this way should be allowed so long as it is done in a reasonable manner. I believe there have been some cases where the object has not been a good one—where the board, instead of desiring to spare the ratepayers, have endeavoured to get all the endowment they could out of the Government; but, although that has been done, the general effect has been good, and I am afraid that the effect of this clause will not on the whole—if it come into operation—be beneficial. I do not know whether there are any other sections to which I should refer. The Premier mentioned several in which a considerable change has been made, but as they are not material I think it will be wise not to interfere with the principle of the Bill. When we go into committee on the measure we shall be able to deal with the matter more fully, and I will not, therefore, occupy the time of the House any longer. I have no doubt that other hon. gentlemen will have something to say on the subject, and shall therefore conclude by expressing my satisfaction at the good measure which has been introduced, although I do not agree with it in some respects.

Mr. ADAMS said: Mr. Speaker,—I have read over this Bill and I notice that it contains many features different from the Local Government Act, several of which are very good indeed. But there are a few little matters in it which I think require alteration, and which I wish to point out to the hon. gentleman at the head of the Government. I believe it is the duty of every member if he sees anything objectionable in a Bill to point it out on the second reading, so that the hon. member in charge of the measure may have an opportunity of considering whether it is desirable that it should be altered before we go into committee on the Bill. Under the Local Government Act publicans are allowed to sit on municipal councils, and I do not know any reason why they should now be excluded from sitting on a divisional board, as is proposed by this Bill. Publicans in general are a most maligned class of people. But I know that there are many amongst them who are good colonists, and I cannot see why, when they are allowed to sit in the House of Parliament and make laws for the whole colony, they should not be allowed to sit on a paltry board and administer those laws. They can sit on municipal councils, and if they are intelligent enough to do that and to occupy a seat in the Legislature, I believe they are quite intelligent enough to sit on a divisional board. I would draw the Chief Secretary's attention to clause 95, which provides that the voter shall strike out from the voting paper the name of the candidate for whom he does not wish to vote, and shall then sign the paper in the presence of some other voter for the same division or justice of the peace; while clause 109 makes the divulgence of the fact by any official a misdemeanour. By the 95th clause a voter is compelled to strike out the names in the presence of the very individual from whom he gets the voting paper. There is no secrecy in that. It would be far better for the voter to sign the voting paper first, and then to strike out the names which he did not wish to remain upon it. I know of many instances where people living long distances from the centre of the division have to go to their next neighbour, and by crossing out the name first they would be informing him of the person for whom they intended to vote. With regard to the valuation clause—clause 200—it would be better to make all valuations of improvements on sugar plantations on the basis of the paragraph relating to mines. In my own district one private individual has spent £150,000, another £75,000, and another £64,000, mainly in machinery, and to subject that to taxation would form a large item, and would be very oppressive. A planter has to buy machinery just the same as a carpenter has to buy his tools; it is as much necessary to the planter as his tools are to the carpenter, and should therefore be exempt from local taxation in the same way as mining machinery is. Clause 236 is a very good one, and I should not like to say that it ought to be altered, but I think it will apply only to small allotments. The clause provides that if the rates are not paid the local authority may take the land, and let it on lease for seven years. Unless the land was very good no one would lease it for so short a time. I would suggest that it be extended to fourteen years. In that case, if the land was of any value, the owner would not permit it to be so disposed of, but would at once pay up his rates. There is no other part of the Bill that I need comment upon now. I considered it my duty to make these few suggestions—the most important of which is that having reference to the signing

of the voting papers—and I trust they will commend themselves to the consideration of the House.

Mr. FERGUSON said : Mr. Speaker,—There is no doubt that this is a very important Bill, and, as far as I can see, it is a considerable improvement on the existing law. But, for my own part, I think the time has come when a far more comprehensive Bill dealing with the question of local government might have been brought forward. The fact of the Divisional Boards Act and the Local Government Act having been such a success throughout the colony proves that the time has come when the people should have more control over their local affairs. The Premier has acknowledged as much by the Bill he has introduced this evening providing for the formation of water trusts all over the colony, which is an extension of their powers in that direction. However, this Bill is before the House, and we must make the best of it. I believe it will be a good measure, but, as I have just said, it is not comprehensive enough. I will point to a few clauses in the Bill which, I think, might be improved upon. The first is the clause in Part III. referring to persons concerned or participating in the profit of any contract with the board. That clause is, like many others in the Bill, copied from the Local Government Act, and has given rise to a great many disputes in municipalities. Take the case of a corporation holding a contract with a gas company to light the public streets. Every alderman of the corporation may be a shareholder in the company—indeed, very often all the leading men of a town are shareholders, and a quorum of aldermen could certainly not be got together without some of them being shareholders in the gas company. There is, I admit, a subsection here which qualifies a shareholder to be an alderman ; but clause 124 renders him liable to a penalty of £50 for voting upon or taking any part in a discussion of any matter before the board in which he is directly or indirectly interested. A case of the kind occurred at Rockhampton. It excited a great deal of discussion, and counsel's opinion was taken upon it—one of the learned counsel being, I believe, Mr. Real—and they were all of opinion that an alderman who was a shareholder in a gas company would be liable, if he took part in a discussion or voted on any question relating to the contract between the company and the corporation. That is the case, so that if the clause was made more definite it would be right enough. Clause 16 and the following clause, dealing with the qualification of a member of the board, have been referred to already. Under the Local Government Act licensed victuallers, or the holder of a wine-seller's license, are allowed to become members of the board, and in this case they are not. I can only say that from my experience of local government some of them make very good members of councils, and some have made excellent mayors. A voter's qualification is dealt with in clause 30. That I know is not properly defined, and it is not understood in the same way all over the colony. Say, for instance, there is a firm of three members holding a property between them giving three votes, but each member of the firm records three votes. I think in the case of a firm only one member should be allowed to vote. In some parts of the colony only one is allowed to vote, but in other parts the three members vote, and give three votes each. At the same time they may have private property of their own, or dwelling-houses which give them three votes each ; so that one firm of three members may have eighteen votes—three each as members of the firm and three each as private individuals. That is the way it stands as worked at the present time. It is a very unjust thing that half-a-dozen firms should in this way be able to control an election, and it is giving them too much power. The next part I will refer to is Part XIV. This is the most important part of the whole Bill, as it includes the rating and valuation clauses. These were very fully referred to by the Premier, but as far as I could see he did not show the working of this portion of the measure. Very few understand how the valuations are worked, and the system is altered here. There are three modes of valuation at the present time. For unoccupied and unimproved land the minimum rate on the capital value of the fee-simple is 8 per cent. and the maximum rate 10 per cent. The second mode is for fully improved property, and in this case two-thirds of the rates are supposed to be a reasonable allowance from year to year. The third mode is for partly improved land—a small cottage, or fencing, being put on it. In this case 5 per cent. of the capital value is taken upon which to strike the rate. So that we have three modes of rating property. I notice that a meeting was held at Gympie the other day to protest against rating improvements, and they are going to petition the Government to that effect. It only shows how little even the people having the working of the Act understand these clauses. As the Bill stands the more a property is improved the less revenue the divisional board get from it. It does not matter how much you improve land, the board will get less revenue from it from year to year. I will prove that. I take it that in the case of the divisions around Brisbane the property is mostly sold in small blocks —very valuable blocks—and sold at high prices. Take the case of a division in Fortitude Valley. We will say, for the sake of illustration, there is a block of land worth £4,000—that is the capital value ; 10 per cent. on the £4,000 will be £400 ; that is the amount that it is to be rated at. Say the board strikes a rate of 1s. in the £1. They always do ; though they have always a minimum of so much and a maximum, they always strike a rate at the maximum, and the Bill provides that the rate struck shall be the same all over the division. Say, then, the board strike a rate of 1s. on the £400—that will give £20. This vacant allotment, without a stitch of improvement upon it, pays in rates £20 a year according to these clauses. Supposing the proprietor fully improves the land to the extent of £3,000 or £4,000—puts up houses which he lets at £400 a year, which, I take it, is a very fair return for the expenditure of £3,000 or £4,000—the capital value of the property is then £7,000 or £8,000. It was rated at £400 as unimproved property ; as fully improved property two-thirds of this is to be the rateable value—that will be £267, that is two-thirds of £400. £267 with the same rate struck of 1s. in the £1 will give £13 7s.; so that the fully improved land, giving a rental of £400 a year, is rated at £13 7s. a year, whereas before it was improved the rate was £20 a year. Take it on the third classification ; say the land is only improved to a small extent—that the owner has fenced it in, and built a cottage worth £500 upon it, which he lets, say, at £50 a year—the rent is not to be taken into consideration in this case ; it is rated on the capital value, and the capital value is £4,500, because £500 of improvements is to be added to the original value. In fixing the rate which is to be struck under the third classification, 5 per cent. of the capital value is taken. Five per cent. on a capital value of £4,500 will give £225, and that will be the amount rateable in this case at 1s. in the £1, which will give £11 5s. So that we have here the vacant bit of land paying £20 a year, and when it is fully improved,

and the owner receiving £400 a year from it, it pays only £13 7s., and if partially improved to the extent of £500, it pays only £11 5s. So that, in the case of divisions round Brisbane, the divisional boards, according to this clause, will receive 30 per cent. less on property improved in this way than they would receive before it was improved at all. That is exactly the calculation; there is no getting out of it. That is what will be the actual working of this Bill if it passes. We know very well that round about Brisbane, for instance, hundreds of thousands of pounds have been laid out in land, and very high prices paid for it. The land is now unimproved, and will not be improved for years, and it is unjust and unfair to expect the owners to improve it at once. If they build good houses upon the land, where will they get the people to come into them? It is all very well to say that we should force people to improve their land. I guarantee that a million or two of money has been spent in this way in the divisions round Brisbane, and I consider this system of rating is lowering the value of property, because no one will buy land if they will be rated in this way. How will it affect the Government themselves? They will be surveying new towns, and when the people know that if they buy an allotment they must build upon it at once or they will be rated in the way I have pointed out, they will not buy the land at all, and a check will be put upon the sale of land in this way. As far as improvements are concerned, it would be far more equitable to leave these clauses as they were before. Then the result would be that unimproved land worth £4,000 would be rated at £10 a year; if partially improved with a cottage worth £50 a year, the rates would be £11 5s.; the owner will be charged £1 5s. for £500 improvements; then again, if the capital value is £8,000, the rates will be double; if the owner puts £4,000 worth of improvements on the land and receives £400 a year, he must pay rates to the amount of £20 a year. Will not that be more equitable? That is how it will be except in one case, where the improvements are rated at two-thirds of the rental. No doubt that will be a fair thing; but farmers, I think, under the Land Act of 1884, are treated rather worse than any other class of selectors. If a man has a farm of 1,280 acres, he is to be rated at one-half the amount the board fixes as the purchasing value of the place. I believe the board in some places fixes the value as high as £3 or £4 an acre; and on 1,280 acres, at £3 per acre, the rateable value will amount to £1 10s. per acre, or £1,920. That amount, at 5 per cent., which I suppose will be the rate, will give £4 16s. the farmer will have to pay. If it is rated at £4 an acre of course the rates will be more. These are the principal faults I find in the Bill, and I think they are very serious ones. The rating clauses deal most severely with the people living round cities; and it does not matter what calculation you make the result will be the same. I think the Bill should provide that no officer of a board should be its valuator. At the present time I believe officers are allowed to act as valuators. The principle of the Bill is contained in the rating clauses, and they should get far more attention than any other part of it.

Mr. GRIMES said: Mr. Speaker,—It has been said that there is not much need for discussion on this Bill, seeing that the principles of local government are pretty well agreed upon. I think we are pretty well agreed that the Local Government Act has been working tolerably well. It has been of great service to the country in many districts, but there are some important details which are not agreed upon. I refer now to the system of rating. I have always maintained that the system of rating in the Divisional Boards Act presses exceedingly heavily upon the farmers, especially upon those that farm their own land. I should like to take the opportunity this afternoon of calling the attention of hon. members to this matter again, so that we may have some little alteration made which will tend to ease the burden of those who are getting their living by farming their own land. I am quite aware that an attempt has been made in this direction in the Bill. The amendment in that respect we find in the 200th clause, which provides that two-thirds of the rent at which a farm might reasonably be expected to let from year to year shall be taken as the annual or rateable value. If that was the system which would be adopted under this Bill I should be quite satisfied. I should think that did not press very heavily upon the farmers; but this clause is considerably affected by the proviso following it, which is to the effect that the annual value of rateable property which is owned or occupied shall be taken to be not less than 5 per cent. upon the fair capital value of the fee-simple thereof. This just brings us back again to the system we have already in force. The valuators take this portion of the original Act and base their valuations upon the "5 per cent. of the capital value thereof." Allow me to give you, sir, and other hon. members an idea of what some of the farmers in the neighbourhood of Brisbane have to pay under that 5 per centum of the capital value system of rating. There is one farm owned by a German, about half-a-mile from the Fairfield Station, on the South Brisbane Branch Railway. It contains an area of 19 acres, and the annual value of that for land alone is set down in the Yeerongpilly Divisional Board rate-book as £160. A shilling in the pound on that—the rate which has just been struck—makes the amount of rates over 8s. per acre for that land. This will hardly be credited. Hon. members will think I have made a mistake in this; but there is no mistake at all. The figures were supplied to me by the clerk to the divisional board. Another farm, a very little further off, containing thirty-eight acres, is rated at £190, or, at 1s. in the £1, 5s. per acre. There is another farm about five miles from Brisbane containing thirty-nine acres, the rateable value of which is £175, or 4s. 6d. per acre.

The PREMIER: That is absurd.

