Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 21 SEPTEMBER 1886

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LEGISLATIVE ASSEMBLY.

Tuesday, 21 *September*, 1886.

Petition.—Motion for Adjournment—Valuation of Improvements on Runs—Importation of Javanese.—Question.—Petition.—Formal Motions.—Quarantine Bill—second reading.—Crown Lands Act Amendment Bill—second reading.—Divisional Boards Bill No. 2—committee.—Adjournment.

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

PETITION.

Mr. FERGUSON presented a petition from residents in the town and district of Rockhampton, praying for an extension of tenure for pastoral tenants, and for fixing a limit to their rents; and moved that the petition be read.

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

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

MOTION FOR ADJOURNMENT.

Valuation of Improvements on Runs.—Importation of Javanese.

Mr. MURPHY said: Mr. Speaker,—I have a matter I wish to bring under the attention of the House and of the Government, and particularly of the Minister for Lands, and in order to do so I shall conclude with the usual motion for adjournment. The gist of the matter I have to refer to is contained in a letter which I now hold in my hand from a constituent of mine. It refers to the valuation of the improvements on the Malvern Hills Run on the Barcoo, in the Mitchell district, near Blackall, and is to the following effect:—

"Dear Sir,—Our manager has been recently attending the Land Board at Rockhampton in regard to the assessment of the value of improvements, and this is what he says:—'Land Board.—This court is not very satisfactory in so far as value of improvements is concerned. They get their surveyor's and land commissioner's valuation as against the lessee's, and the result is that one has to take what they can get. Let me give you an example of what occurred in our valuations, and from it you may gather the incongruity of the proceedings. The commissioner valued a certain cattle-fence at 8s. 6d. per rod; after a lengthy contention, I asked him if he would swear that to be the real present value. He then stated that his own opinion was, it was worth 20s. On being asked for an explanation by the board, he stated *that all his values were made out under instructions from the Under Secretary for Lands*. I asked for a copy of these instructions, but failed to get one. Under the circumstances I informed the board that it was needless for me to argue further on the value of improvements tendered by their commissioner. They concurred in this, and afterwards struck values that I accepted. The statement made by the board'"—

This refers to another matter—

"'that all improvements are subject to a deduction of 7 per cent. per annum is a most serious matter, and will have to be brought under the notice of the Government. It may *transpire that even the board are taking instructions from the Minister; that would be quite contrary to the spirit of the Act*. From what I have written I do not wish you to infer that the two members of the board are trying in any way to be unjust. I consider that we have been fortunate in getting two such men as Messrs. Sword and Deshon.'"

I considered it my duty, upon getting this letter, to bring the matter before the House in order to afford the Minister for Lands an opportunity of denying what it says. My own impression is that this gentleman has had no instruction of any sort, kind, or description from the Under Secretary for Lands, or from the Minister. I am perfectly satisfied he has not; but at the same time it would be very wrong to allow an imputation of this kind to go abroad without some public contradiction. With regard to the second portion of the letter referring to the deduction

of 7 per cent. per annum from all improvements, I consider, as well as the writer of this letter, that it was a very important matter, because 7 per cent. might be a very fair deduction from a perishable improvement, but not from an imperishable improvement, and one that increases in value the longer it stands the strain of weather and flood. The longer that improvement stands the more consolidated and the more valuable it becomes. I refer to water improvements made upon runs. If the improvements upon the leased portions of the runs, when their tenure expires, are to be valued in the same way that the improvements upon the resumed portions are now being, it simply amounts to this: that on that part, in fifteen years, the pastoral tenant will be 5 per cent. indebted to the Government, because it would amount to 105 per cent.—leaving the improvements utterly valueless to the lessee; that is, they would have become worn out, so far as their value was concerned, by effluxion of time. I would like to know if the board has instructions from the Minister to take off 7 per cent. per annum from all improvements, or if the board have done so merely of their own accord. I beg to move the adjournment of the House.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Mr. Speaker,—The board get no instructions from the Minister. They are guided entirely by the spirit of the Act, and the letter that the hon. member has just read out must, I think, appear to any ordinary man as being a blundering concocted thing, inasmuch as it says that the commissioner is directed to put certain prices upon material by the Under Secretary for Lands, when that officer has never seen or heard anything about it. The commissioner puts the value upon those things; he acts as his judgment directs him, and submits his valuation to the board, and when the case is heard, for deciding the value of those improvements, the lessee has an opportunity of stating what his value is. The board then come to a decision between the two—the statements that are made, one by the commissioner, which he has to maintain by cross-examination, and one by the lessee, and any witnesses he can bring in to support his view of the case.

Mr. MURPHY: What about surveyors?

The MINISTER FOR LANDS: They are in the same position. They get no instructions whatever excepting instructions for surveying. They are required to send in their valuations for improvements, stating the nature of the improvements, so that we may be able to judge whether the values that they put upon them are fair. The surveyors are not men, as a rule, who can give information about the value of improvements on stations; many of them have no practical knowledge of the work, and a great many have very little. I know well, in many cases, I have had to send their reports back to the Surveyor-General and ask him to give the details of the boards, so that I might be able to judge whether a valuation was a reasonable one or not; and the board also have an opportunity of doing that themselves. At all events, one member of the board is a man of considerable practical experience in station work, and knows the value of that work if he gets the details and description of it, as well as the man who put it up—just as well. As to the depreciation from year to year, it, of course, is part of the board's work to determine what the value of the depreciation will be. The board, I can assure the hon. gentleman, are independent gentlemen to whom I should never think of giving any instructions in any case outside matters of administration, and work which falls under my own charge. I may point out my views to them, as I have informed this House before; but when a recommendation for a division comes in, or when any valuation comes in, I go through that myself, and point out to the board what my views of the recommendations are. I also let them know what my views are on the valuation of improvements as given in detail by the commissioner. But the board take their own course. Mine is simply an expression of opinion, and I give it to them because I have a practical knowledge of the subject extending over thirty or forty years. The board, of course, take that as an independent expression of opinion from me, and I am perfectly justified in giving it to them. The board, of course, use their own judgment, and determine the value of the improvements and the amount of depreciation; but I certainly do not think that they have made it a general rule to deduct 7 per cent. off the value of all improvements—such as wells, for instance. I do not think there is no depreciation in those, inasmuch as they may run dry. Some dams also depreciate more rapidly than fences do, inasmuch as they silt up more rapidly than fences decay; so that this 7 per cent. depreciation on dams, which the hon. gentleman laid considerable stress upon, is by no means an extreme view to take as against the lessee. In some cases the depreciation would not be so great, but that would be a very fair deduction, taken generally.

Mr. LUMLEY HILL said: Mr. Speaker,—I certainly think that the member for Barcoo was quite right in calling the attention of the House to these reports that are going about, and we are entitled to some explantion from the Minister on the matter, because there is no doubt that a great deal of discredit has been thrown upon the position of the pastoral tenants, and it is as well that we should clearly understand what is going on between the Minister, the board, and the commissioners. If the statement as read by the member for Barcoo is true—if the commissioner—I do not know who he is—said these things on oath in open court—that he had these instructions—it is a most extraordinary thing for him to state. If he had no instructions, either written or verbal, and could change his valuation from 6s. 8d. to £1 all at once, that is a very extraordinary and very material point. The Minister has told us that he has given his own opinion as to valuation and also as to improvements, and, with all due courtesy to him, I think it would be just as well if he imparted none of his views to the board, so that they may be kept a fully independent board, as was the wish and intention of the House at the time the Act was passed. With regard to the dams, I am perfectly aware that dams do silt up, but I am also aware that people who value their dams and who are dependent entirely upon them take measures to clean them out occasionally and stop them from silting up; but I think if this 7 per cent. is to be taken as a fair depreciation it will have the effect of people allowing their dams to silt up—certainly towards the end of their period, if they are not to get any compensation for them. I think myself that this is a most important matter that the hon. member for Barcoo has brought forward, and I am glad for the little glimpse of light that has been thrown upon it by the Minister for Lands. The sooner these things are thoroughly ascertained and clearly established throughout the country the better it will be for all parties concerned. I have no doubt of that.

Mr. HAMILTON said: Mr. Speaker,—There was one portion of the explanation of the Minister for Lands which was very unsatisfactory, and that was the explanation he gave us in connection with one feature of the Act which was considered the strongest when it was

introduced, when this House was informed that the board would not be interfered with in any way whatever. Now the hon. gentleman has admitted that he has given an expression of opinion to them after the commissioners have furnished their reports. As a matter of course, he would only give that expression of opinion in order that it might affect the decision of the board. I have no doubt that whatever expression of opinion he gave would be a conscientious expression; but at the same time it must be remembered that commissioners are forbidden to take the opinion of outsiders. They are expressly prohibited from taking an expression of opinion from outsiders on the ground that it might bias them in some way, and for that reason alone the Minister, above all, should not be allowed to give an expression of opinion, because, although he states it is independent, it would be more calculated to bias the board than any expression of opinion from an outsider.

Mr. NORTON said: Mr. Speaker,—I think the subject which the hon. member for Barcoo has brought before the House to-day is one of very great importance, and I think, although the Minister himself desired to treat it fairly, that he made a mistake in using the word "concocted" in referring to the letter which was read by Mr. Murphy. I do not think there is anything in that letter which would lead to the opinion that it was "concocted." I believe, at any rate, there is evidence in the letter itself that the writer was certainly under the impression that what he was writing was true, and I believe the hon. member for Barcoo had good reasons for thinking it was true.

The MINISTER FOR LANDS: He did not give the name.

Mr. NORTON: I thought the hon. member did read the name. The hon. member gave the name of the station, and I thought he gave the name of the owner. Now, with regard to the letter, of course the Land Board are quite right in deducting something for the value of the particular class of improvements referred to, according to what they are worth, but if the statement made by the commissioner is true that certain fencing was worth £1, I do not see why any deduction should be made from that—that is that it was worth £1 at the time. With regard to what has been said about dams, of course we know that a great many of these dams do silt up, but it does not follow on that account, Mr. Speaker, that they are not greater in value than fences. Fences, we know, decay and become utterly useless, but dams can be cleaned out at much less expense than the cost of making new dams. If a dam is cleaned out, even if dry it is of as great value as a full dam.

The MINISTER FOR LANDS: Not quite.

Mr. NORTON: The hon. member says "not quite," but he mixes up two things together. He attaches the value of the water to the value of the dam. The water has a value of its own. It is of no value without a dam to hold it, and of course if a dam is made so expensive that it will hold water permanently, it is of more value than one which will not hold water permanently, but the cost is the same whether permanent or not. In treating of a matter like that, hon. members should keep the two things distinct in their minds. The value of the dam itself is one thing, and the value of the water contained in it at the time is another, because if we are going to value a dam merely because it happens to be full of water at the time, a new dam would be worth nothing. I think in making these valuations it should be borne in mind that dams, and tanks, and wells, and all water improvements are in some cases, at any rate, permanent improvements, and if they are kept clean they are of as great, if not greater, value in ten years' time than they are when first formed. I think it a very desirable thing that the point raised by the hon. member should be brought before the House, but there are other matters connected with the working of the Land Act which I think it desirable to mention now that the subject has been brought forward. One is in respect to the division of runs and the, as I call it, improper treatment, or want of courtesy, shown to the lessees of those runs. When a run is to be divided, the commissioner, as he rides over it to inspect it, is not allowed to make any statement to the lessee in regard to what he proposes to carry out in the way of a division of his run. He inspects it for himself, arrives at his own conclusion, and sends in his report to the Minister for Lands in which he suggests what division should be made. That report is then sent on to the Land Board and they deal with it. If the lessee of the run is not on his guard, or has no agent in town, he will not be informed as to when the decision is to come before the board, and he will know nothing about it until he sees the decision of the board in the *Gazette*. I do not think that is fair. There are a number of lessees who have no agents in town, and when their runs are to be divided they are under the impression that as soon as the commissioner's report is sent up to the board, and before they deal with it, they will receive notice of what the division is to be. I think they are entitled to that notice. When the board get the report sent up to them and find no objection made to the proposed division, they naturally assume that there is no objection to it on the part of the lessee. But the lessee has no opportunity of objecting, because he gets no notice of what the division is to be. It would not cost very much to inform all lessees as to what division of their runs is to be made in order that, when the matter comes before the board for decision, they may have a fair opportunity of making their objections. I think it very desirable that some such system should be carried out, as so many complaints have been made, and will be made, of the manner in which the work is conducted at present. There is one other matter to which I will refer, and that is in regard to the manner in which the area is calculated in the Survey Office. I know of one instance, and I believe there are others, where, when the land was brought under the Act of 1868, it was surveyed by the Government—not by the lessee—and when the survey was completed, the lessee was informed what the area of the land was. Since that time no survey has been made, and certain portions have been taken from the land in the way of reserves and selections, and the area has thus been reduced very considerably. When the lessee brought the run under the Act of 1884, he found a very much larger area stated, an area that he knew was not there. When he came to make inquiries at the Lands Office, he found that in the Survey Office they had computed the area on some system they had there, and in which they used an instrument known as the planimeter. By running round the artificial boundaries they computed the area of the run at so much. The lessee objected to this, and said he was quite willing to take the area given him as the surveyed area of the run from which was deducted the area of the selected lands and reserves, whatever that might be. The Minister for Lands acted quite fairly in the matter; as soon as he heard the complaint he said that the lessee was quite right. The result of the computation in the Survey Office was that one-sixth of the whole area of the run was added to the total area of it, and if the matter had not been put before the Minister for Lands the lessee would have had to

pay at the rate of £2 per square mile for the one-sixth added to the area of the run. I do not think that system should be pursued in the Survey Office. Where a run is surveyed, that survey should be taken as the basis upon which a division should be made, and if the Government are not satisfied with that the only way to arrive at a proper conclusion is to have a new survey made. Many lessees I know complain very much that the area of their runs is increased in a manner that they do not understand. I think it quite possible that some of them have been increased in the manner in which the area of the particular run I speak of was increased by one-sixth by the compilation, I may call it, in the Survey Office.

The MINISTER FOR WORKS (Hon. W. Miles) said: Mr. Speaker,—I am very much inclined to think that the correspondence which the hon. member for Barcoo has brought before the House has only discovered a mare's nest, because I hardly think it possible that any man of common sense would go into a court and value improvements, and when he was cross-examined say, "I valued these improvements under instructions from the Under Secretary at so much." I do not think it possible that any man would be so silly as to make such an admission. All I can say is that, if such is the case, I would ask the Minister for Lands to dispense with his services, and I think he would be justified in doing so. But I do not think anyone would be guilty of such an act. I think it will be admitted that the Minister for Lands should have some control over the commissioners. He has the appointment of them, and because he has the appointment of them he is responsible for their acts. All I can say is that if this commissioner has made the statement attributed to him I hope the Minister for Lands will dispense with his services straight away.

Mr. KATES said: Mr. Speaker,—The chief bone of contention appears to be the question of the depreciation of improvements. The writer of the letter did not say to what kind of improvements the 7 per cent. would apply.

Mr. LUMLEY HILL: To all improvements.

Mr. KATES: I do not believe it would apply to all kinds. It might apply to fencing and stockyards, but not to the conservation of water. As applied to fences I think the 7 per cent. would be a fair reduction, because it would imply that after fifteen years the value of fencing would be reduced by that amount, but if applied to works for water conservation I think it would be too much.

Mr. CHUBB said: Mr. Speaker,—Although the Minister for Lands says the introduction of this matter by the hon. member for Barcoo has led to the discovery of a mare's nest, one thing has become patent which, I think, certainly points to the fact that the Minister for Lands may be charged with grave impropriety in the administration of the Land Act. I give the hon. gentleman credit for the best possible intentions, but he will see himself, on further reflection, that what he has done in the matter of these valuations is undoubtedly contrary to the spirit of the Land Act. The hon. gentleman told us that when the commissioners' reports upon the division and valuation of station properties came into the Lands Office he went into these himself, and as he had had considerable experience in the valuing of improvements he gave the board the benefit of his experience. I recollect that when the Bill was going through it was strenuously urged, on that side of the House, that it was the aim of the Bill to make the Land Board an entirely independent tribunal. They exercise judicial functions, and it is contrary to the spirit of the Act to give them instructions of any kind. The Land Board, in deciding the value of improvements, act in a judicial character. They sit in court and take evidence on oath, and I say that what the Minister for Lands has done—I do not charge him with intending to do wrong—but I say that what he has done is entirely contrary to the provisions of the Act. He himself said that the commissioner assessed the value of the improvements, and had to support his estimate by cross-examination. The lessees and their witnesses also give evidence on oath as to the value of the improvements, and are also subject to cross-examination. Yet the Minister for Lands sends to the board, I suppose, a memorandum of his opinion upon the division of the run, or the value of improvements, as the case might be. Now, either the Minister intends the board to act upon that memorandum or he does not. He certainly must intend them to have some regard to it. If he wishes them to pay no regard to it then the memorandum is a superfluity. But surely when a Minister goes to the trouble of furnishing a memorandum to the board he does it with some purpose, most likely with the intention that it should receive some consideration. It must not be forgotten that the hon. gentleman, in administering the Land Act—the child of which he is the father—has a desire to make that Act a success, and he may perhaps be so carried away by that desire as to be led in a certain sense to endeavour—I do not say wrongfully—to do what he should not do in particular cases. That is not right, and ought not to occur, because the Minister for Lands is in a sense giving evidence, not on oath, by furnishing these memoranda, and the lessee has no opportunity of cross-examining him. I do not know whether the report or memorandum of the Minister is public property at the meetings of the Land Board. I have attended some of their meetings, and I will say that they conduct their proceedings in a perfectly decorous and judicial manner. They hear evidence on oath from both sides, each party cross-examines the witnesses, and the right of re-examination is also allowed both. The board themselves put such questions as they think are necessary, and then give their decision, and in some cases in which I was interested their decision was perfectly fair. But I never saw or heard of the Minister having made any report in those cases. If there were any I would have been very curious to see them. These reports either have some influence on the board or they have not. If they have an influence on the board, then the board ought not to have them; if they have no influence on the board then it is a work of superfluity on the part of the Minister to make them; and in either case the practice ought to be discontinued.