Mr. GRIMES: Further away, beyond Oxley Creek, they are paying something like 2s. and 2s. 6d. per acre in rates. The way that is brought about is this: There has been a demand on the south side for good building sites; picked portions of land, suitable for building upon, have fetched pretty good prices, and the lands next to them, of course, have been valued at something like the same rate. Those who are acquainted at all with agriculture know very well that land which is suitable for building is not suitable for farming. It is, generally speaking, alluvial flats that are chosen for farming purposes, and no one would choose them as sites for dwellings. The consequence is that they are rated at very much the same value as the picked building sites in the neighbourhood. I daresay some people will say that the farmers had better sell out and move further away. But they cannot sell, simply for the reason I have quoted—that their lands will not fetch in the market the prices at which they are rated. I will not mention other farms. I have a list of something like twenty, which vary in value from 8s. per acre down to 1s. 9d. per acre, the one rated at the latter price being seven miles from Brisbane. If those farmers attempted to sell they would not

be able to do so to other farmers, because it will not pay to farm land if the rental comes to more than 30s. per acre. Under favourable circumstances a farmer might be able to pay that per annum. Under the rating clauses as amended in this Bill this would be something like 1s. per acre. There is another proviso to the 200th clause—the 2nd paragraph of subsection 1—which gives the occupier of land the privilege of appealing to the court of petty sessions; and if he can prove that his land is fully improved, then he can claim that he shall be rated according to the first part of the clause, or at two-thirds of the annual rental. There are very few farmers who will take advantage of this. It is exceedingly expensive to go to court upon any matter, and farmers will not spend their time in doing so. Even now they will sooner submit to the present heavy rate than spend their time hanging about a police court or pay large fees to others to undertake their business for them there. Besides, this proviso is open, I can see, to the objection mentioned by the hon. member for Rockhampton—that if you allow those who only own small portions of land to build houses upon them, which may be considered as fully improving them, the boards will lose money. I have a suggestion to make with reference to this clause, and I think it will prevent the boards from losing much revenue, and will also ease the burdens of those who are really living upon the produce of their land. I do not know whether I have put it in exactly the best language, but I will read it as I have written it here :—

> But this proviso does not apply to any land which is occupied by the owner and used solely as a farm, one-third of the area thereof being under cultivation.

That will prevent any persons who have bought farms for speculative purposes from taking advantage of the clause. It will only be the owner who is the occupier, who tills the ground for himself; and if he has not his farm properly cultivated and improved he cannot claim the privileges given by the 200th clause. Valuators will be at once able to get at the amount of improvements done upon that land, and of course they will value accordingly, making either the rental valuation or the 5 per cent. upon the capital value. The present way of rating presses exceedingly hard, as I have said, upon *bonâ fide* agriculturists, especially around Brisbane, and I believe they will be found to pay something like the same rates round other large centres in the colony—at all events, they will do so in a very few years' time. I have no doubt that the farmers around Rockhampton and Townsville and other large towns in the colony will feel it in exactly the same way in the course of a year or two. I would earnestly ask the Premier to take this matter into consideration, and afford that relief to the *bonâ fide* farmer who is getting his living from his land, which I think he will see is required. I am very pleased with some of the alterations in the Bill, especially those with reference to the transfer or subdivision of land. The various clerks of the boards in the suburbs of Brisbane have had great difficulty in finding out who are the owners of the land. Many of these estates have been bought upon bills, then subdivided and sold again on the time-payment principle. The original purchaser, when he has resold the land, does not give the name of the persons he has sold to, and there is no entry of it in the Transfer Office. The clerks cannot get at it in that way, and they do not know who to look to for the rates, and there are hundreds of pounds of rates that are long overdue and cannot be recovered. Another suggestion I would make is that the ratepayers' list should be made out at the end of the year, and only those who have paid their rates to that date should be entitled to vote at the forthcoming elections. This would enable the clerks to make up their books, close them for that year, and the endowment could be paid thereon. I think it would mend matters a good deal if we were to insist in this Bill that the holders of property should be responsible for the rates until that property is actually transferred. The divisional board clerk would then have an opportunity of knowing who was the real owner of the property under the 240th clause, from which I think the word "purchaser" might be omitted, so as to give effect to what I suggest. I think, sir, also that the privilege might be given to the clerks of boards to search the records of the Transfer Office at a cheaper rate than is at present charged. A lot of the ratepayers' money is spent in paying for searches at the Transfer Office, and I therefore think the clerks might very well be allowed to search for a merely nominal sum. Another portion of this clause refers to the plans being laid before the divisional board. I think that is a very good idea; and that the board should have an opportunity of objecting to those plans if those who have cut up their land have run their roads in inaccessible places. We have instances, and they are numerous too, where parties have cut up a lot of land, and to make the allotments good they have run their roads right down a gully or into the most broken part of the ground on purpose that the allotments may appear level and sell well, throwing the onus of making the roads upon the divisional boards. Under this clause they will have an opportunity of objecting to the subdivision of those estates where the roads are put in inaccessible places. Before sitting down I would like again to urge this matter with reference to the rating. I only ask that those who are at present occupied in tilling the land should have the same privileges that are accorded to the leaseholders under the Land Act of 1884, that the burden should be eased off the *bonâ fide* agriculturist, as is provided for selectors under that Act; and I think the Chief Secretary may well go a little further and make some amendment so as to remove the oppressive burden that now rests upon the farmers who are residing anywhere in the neighbourhood of large towns. The Divisional Boards Act in the first instance was thrust upon us by a large majority under the McIlwraith Ministry, and though we protested against the system of rating at that time our protests were not listened to; and I know very well that a large number of farmers are looking to the present Ministry to remedy that, now that they have this Bill before the House this session. If there is not some remedy of the kind I indicate—if they are not in some measure eased of their burdens in this respect—they will be exceedingly disappointed. I trust, therefore, that all hon. members who represent farming constituencies will remember these men, because I can assure the House that the burden is felt to be a serious one.

Mr. NELSON said: Mr. Speaker,—I am one of those who highly approve of the system of divisional boards. I look upon it as one of the finest institutions that has been devised for good government, and therefore I am very much pleased to see the Bill we have now before us. I believe the country will be thankful for it, as a measure to consolidate and amend the existing Acts is very much required. I shall simply refer to one or two things that have not been mentioned before, which struck me as being worthy of notice. With regard to the paragraph at the end of the definition clause, which is a new thing, and which says that a person entitled to the possession of land not residing on it may have his agent or servant entered up as the occupier—well, that we have been accustomed to do under the old Act, although it was

doubtful whether the Act allowed it. But this clause, I think, requires to be a little more carefully drafted, because it may lead to abuse. It is generally the case that large properties are rated separately. They are not all rated as one; the owner may get a dozen notices from the divisional board, and under this clause the owner might enter up as an occupier every hut-keeper he had in his employment. I do not think that that is the intention of the Bill, but that it means that the manager who looks after the whole property should be able to take the place of the proprietor. The term "agent" would therefore have to be defined a little more closely. With regard to the valuation clauses, there is no doubt that it is a very difficult subject. I have considered the matter very carefully myself ever since the Act came into force, and I could easily devise a system of valuing that would suit my particular division, and would be satisfactory to every ratepayer there, I believe; but the difficulty is to devise a system that will bear equitably upon the whole colony. That which will be suitable to one part of the colony will not be suitable to another part; and I think that the cases referred to by the hon. member for Oxley should come under the Local Government Act, and have the divisions converted into municipalities or shires. Divisional boards are intended particularly for country lands, but wherever settlement has become close and land has acquired an extra value, then I think it is time the divisions should come under the other Act. I do not think you can improve very much on the system of valuing adopted in the Bill, that is if it is to apply to the whole colony. There is something rather indefinite to my view, however, in that part of the 200th clause which says that the annual value of the land shall be deemed to be a sum equal to two-thirds of the rent at which the same might reasonably be expected to let from year to year, and that it is to be on the basis that all rates and taxes, except consumers' rates for water and gas, are payable by the owner. Well, in ninety-nine cases out of a hundred the owner and occupier are the same person, and how much would be included in the words "rates and taxes" is a very difficult thing to define. I presume that it refers only to direct taxes that would usually come out of the rent, and would also include insurance and things of that sort. But I want particularly to direct the Premier's attention to the clauses under subsection 3, which are no doubt put in with a very good motive. The substance of that is in the original Act, and the clauses are intended to make a concession to the small selector so that he should not be rated heavily whilst he is struggling to make a home; but as the clause stands now it is so vague that it is really no concession at all, for this reason, that the basis of taxation is the annual value. But there is no relationship under the Act between the annual value and the capital value. In cases where you can arrive at the annual value without difficulty, you do not require to take the capital value into consideration. These clauses do not deal with the annual value at all; they simply fix a maximum for the capital value, but do not fix a maximum for the annual value which is to be put upon that capital value. That is left to the discretion and good sense of the board's valuer. But the capital value does not regulate the annual value; and in order to make it precise and show exactly what is intended, it will be necessary, I think, to state further that the annual value should not exceed 10 per cent., or some other rate, upon the capital value. With regard to the working of these clauses, I may state that, in all the divisions I am aware of, they have simply been ignored from the first. All the selectors have been treated exactly the same as freeholders, and they do not complain of it. In fact, they would rather be so treated than put in a somewhat lower position and have invidious distinctions drawn between them and other people. As far as the legal part of it is concerned, no bench has been able to give any information as to the exact legal position of the selector. If we wish to make him a real concession, we will have to define his position as strictly as we possibly can. Passing on to the provision contained in clauses 209 and 245, I think that will operate very prejudicially to the boards—country boards especially. The main object of the system of local government is to decentralise the government of the colony, split it up, and make people take an interest in their own district, give them the power of regulating their own affairs, and cultivate and foster among them a spirit of independence. Well, in a great many divisions—at any rate, in the one I have been connected with—very large works have been carried out. Some we took over from the Government, and others we have done ourselves—bridges, for instance, costing from £1,000 to £2,000—without troubling the Government for a farthing, or even asking for a loan. If a flood should come down now and carry away one or two, and if we had no reserve fund, we should be reduced to the servile position of coming to the Government and begging for money to renew these bridges. We have, therefore, not exactly a rule, but an understanding, that we shall always keep a reserve fund of about £1,000 in the bank to meet any sudden emergency; because the system of applying to the Minister for Works whenever you get into the slightest difficulty is the very thing local government was intended to do away with. I think if this clause were put in operation it would simply destroy that spirit of independence. Moreover, the reserve fund is not kept for the purpose of getting money from the Government to put into the bank at interest. It is put in the bank because the boards require to keep a certain amount of money in hand, and it is better to put it in as a fixed deposit than have it lying at call; as by an arrangement with the bank, if it should be required before it matures, it can be withdrawn by foregoing the interest. That is the only reason for fixed deposits—they are more economical—and the system, I think, ought rather to be encouraged than stifled. Moreover, in nearly all these boards the rate has never exceeded 6d. in the £1. Now, if the object were to obtain money and invest it for the purpose of raising interest, they would have put on 1s. in the £1 in order to get more endowment. But they have not done so; 6d. in the £1 is the regular rate throughout the whole of the northern part of the Downs—at any rate, in the boards I know. I hope, therefore, there will be some modification made in that clause. Most of the early part of the Bill, so far as I have seen, is, I think, a vast improvement, and the Bill will be extremely useful.

Mr. FRASER said: Mr. Speaker,—I just want to say a few words in confirmation of the view of the hon. member for Oxley. It is no doubt in clause 200 that the chief public interest centres at the present time. I can fully bear out all the hon. member for Oxley said with respect to local rating. The fact is, that in many cases around here excessive prices have been given for various properties, and the valuators, almost without exception, have assessed the value of the adjoining lands at the rates at which the other was sold. As the hon. member said, the owners of these properties find that it is waste of time to appeal against such assessments, for this is the

way they are invariably met: The assessor or the clerk of the board asks the party appealing whether he would take such and such a price for his land. Now, the land may be all that the man has to depend upon, and it is an impertinent way of challenging him. I do not know that such a question has any right to be asked. The consequence is, that many persons to my knowledge really pay what is, without any doubt, an excessive rate, rather than waste their time, because in nine cases out of ten the opinion of the assessor is accepted by the bench, and the verdict given accordingly. Well, now, there is another feature of this clause which I think deserves some attention. There is evidently a distinction drawn between "improved" and "fully improved" properties; and the decision as to what is fully improved property is left to the court of petty sessions. You can easily see that this creates another bone of contention. What is fully improved property? And what is improved property? Take a case in point. Suppose a person has a paddock—fit only for paddock purposes—in a neighbourhood not very far from Brisbane, and blocks of land on each side are sold for building purposes. Of course, that will enhance the value of the paddock, and according to the view forced upon me the other day by a valuator, he would feel himself justified in assessing that at the value of the adjoining properties. The clause states that "this proviso does not apply to any land which, in the opinion of the court of petty sessions appointed to hear appeals from valuations, is fully improved—that is to say, upon which such improvements have been made, as in the opinion of the court may reasonably be expected, having regard to the situation of the land and the nature of the improvements upon other lands in the same neighbourhood." In the case I have referred to, the valuator would assess the paddock, taking the value of the two blocks in the same neighbourhood as the standard, and the land used strictly for grazing purposes would be assessed at the same ratio as the adjoining properties which have realised such excessive prices. These are points which perhaps the Premier will take into consideration in going into committee on the Bill. This is the only opportunity I have of saying anything on the matter, and I think it is proper that I should bring these points before the House. In every other respect the Bill is a decided improvement. With respect to the other matter mentioned by the hon. member for Oxley—namely, that notice of sale should be given to the board by parties who subdivided and sold their properties—I would point out that if they do not do that they will have to pay the rates, and as soon as they know that, it will be found that they will take the earliest opportunity of acquainting the clerk of the board that they have sold them and to whom they have sold them.

Mr. PATTISON said: Mr. Speaker,—I am very pleased that such a Bill as this has been submitted to the Assembly. I have had some considerable experience as an active member of a divisional board, and I know the great good that divisional boards have done up our way and in the colony generally. I take it that the Divisional Boards Act is certainly one of the most useful measures the Queensland Parliament has ever brought into force. No doubt there were many omissions in the first Act, and I believe several of those omissions are supplied in the present Bill. Still I think some matters have escaped the notice of the Premier in drafting it. It is, however, a measure of which I generally approve and to which I shall accord a general support, and I have no doubt that when it leaves the Committee it will leave it in a different shape from that in which it is now presented to the House. Valuable suggestions have been made by members on both sides. I may also point out some objectionable features of the Bill which I hope will receive the attention of the Premier. The hon. member for Oxley referred to a matter in connection with the valuation clauses which does not affect the district I represent very much. We have not the valuable land up our way that there is in the district of the hon. member for Oxley, and we do not feel the injustice he has pointed out as his constituents do. There are, however, two or three things of importance omitted from the Bill. I think the matter of reserves is not sufficiently dealt with—in fact, it is not dealt with at all in the Bill. Many reserves, instead of being used for the purposes intended, are used by a number of grass-pirates; they are not under the control of the boards; we know that the Government exercise no supervision over them, and in many cases they are misused in every way. The reserves are far too large to begin with. At a recent meeting of the Gogango Divisional Board certain resolutions were passed, a copy of which I hold in my hand, and the board have requested me to bring under the notice of the House the desirability of reducing the area of all reserves to 640 acres and placing them under the control of the boards. Six hundred and forty acres is quite large enough for a reserve for all practical purposes; and if the reserves were placed under the control of the boards they would be applied to the purposes intended, and not as they now are, occupied by grass-pirates, horse-planters, or cattle-thieves. That is the way our reserves are used up in the Central districts, and I have no doubt many other members have the same state of things existing in their districts; and I do think that if the Premier would consider the advisability of reducing the area of reserves, and placing them under the control of the boards as suggested, it would be a further instalment of good. The measure is a good one, as I have said, but requires some little alteration in that direction. Another suggestion made by the Gogango Board is that there should be a wheel-tax. I am not so much in favour of that proposal, because I do not see how it will work. I will, however, just state the circumstances which have led to this suggestion being made. There is no doubt that it is very hard that the rates of a division should be used in repairing and maintaining roads which are mostly used by persons in another division. The Gogango Board adjoins the Calliope Division, in which is situated the Mount Morgan gold mine. The Calliope Division does not take the trouble of rating the mine or recognising it in any shape. They do not make the roads; the Gogango Board have to make them up to within four miles of the mine itself; and the object the board have in view in suggesting that they should have power given them to impose a wheel-tax is to make the carriers, who use the roads and do not pay rates, contribute to the divisional revenue. I am somewhat interested in that district, and, although I am not very much in sympathy with the proposal, I think the reasons which have led to its being made are worthy of consideration; and in deference to their wish I have brought the matter before the House. I think a much easier way of accomplishing the object would be to have a toll-bar. Another suggestion made by the Gogango Board is in reference to noxious weeds. The Bill certainly deals with that subject, though, perhaps, they think it does not go quite far enough, to their views. They suggest that the owners of the land on either side of the road should be made responsible for half the road. If the road is to be kept clear of burr and other

noxious weeds this suggestion is one worthy of consideration. If it is to be made compulsory that roads shall be kept clear of burr, then it should be done by the owners of the land on either side — the owner on one side clearing half the road, while the other half is done by the owner opposite. Another matter I would call attention to, which has also been brought forward by the Gogango Board, refers to mining on roads—whether it would not be possible in this Bill to empower the board to give permission to sink shafts for mining purposes on wide roads—those roads of three or four chains, which are very little used, and where shafts could be sunk without any injury. I think it is quite possible and necessary that the boards should have prower to grant permission to mine on roads in certain cases. A case occurred recently in which a man named Cummings applied to the Gogango Board for permission to mine, but the board had no power to grant such permission, although willing to do so, and hence a resolution was passed by the board asking me to endeavour to get a clause inserted in the Bill giving them power to sink shafts in certain cases. That is a matter worthy of consideration, and might, I think, be very properly dealt with in this Bill. I need not take up the time of the House further, as hon. members have dealt with the subject rather fully; perhaps in committee I shall have a little more to say on the subject. At the request of the Gogango Board I have now submitted their suggestions, fully believing that many of them are worthy of consideration. I think if the Premier will embody them in the Bill he will further improve what I consider is already a good Bill. I shall support the Bill generally.

Mr. WHITE said: Mr. Speaker,—Some very good provisions are made in this Bill for the election of members of boards, but in the country districts there is often considerable difficulty in getting efficient members to attend the meetings of the board. In some divisions members have to travel by railway to the meetings of the board, at their own cost, of course. Could not some provision be made enabling them to travel free by railway on those occasions, just as volunteers are allowed to travel free by railway on attending their meetings? It would encourage them very much.

Mr. NORTON: Have a Members Expenses Bill for them.

Mr. WHITE: It is certain that at present there is considerable difficulty in getting efficient members to attend the meetings of the boards, and if my suggestion is adopted it will give them some encouragement. With regard to the rating of improvements, when I first came into the House I felt very strongly upon that question; but I saw that hon. members could not be got to share my views upon it and the views of the people in the country. The feeling on the subject amongst people residing in country districts is plainly observable, where there is such a diversity of character among the settlers—where one man is industrious and progressive and willing to lay out money on improving his land, and where his next neighbour will do nothing but wait and crawl along, congratulating himself that he is clear of the rates that his neighbour is paying, who is erecting a good house, fencing and cultivating his land, and building barns and other improvements that are pushing the country ahead. The crawler congratulates himself that while he is paying nothing in that way he is allowing the unearned increment to accumulate, expecting that he will get recouped in that way for his want of energy. It is grievous to a man who is laying out his money in improving his property to see that he has to pay rates on what he spends for that purpose. We want capital very badly in the country districts, and as soon as it gets there we tax it. Finding that it was hopeless to get hon. members round to my way of thinking on that subject, I have since somewhat modified my views upon it, and I see with pleasure now that we shall be able to get at these land-grabbers and non-progressive men in a very short time. A land-tax is looming in the distance, and not in the far-off distance either. With a land-tax the inequality of rates would be lessened, and the land-grabbers will have to pay something for holding the land they do. We find that some of these land monopolists are already complaining about clause 245. Some of them have nearly a whole subdivision to themselves, and all good land. They get the roads closed, and the money raised is put into the bank, lying idle there. They expect in the future to sell that good land at a big price. They put the money into the bank and get the Government subsidy upon it, and then when the right time comes and they want to dispose of the land, it is available for the purpose of opening up the roads. One cannot wonder that some of them are very anxious when they find that they will not get a Government subsidy when the balance to credit of a board is over £500. I think they are very well off if they get a subsidy up to that amount, when it is lying useless in the banks. Divisional boards will be very wise if they do not allow roads to be closed. Let them make roads wherever they are wanted, and so help people to settle upon the land. There is nothing else in the Bill that seems to me to need much amending. I suppose various little changes will be made in committee, but I do not see that any change of a serious nature is required.

Mr. BUCKLAND said: Mr. Speaker,—I think every member of the House will agree that the Divisional Boards Act of 1879 was a wise step in the direction of local government. At the same time, that Act has been sufficiently long in force to enable us to ascertain many of its defects. The hon. member for Oxley has remarked, and I quite agree with him, on the oppressive way in which the rating clauses affect the farmers, more especially in districts surrounding the centres of population. I know many cases myself where the rating is felt very severely indeed by the farmers; and I hope that during the passage of the Bill through committee some clause may be framed which will give them considerable relief in that direction. A case came under my notice within the last week, where a piece of property within eight miles of the city, which is so far improved as to be fenced in, is so heavily rated that if it were put into the market for sale during the next month it would not realise within 50 per cent. of its rateable value. I am certain that some amendment is necessary in that respect. Then there is clause 200, which provides that the court of petty sessions, appointed to hear appeals from valuations, is to decide what is fully improved. That being so, the court will in almost every instance have to decide the value of property, and you make it the arbitrator. That clause requires amending, and no doubt will be amended in committee. Clause 233 deals with the enforcement of rates due on unoccupied land. I know a board within a few miles of the city that has at this moment standing on its books over £300 of arrears; and it is not by any means a rich board—not such a one as those referred to by the hon. member for Northern Downs as having funds at fixed deposit, but quite the reverse. Another case arising is that a large amount of land is unimproved and unoccupied, in many cases the proprietors being absent and having no agent in town, or the agent in the city not having funds to

pay the rates. I think there should be some clause in the Bill to enforce the payment of these rates. The Act provides for the sale of growing or standing timber in such cases, but I have known cases where the timber was advertised for sale, and the bailiff put in possession, but no bid was made; after the board were put to this expensive course of action no one would bid, and there was no one on whom to levy for the rates. This matter requires the attention of the House, and will no doubt be dealt with in committee. Reference has also been made to clause 240, which says:—

"Whenever a person who is the owner of rateable land within a division subdivides the same, he shall forthwith give notice, in writing, accompanied with a plan of subdivision, if any, to the chairman.

"And whenever any such person executes a transfer or conveyance of any such rateable land, he shall give like notice specifying the name of the transferee or purchaser."

I should follow that up by making it compulsory that there should be recovered from the person giving the name of the transferee or purchaser, and that he should be liable for all arrears of rates due upon the land at the time of giving notice to the board, so that the board might not be put to the expense of sending out fresh notices to the purchaser or transferee seeking to get the arrears of rates, which would in many instances cost more than the rates due. We know that during the late excitement land was purchased and changed hands many times in a short period, and it is difficult now to get the arrears of rates due. I would make it compulsory on the party who gives notice of a transfer or conveyance that he should be liable for the whole amount of the arrears of rates, and that it should be paid at the same time. There is another matter in clause 57 of Part V., dealing with polling places, to which I will refer. It is scarcely necessary that there should be polling places in every subdivision. Take the case of Booroodabin as an instance, and there are other divisions in the same position. Booroodabin being a compact division, it is scarcely necessary that there should be three polling places for it. I think, with the consent of the Governor in Council, the head-office of the board should be the polling place, and that one polling place in such a case would be sufficient. That can be provided for, if thought advisable, in committee. Clause 89 deals with voting by post, and I do not think it has been touched upon by any hon. member who has preceded me. I think that voting by ballot should be the case in the election of all boards, except where they petition the Governor in Council for an exemption, and continue the present system of voting by post.

The PREMIER: The 51st section provides for that.

Mr. BUCKLAND: Clause 206 deals with appeals against valuation, and I think there should be a schedule attached to this Bill giving a form of appeal. That would facilitate and simplify the matter of appeals very much. By-laws—clause 190; I think every by-law should be confirmed at a special meeting of the board called for that purpose, and should be sealed with the board's seal at the time. In connection with appeals—clause 208—I think notice of appeal should be given to the board, and also to the clerk of petty sessions of the court at which the appeals are to be heard. That, I think, would be found to be a very wise provision. There are several alterations in the Bill with respect to disqualification of members of a board. I do not know whether under this clause a member of a board who was already the proprietor of a saw-mill or foundry, and who is himself or his firm supplying timber or ironwork to the board—I do not know whether such a man would be disqualified from being a member of the board under this clause. I scarcely think the clause would disqualify him, but it ought to be clearly defined. On the question of auditors, dealt with in clause 115, I think if one retired annually it would be sufficient, and not both; the clause provides for both retiring. It also provides that at the time of audit ratepayers are to be admitted to the audit and can put questions to the auditors. That is, I think, very objectionable. I do not think this a good clause at all, and I hope to see it struck out. With these exceptions, I have very great pleasure in supporting the second reading of the Bill, which I consider a highly necessary measure, and one which will commend itself not only to members of this House but to the colony generally.

Mr. ISAMBERT said: Mr. Speaker,—It seems to be generally agreed that this consolidation of the Divisional Boards Act and various amendments thereon is a very useful and necessary measure, but in some respects it can be still further amended. From the beginning, since the people got used to the Act, they never objected so much against local taxation as against taxation on improvements. I feel sure that the majority of the ratepayers, particularly in closely settled districts, are in favour of a tax by acreage. It might be called a land-tax or acreage tax, as it would be a tax of so much per acre. I think the measure could be improved in that direction. For instance, a large sum of money could be saved that is now uselessly spent in valuation. Small districts have to pay as much as from £60 to £100 for valuations, and they do not get the actual value of the money. If a tax according to acreage was adopted the board could thus make out the whole calculation. There should be a tax for farm-houses and farm buildings; that certain rate might be, say, 10s., and all the farm land should be taxed at so much per acre, and be classified in one, two, or three classes. Then divisional boards would know how much they would get in by taxing the farm buildings, no matter whether they were expensive or not—the more expensive the better for the district, because it would encourage people to make good buildings—and they would know how much revenue they would require for current expenses during the year; and knowing the amount of revenue they would require, and how much of it would be Government subsidy, it would be very easily calculated how much each acre of land should pay towards the revenue. The revenue could then be arranged without the annual expense of paying a valuator, whose valuations seldom give satisfaction. In my district people would be willing to pay more taxes in order to get their roads improved, but they have an unconquerable objection to taxation on improvements. I cannot agree with the member for Rockhampton in his objection to taxes on unimproved land. It is inducing people to improve their land, and those people who do not improve their land should pay for the benefit they get from the increment of value. I think it is a great omission that the Government did not provide for a competent engineer to inspect the works done by local authorities and see that they do not fritter away the ratepayers' money uselessly.