The MINISTER FOR LANDS said: Mr. Speaker,—I would ask the permission of the House to say a few words in explanation.

HONOURABLE MEMBERS: Hear, hear!

The MINISTER FOR LANDS: The hon. gentleman who has just spoken has called in question the propriety of my expressing an opinion to the board upon the work done by the commissioners. This is a matter on which I am a little sensitive. As to the hon. gentleman's interpretation of the law, I leave that to him and the other lawyers. I interpret the Act in the way I think right, and do not go to the lawyers for an opinion. The hon. gentleman, and, I suspect, a good many other hon. members, hardly understand yet the *modus operandi* of the Act. The commissioner has to inspect a run and report upon that run in detail, upon each block, every particular part of the run, and describe all the natural features of the country. Any man wh o

has a practical knowledge of the value of station properties will, of course, be able to act on that description of the run, as from it he will have in his mind's eye the whole or part of the run as the case may be. Some of these reports are very lengthy, and occupy ten or fifteen pages of foolscap. In a lengthy description like that a man cannot always carry in his mind so fully as could be desired the advantages or value of the different blocks of country he has described, and when he comes to make the division he may probably make it too severe one way or the other—either too severe for the pastoral lessee or not sufficiently favourable to the public. Going through that report any person acquainted with such matters would naturally be able to point out where the commissioner has probably erred in the final recommendations he makes as to the division of the country he has described. I, having read that description, point out to the board where I think the commissioner has erred in some of his final recommendations, or that the division is not in accordance with the description he has given. I simply draw the attention of the board to that particular point, and I think I have a perfect right to do that, as the board are not as sharp at it as I am, who have spent thirty or forty years in the country, and directed my attention solely to that sort of work all my life. If they choose to act upon that opinion, well and good; it helps them along, in the same way as the hon. member for Bowen helps the judge to elucidate certain parts of the evidence in a case.

Mr. CHUBB: In court.

The MINISTER FOR LANDS: In court. Just so, and my opinion given to the board is practically public property. It is attached to the commissioner's recommendation when it goes down to the board, and is available to anyone who chooses to call for it. The board sometimes act upon it, and sometimes they do not. In reference to improvements on a run, the commissioner, in describing a fence, for instance, gives the dimensions of the posts, the number of wires, the depth of the posts in the ground, the number of years the fence has been up, the width the posts are apart, the kind of country they are in, and then he gives in his report—his estimate of the value of the fence. In some cases surveyors, of whom I am now speaking, put too high a value on a fence, and in others much too low a value. Their report is then sent back to them, and they are asked whether they cannot obtain any other information of a more reliable character, and in some instances they reply that as far as their judgment carries them the value they have given is the value of the fence. I then point out where the surveyors are wrong, and having that information, the board can ask for further information from the lessee, and they sometimes do so. If the lessee can show from his own knowledge, or by his witnesses, that the value put upon the land by the surveyor is excessive it is all the better for him. But I maintain that it is my duty to point out to the board anything I think incorrect or imperfect in the information supplied by the men who are under my direct control. That is the position I have taken, and I contend that it is a position I am entitled to take up, as I am responsible for the reliability of the information furnished to the board by those officers, and if that information or their conclusions be not correct, it is my duty to point out to the board where their conclusions are incorrect and where an excessive valuation or otherwise has been put on the improvements which they have described in detail. The hon. member for Darling Downs has said that there is no depreciation of water conservation works, that a dam once erected is a good dam for all time. I have seen cases in some of the Western country where, in the course of two or three years, dams have been so silted up as to become beds of mud.

Mr. KATES: Those are not dams.

The MINISTER FOR LANDS: They were dams at one time, but they have become silted and cannot hold water now. Surely there is depreciation there. If a value had been put upon those and maintained throughout, the lessee would make a very good bargain indeed. That is not the case in all dams, although all are liable to silt up.

The HON. J. M. MACROSSAN said: Mr. Speaker,—In respect to the long explanation of the Minister for Lands, I think he has taken a very mistaken view of his duty. I believe he has no right whatever to attempt to influence the Land Board in any way, even although he thinks that in doing so he is simply correcting a mistake of his own officers. The hon. gentleman tried to get out of the difficulty by asking the hon. member for Bowen whether he would not endeavour to assist a judge in elucidating the evidence in a case in court. The hon. member would no doubt do so, but it would be in the interest of his client. It would be a much fairer analogy to ask how would a judge sitting on the bench take an admonition of that kind from the Attorney-General in a case in which the Attorney-General did not appear himself, given simply because he happened to be a lawyer, and the judge was also a lawyer? The hon. gentleman simply runs away with the idea that from the experience he has had in squatting pursuits and matters connected with the land it is his duty to give his opinion of the recommendations of the commissioners to the board. He has no right to do that; none whatever. I recollect that when the Land Bill was going through this House the hon. gentleman expressed the opinion that this board was to be an independent board—an independent judicial tribunal, free from all political influence or bias of any kind; and here we have the Minister for Lands, the father of the Act, not only an active politician, but a known partisan, dictating his ideas as to the conduct of his own officers to the board. I say, Mr. Speaker, that his action is utterly wrong. If the members of the board have not sufficient knowledge and ability and judgment to decide these matters without the opinion given to them by the Minister for Lands, they are not fit to be on the board at all. I say they have that ability and knowledge; and therefore the Minister for Lands is doing a work of supererogation, a work which he has no right whatever to do—a work which no other Minister for Lands would do, and which he would not do only that he is the father of the Act.

Mr. DONALDSON said: Mr. Speaker,—The discussion which has taken place this evening will have the effect of enlightening the country on some points connected with the administration of the Land Act. It was explained over and over again when the Bill was going through that the members of the board would be left utterly untrammelled to do entirely as they thought best in the interests of the country and also of the pastoral lessees. Now, I do not question the acts of the present Minister for Lands; I believe he is actuated by a desire to act fairly. But let us take the case of a future Minister for Lands who may be very antagonistic to the squatters: that man might actually dare to give opinions on the work of his officers, and perhaps hold threats over them to make them act in a manner that would not be at all fair. After all, the real points are tried by the commissioners. They, in the first place, make the recommendation

as to the division of the runs; they recommend the rental that should be put on them, and they assess the improvements; and, in addition to all that, we have actually the Minister for Lands giving an opinion on acts that should be entirely outside his jurisdiction. My contention is this: that whilst the Minister for Lands has the right of appointing those commissioners, and ordering what particular district they should go to, and stating what part of the country he thinks is desirable for settlement, as soon as the instructions are issued to those gentlemen his duties should cease. Otherwise, how are they to be independent? We have a good deal to contend against, Mr. Speaker; we have not only the valuation of the surveyors, who are in many cases very incompetent—I can assure the House that in one case I know of, a surveyor, because he did not get his rations free on a station where he was to report on the value of the improvements, reduced the value of the improvements to an absurd degree. I can vouch for the truth of that—at least, I have information from a gentleman I have no reason to doubt; I actually saw letters that passed, which confirm his statement. There is, then, the surveyor first of all, then the commissioner, and then the Minister for Lands—all these sitting in judgment on the value of improvements that one of them at least has not seen; and next, after all that, it has to be tried before the board. Now, I think the proper course, Mr. Speaker, is, that after these gentlemen have been appointed they should be left entirely independent to make their reports. I have reason to believe that the commissioners would really be afraid to send in a conscientious report, and would give their report a political colour to please the head of the department; that is the fear I have. I am not questioning the honesty of the Minister for Lands, but if this course is pursued it is quite possible that in the future we may have a Minister for Lands in whom the country would not have confidence—in whom, at all events, the pastoral lessees would not have confidence; and they have quite sufficient to fight against at the present time, without having all these, I think unnecessary, inquiries into the valuation of improvements, the division of runs, and the rentals. All that should be left entirely to the board to decide after hearing proper evidence. Now, with regard to the depreciation in the value of improvements, there is no question that 7 per cent. is a very high rate under any circumstances—that is, if the improvements are any good at all. Fences will certainly last much more than fifteen years, unless they are made of very poor timber; and wire, I am quite certain, would last fifty years in the climate of the interior, where there is very little moisture. Even a small-number wire I have seen, after many years, almost as good as the day it was put up. Many hon. members who have only seen wire fences near the coast, where the damp, muggy climate causes a large amount of corrosion, believe that wire will not last long; but in the interior it will last a very long time indeed. As regards our timber, I believe it is not known yet how long some of it will last; we have not had enough experience. Take gidya, for instance. It is the opinion of many experienced men that it will last fifty years at least. It is not a question upon which I can pass an opinion, except that I am certain that it will last a very long time. With regard to tanks, it is quite possible that a tank costing £1,000 might be made, and not be filled for three years. It would not depreciate in any way; in fact it would be enhanced in value, and yet 7 per cent. per annum would be deducted. I cannot allow for a moment that that is a fair thing. Again, even if a tank does get silted up, it can be emptied for one-fourth or one-fifth of the original cost; it may have been made in very hard ground in the first instance, and the silt is of a very soft nature and easily taken out; in fact, there are appliances now for cleaning tanks at a very low cost indeed, as compared with the original excavation. No hard-and-fast rule, therefore, can be a fair one with regard to the depreciation in value of all improvements; no amount could be fixed which would be a fair one. Even with regard to fencing I think that 7 per cent. is a very high depreciation indeed; and with regard to water improvements I am certain it is absurdly high. The letter which has just been read by the hon. member for Barcoo is, I believe, an honest expression of opinion from the gentleman who sent it; and I am confident that this discussion will do a very great deal of good. It will show how certain things are being administered, and how it is possible that certain privileges may be abused in the future; and as we are on the eve of making certain amendments in the Land Bill, I trust hon. members will take advantage of the information for guidance at the proper time when the amending Bill is before the House.

Mr. SCOTT said: Mr. Speaker,—I think that when the remarks of the Minister for Lands go forth to the country they will have a very curious effect. He has stated that in his opinion even for dams 7 per cent. is not too great a depreciation. Now, sir, I would like to speak of the state of some dams which I know something about. I happened to be on the Peak Downs—the blacksoil country—in the year 1868, and I saw a very large and expensive dam which had been made four or five years previously. I saw that dam fifteen years subsequently—three or four years ago—and it was then about 30 feet deep and 300 or 400 yards across each way. Now, that dam has been constructed more than twenty years, and the probabilities are that it will stand a good deal more; but if it had been constructed, say, five years before the commencement of a fifteen years' lease, then allowing 7 per cent. per annum for depreciation, it would be something like 35 per cent. less in value than nothing. There is no doubt that a dam, so far from depreciating 7 per cent., will not depreciate one-fourth of that.

Mr. PALMER said: Mr. Speaker,—There is one matter to which the Minister for Works referred that struck me as being rather peculiar, and I hope the Minister for Lands will not carry out his advice with regard to the discharge of the commissioner who made his report to the board. I understand from the letter read by the hon. member for Barcoo that the commissioner stated upon oath that he received instructions from the Under Secretary to reduce the valuations 7 per cent. per annum.

Mr. MURPHY: No.

Mr. PALMER: I understood that he said he received instructions to value improvements 7 per cent. less each year. If those were his instructions, he has only acted up to them. I think the Minister for Lands has admitted a little too much this evening in saying that he gives the Land Board the benefit of his opinion, for I understood him to say, when the Land Bill was under discussion, that the board would be free. I look upon the expression of his opinion as tantamount to an order, and the board will look upon it as such. Otherwise, why should he lay his opinion before them? I do not know whether other hon. members were surprised, but I was very much surprised at the admission, after the Minister for Lands continually upholding independence of the board as the principle of the whole Act.

Mr. ANNEAR said: Mr. Speaker,—I wish to take advantage of the motion for adjournment to bring under the notice of this House, and especially the Government, what I consider a very important matter, and one that greatly affects the general interests of this colony. It was only the other day that we finally decided to prohibit the introduction of Indian coolies into Queensland; but what do we see at the present time? I shall refer directly to a telegram which appeared in the *Brisbane Courier* of Monday, and also one which appeared in the paper this morning. Now, the Javanese, Mr. Speaker, are as a people somewhat similar to the Indian coolie, and at the present time they are allowed to come into this colony without any regulations whatever. Our Polynesian labour traffic is carried out in Queensland under very strict regulations. A Government agent has to accompany every ship, and carry out strictly in accordance with the Act the regulations which have been supervised by the Chief Secretary. In yesterday morning's *Courier* it is stated that the British-India Company's steamer "Ellora" arrived at Cooktown at 9 o'clock on Friday night, and left again on Saturday morning. She had on board fifty-two Javanese for Mackay, twenty-two for Weary Bay, and twenty-seven for Cleveland Bay. The telegram from Townsville discloses a state of things which I for one hope will not be allowed to continue without some effort being made to regulate the traffic in a different way to how it is regulated now. This is the telegram appearing in this morning's *Courier*:—

"Townsville, September 20.

"It was reported that smallpox had been discovered on board the steamer 'Ellora,' which arrived from Calcutta and Singapore early this morning. On the health officer going alongside the vessel a clean bill of health was presented, and he proceeded on board, being followed by the Customs officer and a representative of the agents for the vessel. The 'Ellora' has for Queensland ports a number of Javanese, amongst whom Dr. Ridgley noticed a woman marked with an eruption which excited his suspicions, especially as he had been advised of an outbreak of smallpox in the Dutch dependencies in the East. After a consultation with the captain he ordered the vessel into quarantine, and the yellow flag was hoisted. The doctor then left the vessel, the Customs officer and agents' representative being compelled to remain on board. Dr. Ridgley has destroyed the clothes he wore while on the vessel, and fumigated himself, and returned ashore to obtain the opinions of other medical men. Doctors Frost and Van Someren went out with him and the suspected patient was carefully examined. The doctors, after consultation, arrived at the conclusion that the skin disease was of syphilitic connection. The vessel was accordingly released, and proceeded on her voyage south at 3 o'clock in the afternoon. Twenty Javanese for the Herbert River were landed here."

I am sure every hon. member will agree with me that this is a very important matter as affecting the interests of the working classes especially. Is Queensland to be inundated with Javanese the same as we thought at one time it was to be inundated by coolies? We see they are being brought here. There is no restriction; there is no examination; and here is a woman who by the evidence is suffering from a very dire disease. I hope the Government will take this matter into their very serious consideration, and do something at any rate to stop the introduction of these people. Let any hon. member go down Queen street at 2 o'clock in the afternoon and stand in front of the *Telegraph* office. There he will see 200 or 300 able-bodied men out of employment—not the class of men who will not take work when it is offered to them, but men who are able and willing to work, but cannot get employment in this city at the present time. I think I have done my duty in bringing this matter before the House, and especially under the notice of the Government.

Mr. MURPHY, in reply, said: Mr. Speaker,—I wish to say a few words with regard to the statement of the Minister for Lands, that he is in the habit of giving his opinion to the board with regard to the recommendation or the report made by the commissioner. There are other hon. members who know as much about squatting as the Minister for Lands, and I am quite sure I may say, without any egotism, that I know as much about squatting as he does; in fact, I think I have had a great deal more experience in squatting, and that I have had a great deal more to do with scientific squatting than the Minister for Lands—a great deal more; and I consider, and many other men who are experts in squatting consider, that the Minister for Lands is not a squatting expert; that he has never had the experience in developing the country the same as most of the foreign capitalists, as he characterises them, who have come into this colony with large sums of money at their back, and who are now improving the Western lands. These men are scientific experts in the matter, but men like the Minister for Lands, who took up the country originally and did the pioneering, for which they deserve every credit, never developed the country; that was all done by the men who came after them, the men who bought from the original holders. They are the men who are scientifically developing the country. With respect to the 7 per cent. upon the dams, the Government have brought in a Water Bill dealing with the conservation of water. In face of this they are inflicting a serious injury upon the class of men who are solving the question of water supply in this colony without any Government aid whatever. The western part of the colony is as dry a portion of the universe as you can possibly find; but thousands of sheep are being placed upon that land through the expenditure of money on water improvements by the men who now occupy that land. They have had no Government assistance in making these improvements, and are willing to go on making them without any all over the country. But the Land Board, by its action, is striking at the very root of those improvements—those national improvements—and at this development of the country in which they are engaged. If our improvements are to be subject to this 7 per cent. it will stop all water improvements in the West upon the leased portions of the runs; and the Government will very soon find that if this goes on they will have to start improvements of some kind or other to find food and employment for the men in the western part of the colony who will be thrown out of work. That will be the result. Perhaps I had better go a little more minutely into the history of the matter that I have brought under the notice of the House. In order to verify the statement of my correspondent, I interviewed the Land Board, and asked them to allow me to see a copy of the evidence taken in the matter of the improvements upon the Malvern Hills Run. I may say in passing that that letter was written by Mr. Stuart, the manager of Malvern Hills. I got a copy of the evidence, read it over, but found no reference whatever to the subject. I then told the members of the board what I was hunting for, and also told them the contents of this letter. On my asking why no reference to it appeared in the evidence, Mr. Sword, the recording clerk of the board, told me that every word of it was perfectly true, but that he did not put it down, although the evidence was taken on oath, because he did not think it was of sufficient importance—that it was in the way of conversation between the witness and Mr. Stuart who was cross-examining him. Such is the history of the case, and it proves that my correspondent is perfectly correct in

what he has said. I am very sorry that I have been obliged to refer to a Civil servant in this way. I would much rather have left his name out of the question, but if the Government will appoint incompetent men to do this important work there is no help for it. I may tell you, Mr. Speaker, that we are not afraid of competent men; it is incompetent men like this gentleman who gave his evidence in court that we are frightened of. I may as well give his name, because the Minister for Lands must know perfectly well to whom I am referring. It is Mr. Morrisby, the Crown Lands Commissioner at Blackall. If the Government will employ men who know nothing whatever about the value of fences or of dams, cases of this kind will crop up every now and again. With the leave of the House, I beg to withdraw the motion.

The PREMIER (Hon. Sir S. W. Griffith) said: Mr. Speaker,—Before the motion is withdrawn I should like to say a word with respect to what fell from the hon. member for Maryborough, Mr. Annear. But, first of all, with respect to the complaint of the hon. member for Blackall, I would say that it is of course utterly absurd that any fixed rule deducting 7½ per cent. per annum should be laid down. With regard to the commissioners, they are not all equally competent, and if the work should be entrusted to incompetent commissioners—if there are any——

Mr. MURPHY: I should like to say in explanation that it is not the commissioner who fixed the 7½ per cent—not the Government arbitrator or valuer—but the Land Board themselves who have finally decided to make the deduction.

The PREMIER: Very likely the board thought that in that particular case 7½ per cent. was a very fair deduction to make; but it does not follow that because they did so in one case they would do so in all. It is a question which will depend very much on the kind of work, and each case will no doubt be decided on its own merits. With respect to the Javanese, some time ago, when the subject was mentioned, I said that the Government then had the matter under their careful consideration and were endeavouring to get information upon it. It is not a subject on which we can rush into legislation on the spur of the moment. It is first of all necessary to have the fullest information to go upon. Just before leaving my office this afternoon I saw a reply that had been received from the British Consul at Batavia, but I had not time to read it through. I noticed, however, in glancing over it that the Dutch Government are extremely averse to this emigration, and that they are not likely to allow it to continue. That is all I can say on the subject at present, but I trust to be able to give the House some further information on a future occasion.

Mr. NORTON said: Mr. Speaker,—With the permission of the House I should like to say a word on this subject. I had intended to call attention to it after the motion of the hon. member for Barcoo had been disposed of. The fact I wish more particularly to refer to is, that Dr. Ridgley, the medical officer at Townsville, after seeing a person on board the steamer, who, he believed, was suffering from small-pox, insisted upon the Customs officer and the agent of the vessel remaining on board while he himself returned on shore. I ask if that is a proper thing for the doctor to do? When the "Dorunda" arrived in the colony with cholera on board, it was this same gentleman, I believe, who, after seeing the patients who were suffering from cholera, went on shore after examining them. No doubt he fumigated himself and burnt his clothes on that occasion also; but I call the Premier's attention to this fact because it seems to me that if other persons can communicate smallpox and cholera in that way doctors can do so as well; and although a doctor may fumigate himself, and burn his clothes after he gets on shore, he is brought into connection with the people in the boat before he gets there, who perhaps do not fumigate themselves, and burn their clothes as the doctor does. That is a practice which should not, I think, be allowed where contagious or infectious diseases exist. The doctor has no more right to go on shore than anyone else; and for that reason I had intended, when this motion was disposed of, to have called the attention of the Government to it.

Motion, by leave, withdrawn.

QUESTION.

Mr. ANNEAR asked the Minister for Works—

1. Will tenders be called for cylinders and girders for the whole of the iron bridges required in the construction of the railway from Beenleigh to Southport, for which tenders are now invited?

2. If so, will it be specified that the contractors must do the work in the colony?

The MINISTER FOR WORKS replied—

1. Tenders for ironwork for the Albert River Bridge have already been invited in the colony, and the result will influence the Government in respect to calling tenders for the ironwork of the other bridges.

2. Yes.

PETITION.

Mr. JORDAN presented a petition from the minister and congregation of Ann-street Presbyterian Church, Brisbane, praying for the repeal of the Contagious Diseases Act; and moved that it be read.

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

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

FORMAL MOTIONS.

The following formal motions were agreed to:—

By the COLONIAL TREASURER (Hon. J. R. Dickson)—

That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill for the protection of oysters and encouragement of oyster fisheries.

By Mr. NORTON—

That there be laid upon the table of the House, all applications, letters, and other papers connected with sending seed maize to Gladstone.

QUARANTINE BILL.

SECOND READING.

The PREMIER: Mr. Speaker,—This is a Bill to amend the law relating to quarantine. The law relating to quarantine is at present contained in the Quarantine Act of 1863, which itself deals with several previous Acts, and purports to be a consolidation of them. I ask anyone who would like to know what the quarantine law is now to read the 2nd section of that Act. It occupies a page and a-half of the Statute-book without a single stop or break. It is possible, with care and time, to extract from it its meaning. It contains provisions for putting ships coming from infected places in quarantine. The 3rd section contains, I believe, very ample powers for doing almost anything that the Governor in Council may consider it necessary to do. It begins with—

"It shall be lawful for the Governor, with the advice of the Executive Council, to make such orders as shall be deemed necessary upon any unforeseen emergency, or in any particular case, with respect to any vessel arriving with any infectious disease on board."

Or in case of a ship in which infectious disease may have appeared in the course of the voyage, or in the case of any infectious disease breaking out in the colony, "to make such orders and give such directions in order to cut off all communication between any persons infected" and the rest of Her Majesty's subjects. In fact, to make any order necessary. So far as I know the quarantine laws are administered at present under the general powers contained in that section. I do not think it is desirable that the law should be in so uncertain, and I think I may say, without disrespect to the framers of that Act, in so confused a condition. In the administration of an Act it is very important that the law should be quite clear, and that people should know what they are entitled or compelled to do by it. The Act requires that a copy of it and of the rules and regulations then in force should be given to masters of vessels when they arrive in the colony. Another very serious question is as to the places where ships should perform quarantine. We cannot establish quarantine stations in every port of the colony. I think we may now say it is pretty well settled that there will be certain quarantine stations in the colony. There will be one at Torres Straits, and the Government have chosen Friday Island as the most suitable place there. It has now been proclaimed as a reserve for a quarantine station. Cooktown, I think, is the best place for the next quarantine station, and not any of the islands. When I say Cooktown, I mean the mainland on the north side of the Endeavour River. I think that is the best place for the next quarantine station. Various islands have been suggested—Lizard Island—which is a long way off, and would necessitate a severe voyage to windward through the greater part of the year to communicate with the base of supplies—Cooktown. Fitzroy Island and Schnapper Island have also been suggested, but, after full consideration, the Government are of opinion that the north shore of Cooktown is the best place, and the people there are now of the same opinion. Then, sir, at Townsville, Magnetic Island is another principal quarantine station. There is another in Keppel Bay, another in Hervey's Bay, and one in Moreton Bay. These are proposed to be the quarantine stations of the colony at the present time. It may be necessary to have one in the Gulf some day; but not just now. A very nice question has arisen more than once as to how far we are justified in ordering a ship to go from any port to one of those quarantine stations. I suppose under the power I quoted just now, to make such orders as may be necessary, you can do that; but it is very desirable that the point should be cleared up. Upon one occasion we had, if not actually to employ force, to threaten it, to compel compliance with the order. We had to arm special constables, and let the master of the ship know that if any attempt were made to communicate with the shore, at the place where he was, he would be repelled by force, and that the Government would use any amount of force that might be necessary to prevent communication with the shore. Then the law with respect to recapturing — taking back people to quarantine stations if they have escaped from them—is very inadequate; there is no satisfactory provision for that in the present Act. These are some of the principal matters that require to be dealt with. The Bill, of which I now move the second reading, is to a certain extent founded upon the existing law so far as it can be discovered. In fact, it is founded upon the quarantine laws of all countries. They are very much alike in many particulars. It proposes, first of all, to provide that the Governor in Council may declare that any place beyond the colony is infected. When this is done, every ship that comes from that place must go into quarantine. It then provides that all ships coming from beyond sea, on board of which there is or has been any infectious or contagious disease, or which has during the voyage touched at any place where there was an infectious disease, or communicated with any ship having an infectious disease on board, shall be inspected, and admitted to pratique before the passengers are allowed to land; and that if they are proved to be infected, they shall be ordered into quarantine. Then distinct provisions are made in the 8th section as to what is to happen when a ship is liable to quarantine. It is declared distinctly that the ship and all persons and goods on board shall perform quarantine, at such quarantine station or quarantine ground, for such time and in such manner as is prescribed by the Act; and it is provided expressly that the master of a ship is bound to proceed with the ship to such quarantine station as shall be directed by the proper officer, and so on. Other provisions follow. Then there is a distinct provision about hoisting the yellow flag, when a ship has either come from an infected port or communicated with an infected place or with an infected ship on the course of her voyage, and in order to secure that there shall be no communication from the shore it is provided, in the 10th and following sections, that no ships arriving from beyond the sea shall be brought higher up the port than a certain place, until they have been admitted to pratique by the health officer. Provisions are also introduced analogous to those now in force requiring the master or medical officer of a ship to answer questions asked by the health officer as to the health of the passengers and crew. These provisions, however, do not apply to ships arriving from any of the Australasian colonies, unless there has been an infectious or contagious disease on board the ship, or unless the port or colony from which the ship has come has been proclaimed an infected place. There is a provision also, in the 14th section, for hoisting the "visiting" flag; the flag is referred to in the present Act, but there is no provision about what it is. It is a thing well known, and I propose to define it distinctly. Those are the provisions as to putting ships into quarantine. The other part of the Bill deals with the performance of quarantine, and discharge from quarantine. I do not know that it is necessary to point out the details of these provisions; they are substantially the same as the existing law, except that where there are no adequate provisions for preventing people escaping from quarantine, or getting them back again if they do escape, those provisions are supplied. I do not think they are any more severe than they ought to be. There is also a provision, contained in the 30th section, providing for the isolation of infectious diseases on land — giving the Governor in Council a general power to make any general directions for the isolation of such persons. There are provisions already contained in the Health Act, but these will be useful in addition, as they may be put into force more summarily. I think these provisions will be found useful. They are to be found in the existing law, although they are imbedded in the middle of the 3rd section, which, after dealing with ships, says—

> "And in case of any such infectious disease appearing or breaking out in the colony of Queensland or its dependencies, to make such orders and give such directions in order to cut off all communication between any person infected with any such disease and the rest of Her Majesty's subjects as shall appear to the Governor and the said Council to be necessary and expedient for that purpose"—

And then it runs on to ships again. I think the provision is a good one. This Bill was prepared

some time ago, and on considering it again it appears to me that there is still a defect in it. That is to say, it does not deal, so conveniently as might be, with cases such as we have had lately where smallpox, or diseases like that, break out in a neighbouring colony, when it might not be necessary to proclaim a port of another colony an infected place so as to make all ships coming from there go into quarantine; or, again, to cases that might arise—did arise, indeed, in respect to the "Dorunda"—where passengers had landed before the ship was put into quarantine. It is, therefore, necessary to take precautions against people moving from places where they had landed. I think the provisions of the Bill are sufficient for that purpose, but I think they may be modified so as to make them more convenient. That is proposed to be done by two or three verbal amendments, to which I need not call attention, and the insertion of a provision to this effect—that in the case of an infectious disease being in any port of the Australasian colonies, or any port of Queensland, the Governor in Council may, without declaring such port an infected place, direct that vessels coming from there shall not go higher up such Queensland port in which they arrive than a place to be specified, and that the provisions of the Act relating to ships from places beyond the sea shall apply to them; that is to say, that they shall be inspected by the health officer before being admitted to pratique. That is, that they shall be liable to be inspected by the health officer, and no one allowed to land until they are admitted to pratique. That is a small change, but it will be a convenient one, and with that amendment I believe that this Bill will be certainly a very great improvement upon the present law. Of that there can be no question, and I believe it will be found to be as good as any scheme that can be devised for carrying out quarantine. I may mention that the Bill has been submitted to the Board of Health, and they have not suggested any improvements upon it. I move that the Bill be now read a second time.

Mr. NORTON said: Mr. Speaker,—I intended to point out to the Premier, when this motion came before the House, that it appeared to me that there would be no provision made in the Bill for cases such as that of the "Dorunda." I am not referring to cases where vessels come from other Australian ports, or from one port to another port in the colony where disease exists, but I am referring to the case of the "Dorunda," where, when it arrived at Townsville, having, as it was supposed, cholera on board, some of the passengers landed and went about to different places. Well, the Bill appears, so far as I can see, to give the Government no power, in a case of that kind, to take the people who have landed, when they are discovered, and place them in quarantine. I think they ought to have that power, and as I could see nothing in the Bill which appears to me to give that power, I made a note of it in order to call the attention of the Chief Secretary to the point. I quite agree with the Chief Secretary that the present Act is one of the most cumbersome atrocities that is on the Statute-book. I have looked at it several times, but can get nothing out of it. When I found that there was a page and a-half of one section without a single stop, I thought it was quite possible to get too much of that sort of thing, and that we had better accept the present Bill. I have read the Bill carefully, and noticed the point to which I have just referred. There is one other matter which this Bill brings prominently forward, and that is the question of fines, and, in the event of fines not being paid the amount of penalty which is to be imposed in place of them. Now, there are a good many fines mentioned in the Bill, and I presume that where a maximum and minimum fine are imposed, that a maximum and minimum imprisonment, in case of the fine not being paid, would be substituted to correspond in the way of penalty with the fines. A maximum fine and a maximum imprisonment are supposed to be of the same degree, and so with the minimum. I would point out that in this Bill, in the 18th section, there is a maximum fine of £500, with a minimum of £200. The corresponding imprisonment by way of penalty is a maximum of two years, and a minimum of one year. But, according to the 23rd section, there is a maximum fine of £500, and a minimum of £100, while the period of imprisonment to be substituted is a maximum of three years, and a minimum of one year. I cannot understand why, in section 18, a penalty of £500 is imposed, with an alternative of two years' imprisonment, and, under section 23, there is the same maximum fine, but a penalty of three years' imprisonment if it is not paid. We find the same thing all through the Bill. The penalty of fine and the penalty of imprisonment are supposed to correspond, but all through the Bill there is a great difference. Several of the clauses are the same as to fine and imprisonment, but in many others the same penalty is imposed by way of fine, and a greater or les penalty is imposed in the way of imprisonment. I believe that is the case in a good many measures, but I happened to notice this yesterday, because the penalties were so strikingly different in this respect, and there being a number of clauses together all dealing with penalties, one could hardly miss seeing it. As far as the Bill generally is concerned otherwise, I have no objection to it.

Question put and passed, and the committal of the Bill made an Order of the Day for to-morrow.

CROWN LANDS ACT AMENDMENT BILL.

SECOND READING.

The MINISTER FOR LANDS said: Mr. Speaker,—I think I should not go far wrong in asserting that neither in this place, nor perhaps in any other part of the world, has a Land Act ever been framed or passed which has not, after it has been at work for a year or two, disclosed some defect or omission of a more or less important character, and the Land Act of 1884 is no exception to that general rule. Recognising that as the result of the experience of the working of the Act for about twelve months—which is about the time it may be said to have come into operation—the Government have at the earliest possible opportunity brought in an amending Bill which is now before the House, in which they submit certain amendments that I believe, if accepted, will conduce to the effective working of the Act, and at the same time maintain the principle of it, and also so far simplify it as to make it more generally acceptable to the great pastoral and agricultural industries of the colony. With the experience gained in the working of the Act so far, it has been found, especially in reference to the pastoral tenants or those whc are called pastoral lessees under the Act of 1884 that a considerable number of the holders of pastoral leases under the Act of 1869 have failed to take advantage of the provisions of the Act of 1884. Not in all cases because some did not believe in it, or did not wish their runs to be brought under it, but, in some cases, through negligence, in others through the failure of agents to make application in time, and in other cases again because they erred in judgment, and did not