Mr. McWHANNELL said: Mr. Speaker,—I must congratulate the Chief Secretary on introducing this Bill. It is a decided improvement on the present Act. When the Divisional Boards Act was before the House in 1882, I proposed an amendment with the view of allowing managers of pastoral properties in thinly populated parts of the colony to be eligible to sit

on boards, and was supported by the present Chief Secretary. However, we were defeated, and I give him every credit for inserting a clause in this Bill admitting them to seats on boards. The absence of this clause in the old Act in a measure prevented the forming of one or more divisional boards in the outlying districts of the colony, for it is very difficult to find men who have the ability and the time to attend the meetings when they have such long distances to travel in order to do so. I think the insertion of this clause will result in the formation of one or more divisional boards where none have yet been formed. While giving the Chief Secretary every credit for sincerity in inserting this clause, I am sorry that he has not been equally sincere with regard to clause 17. I also introduced an amendment in 1882, with regard to admitting publicans to the right of sitting on boards, and in putting the motion to the vote I was supported by the present Chief Secretary, and also the then Premier, Sir Thomas McIlwraith ; and now, when the Chief Secretary has an opportunity of removing the stigma from a class who, I hold, do not deserve it, I think it is only right that he should strike out paragraph 3 of section 17. There is one clause which has received very little consideration from hon. members, and that is clause 155, defining what constitutes a main road. I think this clause ought to go much further ; it should not only define a main road, but also say what are stock roads throughout the colony. Some two years ago the present Minister for Lands promised me that he would in some way indicate stock roads throughout the colony by gazetting them or in some other form. Something of that kind is at present in force in New South Wales ; and I hold that a clause could be inserted in this Bill which would in a great measure assist leaseholders, and grass-pirates as well, in having a better understanding, and would in many instances save a great deal of litigation. We heard the Chief Secretary, when introducing his Irrigation Bill, define what constituted a main watercourse, and also what constituted a minor watercourse. We generally hold that there is a right-of-way along the banks of all the main watercourses in the colony, and therefore I think it will be very necessary to define in this Bill what are stock roads as well as what are main roads.

Mr. STEVENS said: Mr. Speaker,—I am very glad that the Government have brought in the Bill in the manner in which it is presented to us. I think it is far better, when a measure has been amended several times and it is necessary that it should be still further amended, that it should be commenced as it were *de novo*, and that the Act with all its amendments should be consolidated. It makes the study of the Act very much simpler, both for laymen and for members of the legal profession. I have always been a firm advocate of local government, and shall give this measure on its second reading as free a support as I have given to those which preceded it. I do not intend to go fully into the details of the Bill, as it has been traversed more thoroughly than almost any other measure that has been before us this session. but I will refer to some remarks which fell from the hon. member for Oxley which are well worth consideration. There is no doubt that farmers who have partly improved their land have been overburdened with taxation, and things should be made lighter for them. In many cases the rates they have to pay amount to fully one-third the annual rent the land would produce if let for farming purposes. I disagree with what fell from the hon. member for Rockhampton with regard to unimproved lands. Persons who buy lands for speculative purposes, leaving them to increase very much in value in consequence of improvements made by the persons surrounding them, deserve to be taxed, and taxed heavily. My chief reason for rising was to put in a plea for those persons who live at considerable distances from centres of population, in remote parts, so to speak, of a division. Many of them live in very rough country, and owing to the poor nature of the land by which they are surrounded the rates are so small that the boards are unable to give them very much assistance in making their roads. It has struck many persons, myself amongst the number, that it would be a good thing if the Government could see their way to help these persons in some way ; that is to say, by subsidising to a certain extent any amounts they may personally provide. I admit that this is open to very great objection, because it might be used in the suburbs of a large city —if a clause dealing in such a direct manner were introduced—by persons cutting up land, or what are generally known as syndicates, which might cause a considerable strain upon the Treasury for their own benefit. But it might be made to apply to persons living in remote parts of a district. I know many persons who suffer much in this way, and who would be willing to pay large sums of money—several hundreds of pounds—if they could be subsidised in some small degree by the Government. It would be conferring a very great benefit upon them and upon the community in general.

Question—That the Bill be now read a second time—put and passed, and, on the motion of the PREMIER, the committal of the Bill was made an Order of the Day for to-morrow.

GOLD MINING COMPANIES BILL—SECOND READING.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said : Mr. Speaker,—In the year 1875 the Government of the day introduced a measure which was considerably in advance, in some of its provisions, of any measure that had previously been passed by this House. I refer to the Gold Mining Companies Act of 1875. That Act provided for the registration and the winding-up of companies incorporated for the purpose of working gold-mines, and at the same time introduced a new principle into legislation of this kind, which, I believe, had been at that time introduced, so far as I can ascertain, in Australia only in the colony of Victoria, and had been found to work satisfactorily there. That is the principle of companies formed on what is called the "no liability system." There was some objection at that time to the endeavour to introduce this experiment into the legislation of this colony ; but it has been found on the whole to work very well. The object of the present Bill, which contains all that is meritorious in the Act of 1875, is to offer still further facilities for the local registration, and administration, and winding-up of gold-mining companies and the working of the system of "no liability companies." Under the Gold Mining Companies Act of 1875, which this Bill proposes to repeal, the district court which is held nearest to any goldfield was vested with certain powers which by the Companies Act of 1863 are conferred upon the Supreme Court of the colony. It was provided by that Act that instead of companies formed for the purpose of working gold-mines being required to be registered at the office of the registrar of joint-stock companies in Brisbane, registration by the registrar of the district court should be, for the purposes of gold-mining, equivalent to registration at the office of the registrar of joint-stock companies in Brisbane. I believe that the conferring of that simple method of registering gold-mining

companies was found to confer a very great boon upon the residents on several goldfields, particularly in the northern districts of the colony. Although that is found to be a very great advantage, still it has its drawbacks, and by this present Bill it is proposed to substitute for the district court the warden's court on the goldfields, as established by the Gold Fields Act of 1874, and to substitute for the registrar of the district court nearest to any goldfield the registrar of the warden's court. There is on every goldfield established a warden's court, or in cases of goldfields that have only recently been proclaimed, there is a court held, and an officer appointed who discharges in the meantime the duties of warden; and by the definition of a warden's court in this Bill it will be found that the warden's court established by the Gold Fields Act of 1874, or a court held by a justice of the peace, or a police magistrate appointed to discharge the duties of a warden, shall be the court entrusted with the functions which under the old Act, which it is now proposed to repeal, were conferred upon the district court. The registrar of the warden's court will, under this Bill, perform the duties which by the Act of 1875 devolved upon the registrar of the district court. Of course, there are some cases in which the registrar of the district court and the registrar of the warden's court are one and the same person, and this Bill takes note of that fact and provides that where this is the case the registration shall be effected locally in the office of that officer, and that that officer, if he holds the two offices, shall not be under the necessity of transferring any documents in possession, but that he shall, in his capacity as registrar of the warden's court, retain control of all matters relating to the registration of gold-mining companies. One advantage that will be found to arise from the substitution of the warden's court for the district court is this: Especially on all the northern goldfields, the visits of the district court are limited to about twice a year, and therefore matters that require to be referred to a district court judge have to be referred to him at his place of residence, which is usually in Brisbane. The warden being a resident officer, and therefore always accessible, it will be much more convenient to be able to appeal to the warden in all matters in which some judicial function has to be performed in connection with orders, or with the winding-up of gold-mining companies, than to have recourse to the district court judge at Brisbane, or depend upon his visits, which, as I have already intimated, may be limited to twice a year. It is very much better for parties interested in the formation of gold-mining companies to be able to have recourse to the warden's court at all times, than to be limited to the opportunity afforded by the infrequent visits of the district court judge. The Bill, having made provision for the substitution of the warden's court for the district court, provides for the transfer, in section 8, of all memoranda and articles of association of companies registered under the Act of 1875, and all documents relating to any company from the registrar of the district court to the officer who will now be called a local registrar under this Bill. He will retain possession of all these documents, and will perform all the duties which were performed by the registrar of the district court. A new provision is found in section 12 of the Bill. Now, under the Act of 1875 there was a provision referring to business connected with the winding-up of gold-mining companies. If an order had been made for the winding-up by a judge of the Supreme Court, power was given to the judge to refer all subsequent proceedings to the local court, but section 12 of this Bill provides for the initiatory proceedings to be taken by the warden's court; so that, instead of all petitions for winding up having to be presented to the Supreme Court in the first instance, and being by it referred to the local district court, the petition can be lodged in the warden's court. Or if a petition is presented in the Supreme Court, that petition and the proceedings under the petition may be referred, as under the old Act, to the local court and continued there; or in cases where the winding-up of a company is voluntary, and it is to be carried on under the supervision of the court, the provisions which are made applicable under the Act of 1863 may all be applied under the provisions of this Bill and the winding-up may be under the supervision of the local warden's court. Now, it does not require very much argument to show that this will necessarily confer inestimable benefit upon persons who desire to engage in gold-mining enterprises in any distant part of the colony. The application to the registrar in Brisbane involves considerable delay, and although there was not much gain in that respect by the alteration that was effected by the Act of 1875, yet the advantage which was conferred by that provision is in this Bill largely extended. And there is another to be found in section 13 which is not to be found in the Act which it is proposed to repeal by this Bill. This section substitutes the provisions of the Gold Fields Act of 1874, as to appeals, for the provision of section 11 of the Act of 1875. The Act of 1875 made an appeal direct from the district court, which was the local court having jurisdiction in those matters, to the Supreme Court, but the provisions of the Act of 1874 with regard to appeals from the warden's court, in which the warden has to sit and act alone without the aid of assessors, is substituted for that provision, and will be found, I have not the slightest doubt, to work a very great deal more satisfactorily than the provision of the Act of 1875. I may say that although the Act of 1875 was intended to confer the benefits of speedy registration, yet its benefits were not largely availed of for many reasons. The difficulties, however, which interfered to prevent that Act being as extensively useful as it was intended to be are by this Bill proposed to be remedied, and I have no doubt members who are cognisant of the difficulties which have arisen sometimes, and the expense which has been incurred in connection with the formation and winding-up of gold-mining companies, will recognise the benefits which this Bill proposes to confer. The Government have received one or two suggestions by which the provisions of this Bill in matters of detail may be improved, but I do not intend to refer to them now, as there will be plenty of time in committee. I do not propose to say any more in recommendation of this Bill. As I said before, it retains all the best features of the Act of 1875, with these amendments, which will tend very largely to increase the advantages to the gold-mining community which that Act was intended to confer. I move that the Bill be now read a second time.

Mr. CHUBB said: Mr. Speaker,—If I were satisfied that the scheme proposed in this Bill would work beneficially I would be inclined to support it, but after mature consideration, I am afraid that it will not be the benefit which the hon. and learned gentleman who has moved its second reading thinks it will. Now, there is no doubt that the Act which the hon. gentleman referred to — the Gold Mining Companies Act of 1875 — is defective in many particulars, and more particularly in reference to the provision for winding-up gold-mining companies by the aid of the district court. The hon. gentleman himself pointed out the objections or the difficulties in the way of dealing with the winding-up of a company by the

district court in cases where the court only sat periodically on the goldfield, say, three or four times a year. Of course, until the court sat no proceedings could take place, and the Act which was intended to be a benefit in that respect failed altogether. With regard to the provisions in that Act for registering companies, that is useful, and I find no fault with the provision of this Bill so far as it provides for the registration of companies in the warden's court instead of the district court. There may be no difficulty about registering companies on a goldfield; but the part of the Bill to which I object, and object seriously, is that commencing at clause 12, which entrusts to the warden of a goldfield all the powers of the Supreme Court. Now, I venture to say, without intending a word of disparagement of the gentlemen who fulfil the duties of wardens, that there is no warden in the colony who is capable of undertaking the winding-up of a company. The law applicable to the winding-up of companies is one of the most difficult branches of the law. At home it is administered only by judges of the superior courts, and here also under our Companies Act. Yet this Bill proposes to entrust to the warden of a goldfield—a gentleman without legal training, who has probably picked up what little legal knowledge he has since his appointment—all the functions and powers of judges of the Supreme Court in winding-up companies. I am aware that at present the expense of winding-up a small company that has failed is very considerable, but I believe a shorter and simpler method could be found than that proposed by this Bill. That would be this: Whenever a company is insolvent, then on the petition of a creditor of the company, or by a resolution of the shareholders, let it be declared insolvent. That would be a simpler process, and more effectual. Another suggestion I would make is this—it is a matter of detail, but it affects the question of expense: The scheme provided by the 13th section of this Bill is, first the hearing by the warden, then an appeal from him to the district court, then an appeal from the district court to the Supreme Court. Now it has been decided here, with regard to that portion of the colony which is under the jurisdiction of the Northern Supreme Court judge, that you must go to him before you come to Brisbane. Thus you have an appeal from the district court to the Supreme Court in Bowen, and then possibly to the Full Court here—that is to say, a possibility of four hearings, which is a thing not to be desired at all. What we want is a short and simple provision by which a company can be wound-up inexpensively. Then, there is another question for consideration. Say a gold-mining company were formed at Charters Towers and registered there. A great many of the shareholders do not live there, but in different parts of the colony, and the warden would have jurisdiction over the whole colony, and could call upon these parties to show cause why they should not be ordered to pay certain calls. The very nice question would arise as to the different classes in which contributors would be placed—a difficult question of law which an untrained person is not to be expected to have at his fingers' ends. I venture to say that the scheme will not work well at all. Of course it is an experiment, and possibly by experience the parties will find it much more expensive to administer the jurisdiction given here than even to follow the present system, which I admit is unsatisfactory. I believe the suggestion I have made—to have insolvent companies wound-up under the provisions of the Insolvency Act—would be simpler, shorter, and far less expensive than the scheme proposed here. This scheme has, no doubt, some advantages, but I think they would be more than counterbalanced by the expense which would inevitably have to be incurred in putting the machinery into practice. I am therefore unable to approve of that portion of the Bill. With respect to the other part, I see no objection to that being substituted for the existing law.