decide to bring their lands under the Act. I say this because since, and some time after the time allowed them to come under the Act, applications have been made to bring runs under the Act. The Government therefore proposes to extend the time within which they may bring their runs under the Act to the 31st December next, so that any who desire to retrieve their error or negligence in this respect will have an opportunity given them to do so. It will be remembered, I daresay, by many hon. members in this House that when the principal Act was going through, or rather, when it came back from another place, there was an amendment introduced in the 29th section, prescribing rather rigid rules as to the manner in which the runs were to be divided. The amendment proposed that the runs were to be divided where practicable in a straight line. One thing I remember was distincly provided, and that was, that the resumption should be in one block, and that the external boundaries should be as far as possible coincident with the original boundaries. In working that it has been found very difficult in many instances, particularly in the inside districts, to make a division and resume country in one block, because in some cases the runs are divided in two by freehold property and selections; so that a run would really form two blocks of country, though it was known as one run. There are also many cases in the outside districts where there are no selections or freehold property dividing a run where it might be desirable, not only for the convenience of the lessee, but also in the interests of the public, that the division should not be by a straight line; and again it would sometimes be desirable to divide the run into two lots, and resume two lots instead of one. I know of many cases of that kind, in which it would be much more convenient and better in the interests of the public and in the interests of the lessees, that a power of that kind should be left to the board. Clause 4 of this Bill proposes to give that power, by providing that the rule prescribed by subsection 6 of section 29 of the principal Act may be departed from in the public interest. Ever since the Act became law one great objection of the pastoral tenant has been that no rent is fixed for each recurring period of the fifteen or ten years of their leases, and it has also been represented that that is a very grave objection in the eyes of money-lenders. I cannot say that I always thought there was much in that, speaking altogether from one point of view—that of a squatter or holder of a lease of this kind. Still there may be something in it, and if it is thought desirable that they should know the utmost limit to which the board can increase their rents, the Government have no objection to their knowing it. It is therefore proposed in this Bill to fix a limit, and put the maximum rent for each of the periods after the first one at one-half of the rent payable for the preceding period. That is the most that can be added to the rent, and I think that ought to satisfy the lessees as well as the money-lenders. They will know now the utmost length to which the board can go in extracting rent from them. Then there was another objection made by lessees, and one which I must say I always thought a very valid objection to the Act, or rather an omission in the Act — that the lessees should have no right to receive any compensation for improvements put upon the resumed half of their runs after their division. In a great many districts in the colony there is country both in the resumed parts and in the present leased parts of the runs, though in the occupation of the holders now for twelve or fourteen years, which has never been really brought into use on account of want of water, and consequent upon the want of water it has not been thought desirable to fence these lands and improve them; but inasmuch if they want to make use of them now they must pay rent for the whole of the land at a fair value, if it was properly improved—that is the leased portion, of course—we think it only fair that they should receive compensation for improvements of real value to any selector or holder coming in after them. Works for the conservation of water and fencing are both improvements which any man who takes up grazing country must look upon as of value to them, and in this Bill it is proposed that before making such improvements the lessee must give notice to the board of his intention, and state the nature of the proposed improvement and its probable cost. He may then get a license from the board to carry out the improvements, and the license shall specify the value of the improvements in case compensation is claimed for them at any time. The improvement is to be inspected by the commissioner, to whom the lessee must send a detailed statement of the work done, and its cost. This statement is examined by the commissioner and retained by him, and the lessee will be entitled to receive compensation for the improvements he has made when the land is selected or allowed to go into the hands of other persons. The next section, dealing with the opening of roads, is almost the same as the powers and conditions under which roads may be opened under the principal Act, with the exception that when a road is opened through a holding it is proposed to take from the lessee the right to accept the notice of the opening of a road as a notice of the resumption of the entire holding, as in the 102nd section of the principal Act. Clause 8 is a new one, and entitles the lessee to erect and maintain licensed gates wherever a road has been opened, on payment of the fees prescribed by the local authority of the district in which the road is situated, and on compliance with the provisions of the laws in force as to the dimensions and quality of licensed gates. That, I believe, is necessary, as there are some cases, though perhaps not many, where divisional boards have exercised rather an uncertain sort of temper in matters of that kind, and may refuse licensed gates to some men. I do not think a man in grazing country should under any circumstances be dependent upon the whim of divisional boards; he should be entitled to gates as long as he observes the general provisions of the divisional boards by-laws or Acts in force dealing with licensed gates. In clause 9 it is proposed to extend and render permanent the operations of the 44th clause of the principal Act. This has been found to work very satisfactorily in many instances, and has been of a good deal of assistance in districts where surveys could not be readily or rapidly carried out. The difficulty with which we have had to deal in this matter before has been that when the lands are opened to selection it has been required that the value of the improvements shall be stated. That under the 44th clause was an impossible thing to do, because until the land is surveyed we cannot easily define with accuracy the boundaries of a selection, and therefore it is not easy to ascertain exactly what improvements there are on it. Therefore the following clause—clause 9—provides that it shall not be necessary, in the proclamation, to state the value of the improvements; but they can be ascertained in the usual manner before the license is issued under the 54th section of the principal Act. The clause also provides for the repeal of the 6th paragraph of the 45th section, which provides for the statement in the proclamation f the value of improvements upon any lot

declared open to selection. The 11th section deals with agricultural farms not exceeding 160 acres, commonly known as homestead selections. Wherever lots of 160 acres were surveyed and opened to selection there was, of course, a price fixed by the board, and in some instances it exceeded the 6d. an acre of annual rent. The selectors in many instances are poor men, and find it rather irksome that they should have to pay more in the shape of rent than they would ultimately be required to pay—that is, to pay more than the Act requires them to pay in the end, and get a refund at the end of five years. They have to pay the assessed rent, whatever it is, up to the period when they are entitled to make the selection a freehold. This relieves them of that, and whatever amount is fixed by the Land Board they will have nothing to pay on the 160 acres more than 6d. per acre. They will also have the advantage of having the survey fee spread over the same period, and paying it back in equal instalments with their rent. Clause 12 deals with the maximum amount of rent to be paid in each recurring period, and with regard to the terms upon which their rents are liable to be increased, they are placed upon the same footing as the holders of pastoral lands. Clause 13 is an important one. It is a concession to the *bonâ fide* holder or occupant of land, and will, I believe, receive the general approval of the House. It provides that, when the lessee of a holding becomes entitled to a deed of grant of the land in fee-simple, he shall be credited with all sums of money which have been paid in respect of the land for the ten years of his occupancy as against the purchase money; so that whatever rent is paid by him up to the time he is entitled to make a freehold of his land, that goes towards reducing the amount of purchase money at that period. Clause 14 simply restricts the operation of the 72nd section of the principal Act. Clause 15 prohibits the sale of timber from agricultural farms except with the permission of the commissioner. In a great many cases these farms have been taken up solely for the purpose of clearing off the timber on the land, not only now, but ever since the law with respect to such selections has been in force; certainly a very great number have been selected with that object under the Act of 1876. This has come very prominently under the notice of the department in ascertaining what improvements have been put upon the land. In the Maryborough and Noosa districts, particularly, an enormous number of such instances have occurred. People have taken up the land, paid the rent for two or three years, and then, having taken off the timber on the selections, have abandoned them, which has given a great deal of trouble to the department. It is now intended to restrict the use of the timber to the purposes of the holding until it has been secured as a freehold.

The HON. J. M. MACROSSAN: After the horse is stolen!

The MINISTER FOR LANDS: There is plenty of timber yet, and no doubt there is still the temptation to cut and sell it. The forfeited selections dealt with in that manner are now finding their way into timber reserves, and perhaps that is the best thing that can be done with them.

Mr. LUMLEY HILL: After the timber is gone?

The MINISTER FOR LANDS: The timber has gone for a time, but there are young trees on the land rapidly growing up, and in the course of time there will be good timber there again. Part IV. of the Bill gives the Governor in Council power to sell country lands to the extent of not more than forty acres. In several of the settled parts of the country there are a great many small pieces of land near different selections for which applications have been made by the adjoining proprietors. In many instances the area is too small to throw open to selection, and often too poor to be taken up for a homestead. In many other cases, also, there is considerable difficulty in dealing with applications for small areas of land for churches. Applications for land for that purpose have been received from a number of people in various localities, and considerable irritation has arisen from my inability to meet their demands. I have pointed out to them that they could furnish the land themselves, but they do not seem to see that way out of their trouble. I hope the power given by this clause will never be abused by any Minister. It will certainly never be abused by me, and I think this House will exercise such control over any Government as will prevent them abusing the power conferred by this clause. The 17th clause prevents special leases being subdivided under the 94th section of the principal Act. That is also a very desirable thing to do. If special leases were allowed to be subdivided by every man who got hold of them, it would lead to considerable trouble; and, of course, there are some who would desire to obtain holdings under those leases for the purpose of subdividing them. There has never been any actual difficulty in any case yet, but such cases may arise, and it is wise to make provision to meet them. I have heard rumours of some persons who desire to obtain leases of holdings under the 94th section of the Act with the object of subdividing them. That would give a great deal of trouble to the department, and it is not desirable that men should be allowed to take up lands for a special purpose, and then, if they do not suit their purpose, subdivide the lease. Part V. proposes to give a trial to the land-order system, by giving the Agent-General power to issue land-order warrants to persons who pay their own passages out to the colony. Each member of the family of twelve years and upwards will be entitled to a £20 land-order, and each member of the family between the ages of one and twelve years will receive a £10 land-order. I must say that at one time I had very great doubts as to the wisdom of trying anything of this kind, and I believe I expressed myself to that effect when the hon. member for South Brisbane (Mr. Jordan) first introduced the matter to the notice of this House. I think I have to alter my opinion on this subject.

Mr. LUMLEY HILL: You will probably have to alter it further.

The MINISTER FOR LANDS: That may be so, but I do not think I am likely to alter it in the way the hon. member for Cook would like: of that I am satisfied. I think it is a perfectly legitimate and fair thing to allow anything in the shape of rent of lands to pay for the cost of immigration, if that can be effected. I must say, however, that I have great misgivings as to the ultimate beneficial results to be expected from this proposal. I have decided misgivings on the matter. But I believe it will be a capital thing for the State if we can get men to come here and take up land on such terms as are proposed under this Bill; that is, by giving the rent of land to pay the cost of their passages. It will, I am sure, be a good bargain for the State, but whether it will be a good thing for the men who get these lands I am not prepared to say; I have considerable doubt upon the subject. These men, however, are free to say whether they will come under such conditions. If they do come we shall benefit by it, and they will probably gain considerable expe-

rience, which will be of advantage to themselves. The scheme will be productive of good where immigrants can be induced to settle in favourable localities. That there are not many of these now I admit, but there are some, and it will be a benefit to the immigrants and the State if they come with sufficient capital and settle on those lands. These men will also be allowed to select farms under Part IV. of the principal Act. They will not be strictly bound down to grazing farms. There are some men coming here who have sufficient knowledge of stock to take up and use grazing farms advantageously. Plenty of men come to the country who are quite fit to enter upon grazing pursuits, or the pastoral occupation of grazing farms—they are quite fit to do that at once, and with very good chances of success for themselves. Well, I think it is hedged about with sufficient restrictions even to satisfy the hon. member for South Brisbane, who laid considerable stress upon that matter. They can only be used for the payment of rent, so they will be subject to all the conditions of the Land Act, and it will not be available for any who are not resident in the colony. Now, Mr. Speaker, before I conclude, I would like to say something with reference to the petitions that have been received here from different parts of the country representing the interests of the pastoral tenants. We have heard a good many petitions read, asking in many cases for what I suppose most hon. members will consider very extravagant terms in their favour.

Mr. NORTON: This is the ladies' postscript.

The MINISTER FOR LANDS: The arguments have been used both in the papers and elsewhere that the amount of land the Government were resuming from runs was far more than they could possibly require for purposes of settlement for the next twenty years. Well, whether that be so or not, it is scarcely necessary to attempt to refute it; it may be so or it may not; it is a mere matter of opinion—it is perfectly certain that no man can foresee the direction that settlement may take a few years hence, or the parts of the country that will be required for purposes of settlement. Wherever we are extending our railways now, population may possibly begin to collect; and those particular positions at this moment are occupied by squattages, some of them on fifteen years' leases. Would it be right for the Government now to extend those leases, even for another five years, if they may possibly be required ten or fifteen years hence? I do not think so. The Government admit the difficulties the squatters have had to deal with; they have had a tremendously up-hill fight for a number of years. They had a short period of prosperity that was certainly not sound—a most unsound condition of things brought it about.

Mr. LUMLEY HILL: It was pretty good for you and me; I would like some more of it.

The MINISTER FOR LANDS: The Government admit that the squatters have had difficulties; but we are not bound to consider that. If a man makes a bad bargain with the State, the State is not bound to relieve him by handing over to him a portion of the property of the State for a longer term than they agreed to. I do not think the pastoral tenants have any right to expect that. But I can say that they have the strong sympathy of the present Government; I affirm that most distinctly and emphatically. I am charged with want of sympathy for them, such as a renegade usually feels; I am called a renegade by those who know nothing whatever of my previous opinions before I came into the House. But while the Government have the most earnest sympathy with them, they will not allow that sympathy to interfere with their sense of the rights of the mass of the people of the colony; and they maintain that it would be unjust to the people generally to extend the leases of the squatters all over the country when they cannot foresee the conditions of future settlement—what direction it will take. I am satisfied now, from a more extensive knowledge of the southern portion of Queensland, with which I was not particularly intimate before, that in some places in the South men have a fifteen years' lease where they ought not to have had more than ten; and I think it would be very unwise for the Government, however desirous they might be of doing it, to extend that term. If settlement were stopped anywhere, a great mischief would be done which could not be put right. I think, if the squatters will regard that, they will understand at once the position the Government have taken up. The Government think it their duty to give facilities for settlement wherever the natural conditions will admit of it; and everyone must see that it would be impossible to say where settlement will take place—to pick out certain spots and set them apart, and lock up the rest by leases. The only course, therefore, open to the Government is to say that there should be no extension of leases. They have met the requests of the squatters as far as possible by fixing a maximum for the increase of rentals. I think the lessees must also admit that there is a considerable concession to them—one I believe to which they are fairly and reasonably entitled, by which at the same time the State will not be affected injuriously—in the provision for compensation for improvements on the resumed portion of runs. As the improvements have to receive the approval of the board before they are constructed, the country will not suffer much by that concession; for the improvements can be utilised to the full by anybody taking up the country afterwards. I do not think, Mr. Speaker, there is anything more for me to say. I move that the Bill be now read a second time.

Mr. LUMLEY HILL said: Mr. Speaker,—I move that this debate be now adjourned.

Mr. NORTON said: Mr. Speaker,—I was rising to move the adjournment of the debate; I certainly did not expect it would be moved by one of the Government supporters. I would suggest that the resumption of the debate be taken this day week.

The PREMIER said: Mr. Speaker,—On Friday evening I intimated that if it were thought desirable that the debate should be adjourned the Government would consent to it. I think it would be convenient to resume it on Tuesday next.

Question put and passed, and resumption of the debate made an Order of the Day for Tuesday next.

DIVISIONAL BOARDS BILL No. 2.

COMMITTEE.

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

On clause 186, as follows:—

"1. A board may cause the extirpation and destruction of any noxious weed or plant growing within the district, and for that purpose may, subject to the following provisions, enter upon and dig and break up the soil of any unoccupied Crown lands, public reserves, or private lands within the district.

"2. It shall be the duty of the board to extirpate and destroy any such weed or plant found existing upon any reserve under the control of the board.

"3. Before exercising the powers hereinafter in this section conferred the board shall, by a by-law passed for that purpose, declare such weed or plant to be a noxious weed or plant, and to be a nuisance within the meaning of this Act.

"4. When any such noxious weed or plant is found existing upon any public reserve not under the control of the board or upon any rateable land within the district, the board shall cause to be served upon the occupier or person in charge thereof, or, if there is no occupier or person in charge, upon the owner, except in the case of unoccupied Crown lands, one month's notice requiring him to extirpate and destroy the weed or plant.

"5. If at the expiration of such period of one month the weed or plant has not been extirpated and destroyed, the board may forthwith enter upon such reserve or rateable land, and extirpate and destroy any such weed or plant that may be growing thereon.

"6. Any reasonable expense so incurred by the board in extirpating and destroying any such weed or plant shall be a charge upon the land on which it existed, and shall be recoverable—

(*a*) If the land is a public reserve, from the trustees or other persons in charge thereof; or, if there are no such persons in charge, then from the Treasurer; or

(*b*) If the land is rateable land, from the occupier thereof; or, if there is no occupier, then, except in the case of unoccupied Crown lands, from the owner;

in the same manner as by this Act rates due and in arrear may be recovered from the occupiers or owners of rateable land.

"7. The cost of abating any such nuisance upon unoccupied Crown lands shall be defrayed by the Treasurer out of funds appropriated by Parliament for that purpose."

Mr. KATES said he wished to call the attention of the Premier to one point in connection with the clause. It said, "A board may cause the extirpation and destruction of any noxious weed"; that made it optional. But suppose one board destroyed a noxious weed, and the adjoining board would not destroy it, but allowed it to spread all over the country. At the beginning of the session he called the attention of hon. gentlemen to the prickly pear. In New South Wales a special enactment was passed at the beginning of the year for the destruction of the prickly pear, which of all the noxious weeds was about the worst. During the discussion there on the question, Mr. Abbott said :—

"I have been told by some landowners that it has cost from £5 to £10 an acre to clear off the prickly pear; but their labours have been rendered futile because their neighbours refuse to eradicate the pear on their lands, and will not allow other people to do it. Messrs. White Brothers spent thousands of pounds on an estate of theirs in eradicating the prickly pear, and in two or three instances they offered to clear the land belonging to the adjacent selectors; but those people refused to allow them to do it. Not only are the plants produced from the seed of the fruit, but every piece of leaf that is broken off takes root. In dry seasons, when grass is scarce, sheep break off the leaves, and in this way the plant is spread. Some of the richest lands in the Upper Hunter have become of no use owing to the existence of the plant."

He thought every board should be compelled to destroy noxious weeds, especially the prickly pear. If he expended a lot of money in eradicating a noxious weed from his paddock, it would only be a waste of money and trouble if his neighbour let the weed grow.

The PREMIER said there was no local government in New South Wales, and consequently it was necessary there to bring an Act dealing specially with the subject. As to making the local authorities do the work, he did not know of any machinery by which they could be made to do it. The only way would be to do the work for the local authority if necessary and take the cost out of its endowment. That was a serious step to take, and one that should only be taken under extreme circumstances; and he was not prepared to propose any scheme of that sort at present. Otherwise the provisions of the clause were ample, and the local authorities had power to do all that was necessary. They could require a man to destroy the noxious weeds on his property, and if he would not do the work they could do it for him and charge him with the cost. That was complete authority. All that could be added to that was a provision compelling local authorities to have noxious weeds destroyed; but there might be many reasons why they should not be compelled. If they did not do their duty, however, the matter was in the hands of the ratepayers. Up to the present he did not think that local authorities generally had failed to do their duty, and the Committee might trust them to properly exercise the powers conferred upon them by the clause.

Mr. NORTON said the clause was very objectionable in many respects. The 3rd subsection provided that, before exercising the powers conferred upon them in regard to the destruction of noxious weeds, the board should pass a by-law declaring what weeds or plants were noxious. He thought it very undesirable to give boards that power, because what one board might consider a noxious weed another board might consider quite harmless; and it would be far better for the Committee to declare what were noxious weeds and what were not. Perhaps they might give power to the Governor in Council to add to the number of noxious weeds whenever it became necessary. There had been several discussions on the subject in Parliament during the last few years, and he remembered the former member for Mackay strongly advocating the destruction of *Sida retusa*, because the farmers in the district he represented considered it most detrimental to their interests that it should be allowed to spread. So it was in some cases. In other cases, about Brisbane for instance, the cattle subsisted to a great extent on *Sida retusa* in the winter time. Of course they did not live entirely upon it, but he believed it had been the salvation of a very large proportion of the selectors' cattle about Brisbane. There were other plants which might be considered weeds in some places—the variegated thistle, for instance, sometimes called the Scotch thistle. There were some plants of it he noticed in the Botanic Gardens, and he had seen hundreds of acres covered with it in New South Wales. For a long time it was supposed to be a most noxious plant, but it had been discovered in recent years that it was a most valuable acquisition in dry weather. In the neighbourhood of Cowra, and other places in the Orange and Bathurst districts in that colony, they fenced in the land on which the thistle grew, and when grass became scarce they cut it down with hoes and threw it over the fence to the stock, which ate it ravenously. Those were two cases with regard to which there was a decided difference of opinion as to whether the plant was a noxious weed or not. With respect to subsection 4, if passed in its present form the lessee of a run might be put to a very great expense, by being compelled to extirpate prickly pear, or whatever might be declared to be noxious weeds, on land that might be taken from him immediately after the work had been done; and it would be scarcely fair to impose that burden upon him. It was well known to hon. members that on the Darling Downs especially there was an immense quantity of prickly pear growing in the scrubs. Although those scrubs were unavailable country, they were included in the area of the runs and really formed portions of them. Would it not be rather hard on lessees of properties like that to be obliged to cut down and destroy the thousands on thousands of prickly pears growing in those scrubs, when they might be ruining themselves in doing so? The last subsection provided that the cost of abating the nuisance upon unoccupied Crown lands should be defrayed by the Treasurer out of funds appropriated by Parliament for that purpose. What chance was there of getting those

funds appropriated? So far, nothing whatever had been done in that direction. Last year an item of £500 was voted for the destruction of Bathurst burr; this year nothing at all was asked for that purpose. £500 would not go very far towards destroying noxious weeds on unoccupied Crown lands, but nothing would go no distance at all. It did not show that the Government had any great desire to bring that portion of the Bill into operation, when they had made no provision in the shape of funds to enable the boards to carry it out.

The PREMIER said the argument of the hon. gentleman was rather in favour of leaving it to local authorities to decide what were noxious weeds. In some parts of the colony, as the hon. gentleman said, *Sida retusa* was not a noxious weed, while in other parts it was. In the latter parts it would be destroyed, and in the former it would not. If Parliament were to decide that *Sida retusa* was a noxious weed it would be a noxious weed everywhere; and he felt sure that Parliament would not declare *Sida retusa* to be a noxious weed, nor the variegated thistle either. How many times had that been attempted in the House! It had given rise to most interesting discussions. The Scotch members had tried over and over again to define what was a Scotch thistle, and none of them could ever agree. He himself doubted whether the prickly pear was an unmitigated nuisance; it might turn out to be a very valuable plant if they only knew what to do with it. He believed the clause, with a little alteration, would be a good one, if they intended to deal with noxious weeds; although not perfect, it was a great deal better than no provision at all. It might be a hardship, as the hon. gentleman pointed out, to compel lessees of runs to bear all the cost of extirpating the weeds; and that no doubt required some consideration. With regard to the 7th subsection, he proposed to amend it, limiting the extent to which the burden might be imposed on the Treasury.

Mr. NORTON said the objection to leaving it to boards to decide what were noxious weeds was that, although one board might consider a certain weed noxious, in the very next district it might not be considered noxious. But the seed of the plant in the district where it was not cut down would be carried to the other district where everybody was compelled to cut it down. Quite as bad as the Bathurst burr, or even worse, was the Noogoora burr, which almost every vacant allotment in the municipality of Brisbane was full of. Only yesterday he pointed out to the hon. member, Mr. McWhannell, hundreds of young Noogoora burrs growing in George street. In municipalities nobody cared whether that noxious weed was growing there or not; but every horse that came near it carried the seeds away in its tail or mane, or the rough part of its legs, and distributed them everywhere. Dogs and cows also helped in the work of distribution. It was a fault in the clause that it did not affect municipalities, which were simply the nurseries where noxious weeds were allowed to grow, and from which they were spread broadcast over the country.

Mr. PALMER said another great hardship was that a man ordered to cleanse his land had no right of appeal. He would simply have to submit, and might be compelled to extirpate plants which he considered of great service to him. Unless the clause could be modified in some way by which such a man could express his disapproval in some manner, and not be compelled to do the work, it might be almost ruinous to him. The *Sida retusa* was, in his opinion, a very useful fodder plant; it was even fattening for cattle on the coast lands, and there was no plant that stood a drought better. It had been the salvation of thousands of dairy cattle about the district of Brisbane, and even further north on the coast. There were also many virtues connected with the prickly pear. Properly prepared it formed an excellent cattle-food in times of drought. In other countries the prickly pear was the source of a large industry, and very possibly the people in Queensland might be legislating against what might in future years become an important product. It might really obliterate a very large industry. The prickly pear—or a plant of the same family—was the plant upon which the cochineal insect was reared, which was a very valuable export in California, Mexico, and other countries. He did not see why it should not be turned to some account in the same manner as the silkworm, the culture of which was carried on very extensively in some countries. Those small things should not be lost sight of. He must say that with regard to many of those plants which were called noxious weeds there was a great deal to be said on both sides of the question; and putting too much power into the hands of a board might mean doing a great deal of harm. It was said that a little learning was a dangerous thing; but a little ignorance, he thought, was much worse. The thistle had been condemned universally; but he knew it to be a plant which was really valuable as fodder. In fact, at Junee, on the Murrumbidgee, the soil was covered with thistles, which grew to a great height, and when the dry season came they had proved the salvation of the stock The local stock had a peculiar way of eating it which strange stock took some time to acquire; so that there were two sides to the question. The hon. member for Darling Downs would go in for extirpating the prickly pear, and the flying-fox, and the kangaroo-rat—in fact, he would extirpate such a lot of things that they would find the country scarcely habitable afterwards. He would take an instance of how the clause would work. Say a freeholder had a few hundred acres, and his land was overrun with some of those plants which they called noxious weeds, and he was compelled to clear it; if he paid no attention to the month's notice which the board had to give, then they put men on at great expense — perhaps unemployed men in the district, numbers of whom, out of charity, were sent to clear the land—and they sent in the bill. It would pay them better to give up the land than suffer such a loss as that. He scarcely thought it was fair that such a power should be put in the hands of a board—to compel people to clear land, if they did not cultivate it, of what the owners might themselves desire to retain.

The MINISTER FOR WORKS said that the extirpation of noxious weeds was one of those things they should entrust the local authorities to deal with. The whole object of the Divisional Boards Bill was to entrust the local authorities with the management of their own affairs. He had had an interview with one of his constituents lately, who complained very bitterly about the divisional board neglecting to cause owners of property to cut down noxious weeds, and he thought that some provision should be made in the Bill to compel them to do it. But he (the Minister for Works) could not see his way to do that. His advice was to take care whom they elected. Then it was said that the divisional board showed favouritism and compelled some owners of property to clear their lands, while others were passed over. Again, the only advice he could give his constituent was that they ought to take specially good care whom they elected. He did not see how it was possible that any provision could be made in the Bill for that purpose. He himself believed that prickly pear was the

worst pest which they had got to deal with. He doubted very much if it was not worse than rabbits. It was covering the whole country westwards. In the neighbourhood of Warwick, where it grew very luxuriantly, people carted it away, and capsized it into the river. When floods came it was carried down, and when the river broke over its banks, and the water again subsided, the leaves of the prickly pear were left on the land and grew up. Birds also carried the seeds, and he was perfectly satisfied that something would shortly have to be done to get it destroyed, or some portions of the colony would be completely ruined by it. If that were not done, the divisional boards would not be able to cope with it, and it would require a large sum of money eventually to get clear of it. Another most obnoxious weed was indigo. There was any quantity of it scattered about, and whenever cattle or horses took to eating it they ran after it. It acted upon them like opium; afterwards they began to pine away and died. If divisional boards tried to cut up and destroy all noxious weeds they would be undertaking what they would not be able to accomplish. The matter would have to be grappled with before many years went round, or as much money would require to be provided for the destruction of those weeds as they now required to cope with the rabbit nuisance. It was a weed that spread. Wherever it dropped it took root and grew up, no matter whether it was a dry season or not. He himself had known it to grow on the top of a log, without any sign of rain. Some provision, he was quite sure, would have to be made for its destruction.

Mr. CAMPBELL thought it was time divisional boards dealt with the destruction of noxious weeds, particularly prickly pear and the Scotch thistle, or what was called the Scotch thistle. He might say there was a great deal of difference between the thistle grown here and that which grew in the western parts of New South Wales.

HONOURABLE MEMBERS: Hear, hear!

Mr. CAMPBELL: Cattle fed on it there when grass was scarce, but nothing would eat the thistle which grew here—not even the pigs—it was so nauseous. In his district there were some boards which considered the thistle an obnoxious weed, and had cut it down, while the adjoining board did not consider it so. On the boundaries of those boards the seed was blown over from that which did not consider it obnoxious to that which considered it was, and the last were compelled to cut it continuously in order to keep it down. He thought it was within the province of the divisional boards to cope with the weeds, particularly in the inside districts. But he did not think it would be fair to tax pastoralists, who kept the resumed half of their runs, for the purpose. Where, however, land was taken up in selections or was freehold, it would be only fair and just to the people themselves to impose a tax on them. He would give an instance: Mr. King and himself at Gowrie had for a number of years kept their lands perfectly free from the weed, but the neighbours around did not cut it. Every flood that came down carried with it seed which smothered their land, and they had to be continuously cutting in order to keep clear their own land which was infected by their neighbours. It would be a good thing indeed if the boards there had the power to enforce the destruction of noxious weeds. He took notice that there was no provision made for cutting the burr or weeds on roads. It seemed to him an anomaly to enforce property owners to cut the weeds on their properties, and let half the road go by. That ought to be provided for in some way.

Mr. ADAMS thought if they were to allow the boards to deal with noxious weeds, each board should be permitted to declare by a by-law what was a noxious weed in their district. He knew that in the division in which he was interested *Sida retusa* was a more noxious weed than anything else. He was perfectly satisfied that some of the boards would endeavour to force them to eradicate what others considered was not a noxious weed. One board had gone so far on one occasion as to pass a by-law to make every person who owned a piece of land clear one-half of the road opposite his property. The hon. member for Aubigny had touched upon that point, and he thought it was desirable that they should declare something more definite for the boards to do. It would be a safeguard against oppression if the board were made to eradicate noxious weeds in the streets themselves. He knew a gentleman who had a small piece of land, but which he believed had sixty chains' street frontage, and the whole breadth of the street was one mass of *Sida retusa*, and the consequence would be that if one man had to eradicate the whole of the *Sida retusa* from the street it would cost him a very great sum. He thought it should be defined what the board had to do, and he would therefore suggest that the words "roads or other lands" should be inserted after the word "reserves" in the 13th line.

The PREMIER: That is not necessary. They have the control of roads as it is.

Mr. ADAMS said it would be necessary to define roads. The board should be compelled to, at any rate, clear the roads of noxious weeds.

The PREMIER said the amendment of the hon. gentleman could be better made in the next paragraph by inserting the word "road" before the word "reserve" in the 15th line. It would be an improvement there. The first paragraph gave the board power to destroy noxious weeds anywhere in the district. He thought the board should have power to enter upon any land; and it would be as well to declare it to be the duty of the board to extirpate any weeds found upon roads or reserves. Hon. gentlemen would observe that those two paragraphs were absolute, without reference to any by-law, although he had no doubt that boards would not destroy weeds if they did not believe them to be noxious. In accordance with the suggestion of the hon. member for Mulgrave, he would move the amendment he had mentioned.

Amendment put.

Mr. ALAND said that, having lived in town all his lifetime, he had not had any practical acquaintance with noxious weeds, such as other hon. members seemed to have, but he had listened very attentively indeed to the conversation that had been going on. It appeared to him that there was a great deal of difficulty concerning the subject. To take the dictum of the hon. Minister for Works, it appeared that the clause was either altogether unnecessary or was inadequate to meet the circumstances of the case. According to the hon. gentleman, it was impossible for the board, with the funds at its disposal, to take in hand and keep down these noxious weeds. Then the arguments of other hon. gentlemen had been rather conflicting. One hon. gentleman excepted almost everything which was considered a noxious weed, except Bathurst burr. They had heard prickly pear spoken very much against in that Committee; but they had even had one hon. gentleman putting in a plea for it. So that they could not really determine what were noxious weeds and what were not, and it therefore appeared to him that it would be a very difficult matter indeed for the divisional boards to do so. Still it was their province to do so. The divisional board system was, of course, a

method of self-government, and the parties interested in the matter were the ratepayers who sent their representatives to the divisional board, and it rested with them to represent the wishes of the ratepayers on the board. Of course there was the difficulty that had been mentioned by the hon. member for Aubigny, where an adjacent board did not agree in the matter. But difficulties cropped up in almost everything they had to deal with. He did not think it should be made compulsory, as some members had suggested, that the clause should read, "The board 'shall' cause the extirpation," etc. Seeing that they were dealing with the system of local self-government, they must leave it to the boards themselves to say whether they would extirpate, under present circumstances, those noxious weeds. They must determine which were noxious weeds; and if they failed to do their duty in that respect, possibly the time would come, as foreshadowed by the hon. the Minister for Works, when they should have to legislate specially on the matter and make a general thing of it.

Mr. PATTISON said he thought it very properly fell to the duty of divisional boards, each in its own district, to define what were noxious weeds. What might be classed as a noxious weed by one board would not be so classed by another. Among the noxious weeds out his way were some of those that the hon. member for Burke seemed to appreciate so much; but it was the first time that he had ever heard that those weeds had any present or possibly future value. It appeared as if that hon. gentleman thought they had a past value, a present value, and a future value, and that in destroying those weeds they might be destroying some large industry. He really could not see that they had anything to fear in that direction. He thought each board should define what were noxious weeds. It would not take them very long in his district to say what they were; he did not think they would exceed three kinds. There was one question he would like to be informed upon by the Premier before the matter closed, and that was how the Government proposed to deal with unoccupied Crown lands. From what fell from the hon. gentleman on Friday evening, it appeared that he had no intention of allowing boards to dip their hands into the Treasury; but it would be little use considering the question of dealing with noxious weeds generally on private lands and leased lands unless the Government were willing to assist them in dealing with unoccupied Crown lands. It was impossible for divisional boards to deal with them, and before they proceeded further with the road matter, the Premier should favour them with his ideas as to what powers he intended to give divisional boards in dealing with the matter. If he would not allow divisional boards to deal with them he would have to entrust the duty to the Crown ranger. He believed in almost every district there was such an officer, and in his district, he was pleased to say, he was a very capital officer. Several members of boards might be disposed to entrust the duty to the Crown ranger; but it would be of little use for the board to compel owners of property to clear lands unless the Government cleared the unoccupied Crown lands. With reference to the roads, he made a suggestion upon the second reading of the Bill—he was not very strong upon it himself, but he repeated it now; it was the suggestion of the Gogango Divisional Board—that the owners of property should clear the roads, or, supposing the owner had properties on each side of the road, he should keep the road clear to the extent of his holding. With small roads, he thought that that might work; but with those large ten-chain roads, that they found as they got further westward, he thought it would be calling upon the owner or occupier of that land to deal with a matter that he ought not to be called upon to deal with. It was a question which he (Mr. Pattison) could not make up his mind how to deal with; but with the large roads he could see a difficulty. Before proceeding further he thought the hon. the Chief Secretary should inform the Committee how he proposed to deal with unoccupied Crown lands. If that were decided, the difficulty, so far as he was concerned, would be set at rest.

The PREMIER said as paragraph 7 of the clause stood at present the board would be entitled to destroy noxious weeds upon any unoccupied Crown lands, and the only provision for defraying the cost of doing so was that it would be paid by the Treasurer out of funds appropriated by Parliament for that purpose. That would depend entirely upon how much money Parliament would be willing to vote for the purpose. It was quite certain they could not place in the Bill a provision that the Treasurer should be bound to refund any money the board chose to spend. He thought himself that the 7th paragraph ought to be limited to a reasonable distance from roads; that was to say that the money the Treasurer should be bound to pay should be limited to money expended in destroying noxious weeds within a fixed distance from roads, leaving it to Parliament, each year, to place at the disposal of Ministers what sum it thought fit for destroying noxious weeds on unoccupied Crown lands. As the Bill stood at present they might mislead the boards into thinking they could spend as much money as they liked. He thought the boards ought to undertake the duty of exterminating noxious weeds on roads. He did not think it was a fair burden to impose upon the occupiers of adjacent land, because cattle and horses travelling along the roads distributed the seed. With respect to the other question raised by the hon. member for Port Curtis as to the burden to be imposed upon occupiers of Crown lands under occupation license or lease, he did not know how that could be remedied; he did not know how it was to be done, except in one of two ways—either by limiting the obligation of the occupiers of rateable land to keep the weeds down within a fixed distance from roads or unoccupied Crown lands, or else by excepting persons who held occupation licenses from the operation of the Bill. Those were the two ways. Under the present law the board might define the distance from reserves or unoccupied Crown lands or roads within which the occupier was bound to keep down weeds; two chains from the road he thought it was. That was the present law, and it was, he believed, passed in that form as a concession to the supposed financial weakness of the occupiers of the land. It was thought that it might be a great burden upon them, and that seemed to be the only way to deal with the question. The question now was, which was the best method of imposing the burden, but he did not think the clause would be very much improved by any amendment that might be made in it.

Mr. BUCKLAND said he agreed with most hon. members who had spoken with reference to the extirpation of noxious weeds, that the boards were the proper authorities to say what were noxious weeds and what were not. It might be that there were noxious weeds growing in the suburbs of the city which it was desirable should be destroyed; but, at the same time, in the Central or Western districts these weeds might be valuable fodder plants. He knew a board in the neighbourhood of Brisbane, who some three years ago spent about £30 in the destruction of

prickly pear; but he believed it was of very little effect, as the same ground was now covered over as thickly as ever. The hon. member for Burke, and those who believed in the prickly pear as a fodder plant, should look at the road leading from Brisbane down to the powder magazine, and see the effect it had had there. It had almost covered the whole of the grass, and he had never seen cattle eating it. The proof of that was that the prickly pear still existed in the district he had mentioned. For the reasons he had stated he thought the boards were the proper authorities to declare what were noxious weeds.