The PREMIER said: Mr. Speaker,—The hon. member for Bowen objects to this Bill principally, I think, on the ground that the warden would very likely not be competent to decide the difficult questions which may arise in winding-up companies. He suggests that it would be better to allow them to be wound up in the insolvency court. The hon. member will remember that proceedings in insolvency are conducted in the Supreme Court, and the proceedings under the Companies Act, with respect to winding-up, are entirely different from proceedings under the Insolvency Act. The proceedings under the Insolvency Act have no application, except to individuals or partnerships; they are all very well with regard to the distribution of an estate, but as for getting in the assets of the company from the shareholders, they are not applicable at all. With regard to the competence of the wardens, I do not think the questions which would arise in connection with a winding-up are more difficult than other technical questions which are entrusted to those officers—some very difficult questions in point of law, and very important as regards the amount of property involved. They are not the most competent tribunal in the world, but many of them are very competent. The great advantage is that they are always on the spot, and that is a most important matter. The district court is only on the spot about once in six months. I think we may safely entrust the wardens with these matters. An appeal to the Supreme Court from a warden's court will very seldom happen. In all the time that the colony has been established, the questions arising out of the winding-up of companies which have had to be taken to the Supreme Court might be counted on the fingers of both hands. There might be one case in a year of an appeal to the Supreme Court. But I think that in the great majority of cases all persons concerned will be very much benefited by the simpler, more expeditious, and less costly mode proposed by the Bill.

Mr. NORTON said: Mr. Speaker,—I see from the preamble of this Bill that the Attorney-General wishes "to make better provision for the speedy and economical winding-up" of gold-mining companies. Now, sir, that is an admission that lawyers do not often make with regard to lawyers' Bills. They do not like to admit that the provisions introduced into Bills passed by themselves before are not as economical as they might be; and so I regarded this Bill with a good deal of satisfaction when I read it. But when I got to the last portion of the Bill, the same idea occurred to me that has been mentioned by the hon. member for Bowen—that it might not be desirable to entrust to the wardens the great power which is given here—"all the jurisdiction and powers of the Supreme Court as conferred and declared by the principal Act." Now, it is quite true that some wardens might be capable of exercising the powers with discretion and not making a mistake, but have we reason to believe that the whole of the wardens would be capable of doing that? I doubt it. I do not know the whole of the gold wardens individually, but I have very great reason to doubt whether the whole of them would be capable of exercising the power entrusted to them by this Bill without making a mistake. The Chief Secretary just now mentioned that, although the gold wardens exercised great powers, their decisions were on the whole

satisfactory, and there were very few appeals against them. May it not be the case that those appeals are few from the fact that the cost is so great that miners and others concerned in those matters would far rather put up with a decision they do not believe in, than incur the expense that an appeal would entail on them? I believe that that is the case. I believe that in many cases decisions are assented to from the mere fact that the man concerned will not go to the cost—the unknown cost—of carrying an appeal to a higher court; and I believe that will also be the case under this Bill. It is quite possible that the proposal, if carried, may work economically—that is, provided the wardens have the knowledge and capability required of them. But if they have not that knowledge, and make mistakes which necessitate appeals, there is no knowing what the cost will be, and although the Bill professes to be a measure to assist in winding-up these companies economically, it may, as a matter of fact, be quite the reverse.

The ATTORNEY-GENERAL: The same argument applies against the wardens exercising judicial functions in other matters.

Mr. NORTON: The same argument applies in both cases, but it is much stronger against this measure, because it confers upon them far greater powers and responsibilities than they have in other matters—powers which, I take it, require, as the hon. member for Bowen has pointed out, a knowledge of law in order to exercise them properly. I do not think the wardens generally have that knowledge, and that is the ground of my objection to the Bill. But I would ask the hon. gentleman why, when bringing in a measure of this kind, he did not carry it a little further; and, if it is possible to introduce and apply the proposed system to gold-mining companies, why it should not be extended to other companies? I can see no reason for assisting gold-mining companies and leaving all other companies to be wound-up in the ordinary way. There is a large number of other companies established in the colony working other minerals, and I do not see why they should not be included, and enjoy the same advantages as are proposed to be given to gold-mining companies. So far as the legislation of the present session has gone, there has been every indication that the Premier, in the measures introduced by him, has tried to consolidate the laws referring to the different subjects dealt with; but this Bill departs entirely from that, and is a mere piece of patchwork. It would have been far better if a little more time had been given to the consolidation of this question, even if that necessitated the measure being allowed to stand over for another session, in order that the same benefit—if there is any benefit—should be conferred on other companies besides those connected with the working of gold. I would ask the Attorney-General if he can give the House any idea as to the number of companies registered under the no-liability provisions?

The ATTORNEY-GENERAL: I cannot, just now.

Mr. NORTON: Are there half-a-dozen in the colony?

The ATTORNEY-GENERAL: I believe there are not many.

Mr. NORTON: Are there any?

The PREMIER: It is said that the principal objection they have is to the provision requiring them to advertise in the *Government Gazette.*

Mr. NORTON: It must be a poor law if that condition prevents the formation of such companies. I thought that the hon. gentleman, when he laid so much blame on these particular companies, would have been able to inform us how many there are in the colony. We would like to know that, because we are deeply interested on the subject. The law has been in force for the last ten years, and we would like to know whether it is desirable to re-enact it as proposed or allow it to lapse. I do not know that there are any such companies in the colony, and that is the reason I asked the question. I think it is a mistake that a Bill of this kind should not be applied to other companies besides those engaged in gold-mining.

Mr. SMYTH said: Mr. Speaker,—I am of the same opinion as the leader of the Opposition—namely, that this Bill should apply to other companies besides gold-mining companies. There are many other mining companies in the colony—such as coal, antimony, and tin mining companies—and the powers to be exercised by wardens might be conferred on police magistrates. I do not quite see the drift of the arguments of the hon. member for Bowen. Of course, he looks at the matter in the light of a Brisbane lawyer. All the fees for winding-up these companies come to Brisbane. We, however, want to keep the money in our own place, and wind-up our companies amongst ourselves. But a Brisbane lawyer objects to this, and the objection coming from a Northern member looks very bad indeed. I have a statement of the expenditure in connection with the winding-up of one company in Gympie, which will show what the Brisbane lawyers get. The legal expenditure and advertisements amounted to £202 19s. 9d., and the local liquidator received £25, which made a total of £227 19s. 9d. The debts owing by the company only amounted to £155 10s. 4d., so that £227 19s. 9d was spent to recover £155 10s. 4d.

The PREMIER: Was that paid?

Mr. SMYTH: It was paid. In that case, as I have said, a local liquidator was appointed, and I would ask why should not the warden appoint a local liquidator and have the company wound-up there? There are other mining companies working on the same lines as gold-mining companies; the articles of association are similar, and the capital is similar in amount. I do not see, therefore, why police magistrates should not have the duties of a warden given to them. There are dozens of companies which would be put up in liquidation if this Bill were passed. They are only waiting for the Bill to become law, and it is nothing but the expense of the Brisbane lawyer that prevents them being wound-up. As soon as this measure passes any amount of companies will be wound-up. There is one question I would like to ask. Some companies have stopped working for a number of years, and still owe a lot of money, and business people to whom the debts are owing have been put to a very great deal of expense, I would like to know for how far back this money can be recovered. For six years?

The PREMIER: Twenty years is nearer.

Mr. SMYTH: I do not ask the question because I want a cheap legal opinion on the subject.

The PREMIER: Each shareholder is liable for twenty years.

Mr. SMYTH: There is another matter to which I would refer. The 4th paragraph of clause 11 deals with forfeited shares. I should like to see a provision inserted whereby a shareholder, after ceasing to be a shareholder, whose shares have been forfeited for three months, should not be allowed to bring an action against the company. The reason I suggest this is that on the Gympie Gold Field a case occurred where a man's shares were forfeited; the claim was no good at the time. A considerable

period afterwards, when the prospects of the mine were improving and looking very well, the man got some of the legal fraternity to go in with him, and they went for the board of directors, and gained the case in the Supreme Court at Brisbane. I should therefore like to see a clause inserted here, providing that a man whose shares are forfeited, either by advertisement or notice to him, if he wishes to bring an action against the company, must do so within three months after such forfeiture, or not bring the action at all. There should be a limit to the time at which he should bring an action against the company. I think, with the leader of the Opposition, that the provisions of this Bill should be extended to other companies. The big companies would not care to have their affairs wound-up by the wardens; they could always fall back on the district court or the Supreme Court. I shall have great pleasure in supporting the Bill. It has been asked for by the mining communities in the colony for a long time, and I know that while the Premier was on his recent visit to the North he was asked by the miners on several goldfields to bring in a measure of this sort.

Mr. BROWN said: Mr. Speaker,—The same thing occurred to me that has been mentioned by the hon. member for Gympie—namely, that the Bill should be made to extend to other companies; but I understand the Chief Secretary to say that the warden would not have jurisdiction in the case of other companies. I wish to point out that at Ravenswood several silver-mining companies are working within the boundaries of the goldfield, and I think on goldfields where cases of that kind occur they should come under the warden's jurisdiction. I merely throw this out as a suggestion. With reference to another remark of the hon. member, I do not think that this Bill will facilitate the winding-up of such companies as he refers to. If I understand the Bill correctly, its effect will be only to assist the winding-up of companies that have been previously registered under this Act.

The HON. J. M. MACROSSAN said: Mr. Speaker,—Judging from the speech of the hon. member for Gympie, one would think that that goldfield must be in a bad condition and that the legal fraternity are very short of work. He finds fault with the hon. member for Bowen, and he wants to find work for the legal fraternity at Gympie.

Mr. SMYTH: We want to spend our own money there.

The HON. J. M. MACROSSAN: There must be a deficiency of money there at present if there are so many companies waiting for this Bill to pass in order to be wound-up. But the case is not quite so bad as the hon. member tries to make out. As to applying the Bill to companies for other materials than gold, I do not see why it should not be applied to them. Take Ravenswood or Herberton, what is the objection to putting the word "commissioner" in the line with "warden"? The mineral lands commissioner has the same jurisdiction over all minerals that the warden has over gold, and the same individual might act as warden and mineral lands commissioner. Why should he not act for all companies as well as gold-mining companies? The Bill is certainly an improvement, and the experiment is well worth trying, although there are many difficulties in the way. There are very few wardens, in my opinion, capable of administering the Act without making mistakes. One result would be to compel future Governments to appoint only thoroughly capable men to be wardens. We have two or three wardens who, I believe, could administer the Act as well as most solicitors and many barristers; but I am afraid the general body of them could not. I hope the measure will have the effect which the Attorney-General intends it to have, and I trust that hon. gentleman will be advised to apply its provisions to other companies as well as gold-mining companies.

Mr. MELLOR said: Mr. Speaker,—I am very glad to see a Bill of this kind brought forward, and I shall support it most heartily. With reference to the objection to the wardens not being competent, I think they are quite as competent to perform these duties as many of the liquidators who are appointed under the voluntary system. The majority of companies are wound-up voluntarily; not many are taken into the Supreme Court for that purpose; and the wardens will be just as competent to carry out their duties as the voluntary liquidators. All who have been engaged in mining and have suffered know that winding-up a company is a very expensive affair. I have suffered myself; in fact, I do not know when it will end, and that is the difficulty. I should like to know when man's liability in a company, after he withdraw from it, ends. It often happens that the men left in charge of companies are men of straw, and might ruin a company. It would be very hard upon a man if, twelve months after he has left such a company, he should be made a contributory and called upon to pay the full amount of liability, especially if he was the only one in a position to pay, when he would have to pay the whole amount of the debt. There should be a definite time stated when the liability of a shareholder who has left a company should cease. I should like that to be done, and so would a great many people who are now struggling on the goldfields. It would greatly assist our mining industry if that were done. They ought not to go back on a person who has left a company five or six years. Some hon. member said that shareholders were liable for twenty years; if so, that is a most serious matter. In all other respects the Bill is a good one; it has been long asked for by the mining communities of the colony, and I shall be very glad to give it my support.

Mr. LISSNER said: Mr. Speaker,—As the representative of a gold-mining community, I shall have great pleasure in supporting the Bill, and I think that the sooner it becomes law the better. Some hon. member advised the Attorney-General to withdraw it, but I should be very sorry to see him do anything of the kind, as it is a measure that has been looked forward to this long time. I should like to see the provisions of the Bill applied to other minerals than gold, if it is possible to do so, for it would benefit them all. I do not know all the particulars of the case that happened at Townsville, but I do know that a very honourable man had to go to gaol, by a judge's order, for not having paid the sum of £30. In this instance the gentleman was able to pay the £30; but when the judge's order came to Townsville there was no help for him but to go to gaol like any other felon. I was told that even if he had paid the £30 he would have had to remain in gaol until another judge's order was sent to liberate him. I believe that if a man has no money, and is not able to pay the £30 or whatever it may be, there is not the slightest remedy for him; he has to remain in gaol for ever. The very fact of his signing an affidavit saying he has no means to pay the money sends him to gaol; he cannot file his schedule, and has no means of getting out except by breaking the gaol-door and running away. I think there are a few amendments necessary, and I have no doubt the Attorney-General will be reasonable enough to accept them

rom different members. The Bill is a very good one, and I trust will be passed as soon as possible. I will support it with all my heart.

Mr. BUCKLAND said: Mr. Speaker,—Although not a representative of a goldfield or any mining district, I think this a good Bill, and I hope, with some amendments, it will be passed into law. Though not representing a mining district, I have at present, and have had for some years past, considerable interest in mining companies, and I think this Bill will greatly facilitate the working of such companies. In subsection 4 of clause 11 I think the time mentioned—fourteen days—is much too short. The subsection says:—

"Any share upon which a call is unpaid at the expiration of fourteen days after the day appointed for its payment shall thereupon be absolutely forfeited without any resolution of directors or other proceeding. The share when forfeited shall be sold by public auction, advertised in the *Gazette* and a local newspaper not less than twenty-one nor more than twenty-eight days before the day appointed for the sale, and the proceeds shall be applied in payment of the call unpaid thereon and the expense of the advertisements and any other expenses necessarily incurred in respect of the forfeiture, and the balance (if any) shall be paid to the shareholder on his delivering to the company the share certificate representing the forfeited share."