Mr. NORTON said the hon. member had forgotten that the member for Burke had said that the prickly pear, before being used by stock, had to be boiled or roasted.

Mr. BUCKLAND: I did not hear that.

Mr. NORTON said it had been largely used in New South Wales during the drought, and in fact those who used it had kept the whole of their stock alive and in good condition, while those who had not used it lost nearly the whole of theirs. He had had that information confirmed recently by a gentleman who had lately come from New South Wales. He did not know whether ostrich-breeding would ever be tried in Queensland, but he believed ostriches would eat the weed. In South Australia, where the birds were bred extensively, they eat it, and here in Queensland it was eaten by the emus, which, in fact, were instrumental in largely spreading it. With regard to limiting the destruction of the weeds to a certain distance from roads, if they did that they might just as well cut the whole clause out of the Bill, because it was leaving noxious weeds growing on country back from the roads which caused the seed to be distributed on the roadway afterwards. Hon. members probably knew the reserves on the Downs. They got covered with Bathurst burr after rain, and if this weed were only cut down near the roads the stock would distribute the seed. It appeared to him that if the clause was to be of any value at all money would have to be spent largely by the Government as well as by the boards. It was for hon. members to consider whether they, as representatives of ratepayers, were prepared to encourage the large expenditure which would be necessary on the part of the boards, and whether they would endeavour to extract from the Government something like a reasonable sum in proportion to the expenditure which would have to be incurred. If the matter was allowed to go on as it had done lately the only result would be the employment yearly of a certain number of men in doing useless work. He had seen numbers of places where the owners of property near a road had cleared inside their own boundary, and when the seed on the other side had become nearly ripe someone had taken action and had had the plants cut down. But they might just as well have been left alone, for the seed was so far ripe that it would grow wherever it fell. Besides that, Bathurst burr seed would keep its vitality for two or three years.

Mr. STEVENS said he thought the boards should be empowered to deal with noxious weeds. It was quite true that it might inflict hardship upon some persons who had large quantities of weeds on their properties at the present time, but the more time taken in dealing with them the greater would be the hardship. It would take much more money to destroy the weeds a few years hence than if they destroyed them now. Some hon. members had taken up the cudgels on behalf of the *Sida retusa* and the prickly pear, and from their arguments he would not be surprised to find someone get up and say something in favour of the Bathurst burr. Hon. gentlemen had said that the prickly pear had been used beneficially for stock during the severe drought, but that was only in very extreme cases, and were thousands of persons to suffer for the benefit of the few who were enabled to make use of the prickly pear? For instance, it was stated that a man saved his pigs by taking them out to where the prickly pear was plentiful and letting them feed on it, and the same arguments were made use of in favour of *Sida retusa*—that at times of extreme drought persons allowed their cattle to feed upon it—but if they had not the *Sida retusa* to fall back upon, they would probably provide something else for their cattle, instead of having farmers cursed with hundreds of acres of land around them covered with *Sida retusa* for the benefit of persons who turned their cattle out on the roads to pick up a precarious living. Those extreme cases did not count for much. He thought it right to leave it optional with divisional boards, chiefly on account of the great difficulty there would be in forcing the divisional boards to deal with the matter. The Bathurst burr had increased to such an extent that it could not be considered as either more or less than a national curse, and the sooner the divisional boards were entitled to deal with it the better for the colony.

Mr. DONALDSON said no doubt the question that had been initiated was a very important one indeed, and one that would demand not only a large expenditure but a great deal of attention in the future. The prickly pear, notwithstanding the remarks of its able friend the hon. member for Burke, would, he had no hesitation in saying, prove a curse to the country yet, and in the course of a few years the expenditure that would be required to extirpate it would be enormous; therefore the sooner the question was taken in hand the better. He did not agree that the boards should decide what were noxious weeds in their districts, because it was possible that in some districts the prickly pear was in such large quantities that the board would not elect to deal with it, for the simple reason that it would take several times their annual revenue to extirpate the weed. There were several boards in existence at the present time whose annual revenue would not be sufficient to destroy one-tenth of the weed in their districts. The fact was they had left the matter until it was almost too late. It should have been dealt with years ago, before the prickly pear was allowed to spread as it had done. He was confident it would yet have to be dealt with by the Government of the country, and large sums of money would have to be spent in eradicating it. In many districts it grew most on unoccupied land, and if the pastoral lessee was compelled to destroy it, it would be cheaper for him to go off his run altogether. In Victoria some years ago, when the Noxious Weeds Act was passed, it was looked upon as a great hardship by the holders of land that they should have to destroy the thistles and Bathurst burr on their land, though the Bathurst burr had certainly not got a very firm footing in that colony. What had been the result of that Act? They might travel from one end of that colony to the other and hardly find a noxious weed, with the exception of thistles, and the reason for that was that great difference of opinion existed as to whether they should be destroyed or not. Some shire councils thought they should be destroyed and others thought they should not. He was himself aware that the flowers of that weed were very good food for stock, but he said that the quantity of grass that would grow in place of the thistles, if they were destroyed, would provide a far greater amount of food than the thistles themselves. The Act he spoke

of had been a very great success in that colony, and there was also a provision there that the owners of land were compelled to destroy the weeds on one half of the road fronting their property, and if a person held land on both sides of the road he should have to destroy the weeds on the whole of it. The divisional boards might have several hundreds or thousands of miles of road to look after, and if they were compelled to send men out to clear them it could only be done at an enormous expense, whereas there might not be a large quantity of weeds to destroy. He thought it more desirable that the weeds should be destroyed on the roads than upon the lands, for the reason that stock travelling upon the roads frequently took the seeds with them and contaminated other districts. The Bathurst burr was not very bad in this colony yet, and was certainly nothing compared with what it was in New South Wales. In that colony he believed there was no Noxious Weeds Act, nor, in fact, any local government there, and the consequence was that, to his own knowledge, some places were completely overrun with Bathurst burr—to such an extent that sheep had to be taken off the country altogether.

Mr. NORTON: Where was that?

Mr. DONALDSON: On the Macquarie Flats, for one place. He believed it would take hundreds of thousands of pounds before they would be able to extirpate the weed in that colony. In some places in New South Wales the holders of freehold land had gone to much expense in trying to eradicate the prickly pear. At enormous cost they cut it and carted it to heaps where they had first put a large quantity of firewood, and then burnt it. The only way to destroy the prickly pear was to throw it into a waterwhole or burn it; and to burn it required a very large quantity of firewood, and consequently a great amount of expense. He knew none of the lessees in New South Wales attempted to destroy it; it was only the holders of freehold land who were anxious to preserve the value of their land who had gone to that expense. In the New England district he had seen a large quantity of land cleared of it. In this colony, beyond Toowoomba and near Jondaryan, there were also large quantities of it; it was constantly spreading, and it would only be a matter of time when the whole colony would be covered with it; therefore he thought that the sooner the matter was taken in hand the better. He rather feared that in the Bill before them they could not go far enough, and that they would have to introduce a special Act to deal with the matter and provide funds for extirpating the weed. He pointed out that the money laid out now would be well spent. £50,000 spent in the extermination of this weed now would be as good as £1,000,000 spent for the same purpose some years hence. Wherever it grew it destroyed the country completely, and he hoped to see the day when the question would be properly taken in hand, and some attempt made to preserve the colony from the great harm which might accrue to it by the spread of those weeds.

Mr. CAMPBELL said if he understood the Chief Secretary aright the hon. gentleman said the Government should reserve to themselves the right to destroy noxious weeds upon Crown lands. He thought the experience of the Committee was that the divisional boards could do it for one-half of what it would cost the Government to do it. That would be admitted on all sides. There were certain times when the divisional boards decided to destroy noxious weeds, and if they had to wait for the Government to take action so much time would be wasted in correspondence with the Government and getting them to do their portion, that the seed-time would be over, and it would then be almost useless to compel the property owners to destroy the weeds on their land, as they would soon find that they had spread all over the place.

Mr. MACFARLANE said considerable time had been spent in discussing that clause, and a good many suggestions had been made, but he had heard no suggestion that came up to the proposal in the clause as it stood. He could not see, for instance, how they could define what noxious weeds were, when a great number of members said that some plants were noxious weeds while others affirmed that they were not. The hon. member for Aubigny referred to the prickly pear and the Scotch thistle and stated that they were not used by any animals at all, while other members on the opposite side of the Committee said they were used by various animals in times of drought. The hon. member specially mentioned the thistle. In Ipswich there was a donkey roaming about, and the Scotch thistle was scarcely ever seen now. He would therefore advise the people in districts troubled with the thistle to get one or two donkeys and turn them out, and it would soon disappear. He did not know whether the donkey had extirpated the plant in his district, but he never saw it growing now. But perhaps there was something peculiar about his district, as the *Sida retusa* had also disappeared. He thought that as there was so great a variety of opinion among members of the Committee as to what were noxious weeds, they should allow the boards themselves to define them, and therefore that it would be better to pass the clause in its present form, with any little alteration that might be necessary.

Mr. KATES said that of all the noxious weeds the prickly pear was decidedly the worst; the Bathurst burr and the Scotch thistle were not to be compared with it. The Government of one of the southern colonies had found it necessary to legislate specially upon that noxious plant, and during the present year an Act was passed, entitled "An Act to provide for the eradication of the prickly pear," which received the Royal assent on the 13th July. He thought it would also be necessary in this colony to have a special enactment dealing with it. With regard to the other noxious weeds, there was not much danger in connection with them. The prickly pear, however, was likely to be very destructive to agriculturists. It had been found on the Upper Hunter, where it had rendered useless hundreds of thousands of acres of land. The Bathurst burr and Scotch thistle could be ploughed up, but the prickly pear could not. The only way to destroy the prickly pear was by digging deep ditches and covering it over with two or three feet of soil, and allowing it to rot there. If measures were not adopted soon to destroy the prickly pear it would cost ten times as much to do it in a few years as it would at the present time. He hoped the Premier would make it compulsory to destroy the prickly pear in all the districts of the colony, and that Crown land rangers would receive instructions to report to the local board cases where they found districts infested with the noxious plant.

Mr. PATTISON said he would like to understand the Premier upon the question of unoccupied Crown lands. Subsection 2 of that clause provided that—

"It shall be the duty of the board to extirpate and destroy any such weed or plant found existing upon any reserve under the control of the board."

There were very few reserves under the control of boards. Then how were reserves not under their control to be dealt with? There appeared to be a deficiency in the clause in that respect. He could understand the difficulty the Government

had in dealing with the large lots of unoccupied Crown lands to which that provision would apply, but he would like to understand what was to be done with regard to reserves not under the control of any board.

The PREMIER said, if the hon. member would look at paragraph 6, subclause (*a*), he would find it was provided that if the land was a public reserve the cost of extirpating the noxious weeds on it would be recoverable from the trustees, or if there were no trustees, from the Treasurer. That burden was entirely undertaken by the Crown. In respect to the rest of the clause he was not prepared to move any amendment limiting the obligation of occupiers of land to keep their own weeds down. He thought, after hearing the debate, that the best amendment to propose in paragraph 7 would be to add a proviso that the expense must not be incurred without the previous consent of the Treasurer. If the Treasurer had the money in hand he would authorise the expenditure. But if Parliament had not placed any money at his disposal, of course he ought not to authorise the expenditure. A proviso to that effect would prevent the boards being misled and incurring expense which they would not be paid.

Mr. DONALDSON said it would also prevent the eradication of the weeds. He would like to see a vote for £100,000 proposed for the eradication of noxious weeds. Would there not be a howl if it was proposed? Every town member would say, "We are not going to improve the country districts by paying for the destruction of noxious weeds."

Mr. BUCKLAND: Rabbits!

Mr. DONALDSON said it was very necessary to keep the rabbits out of the colony, and it was only by the skin of its teeth that that vote was got through. Had it not been for the strong hand the Government had at that time it would not have been got through. He was, however, very pleased that it was passed, and was sure the country had a great deal to be thankful for. If hon. members, instead of being far distant from the scene, had lived in a country where that animal existed in large numbers, and seen the ravages it had committed, they would certainly have voted the money more cheerfully. There was some difficulty with regard to noxious weeds; their destruction would cost hundreds of thousands of pounds, and to get a vote from the Committee for that purpose was a matter of utter impossibility. That clause was a step in the right direction, but it was merely a step. It was a very large question, and would have to be dealt with by a special Act of Parliament, and he trusted the Government would see their way clear to bring in a measure before very long, because the longer the matter was delayed the greater would be the difficulty in getting rid of the weeds.

The PREMIER said he did not follow the hon. member. In one breath he said Parliament would never vote money for the purpose of destroying noxious weeds, and at the same time he contended that they ought to give unlimited power to boards to expend money for that object and then recover it from the Treasury. If Parliament would not directly sanction the expenditure of money for that purpose it ought not to sanction it indirectly—without being consulted in the matter.

Mr. DONALDSON said what he meant to convey was, that if the boards were not allowed to expend money in destroying weeds on unoccupied lands, without the consent of the Treasurer, the weeds would be allowed to grow, because Parliament would not agree to a vote for that purpose. On the other hand, he advocated that an Act should be passed dealing with the subject. It would then be possible to get the law administered, and the extirpation of weeds would be done by private individuals, or the Government would give some assistance in certain cases. If it were left to the divisional boards, some districts would not deal with the prickly pear because of the enormous cost of exterminating it. It was a question which would have to be taken in hand boldly.

Mr. WHITE said it appeared that the prickly pear was a very great evil that ought to be dealt with. The rabbit nuisance was not an unmitigated evil; the people at Colac did not consider it so. The inhabitants said that the township would never have grown to anything except for the rabbits. They had seen the time when many of the people would have been starving there but for the cheap rabbits. He considered that the clause was simply playing around the question. It seemed very inconsistent that where two neighbours were living side by side, one in one division and the other in another, the one should allow a certain weed to grow in profusion, and laugh at his neighbour who was compelled to destroy it at considerable cost. It was absurd that neighbouring boards should clash in their opinions as to what were noxious weeds; and he did not think it should be left to the boards. It would never succeed.

Mr. FOOTE said the Divisional Boards Bill was one which most hon. members expected to be a panacea for all the wants of the colony, and now they were at a standstill over a few weeds, which must spring up where there was any growth at all. The clause seemed to him to provide for everything that the Act required. The power should certainly be vested in the boards, which would be composed of men who knew what they required, and would be able to meet their requirements according to the moneys they had to expend. He could see something looming in the distance. The prickly pear must be extending out west, on the Barcoo and Warrego. They had had the marsupials for many years, and last year there was the fearful expense of £50,000 for a rabbit-proof fence, which hon. members had applauded so much. He sincerely hoped a second £50,000 would not be asked for; at any rate he should certainly vote against it. He would then refer hon. members to the inhabitants of Colac, and suggest that townships might be formed along the line to consume the rabbits. A hint was now given that a large sum of money would be required to clear off the prickly pear, and he thought they ought to take a note of that. The holders of land ought to be able to look after their own interests. The boards had power to give notice for the destruction of weeds which were considered noxious, and if anyone neglected to destroy those on his property, the board could destroy them at his expense. That he considered a sufficient safeguard. Of course the great difficulty was with regard to unoccupied Crown lands. While property owners were compelled to keep their lands clear, the weeds were allowed to grow on Government land, and spread themselves broadcast all over the country. Certainly the Government should bear the expense of destroying the weeds on Government lands. He thought the matter might be safely left to the boards; but if the boards were as much divided as the Committee was, as to what were noxious weeds, they would never come to a decision.

Mr. STEVENS said the hon. member seemed to see something very ominous in the future with regard to the far West, but he was completely overlooking what was under his own nose. In the vicinity of Brisbane, Ipswich, Sandgate, or any direction a few miles out, noxious weeds had become a perfect curse, and required immediate

attention. The hon. member for Stanley seemed to have some information with regard to the rabbits about Colac, but that hon. member could hardly have been there himself, or, if he had, he must have been in communication with the rabbit-trappers. They were the only persons who had ever derived any benefit from the rabbits. But taking it for granted that a certain number of persons did derive a living from trapping rabbits, did the hon. member ever consider how much damage the rabbits must have done before they increased sufficiently to provide a living for trappers—the hundreds of thousands of pounds' worth of property they destroyed? He (Mr. Stevens) joined the hon. member for Bundanba in the hope that no further vote would be required for the rabbit fence; probably the money voted would serve the purpose. At any rate, in New South Wales and South Australia, where they had been struggling against the pest for many years, they had come to the conclusion that fencing was the only thing to act as a complete check, and even now the Governments of those colonies were authorising the expenditure of very large sums of money, amounting to something over £100,000, for the purpose.

Mr. DONALDSON said that the hon. member for Bundanba was nothing if he was not suspicious. He was the most suspicious member of that House — he was always trying to impute a motive whenever he heard any suggestion made by any outside member. He could assure that hon. member, for his information, that there was no prickly pear nor any immediate danger of it in the interior, but they had had experience of it in other districts, and merely wished to make provision against it. It was well for the matter to be taken in hand before the danger spread to those districts. It might be many years before prickly pear got out into the Western districts, because it was slow of growth and did not grow like the thistle, the seeds of which were carried very rapidly. With regard to the interior, at the present time it was perfectly free from the prickly pear, or any danger of it. Now, with reference to the rabbit fence, he thought a little more information might be given. The Government of New South Wales saw the necessity of trying to localise the rabbits in that colony, and they had now made arrangements for the erection of a fence joining the one on the southern boundary of Queensland, so as to keep the rabbits in the southern portion of their colony. Their experience, and that of the colonies of Victoria and South Australia, was that it was advisable to spend large sums of money in constructing rabbit-proof fences. He concurred heartily with the hon. member for Bundanba in trusting that no more money would be required in Queensland in keeping out that pest. He had been really surprised to hear the remarks of the hon. member for Stanley (Mr. White), who actually applauded the fact of the rabbits being at Colac in Victoria. If he had been in that district he would have heard charges of such a nature made against the rabbits that he would not have spoken as he did of that unmitigated evil.