I think the notice to be given too short. I speak feelingly upon the subject, because, being absent from the mining field in which I at present hold some interest, it might be possible that I should neglect to pay a call for fourteen days, and in that case I should, without notice, absolutely forfeit the share. I think the time might be extended to double that stated in the Bill. I speak for myself, and I have no doubt that gentlemen representing mining constituencies will be able to say whether that is a reasonable extension or not. As to clause 12, providing that a petition for winding-up a company may be presented, I agree with the opinion expressed by the hon. member for Gympie, that it is a very good clause indeed—that wardens should have the power to wind-up companies in the districts for which they are wardens. I have great pleasure in supporting the second reading of this Bill, which, with some amendments, may be made a very good one.

Question put and passed, and, on the motion of the ATTORNEY-GENERAL, the committal of the Bill was made an Order of the Day for to-morrow.

EMPLOYERS LIABILITY BILL—COMMITTEE.

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

Clauses 1 and 2—"Short title," and "Commencement of Act"—put and passed.

On clause 3, as follows:—

"In this Act, unless the context otherwise indicates,—

The expression 'person who has superintendence entrusted to him' means a person whose sole or principal duty is that of superintendence, and who is not ordinarily engaged in manual labour;

The term 'workman' does not include a domestic or menial servant, but, save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman artificer, handicraftsman, miner, railway servant, or otherwise engaged in manual labour, and whether he is under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, and whether the contract is made before or after commencement of this Act, and whether it is express or implied, and whether it is oral or in writing, and whether it is a contract of service, or a contract personally to execute any work or labour."

The PREMIER said he proposed to ask the Committee to amend the definition of the term "workman" so as to include drivers of cars, vehicles, and so on, and to insert a definition of the term "employer" so as to include a corporation, as it was not included in the Acts Shortening Act. He did not know whether any amendments were to be proposed before that, but the first he had to move was in the last line of the first paragraph. There was no reason why a man who sustained an accident through being ordered by his employer to drive a cart which was not fit to be driven should not receive the same benefit from the Bill as a servant engaged in husbandry or a railway servant. He did not propose to insert the word "seaman" in the clause to be included in the term "workman," but he proposed later on in the Bill to make a modified proposal in regard to seamen. He now moved that after the word "servant," in line 18, the words "driver or conductor of a car, coach, carriage, tramcar, or other vehicle," be inserted.

Mr. FOOTE said a vehicle might be quite sound when sent out, and the driver might be injured through his own carelessness or neglect, or in consequence of the state of the roads. An accident might arise from various circumstances, for which the owner of the vehicle would not be in the slightest degree responsible. In that respect he thought the amendment would have a detrimental effect; and perhaps persons would find themselves involved in lawsuits when they were by no means responsible for accidents. He regarded the clause as a very serious infringement on the liberty of the subject.

The PREMIER said the Bill was intended to make employers responsible for their own carelessness, not for the carelessness of the workmen who were injured. If a man by his own carelessness sustained an accident, he would have no claim on his employer; but if the employer by his carelessness caused injury to his workmen, it was proposed that he should be made responsible; and the amendment was intended to give to drivers and conductors of cars and other vehicles the same right to compensation as other workmen. The employer, however, would not be responsible unless the accident happened from one of the causes specified in the 4th section—that was, by defective plant or by the negligence of his superintendents; and he would not be responsible, though the injury resulted from a defect in the plant, unless the defect arose from his own negligence or the negligence of the person he entrusted with the duty of seeing that it was kept in proper condition. Those were cases in which the employer would be morally responsible, and it was sought to make him legally responsible. The Bill was intended to remove some curious exceptions as to those who could receive compensation for injuries. If, when walking down a street, he stepped on the trap-door of a cellar, and the door broke, and he fell into the cellar, he could recover compensation for injuries from the owner; but if the owner's servant sustained injuries in that way he could not recover compensation if the defect arose from the negligence of another servant. That was a curious anomaly, and it was to remove anomalies of that kind that the Bill had been introduced.

Mr. NORTON asked whether the term "menial servant" had any legal meaning?

The PREMIER said it was a well-known technical term, with a definite legal meaning. He believed it could be found in Johnson's dictionary; it could certainly be found in any legal dictionary. A "menial servant" meant a household

servant, and he did not think the term "domestic" included all household servants. Men-servants, for instance, were not called "domestic servants."

Mr. LUMLEY HILL said an employer might employ an engine-driver at a good rate of wages for a number of years, and believe the man fully competent to discharge his duty. Suppose that man, in a moment of carelessness, or while intoxicated, neglected his duty and caused an accident, would the employer be liable for that? The man might be perfectly competent; but perhaps he might be careless for an hour, or he might be taken ill, or he might be intoxicated, and the employer might not know it. It could not be attributed to any negligence of his own. He was also perfectly satisfied, and his employers were also perfectly satisfied, that a thoroughly competent engineer had been employed. An engineer might be sick or drunk, or he might be utterly careless for a moment or for a few minutes, which might cause a serious accident, and involve the employer in very extensive damages.

The PREMIER said an employer would be liable in a case like that. That was to say, he would be liable to his servant now, just the same as he would be to anybody else. Hon. gentlemen seemed to have forgotten that there was a universal rule, with one exception, and that was that an employer was liable for the actions of his servant. If a man employed a coachman, and he ran his coach into another coach, the employer would be responsible for that; or if he employed an engineman to drive an engine, and the engine burst, from his negligence, and killed someone, he would be responsible for that. If he were invited by an employer to go down a mine, and the engine-driver conducted himself so carelessly that he was injured, the employer would be liable for that. In every case the employer was responsible for the servants' negligence. If the servant made a bad bargain he was responsible, or if he did anything that resulted in an injury to anyone else he would be responsible. The Bill simply removed an exception, and he must confess he did not see why a casual visitor should be in a better position to insist upon an engineer or superintendent being careful, than a man who was employed there.

Mr. LUMLEY HILL: A casual visitor goes down at his own risk.

The PREMIER: No, he does not.

Mr. LUMLEY HILL said he ought to. He did not see why the employer or owner himself should be liable. On the other hand, workmen who were engaged in anything of the nature of a dangerous business were more highly paid than the average men outside. In saw-mills, mines, and other occupations of that kind, the men were more highly paid because of the dangerous nature of their employment. It was a more risky business, and they should be more highly paid. If the employer took every reasonable and proper precaution, he really did not see that he should be liable for the damage that happened to them, because it was not done in any way to his advantage. If an accident did happen, the employer was a serious loser himself. If the Bill became the law of the land, it would encourage accidents. People would become more careless. They would say, "It is all right; we are going to be paid if we get damaged." They would be more careless than they were at present, and it was in their own interests, as it were. The Bill provided for their being compensated if they were injured through the negligence of an employé, whether engineer, or superintendent, or coach-driver.

The MINISTER FOR WORKS said he could point out to the hon. member for Cook an instance that occurred at the Darra accident. The station-master who was in charge at Oxley station had been there for a number of years, and was supposed to be one of the most careful and trustworthy men in the service of the Railway Department. But in the forgetfulness of a moment he sent away a train which collided with another, and the consequence was that there were several persons injured and the Government had to pay thousands and thousands of pounds. That was before this Bill was framed at all.

Mr. LUMLEY HILL said he would point out that upon that occasion he believed the Government were properly robbed. They paid away thousands and thousands of pounds more than they ought to have done. This Bill would have a tendency to subject private employers to such extortion as went on in that case, and he considered that the measure would deter and cripple private enterprise. He did not look upon it from any other point of view—he was not directly interested in any way, and did not think he was likely to fall under it; but it would prevent persons from embarking in private enterprise, and carrying on their business to the best of their ability, if they were fenced round with all sorts of unknown and incomprehensible liabilities.

Mr. FOOTE said he thought the argument of the Minister for Works a very conclusive one, and showed that there was absolutely no necessity for the Bill, as persons could recover under the present law. He knew that employers of labour looked upon the Bill with a considerable degree of alarm, and considered that they would be subject to any number of lawsuits. He might cite a case that took place, he was given to understand, no later than last week, where a carpenter employed at the mouth of a coal-mine had let some tools fall into the shaft, and one struck upon a man's head down below. Of course, the proprietors were sued. Personally they were not responsible, one would think, for the man working at the pit's mouth, but it was certainly carelessness of the man to run the risk; and although the employers might have won the case in equity, they paid the man £200 or £300. Supposing they had gone into court, it would have cost them just as much, because the person who was suing had nothing, and they could have got nothing from him. Employers of labour would be placed in that position—that they might be sued by persons who were not contending with them upon equal grounds. Persons entering into large enterprises—such as collieries, saw-mills, foundries, or steamship building—would certainly look upon the Bill with a degree of alarm.

The PREMIER said the hon. member thought the illustration given by the Minister for Works showed there was no necessity for the Bill. The Minister for Works gave an illustration of how employers were liable for the carelessness of their servants. Everybody could recover against the Government except the railway servants, who were not allowed to. It was a curious anomaly.

Mr. FOOTE: They ought to have as much right as anybody else.

The PREMIER said that was exactly what the Bill provided. The hon. member said employers had been alarmed by the Bill. When it was introduced in England, employers were also alarmed, and had successfully resisted its becoming law for several years; but it did become law, and he believed would never be repealed there.

He confessed he was surprised at the opposition to the Bill, as he thought the matter dealt with was one of those things which was recognised as part of their democratic creed, and which nobody disputed any longer.

Mr. NORTON said he thought the hon. member for Bundanba had rather put his foot into it over that railway accident. He was arguing against himself all the time. The effect of the Bill was to provide for compensation being given to railway employés which was now given to other people, but which was denied to them. They ought to have the same protection as other people. With regard to the question of cases being brought against employers by workmen, it had been found in England that the Act did not lead to cases of that kind. The Act had been very much dreaded at first, and employers of labour were under the impression that if the Bill became law they would be subjected to all sorts of actions brought by men who had no means ; that they would probably gain their cases and would have to pay the whole expense because the persons who sued them could not do so. But it was said that the Act did not lead to that sort of thing, and it had been recommended by a select committee of the House of Commons that the Act be made permanent instead of temporary as it now was. He thought that was a strong argument in favour of the Act being applied here. He would point out to the Chief Secretary that, in an Act which was passed this year by the New South Wales Parliament, both domestic servants and seamen were included. He did not know what the objection was to including domestic servants. He had heard no objection raised against it. It appeared to him that a domestic servant was just as much entitled to consideration if he or she met with an accident through the carelessness of an employer as any other servant. Perhaps the hon. gentleman could suggest a reason. At any rate, they were included in the New South Wales Act. This Bill was passed in the Assembly, and transmitted to the Council.

The PREMIER: I think it was amended there a good deal.

Mr. NORTON said he thought it was. He held in his hand the Bill as introduced, which he thought was the Act as passed, and the clause to which he referred read as follows :—

"The expression 'workman' means a railway servant and any other person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise employed, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour, and shall include seamen, persons employed on ships, and domestic servants."

That was the wording of the Bill, but in the English Act he noticed that domestic servants were not included under the term "workmen." He supposed there must be some special reasons for excluding them. Could the hon. gentleman mention what they were?

The PREMIER said he did not know. He did not see very well how domestic or menial servants could come under the provisions of the Bill. An employer was responsible for his own carelessness, and he was as much responsible to a domestic servant as to anyone else. He did not know that works, machinery, or plant were things with which domestic servants had anything to do, unless perhaps an accident befel them through a faulty lift, or something of that sort. But was it worth while to legislate for such a thing as that? That was the only case that occurred to him. And as to the negligence of persons who had superintendence, he could only think of an accident occurring through the negligence of a housekeeper, and he did not think that was a case which was worth embodying in the Bill.

Mr. CHUBB said there was a reason why domestic servants were not included in the English Act, because by the common law if they met with an accident or fell ill the employer was liable for medical attendance.

Mr. FOOTE said the leader of the Opposition argued that he (Mr. Foote) was arguing against himself when he referred to the arguments of the Minister for Works. Now, there was nothing in the Bill to prevent a person from suing the Government in the event of his being injured through a railway accident—although railway employés themselves were excepted—even if the Act were passed. Therefore he did not see that he was arguing against himself. He did not wish that railway employés should not be included in the Bill; on the contrary, he desired that they should—that they should have interests in common with all other persons. So far the Bill would be a benefit. The Government would know to what extent they were liable in cases of accident. The hon. gentleman alluded to the Act having worked successfully in England, but it was stated in the House here that clause 11 was not in the English Act, and that employers of labour in England caused their servants to sign a certain document relieving them of all responsibility in cases of accident. He maintained that if the Bill was passed without the 11th clause it would not be worth the paper it was written on, because employers of labour would take good care to guard themselves. The 11th clause of the Bill specially provided against that sort of thing.

Mr. NORTON said that with regard to the 11th clause he was doubtful about it himself on the second reading, but since that time it had come to his knowledge that the select committee appointed by the House of Commons specially recommended that under no circumstances should an agreement be allowed to be made between an employer and a servant by which the servant should be denied the privileges which the Act gave. That was specially recommended by the committee of the House, though it was not in the present Bill. With regard to domestic servants, he thought he could mention a case in point. He often saw servant girls cleaning the windows of houses, sometimes in upper stories, and absolutely leaning out of the window to get at the glass outside. It always occurred to him that it was most unsafe to allow them to do that, and they ought to have some protection.

The PREMIER : There is nothing in the Bill which would deal with that.

Mr. NORTON : Then there ought to be. He would give another case in point. Suppose a girl using a step-ladder for the windows or along the walls met with an accident, because the step-ladder was unsafe, she was quite as justly entitled to compensation as the labourer injured through the weakness of a ladder up which he was carrying a hod of bricks.

The PREMIER said he had no objection to including domestic servants in the Bill, and if the hon. member wished to propose an amendment he would withdraw the one he had proposed. With respect to the 11th clause, it had been decided in England within the last few months that even without that clause the provisions of the Act would apply to all workmen.

Amendment, by leave, withdrawn.

On the motion of Mr. NORTON, the clause was amended by the omission of the words "does not include a domestic or menial servant, but save as aforesaid."

On the motion of the PREMIER, the clause was further amended by the insertion, after the word "means" in the 2nd subsection, of the words "and includes"; and after the words "railway servant," of the words "driver or conductor of a cart, coach, carriage, tramcar, or other vehicle, domestic or menial servant."

The PREMIER said he had another amendment to propose to the clause, but if any hon. member wished to include seamen that was the place to do so. As he had pointed out, he did not think it was desirable to provide in the Bill for all cases of injuries to seamen. For instance, if a ship were wrecked through the negligence of the captain, it would be very unfair to make the owners responsible for that, especially as the captains were required to have certificates of competency issued by the Government. But there were cases in which he thought seamen were fairly entitled to compensation, and which he proposed to meet by a clause to follow clause 5. For instance, when seamen were injured through defects in the tackling or plant of a ship, or were ordered to do things about which the persons who gave the orders did not take proper care, as in loading or unloading —in those cases they ought to be protected, and he believed those were all the cases in which the seamen themselves desired to be protected. He did not think they were so unreasonable as to desire that the owner of the ship should be responsible for a wreck occurring through the negligence of the captain. It was open for any hon. member to propose the insertion of the word "seaman"; but he did not think it would be wise. He proposed to insert at the end of the clause the words, "The term 'employer' includes a corporation."

Mr. NORTON said he quite agreed with the hon. gentleman with regard to the admission of the claims of seamen in certain cases. It was possible to carry the principle too far; but where they were injured through imperfect tackling they ought to be protected.

Mr. CHUBB said he was not going to suggest that owners should be held responsible in case of a wreck occurring through the negligence of a captain; but he did not see how they could logically make a distinction. If the owner of a mine were to be responsible for the carelessness of his manager who blew up the mine and injured fifty or sixty men, why should not the owner of a ship be responsible for the negligence of the captain who wrecked his ship?

Mr. BROWN said there was a distinction between the owner of a ship and the owner of a mine. In the case of a ship the Government provided an officer who issued a certificate to the master of the ship, and the shipowner could only employ a master with that certificate. He thought there was a wide distinction, and it seemed to him that it would be rather hard that the shipowner should be held responsible for the acts of the master of the ship. He understood that the object of the Bill was to provide against culpable negligence on the part of employers, but he thought they might go a little too far. He was as anxious as any other hon. member to protect seamen, but that amendment opened a very wide question and had been introduced rather suddenly.

The PREMIER: It has not been introduced yet.

Mr. BROWN: It is being discussed now.

The PREMIER: Wait till we come to it.

Mr. BROWN: Do I understand that we are not dealing with seamen at all yet?

The PREMIER: No.

Mr. BROWN: Very well then, I do not want to say anything about it.

Mr. WHITE said he was very much afraid of the Bill. He really could not divest his mind of the idea that it was something like over-legislation. The danger was in the principle of the Bill. It would probably encourage employés to persecute their employers. In all communities there were a few lawyers of easy principle, and they were something like the jackal or lion's provider; they brought work to the general profession. He had had a taste of that in England. A man entered an action against him and he tried his very best to get him to give security for costs, and the only answer he got was that the law said a man was not supposed to be debarred from law on the score of poverty. The man had no possible ground for his action, and the consequence was his costs came to £85, and he could not recover that as the man had not a farthing. And if that measure was passed the consequences would probably be that evil-disposed men, having nothing, would be encouraged to prosecute their employer, against whom they might fancy they had a grievance. That was the danger he apprehended.

Mr. DONALDSON said he believed that would be a very useful Bill, inasmuch as it would do away with an anomaly which at present existed—that was that workmen had not got the same remedy against their employers as other persons had. It was, however, quite possible to go a little too far. The hon. member for Cook had raised a nice point with regard to an engine-driver. It had been admitted by the Premier that he did not think it would be fair that a shipowner should be made responsible for injury to seamen resulting from the carelessness of the captain of a vessel, provided that the ship was well found and furnished. Why should that not be the case with regard to any other employer? The proprietor or owner of a mine might provide proper machinery and winding-gear, and employ the best men that could be obtained, and yet, in a moment of carelessness, an accident might occur from over-winding, and the owners in consequence be mulcted in heavy damages when it was no fault of theirs that the accident happened. He quite agreed that the owner of a ship should not be responsible for the actions of the captain, and he also thought that the same principle should apply to other things—that where all necessary machinery was provided and was in good order, and where proper precautions were taken, the employer ought not to be held responsible any further. For instance, a man might over-wind machinery and cause injury to a workman. Was the owner of the mine to be responsible for that? He paid very large wages, not only to the engine-driver but to the men who were doing risky work. He (Mr. Donaldson) had not the slightest wish to prevent workmen having all the necessary protection that they should have, but he really thought that clause 4 was going too far and he would like to see it discussed and amended.

The PREMIER: We have not got to clause 4 yet.

Mr. DONALDSON said hon. members had already been discussing clauses in advance, and he had taken the liberty of doing the same.

Mr. LUMLEY HILL said the same principle was carried right through the Bill, and if they passed clause 3 they might just as well pass clause 4. The main principle of a Bill was sometimes

very much more discussed in committee than on the second reading, and he thought they ought to pause and consider that clause more fully. It seemed to him that the Bill really was first-class food for the lawyers; that was about all.

The CHAIRMAN said he might point out to the hon. member that clause 3 simply related to definitions, and it was hardly proper now to discuss clause 4.

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

On clause 4, as follows:—

"When after the commencement of this Act personal injury is caused to a workman—

(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 the charge or control of any signal, points, locomotive engine, or train upon a railway;

the workman, or, in case the injury results in death, the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of nor in the service of the employer, nor engaged in his work."

Mr. LUMLEY HILL said he certainly objected to that clause, and thought that, after the expressions that had come from all parts of the Committee with reference to it, it would be quite worth while, after fully discussing the matter, to divide upon it. He should certainly vote against it. It was scarcely fair, after an employer had taken due and proper precautions, that he should be made liable for any accident occasioned by a man fully paid and fully competent to discharge the duties of engine-driver, or by a man who was in custody of the winding-gear of a colliery. If an employer took proper care by securing the services of the best men he could get, and paying the highest wages, it would not be right that he should be held responsible and liable for heavy damages in case of an accident. It was certainly not calculated to encourage private enterprise. Suppose that he (Mr. Hill) had any occasion for the use of a steam engine. He was not skilled in engineering, nor was he an engine-driver. He should simply employ the services of the best engineer he could get, and pay him full wages. If, owing to any carelessness or negligence on the part of that man, an accident occurred by which several of his fellow-workmen were damaged, why should he, who was in no way responsible for the accident, be called upon to pay for it? If a Bill were brought in to induce employés engaged in dangerous callings to insure themselves against accidents out of their wages, it would be a very fair thing, and much more reasonable than to expect employers to pay relatively high wages, and at the same time bear the burden of any accident that might happen to them in the discharge of work for which they were paid.

The PREMIER said the hon. member's objection was entirely to the second paragraph of the clause, and that being so, it was open to him to move the omission of it. If the whole clause were negatived, there would be nothing left in the Bill.

Mr. CHUBB said an amendment ought first to be made in subsection 1 of the clause, which read "by reason of any defect or unfitness in the ways, works, machinery," etc. Subsection 1 of clause 5 might perhaps meet the case, but it would be better, perhaps, to have the word "patent" inserted before the word "defect." If there were a fault in the machinery unknown to the employer, he would be responsible without that alteration.

The PREMIER said that subsection, with the first subsection of the next clause, declared exactly the present law on the question. A man was not responsible for a neglect unless it was his fault. That was the law now with regard to all persons other than employés, and the Bill was intended to apply exactly the same rules to the protection of workmen as were applicable in the case of other persons, with, however, certain exceptions in favour of employers. On that particular point the liability was made to correspond exactly.

Mr. SMYTH said that a clause in the Mines Regulation Act provided that a man should not be deemed guilty on proving that he had taken all reasonable means of enforcing the provisions of the Act. In the event of the present Bill becoming law, would it override the Mines Regulation Act in the event of an accident happening through neglect on the part of a manager or overseer? It seemed to him that, under the section they were now discussing, the company would be responsible.

The PREMIER said the Bill under consideration dealt with the liability of employers. The clause in the Mines Regulation Act dealt with the criminal responsibility of managers—quite a different subject. If a manager used all reasonable means of seeing that the law was complied with, he would not be guilty of any negligence, and the employer would not be liable.

Mr. CHUBB said that as they had added to the definition clause "drivers of carts and carriages," it would be necessary to add the word "vehicles" to the present clause to cover the additional definition.

Mr. ADAMS said that in his district some two or three years ago a man was engaged as an engine-driver. He was supposed to be a good engine-driver, for he came with testimonials nearly as thick as a family bible, and was engaged under the superintendent of the plantation. Some short time afterwards the overseer happened to go round to the boiler and saw that if he did not draw off the fire at once the boiler would burst. In a case of that kind, if the boiler had burst, would the employer be liable or not? It seemed to him unjust to make the employer liable for the neglect of a man whom he had every reason to believe was skilled in his work.

The PREMIER said in a case of that kind an employer should not be content to trust to testimonials without also taking the trouble to see that the man he employed knew something about his business.

Mr. LUMLEY HILL: How is he to do it?

The PREMIER: He can easily find that out.

Mr. LUMLEY HILL said he would not be able to find out. He would have to take somebody else's word for it. He could not judge whether an engine-driver was a competent one or not.

Mr. NORTON said he thought the question raised was a very serious one. If an employer knew nothing about the working of engines himself, he would have to take the testimonials as a guide to him in employing a man, unless he could get someone to give him an opinion as to the man's character or his competency. If a man wished to undertake work he was not capable of doing himself, he would have to get someone else to do it, and if he took every reasonable precaution to secure a man capable of doing the work, he thought, in case of accident, the employer should not be liable.

The PREMIER said he was not able to see the difference between an engine-driver and any other employé. What difference was there between an engine-driver and the driver of a coach so far as the Bill was concerned ?

Mr. LUMLEY HILL: A very great deal of difference.

The PREMIER said he did not see the difference. A coach-driver might overturn the coach and kill all the passengers, and his master would be responsible. He did not see the difference. Or a man, say, was employed in building, and he employed a man to put up a scaffolding. The employer might think he knew how to do it, and he might not, and the scaffolding might fall down and men be killed, and the employer would be liable. There was really no difference in principle.

Mr. LUMLEY HILL said he saw the greatest difference. An engine-driver was a skilled mechanic and a coach-driver was not, nor had he to serve an apprenticeship. Nine out of ten men in the bush could drive coaches, and anyone could drive a 'bus judging from the way they were driven in Brisbane. Plenty of people could give an opinion as to the proper qualifications for a coach-driver, whereas there were few able to judge of the skill of a mechanic, and they were therefore entirely dependent upon the representations of other people. He could tell whether a man could drive a coach or not very soon, but he could not tell whether a man could drive an engine or not.

The PREMIER said he had a verbal amendment to move in accordance with the suggestion of the hon. member for Bowen. He moved the insertion of the word "vehicle" after the word "machinery," in the 4th line of the clause.

Amendment agreed to.

Mr. GRIMES said he still thought, as he had pointed out on the second reading of the Bill, that it was imposing too great a liability upon employers to make them answerable for the carelessness of a person they employed in the belief that he was a competent man and fully able to carry out his work. They had not the choice of good, steady, and efficient men in the colony as they had in the old country; and while a Bill of that sort would not press hardly upon employers there, it might press very hardly upon employers in Queensland. He believed that the Bill would be more of a help to the accident insurance societies and to lawyers than to the employés. The hon. member for Burke the other evening gave them some statistics with reference to the working of the Bill in the United Kingdom, and showed from the statistics that the employés did not get but a very small percentage of their claims, but he failed to tell them what the lawyers got out of it. He believed that if the Bill passed the lawyers would get a large amount of money out of employers of labour in the colony.

Mr. BUCKLAND said he thought it was a good thing that there were such institutions as accident insurance companies, and that it would be wise on the part of employers of labour—agricultural or mechanical—to make it a condition that all their employés should insure against accident; and if hon. members would read the new clause which was proposed to follow clause 8, it would be found that that was provided for. He found that the accident policies provided that, on the payment of 6d. per week, in cases of accident the employé was entitled to receive £1 per week, for 1s. £2, and for 1s. 6d. £3 per week; and in the event of death from accident, within three months after the accident occurred, £100 would be paid. He thought the only way out of the difficulty was that a person employing labour should insure against accident.

Mr. LUMLEY HILL said he would refer to the new clause to follow clause 8. He found it said :—

"If the employer has contributed not less than one *third* part of the premiums payable in respect of the then current period of such policy, the amount receivable by the workman under such policy shall be deducted from any compensation which would otherwise be payable to the workman under this Act."

From that it appeared to him that the employer had to pay twice over.

Mr. BUCKLAND said that, if the employer paid one-third of the premiums, the amount receivable by the workmen under the policy was to be deducted from the compensation which he would otherwise get.

Mr. DONALDSON said he would remind the hon. member that it frequently happened that men were only employed for a week or two weeks altogether. It was not likely that an employer was going to see that all his men were insured, and pay a portion of the premiums, when sometimes a man might not be employed for more than a week or two before he would be found incompetent and be discharged. It was not likely employers were going to take any more burdens upon them than they had at present. They had got quite sufficient already.

Mr. GRIMES said the hon. member for Bulimba stated that insurance companies were only liable for the year after death, but, under the Bill, an employer would be liable for the amount of a man's wages for three years after death.