Mr. McMASTER said he supposed if they debated the clause till to-morrow morning they would not have a definition of what noxious weeds were, and therefore he thought it better to leave it to the boards themselves. He thought he must have misunderstood the hon. member for Warrego. When he spoke a few minutes before, he (Mr. McMaster) understood him to say that the prickly pear was already a curse in his district, but now he told the Committee they had none in the interior.

Mr. DONALDSON said he might be allowed to explain. He spoke of the prickly pear on the Darling Downs, about Jondaryan, where he had seen it in great profusion, and he could inform the hon. member that there was none in the Western districts, nor was there any immediate danger of its getting there.

Mr. McMASTER said he did not catch the words "on the Darling Downs." He had heard him say it was a curse already; and if it was so bad on some parts of the Darling Downs it ought to be taken in hand immediately, but he thought it should be taken in hands by the boards. He objected to the hon. member for Warrego stating that the town members would oppose the vote for the destruction of those noxious weeds a few years hence. The town members assisted them to get the £50,000 for the rabbit fence—that was for the interior, and not for Brisbane or for the coast lands. A week ago they helped the hon. member to get a Bill through for the destruction of marsupials and dingoes. It was well known that the hon. member insisted on dingoes being included in the Bill two years ago, but he would not allow any assistance to be given to the unfortunate farmers living close to the town by including flying-foxes.

Mr. DONALDSON said he must again correct the hon. gentleman. He voted for the inclusion of flying-foxes.

Mr. McMASTER said he must apologise. At all events, they could not improve the clause; and he was satisfied that if it was necessary to ask for a vote for the destruction of noxious weeds the 2nd subsection of the clause would meet the case. Therefore, he thought the boards should be the parties to decide what weeds should be destroyed.

Amendment agreed to.

The PREMIER moved the insertion at the end of the clause of the words "provided that the sanction of the Treasurer shall be obtained before any such cost is incurred." That was in accordance with constitutional practice, which required that no money should be expended except by the consent of Parliament. It would be idle to allow boards to incur expenditure, thinking they would get the money from the Treasurer, if the Treasurer had no money to give them.

Mr. NORTON said he would again remind the Chief Secretary of what he said with regard to the destruction of noxious weeds on the resumed portions of runs, which were merely occupied from year to year by pastoral tenants; also in the large scrubs, particularly on the Downs, which were included in the boundaries of the runs, and were of no practical value to anyone under the sun. The effect of compelling the lessees to be responsible for the destruction of weeds in such cases would be unreasonable, and they would rather give up their runs than destroy the prickly pear at their own cost, because it would ruin them. That did not apply to the district which he represented, because there were not many noxious weeds in that district—not many burrs even; it applied to places where the land was more valuable. He mentioned the matter in order that the Chief Secretary and the Colonial Treasurer might take it into their consideration.

The PREMIER said he had been thinking over the matter since the hon. member first mentioned it; but he did not think it was desirable to make any exception. He did not see how the Committee could make any exception as to any particular kind of land. It might be said that an exception might be made in favour of land held under occupation license; but he did not see why the man who held land under an occupation license should have any greater

exemption, or why the burden of the cost should be placed on the Crown in his case any more than in the case of a man who held the resumed half of his run; or in the case of a man who had the resumed half any more than that of a man who had a lease under the Act of 1869; or in the case of a man who had a lease under the Act of 1869 any more than in that of a man who had a lease under the Act of 1884. The cases all ran into one another, and he did not see how a line was to be drawn between them. The best thing would be to let the clause stand as it was and trust to the good sense of the boards. No divisional board would attempt to ruin any man by ordering him to spend a large sum of money on land of which he had a very short tenure. If the land were thrown up it would be thrown up because it was no longer of any value; if it was of any value tenants would very soon be found for it on an occupation license.

Mr. DONALDSON said there were districts in the colony where, if the board insisted on the eradication of what it might choose to call noxious weeds, it would be better to throw up the land altogether than to comply with the order. As to relying on the mercy of the boards, that would be a mistake so long as the clause remained optional; if it was made of general application his objection would be to a great extent removed.

Mr. NORTON said that if a divisional board compelled the eradication of weeds while the adjoining one did not, the only course open to a lessee would be to throw up his lease, simply because it would be impossible for him to bear the expense. The Government might perhaps find another tenant, but they would not persuade him to include the extirpation of noxious weeds in his lease.

Mr. PATTISON said it was scarcely likely that any board would put the Act into operation so long as the Government refused to deal with noxious weeds on unoccupied Crown lands. It was very unlikely that the boards would undertake that responsibility at their own expense. It was not a matter that could stand over; the weeds must be destroyed at once. A scheme might be propounded, and the Treasurer might approve of it; but if Parliament had voted no money who was to pay for the work in the meantime? It was hardly likely that the boards would make advances for the Government. No board would undertake such a duty, and the leader of the Opposition might rest perfectly satisfied that pastoral tenants need be under no fear so long as the Government refused to do its part of the work by keeping reserves and unoccupied Crown lands clear. That was the best security the pastoral tenants could have that no board would put the Act in force in an oppressive way.

The PREMIER said he did not know what the hon. member was driving at. Did he want the Government, under that Bill, to give boards an unlimited power to expend the public money? Such a thing was totally inconsistent with the Constitution under which they lived. The Constitution required that annual expenditure should be voted by Parliament year by year. If the Government were to bring in a Bill giving boards a general power of expenditure for the purpose, he was sure that no Parliament would ever pass it; they would insist that the money should be voted year by year. But that could not be done in the present Bill, and there was no use in discussing it in connection with that clause.

Mr. PATTISON said that even if the Treasurer had £1,000 or £2,000 placed at his disposal it would be some substantial assurance to the boards that there was a fund upon which they could draw. The Bill, to have any effect, must be put into operation at once, and funds should be placed at the Treasurer's disposal, no matter how small they might be.

Mr. KATES said the objection raised by the hon. member for Port Curtis did not apply to the land on the Darling Downs, especially at Jondaryan, where it was all freehold; and it was at Jondaryan that the prickly pear was so common.

Mr. JESSOP said the scrubs were not freehold, nor the reserves, and beyond Jondaryan there was a good deal of Crown land.

The HON. J. M. MACROSSAN said that some years ago exactly the same discussion took place, and exactly the same diversity of opinion was expressed; and it would be the same if they went on for the next seven years. He did not see how the Government could be expected to put a large sum of money on the Estimates for the purpose; and if they did, he for one should vote against it, and so would many other hon. members.

Mr. FERGUSON called attention to subsection 5, which provided that if the weeds had not been extirpated within a month of the notice the board might enter on the land and do the work, and said he thought the time was hardly sufficient, especially if a man held 5,000 or 6,000 acres with weeds all over it.

Mr. PATTISON said he agreed with the subsection as it stood. If the weeds were not eradicated in a month they might seed, and then the mischief would be done.

Mr. STEVENS said exception might be taken to that subsection because it was compulsory. In Victoria local bodies had power to extend the time from month to month.

The PREMIER: So they have here. It says "the board may forthwith enter" upon the land; not that it shall.

The HON. J. M. MACROSSAN said he thought when they left so much to the discretion of the boards they might leave this. The boards were composed of reasonable and experienced men, and it might very well be left to them.

Mr. NELSON said he did not quite understand the 6th subsection when it said that any reasonable expense incurred by the board in extirpating and destroying the weeds should be a charge upon the land. How long was it to remain a charge upon the land? Until it was recovered?

The PREMIER: Yes.

Mr. NELSON said that in the case of unoccupied Crown lands it would answer, he believed, to a large extent if it was to remain due by the Treasurer until liquidated. That might be of some assistance to the board at any rate. He did not know whether it was meant that the board could recover from the Treasurer for unoccupied Crown lands, as in the case of reserves. He was afraid that the unoccupied Crown lands were the greatest nuisance, for they paid no rates, while the ratepayers got some benefit from the reserves.

The PREMIER said it had been pointed out several times that if Parliament would not vote the money the Treasurer could not pay it. It was in order to protect the boards that the amendment now before the Committee had been proposed. The sanction of the Treasury must be obtained, but if Parliament would not vote the money there was no use applying to the Treasury.

Mr. NELSON said there might be some limit put; a limit of, say, 1s. per acre per annum,

The PREMIER asked if he meant on all the unoccupied Crown lands in the district?

Mr. NELSON: On all lands not under lease or license.

The PREMIER said they could not surrender the control of public money from Parliament to anybody.

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

Mr. ISAMBERT said that when the Act for the destruction of marsupials was before the House a great deal was said about the necessity of including flying-foxes; but it was found that they could not deal with flying-foxes in that Act, and it was mooted that they might be dealt with in the Divisional Boards Bill. He therefore now proposed as a new clause—

The board may, if it thinks fit, cause the destruction of flying-foxes found within the district, and may defray the cost of such destruction out of the divisional fund.

He was sure that in some districts very little encouragement would be necessary for causing the destruction of flying-foxes—only sufficient for shot and powder—as the Government would in such cases assist in the destruction by paying two to one. He thought power should be given to the boards to deal with the pest.

The PREMIER said he did not see the slightest objection to this clause if the boards and the ratepayers saw no objection. It might do some good, and he was disposed to try it as an experiment.

Mr. DONALDSON said, as he had been twitted so much about a clause of that kind, he would be inclined to support it.

Mr. NORTON asked if the Premier was really serious in accepting this clause. He could hardly think so. After what had been said it could hardly be expected that the Committee would adopt it. He did not think it would be any less valuable than the clause just passed, but they might as well include sparrows and a few other objectionable animals.

Mr. FOOTE said he thought it was a very useful clause. It rested with the boards themselves to put it in force. It would be found valuable in many districts where fruit was grown, and where it was known that flying-foxes committed great ravages in the fruit season. It would be perfectly optional with divisional boards as to whether they would enforce the clause or not. If they did enforce it they would have the pleasure of paying for it. If it did not pay them to enforce it they would not enforce it.

Mr. PATTISON said it seemed to him to be loading the Bill with a very unnecessary clause, for it would never be put in force. The member for Rosewood appeared to be under the delusion that the Government would subsidise the expense of destroying the flying-foxes with two to one, but it was to be hoped he had recovered from that error.

New clause put and passed.

On clause 187—"By-laws generally, proceedings, fires, nuisances, cleansing premises, amusements, carriers, wheels, vehicles, tramways, slaughterhouses, markets, streets, water, drainage, lighting, preventing obstructions and injury to roads, preventing injury to buildings and works, vacant lands, burial, trees, reserves, bathing, pollution of streams, public decency, health, offensive trades, tolls, traffic, libraries, gardens, etc., commonage rights, licensing gates, dogs or goats, noxious weeds, general by-laws, etc., not to be contrary to law"—

Mr. NORTON said he would point out, with regard to subsection 6, that it would be desirable to give a board power to prevent as well as to regulate licenses.

The PREMIER said the clauses in the Local Government Act as to by-laws had always been analogous in their form, but sometimes difficulties had arisen from the language used. The power to grant licenses involved a power to impose conditions, and if those conditions were not fulfilled the license might be refused. He might say that the clause had received judicial interpretation.

Mr. ALAND said he noticed that subsection 32 provided for—

"Regulating the registration of dogs and goats other than Angora goats, and authorising the sale or destruction of unregistered dogs or goats."

He did not know why Angora goats should be left out. They might be very useful; but so were the common goats. Many families thought goats were very useful to provide milk. He knew of a neighbouring municipality where Angora goats going about the streets were as great a nuisance as the common goats; that was at Sandgate. If they were not Angora goats, certainly they were not the ordinary kind of goat. However, that was a matter for the Committee to decide upon. Then there was the 9th subsection, to this effect:—

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

He thought the Committee ought to give an expression of opinion upon that. The Committee would be aware that a petition had been presented to the House from the Brisbane Tramway Company, in which they took exception, he presumed, to that clause. The clause said that the divisional board should have full control over the vehicular traffic on the streets and roads. But he certainly thought that the tramway company had certainly some claim for exception. They received their constructing authority under a certain Act of Parliament, and that Act of Parliament certainly contained no restrictions of that sort upon them. Under the subsection, he took it that they would have to get licenses for their drivers and conductors, and they would also be expected to pay for those licenses; generally where licenses were issued, a fee was demanded from the omnibus-drivers or cab-drivers. When they considered the great expenditure which the tramway company had been put to, and the little likelihood there was of that company paying, at all events for some time to come, and the fact that they kept a very large portion of the road in order, and in good order too——

Mr. LUMLEY HILL: They spoilt it.

Mr. ALAND said that, according to his idea, they kept a considerable portion of the roads in better order than the municipality did or the divisional boards. Taking all these things into consideration, they ought not now, just as the company had made a start, to come down and hamper them with all manner of rules and regulations which they had never expected.

Mr. LUMLEY HILL said that the hon. member for Toowoomba, Mr. Aland, spoke as if he had had a special retainer to plead their cause, and he had done it in a very able way. There was, however, something to be said on the other side about the tramway company keeping the roads in good repair. He had heard that it was the best friend of the coach and buggy builders that ever was known in the city of Brisbane. It racked the wheels of vehicles and put them out of repair, and they were

consequently always in the hospital. Everybody who had a buggy or trap of any sort had constantly to send it to the coach-builder. With regard to those after regulations, when the tramway company went into that business he supposed they were aware that the Government of this colony were in the habit of passing Acts one year and amending them a year or two afterwards, or altering them considerably as they had done the Land Act. They must have known that before gigantic monopolies were started in any line of business in Brisbane they must look very carefully ahead to see what legislation was likely to occur, and he did not see that the tramway company should be exempt at all from any possible future legislation. He thought that the company wanted controlling a great deal, and it would be very advisable that they should be placed under the control of a divisional board. He did not see why their drivers should not pay license fees the same as omnibus-drivers; it was only 5s., and he did not think they would have anything to grumble about if they were brought under the control of the divisional board in which they were running.

The PREMIER said that the subsection had not been inserted in the Bill without due consideration. He did not see why that particular kind of traffic should not be regulated by local authorities the same as other traffic. With reference to the mode in which the roads were kept in repair, that was provided for in the Tramways Act, but he thought there was no objection to requiring the drivers to pay licenses, as otherwise there might be some very objectionable persons employed. Of course the tramway company might be oppressed in the same way as proprietors of cabs and omnibuses might be oppressed by a board, but they must assume, as the basis of their legislation, that the boards were fit to be entrusted with the work committed to them. He had some doubt with regard to regulating the form and construction of the cars, but there was nothing about overcrowding to be seen in the subsection. He did not think there would be much danger from overcrowding tramcars. Any by-laws which might be made which would have the effect of operating harshly ought to be very carefully scrutinised by the Government. As to the traffic on the tramways, he had found tramcars actually blocking the road—two or three almost close together crawling along at the slowest possible rate, and before a person could get past them two or three omnibuses would come along at a fair pace, and a hundred yards further on there would be another, so that it took halfway up the street before one could get past those cars. That sort of thing was a nuisance, and he did not think the proprietors of any vehicles in the streets ought to have a prescriptive right to do as they liked. That was his opinion. He thought no power of that kind ought to be used so as to cause any oppression or annoyance or loss to the proprietors of the tramways, who had incurred a great deal of expense and up to the present had not had a very large return; but he did not see why they should be exempt from the general supervision of the local authority.

Mr. NORTON said the objection the hon. gentleman took to the tramcars running together, and people not being able to pass, also applied to omnibuses and to all sorts of vehicles, so that the objection was one that did not hold good in regard to the cars.

The PREMIER: Just as much as to anything else.

Mr. NORTON said there was this difference between the cars and omnibuses and other vehicles: Omnibuses and other vehicles were treated under an Act of Parliament, and the tramcars were treated under an Act of Parliament of their own. They did not come under the other Act. Now, they had to consider that a special right had been given to the company by an Act of Parliament, and if they complied with all the conditions of that Act, had Parliament any right, under the circumstances, to take from them the power which had already been given? Before they were entitled to commence work at all they had to comply with a number of conditions. The municipal council had the option of objecting to the lines being run in particular streets, and no objection was taken. He maintained they had rights under the Act which could not be taken from them, and he did not believe that the Bill now under consideration could take away those rights.

The PREMIER: What right has any man to make a nuisance in the streets?

Mr. NORTON said the question was, what were nuisances. The conditions of the Act had been complied with by the company. Those whose business it was to object to the construction knew the circumstances in which they would be placed. They knew whether the tramways would be a nuisance or not afterwards, but they took no objection. No serious objection was taken now, but yet it was proposed to take away the company's rights and throw upon them a system of taxation which would be a heavy burden. They were empowered by the Act to make by-laws of their own, and if they were carried out properly he did not see how the Government could fairly step in. He would ask the Chief Secretary whether, in the event of the Government at any time running tramways through town, they would be prepared to give the municipality the right to exercise control over them. He was sure they would not.

The PREMIER: They would not approve of the by-laws.

Mr. NORTON said of course not, but not having any particular interest in the Metropolitan Tramway Company, the Government might approve of the by-laws. That was where the difficulty came in. He believed that the tramcars were a great convenience to the public.

The PREMIER: Hear, hear!

Mr. NORTON: And although certain objections had been made, he thought, on the whole, tramways were a very much greater benefit than disadvantage. There was this to be borne in mind: that under the good faith that was held out by the Act a company had been formed, and had invested their funds, with very little prospects of a return so far, and now he did not see how they could be interfered with without some more substantial reasons than had been given.