Mr. PATTISON said that the Bill injuriously affected the rights of labour, and altogether disregarded the rights of capital. Employers had sufficient to contend against already in regard to labourers without a Bill of that sort. He employed a large number of hands, including mechanics, and it was very hard on him, after using every effort to secure competent workmen, that he should be held responsible for their carelessness. The Bill would have the effect of preventing people from launching into enterprises into which they would otherwise go; instead of doing good to the labouring classes, it would do much injury, for employers would necessarily have to surround themselves with safeguards if they meant to follow up the enterprises in which they were engaged. It was stated by the Minister for Lands that the A.S.N. Company should be responsible for the wreck of the "Ly-ee-Moon." He (Mr. Pattison) did not care what laws were passed, it was impossible to make the company liable for such an act as that. Captain Webber was supposed to be a skilful commander, but it appeared like a wilful act, and it would be wrong to hold the company responsible for his default at that moment, no matter how the wreck was brought about. It had been pointed out that, under the existing law, employers were responsible; if so, they might leave matters as they were and let each protect himself in the best way he could.

Mr. LUMLEY HILL moved, as an amendment, that subsection 2 be omitted. He objected to the second-hand liability imposed by providing that because a man happened to be an employer he should be responsible for the negligence and carelessness of the men he paid pretty well to look after his interests and the safety of other people.

The PREMIER said he did not propose to discuss the amendment at length, but to remind hon. members that every person who employed others took upon himself responsibility for any injury they might do while so employed, except as regarded servants. Every man was responsible for the action of another whom he employed, and the Bill was introduced simply to remove the exception relating to workmen. In other respects it imposed no new liability. It was a universal rule that every man was answerable for the actions of his servants, with the exception of those for whom the Bill was intended to provide.

Mr. LUMLEY HILL said that if the Bill passed in its present shape servants would not have any interest in looking after their overseer. At present, as they were liable to suffer the consequences of any accident, they would take care to report him to their employer if they saw he was incompetent or careless.

The PREMIER: That is provided for in the next clause.

Mr. LUMLEY HILL said it was a most curious Bill. He was continually being referred to another clause.

The PREMIER: Why don't you read the Bill?

Mr. LUMLEY HILL said he had read it; but it would take a Philadelphia lawyer to understand it.

Mr. CHUBB said that if subsection 2 were omitted it would be useless to retain subsection 5.

The PREMIER: They want to strike it all out.

Mr. CHUBB said he would read part of a judgment recently delivered in England, showing the position of the employer if the Bill should not become law. In delivering judgment the judge stated how the law stood prior to the passing of the Act, as follows:—

"A servant might have sought redress from his master for personal injuries, subject to any defence the master might set up, in the following cases:—1st, for injuries sustained by the servant by reason of the negligence of the master himself; 2nd, for injuries sustained by reason of the negligence of a servant acting within the scope of the master's employment; 3rd, for injuries sustained by reason of the master having negligently provided defective or dangerous implements or materials."

Mr. HAMILTON suggested that the objections of several hon. members might be removed by substituting the word "incompetence" for the word "negligence." No matter what precautions he might take he could not be responsible for negligence, but he might be made responsible for employing incompetent persons.

Mr. MIDGLEY said that if it was desirable to pass the Bill at all it was necessary to retain the 2nd subsection of the clause. He took it that the object of the Bill was to give a person injured through the culpable negligence of employers a simple and expeditious way of obtaining some sort of redress; and if the subsection were omitted it would probably be almost impossible to fix the responsibility on employers or anybody else. Employers would get out of their responsibility by saying, "I engaged a competent man, and that competent man reported so-and-so to me." They were there to consider the cause of men who were maimed and injured and killed in the service of employers who were far better able to bear the consequences of these things than the men were. If it were desirable that an employer should protect himself, there was reason in doing that. But if the clause were taken out of the Bill it would be impossible to fix the responsibility. It would be a serious mistake to omit it. There might be difficulties in the way, but if the clause were omitted he could not see that the Bill would be of much use. He regretted the turn the discussion had taken, and if hon. members would look at it in his light they would see that the object of the Bill would be destroyed by the omission of subsection 2.

Mr. KATES said he was sure that if the hon. gentleman at the head of the Government had looked at the matter more carefully he would have seen that the Bill would check private enterprise and the establishment of industrial institutions. They had not so very many industrial establishments that they should introduce a Bill like that. If he had an engine-driver he should take care that he was a competent man, and that was all he could be expected to do; and if that man happened to make a mistake and an accident occurred, he did not see why he should be liable, perhaps to a considerable degree. He had begun to see that the Bill was not wanted in a colony like that where capitalists might be driven away through the fear of being liable to pay a levy damages for an accident to one of their employés. He was sure that the hon. gentleman must admit that the Bill would have a tendency to check enterprise in the colony, because capitalists would hesitate before they established industries with such a Bill before them.

The PREMIER said that was what was said for years and years in the House of Commons, and was a high old Tory argument used year after year, and for a long time it was successful. But now it was no longer successful, and he did not suppose that anybody in the House of Commons would venture to use those arguments any more, because the law had been in force for many years, and none of the predicted evils have come about. That was the result of experience. He confessed that he was surprised at the opposition to the Bill, and especially to hear the strange Conservative arguments that had been used. If they had been used in regard to a new idea, that had never occurred before, and had never been adopted in any other country, he could have understood it. The question had been fought over and over again in different parts of the world, and it was as certainly going to be law here—whether it became so this year or next—as manhood suffrage and representative government.

Mr. NORTON said he thought the Bill would be spoilt if the subsection was omitted, and he thought a proviso might be made by which, if an employer could prove to the satisfaction of the court that he had exercised proper precautions in engaging an engine-driver, he should be exempted.

The PREMIER: Why an engine-driver more than a coach-driver?

Mr. NORTON said anybody could be a coach-driver who could hold the reins. But, with regard to the position of affairs here and at home, it must be remembered that there was a difference. In England it was quite possible for an employer to go and find out whether the

men he employed were competent or not. He could find that out there, and could have his work and machinery inspected whenever he chose, but here he could not do it. For instance, in the country, where engines were employed for different purposes a long way from towns, it would be quite impossible for anyone to have an inspector at beck and call, whom he might employ to ascertain whether a man was competent or not. It had actually been proposed, only a short time ago, and urged as a matter of necessity, that the Government should have inspectors of boilers in all parts of the colony. It was assented to by the Colonial Treasurer, who thought it would be desirable that the Government should have such officers. The object of having them was not altogether to see that the work connected with the engines was properly carried out by the employers, but that the men employed were themselves competent to do the work for which they were engaged. For that reason he thought they ought to be careful in passing a Bill of that kind to see that protection should be given to the employer as well as the servants. For his own part he wished to see the Bill pass, and that protection given to the servants which every employer ought to give without an enactment to enforce it. He thought the arguments used by hon. gentlemen opposed to the Bill had very much weight, and ought not to be passed over without due consideration. He was inclined to think that if the Premier pressed the Bill through without giving consideration to propositions of that kind it was possible that it would be spoilt.

The PREMIER: I will not consent to any proposition having for its object the spoiling of the Bill.

Mr. NORTON said he did not know whether there was a majority in the House against the clause or not; but he certainly should like to see the subsection passed as it was, with some provision made for the protection of employers who took every precaution in their power to see that the men they employed were competent.

Mr. LUMLEY HILL said they were asked by the Premier to pass the Bill, because it had been passed in the old country, but they did not adopt all their laws. They were here to make laws for themselves which were necessary for the protection of their fellow-creatures. He held that the Bill was unnecessary, and too harsh altogether upon employers. They wanted employers as well as employés—money as well as men. They could not get people to enter into enterprises in a country like this, where they had not the same pick of labour and machinery as they had in the old country, if they passed such a Bill. What was suitable for the old country might not be suitable here, and he really did not think there was the slightest demand for the Bill to be brought in at all. He thought the lawyers would do much better out of it than the employés, and the only people who were likely to suffer were the employers. He did not want to spoil the Bill, but he wanted to take out those parts which pressed unfairly heavily upon employers of labour.

Mr. ANNEAR said that up to the present he had made no remarks in reference to the Bill, but he had asked himself the questions, "Who wants the Bill? Who has asked for it? What part of the colony asked for it?" He was certain it was not his constituents. He had heard no person there ask for the measure, but he had heard that there was to be a very comprehensive lien Bill introduced to secure the payment of wages to workmen from the same source that the present Bill emanated from. If hon. members would read subsection 5 they would see that the country would have to pay far more for the construction of its railways than heretofore. He did not think that any contractor would be free to tender under a clause of that kind. The hon. Premier had stated that they took a very high old Tory standard for their views. Those were old Tory days, but they were past. There were not many Tories in Australia just now. Almost all the men of energy in these colonies became employers of labour, and he always found that men of energy and intelligence provided for matters of that kind by joining insurance companies. Thousands and thousands of men in the colony were members of insurance societies, such as that which had been mentioned, and no doubt the debate was a splendid advertisement for those and friendly societies. He did not think that the Bill was at all required. It would trammel capital in every way and enterprise of every kind. They had had a good many things heaped up one on top of the other lately. There were very bad times in places outside of Brisbane, and he did not think they should make things really worse than they were. He did not like the Bill at all, and with the exception of one deputation that was led by a prominent citizen in Brisbane—everything he agitated for did not contain very much—with the exception of that deputation he did not know of any community in the colony that had asked for a measure of that kind. If a workman came to him or any other employer and asked for a job he had sufficient intelligence to know whether that work was suitable to him or not, whether the scaffolding was strong enough to carry him, and so on; he entered into a bargain with his eyes open, just as a man would go and make a purchase. A man in hiring out his labour had skill enough to know whether the labour would suit him or not. If it was not suitable he would not take it. If the Bill was to be passed at all he hoped to see it very much altered indeed. The lawyers had got the best of it so far, and they would get a great deal more if the Bill became law in its present form.

Mr. BROWN said the principle of the Bill had been affirmed at the second reading, and he for one was really anxious to see it go through, but he did not think the Chief Secretary should object to receive a slight modification. It was not absolutely necessary that the Bill should be in exactly the same form as the English Act. It was an experiment to some extent, and a very slight modification would not hurt it. They had had a very good suggestion from the hon. member for Cook, to omit on line 14, subsection 2, the word "negligence" and insert "incompetence." That was a very fair amendment.

The PREMIER: That would make nonsense of it.

Mr. BROWN said if an employer took care to have competent men that was all he could be expected to do.

The PREMIER: A competent man may do anything he likes—go away, or go to sleep.

Mr. BROWN said then he would not be competent. If a man got drunk or went to sleep, he should say he was not competent.

Mr. LUMLEY HILL said that when the hon. member for Townsville had been in the House a little longer he would find that very few Bills passed their second readings flying which were not very much altered in committee.

Mr. BROWN: In detail?

Mr. LUMLEY HILL said detail was everything—that was the whole of it. There was a little detail in the Bill which he wished to alter. He wished to strike out little detail No. 2.

Mr. MIDGLEY said there was such a thing as employés engaged in superintending other employés. There was such a thing as their being negligent, knowing that that negligence would be pleasing or profitable to those who employed them; and they often adopted a speedy way of doing their work in order to secure to the employer some advantage or gain. He had seen that kind of thing in iron foundries. He had seen the foreman of works when a belt had to be put on the shaft hardly allow the engine to be stopped to accomplish it, and the consequence might have been that the man who had to do the work might have had his arm so injured that it would require to be amputated, and then he might have lost his life. There were cases of that kind—men in positions of responsibility doing certain things which endangered the lives or limbs of other men, because they knew that it would be pleasing to their employers, and procure them some advantage if they did their work expeditiously. Allusion had been made to the A.S.N. Company. He maintained it would have been an advantage and blessing to colonists if the A.S.N. Company had been made responsible for the accidents of their servants. Captains of their ships did certain things—they took short cuts to try and make quick voyages, because they knew it would be pleasing to make rapid voyages. It would have been a grand thing for the colonies if they had been made responsible for every package of cargo they had lost through the negligence of their servants.

An HONOURABLE MEMBER: What about the lives?

Mr. MIDGLEY said he was talking just then of property. There had been many cases in which people had had their goods damaged or lost altogether through the negligence of the servants of that company. He was perfectly certain the more he listened to the debate that if that subsection were taken out the Bill would be of no use. He was surprised at the hon. member for Maryborough—whom he knew had good sense in those matters—asking where the agitation for the Bill had sprung from. They did not expect any agitation over a Bill of that kind. It was not found that a multitude, in their strength and vigour, agitated for things which would only be of benefit to a few. They were there to legislate for those who would be victims of someone's negligence, and the sooner the Bill was made the law of the land the better for every one.

Mr. GRIMES said he could not think the hon. member was warranted in making the statement that employers in this colony would be pleased to see one of their employés acting carelessly to push on his work. He could not think that any employer would be so regardless of the claims of his fellow-creatures for his protection and care as to encourage an overseer in that.

Mr. HAMILTON said he could not see what objection there could be to the introduction of the word "incompetence" in place of "negligence" in the 2nd clause. The Premier said that would be simply nonsense, but he (Mr. Hamilton) could not see it. He could not see why an employer should be mulcted if he took every precaution to get a competent man to do the work he was engaged for. If he did not take that precaution, then of course he should be liable; but if he had taken due precaution he should be no more liable than he would be under the 1st clause. Under that clause he would not be liable, provided he took due precaution that the machinery and plant were good; and so it should be in this case. If it was right that an employer should be punished because his employé was negligent, then by the same reasoning he should be liable if the employé were guilty of a malicious action—if he went and knocked one of the other employés on the head.

On the motion of the PREMIER, the House resumed; the CHAIRMAN reported progress, and leave was obtained to sit again to-morrow.

ADJOURNMENT.

The PREMIER said Mr. Speaker,—I move that this House do now adjourn. In accordance with an earlier resolution, the House will stand adjourned till half-past 5 o'clock to-morrow. I wish to remind hon. members that it will be necessary to make a quorum before 6 o'clock. My hon. friend the Colonial Treasurer will then make his Financial Statement, and after that it is proposed to resume the consideration of the Employers Liability Bill.

The House adjourned at five minutes to 11 o'clock.