The PREMIER said there was no question of depriving the tramway company of any right already conferred upon them. All the Tramwa Act gave to the company was the power to lay down lines of rail in the streets, and to run on those lines of rail vehicles specially constructed for the purpose. They had no authority to interfere with the streets without special permission by the Act of Parliament; that was the power that was given to them. They were authorised to that extent only to interfere with the streets. They were not authorised to let their vehicles stand on the streets, or to run unsuitable vehicles, or employ incompetent or improper persons to drive their vehicles. Their Act put them in the same position as the owners of any other vehicles, with this difference: that they might run their vehicles on lines of rails laid down in the streets, and might interfere with the streets for the purpose of doing that. And in consideration of those privileges certain corresponding duties were imposed upon them. He did not see that it would be fair to impose fees upon them for

running in the streets—to make a charge upon the vehicles, or in respect to the men employed—but power ought to be given to prevent the employment of improper persons. Of course they were not likely to do that. As the clause stood, taken in conjunction with the 188th section, it would authorise the board to impose license fees on drivers and conductors, but that was not the intention, and it was proposed to make that exception in clause 188. With that exception he did not see that any serious objection could be made to the clause. It was certainly not to be supposed for a moment that it was inserted with any object of hostility to the tramway company, but it must be remembered that though there were now only two tramway companies in existence—one in Brisbane and one in Rockhampton—they should consider the probability of other companies being formed and the general desirableness of the traffic being regulated. The tramway companies were given no special powers except those he had mentioned. The Act did not say that they should be independent of local authority and do what they liked; it simply gave them certain specified powers.

The HON. J. M. MACROSSAN said the Tramway Companies Act gave them a little more authority and privilege than the hon. gentleman cared to admit. The Act gave them authority to make by-laws to regulate the traffic upon the tramways, and it was now proposed to pass a similar clause giving the same authority to divisional boards—an authority which would conflict with the authority given under the Tramway Companies Act. Clause 71 of the Tramway Companies Act gave the company power to make by-laws for preventing the commission of nuisances in or upon the cars, or upon the premises of the company, for regulating the traffic upon the tramways, and the conduct of officers and servants of the company. Now, by subsection 9 they were giving power to the board to regulate the traffic on the tramways. The very same words were used as in clause 71 of the Tramways Act; so that if they gave such a power to divisional boards they would be repudiating what they had already done. It would be a pure act of repudiation, and he did not think Parliament should be guilty of it. It must be remembered that when the Tramways Act was passed it was passed for general purposes. It was an invitation to the divisional boards and municipalities or to private companies to make tramways. The municipality of Brisbane had the option of making tramways, and they had the matter under consideration, but they did not make or attempt to make them, and he thought, before Parliament gave them the power to regulate traffic on the tramways, after having given it to a company which had invested a large sum of money with a very small prospect of profit, they should consider whether they would not be deterring other people with capital from investing in the same enterprise. He did not say they should not regulate the traffic upon tramways, because other tramways might be constructed in the future; but he thought that tramways in existence at present, having been formed under the Tramways Act, ought to be specially exempted from the operation of subsection 9.

Mr. McMASTER said that in the interests of the public the clause should be retained. The hon. member for Toowoomba said the road was kept in a better condition than the municipal council kept theirs. Evidently the hon. member did not travel much in the streets of Brisbane. He believed the hon. gentleman lived in Sandgate now, and came up by rail. Anyone who travelled through the streets in which the tramway was laid down must have observed that the surface of the road was constantly being repaired, and the streets in which the trams were plying now were not in half as good a condition as they were before the tramway was laid down. In those streets now, instead of having two water-channels, they had six in some places. They had two lines of tramway and on each line there was a channel formed, because the company raised the road between the rails and between the lines so high that a person going along the street in a light trap was in constant danger of being jolted out of it. The hon. member for Townsville said that the company had power to make their own by-laws under the Tramways Act. But who was to enforce them? Was it likely that the company, who were anxious to make as much money as they could, would pull up one of their drivers or conductors for overloading? Was it likely that they would take him to the court and have him fined? Nor was it likely that they would pull their drivers up for standing in Queen street. He had sat in a tram for a quarter of an hour in Queen street when going home from the House. The company had power under the Act to make by-laws, but it was also provided that they should comply with any by-law which might be in force in a municipality as to speed. The by-law in force in the municipality at present was that no vehicle should travel at a less rate of speed from stage to stage than six miles an hour. They knew that immediately an omnibus driver drove at a walking pace up Queen street he was pulled up to the court. Only last week an omnibus driver was fined £2 for driving his omnibus at a walking pace up the street. The trams walked whenever they liked and took up as many passengers as they could possibly get. They should have some power to prevent the overloading of trams, as some day an accident might happen and a number of persons be killed. He was satisfied that the public demanded that the tram traffic should be regulated as well as any other traffic. It was not such a very large charge. The hon. member for Toowoomba said that if the clause was passed the tramway company would charge as much as the omnibusmen, but he did not see why they should not. An omnibus driver only paid 5s. per annum for his license——

Mr. ALAND: What is the vehicle?

Mr. McMASTER said there was no mention of a vehicle in the clause. It did not allow the boards to levy the license upon the car but upon the driver. An omnibus driver could get a license to drive any omnibus for twelve months for 10s., and to drive a particular omnibus for 5s.; and if he wished it transferred to another at any time of the year he could have that done by paying 2s. 6d. It was desirable that they should have the power to bring the tramcars under the regulations of the Traffic Board, as other vehicles were. Their private vehicles were regulated — they were not supposed to go round a corner at a faster pace than a walk; but he had seen trams going round a corner at full speed; he had seen them galloping round a corner, particularly when they were running in opposition to an omnibus. Any day they might see two or three trams standing together in the street, and it was nothing new in the New Farm road to see an omnibus travelling with a tram a few yards ahead of it and another a few yards behind it. There had been one line of omnibuses bought off, and another kept on. When the previous line of omnibuses was running the company put on twelve trams; but immediately the omnibuses were taken off they reduced them to six or seven. Two omnibuses were again put on the road, and now the company put on twelve trams again to run the omnibuses off. They ought all to be under the same regulations: one company should not be

allowed a privilege over and above another. He was quite well aware that the trams were a very great convenience to a large number of the public; but they were a great tax upon a large number of people. As the hon. member for Cook stated, there was nothing equal to the tramway in Brisbane for the coach-builders. No doubt some hon. members had found that, if there was any flaw in their traps, in trying to cross those lines the wheels would be taken off. He had seen several come to grief in that way himself. It was not only those that came to grief suddenly they should consider—they should consider the terrible wear and tear upon traps that were constantly travelling through the streets in which the tramways were laid; so that, while they were a great convenience to people who had not traps, they were a heavy tax upon those who had. They should not be exempt from being regulated, and there should be power given to prevent their being overcrowded, and to prevent smoking upon them. If a gentleman lit his pipe on an omnibus, or in a cab, or even in a ferry-boat, he could be pulled up for it: but he could go into a tram and smoke as much as he liked. It was a very disagreeable thing; but it was no use asking a man to put his pipe out, because there was no law to make him do so. Gentlemen had stated to him that they had been travelling in trams that were supposed to carry thirty-five or forty, that really carried fifty or sixty. He believed the Breakfast Creek trams many a day, and especially on the Sabbath afternoon, were very much crowded — there was scarcely standing room in them; and it should be remembered that there had already been one accident on the Breakfast Creek road. He thought, in the interest of the public, they should have the power of regulating the tram traffic, and so prevent accidents in the future; and they should be able to prevent them going round the corners at a faster pace than a walk. There was one corner in Fortitude Valley, going out of Wickham street into Brunswick street, and the trams went round that corner at full speed. Everybody had to get out of the road. He did not mean to say that the directors of the company authorised the drivers to do anything of the kind. He believed the directors were very anxious that the tram traffic should be regulated to the satisfaction of the citizens if possible, but for all that the drivers did rush round the corner, especially if they saw an omnibus before them. Many of the drivers thought that no one had any right to be in their way—in fact, they had stated that they had a right to the road, and that everybody else must clear out. He therefore hoped the Committee would see the desirableness of bringing the tram drivers and conductors under the municipal regulations in the same way as omnibus drivers.

The PREMIER said he just wanted to add a word or two to what he had already said on the subject. The Tramways Act expressly provided for making by-laws of that kind. By clause 54 it was provided that—

"No car shall travel on the tramway at a greater speed than is allowed by the by-laws of the council."

There was no power at present by law to make such by-laws except what was inferred from that provision, and that did not give the local authorities the power. The 83rd section of the Tramways Act provided that—

"Nothing in this Act shall affect the power of the council to regulate the traffic over any street in which the tramway is laid."

Clearly, therefore, it was intended that the traffic should be regulated by the local authorities.

The HON. J. M. MACROSSAN: What about the clause empowering the company to "regulate the traffic upon the tramway, and the conduct of the officers and servants of the company"?

The PREMIER said that referred to the working of the tramway, to matters between the company and its servants and officers, but not to the regulation of the tram traffic with relation to the general public and other vehicles in the streets, which was dealt with by sections 54 and 83, which he had just quoted.

Mr. STEVENS said he thought there should be proper traffic regulations administered by the local authority. The hon. member for Fortitude Valley had dealt very exhaustively with one portion of the subject, having referred to overcrowding and smoking on the trams, and going fast round street corners. In fact, the hon. member had mentioned nearly every offence of which the tram-drivers had been guilty. But there was another which had not yet been referred to, and that was driving at full pace over street crossings. Other vehicles had to go at a walk, but passengers dropped from an omnibus might be taken unawares by a tram coming down the street at full speed. With regard to the supposed rights of the company, if those rights had been proved very great wrongs, it was time they were remedied, and the sooner it was done the better. The hon. member for Townsville said that the clause should apply to future tramways only, but that would not be fair as the present company could then go as it pleased while other companies would be subject to regulations.

Mr. FERGUSON said he thought it would be rather hard to give local authorities power to regulate the form and construction of the cars, and to tax them.

The PREMIER: I did not refer to that.

Mr. FERGUSON said that it would be a very objectionable power to give to the authorities. The Bill only dealt with divisional boards, so that as far as Brisbane was concerned the trams would travel under the same conditions as at present. The provision would not apply to municipalities.

The PREMIER: Oh, yes, it would!

Mr. FERGUSON said he understood that was a Divisional Boards Bill.

The PREMIER: So it is.

Mr. FERGUSON said the Local Government Act was in force in municipalities, and not the Divisional Boards Act, and it required amendment as well as the Divisional Boards Act. If the amendment mentioned by the Premier were made in the clause under consideration, he thought the provision would then be a very fair one.

The PREMIER said he did not say anything about the licensing of cars. He referred to the licensing of drivers and conductors, but said nothing about the licensing of cars. Perhaps it would be too much to ask that power should be given to local authorities to regulate the form and construction of cars. He therefore moved that the 2nd line in subsection 9 be omitted.

Amendment agreed to.

The PREMIER said that consequent upon the amendment just passed there was another amendment necessary. He moved that the words "such cars" in the 3rd line of the subsection be omitted, with the view of inserting the words "cars used thereon."

Mr. CHUBB said he thought tram-drivers should be under the same restrictions as omnibus drivers, but he did not think conductors were licensed.

Mr. McMASTER: Yes, they are.

The HON. J. M. MACROSSAN said there was a difference between trams and omnibuses. The tramway company had made the road on which the cars ran, whereas the omnibuses travelled upon roads made and kept in repair by the municipal council, so that it was quite fair to demand licenses for omnibuses, while it might not be so fair to demand licenses for tramcars.

The PREMIER: There is a difference between licenses and license fees.

Mr. BUCKLAND said he quite agreed with subsection 9, and thought it was quite necessary that tramcars should be under the supervision of local authorities. He had nothing to complain of with regard to the line on which he travelled, but he thought everyone must admit that the necessity had arisen from overcrowding, and the allowance of smoking and other objectionable nuisances which daily took place on the cars, for the traffic to be placed under proper control. He objected to the following clause in the petition presented to the House by the tramway company on the 20th of August last, namely :—

"On the ground that the company declined to contribute beyond its share of the roadway towards the expense of a new bridge over Breakfast Creek, and also towards the cost of widening the road near Mr. Eden's property, the Toombul Board passed a resolution for the purpose of lodging a statutory objection to the tramway to the Hamilton Hotel, and thus compelled the company to abandon that extension, to the material inconvenience and loss of the residents in that neighbourhood."

He objected to that *in toto*. Those were not the facts with regard to the resolution passed by the Toombul Divisional Board. The reasons set forth in that section were not the reasons which were given for the resolution. As he had said before, it was only right and proper—and the whole of the suburban boards through whose divisions the tramway passed were of the same opinion—that local authorities should have some control over the drivers and conductors. He quite approved of the omission of the words relating to the form and construction of cars, and he thought the clause, as amended, would make a very good clause indeed.

Mr. McMASTER said the hon. member for Townsville had said it would not be fair to charge licenses for the cars, because the omnibuses had not to maintain the road. Perhaps he did not know that for every omnibus the proprietor had to pay, in addition to the driver's fee, £8 per annum for the use of the road, and for every jingle, £4; so that an omnibus proprietor paid £8 5s., and if he took out a general license for his driver, £8 10s. for the use of the road. That was a pretty fair tax.

Mr. NORTON said it was an exorbitant, shameful tax; and the board ought to be compelled to refund the money they had piled up beyond the actual expenses. He would like to point out to the hon. member for Fortitude Valley, who had spoken of the tram-lines as making four additional water channels and so on, that the council was to blame for that. Section 50 of the Tramways Act provided that—

"The company shall at their own expense at all times maintain in good order and repair, with such materials, and in such manner as the council direct, and to their satisfaction—

(1) So much of the road upon which the tramway is laid as lies between the rails thereof; and

(2) So much of the road as extends eighteen inches beyond the rails of and on each side of the tramway."

The matter, therefore, was in the council's own hands, so that whatever inequalities existed were attributable to the council's neglecting to compel the tramway company to take the necessary action.

Mr. McMASTER said he was aware of that; but the desire of the municipal council had been to act leniently, so as not to harass the tramway company, and they had not insisted on the rails being laid so level with the surface as the Act required.

Mr. NORTON: Then why do you come and object to the tram not keeping the rails in order?

Mr. McMASTER said he was not objecting; he was replying to the hon. member for Toowoomba, and showing that the roads were not kept in such excellent form as that hon. member wanted to make out.

Mr. STEVENS said he supposed one reason the council did not insist upon compliance with the strict letter of the law was that they wanted to keep the company's men off the road as much as possible. They were a nuisance to everybody who used the road. He did not think it would be fair to charge a license fee for the drivers of the tramcars, but it was very necessary that the trams should be under the control of the board.

Amendment agreed to.

The HON. J. M. MACROSSAN said that with respect to the question of charging fees, even admitting that the traffic ought to be regulated by the joint authority, would the traffic be better regulated by the conductors having to pay fees or the cars having to be licensed? He did not think it would be at all fair to attempt to put the cars on the same footing with omnibuses. He forgot how much the construction of the tramway had cost; he was certain that by its being there it saved the council a very large part of the expense of keeping the streets in order. The hon. member for Bowen told him that it saved the council £300 per mile per annum. He was certain that the road the company had laid as far as Breakfast Creek was in far better order than that made by the divisional board. He was also certain, as far as his experience went—and he had travelled a good deal on the cars—that they were preferable to any other mode of travelling. As for the complaints made by the owners of vehicles, he set those complaints against the comfort of the tens of thousands in Brisbane who had no vehicles, and who he thought were to be considered before those who owned vehicles. Besides that, he had very great doubt about the vehicles having their tires taken off so frequently; the workmanship must be very bad if that was the case. He did not think they should enforce licenses on the conductors and drivers; they should not be put on the same footing as the conductors af omnibuses, for whom the roads were made by the council and boards.

The PREMIER said the licenses and fees for licenses were two different things. The drivers might be incompetent persons, who would endanger lives by their carelessness; and in such cases the licenses ought to be taken away.

The HON. J. M. MACROSSAN: The company would take them away.

The PREMIER said the company might not take them away; it might not be to the company's interest to do so. He did not believe in allowing any person or company to be in a position where his interest and his duty conflicted. So far as licenses were concerned there could be no question; but it was a matter for consideration whether the fee should be nominal or none at all. It was not of very much consequence whether the fee was nominal or not, but if so it should be made an exception in the 188th clause, which provided that reasonable fees or charges might be imposed in respect of licenses.

Mr. NORTON said that if the municipal council saved £300 per annum, or even £100 per annum, on account of the streets kept in repair by the tramway company, they might very well dispense with any fees whatever so far as the servants of the company were concerned.

Mr. McMASTER said the fees went to the joint board, and not to the municipal council. As for the saving of £300 per mile, he should like to know where the hon. member for Bowen got his information.

An HONOURABLE MEMBER: From the tramway company.

Mr. McMASTER said it did not come from the municipal council. If the ratepayers had not to pay quite so much for keeping the streets in repair they had to pay for the repair of wheels and axles. Before the tram-rails were laid down the roads were in very good order. They were macadamised with blue metal, and kept in first-class order until the company broke up the surface.

Mr. NORTON said that a few months ago George street was very much like a melon-hole flat. In repairing it the council put on so much mud that pedestrians could not cross the street in wet weather without getting their boots covered.

Mr. BULCOCK said he drove along Queen street three or four times a day, and he could say that it had been a great deal worse since the tram-rails had been laid down than it had been for years past. The way in which the part used by the company was kept was simply shocking, and never would be satisfactory unless they were compelled to put down stone kerbing on each side of the rails. He was somewhat amused at the sixth paragraph of the petition presented by the company to the Assembly, which gave as a reason why they should not be under the control of the united board, the fact that they had made a mistake in their estimate—that the tramways cost a great deal more than they ever expected. Could that be seriously taken as a reason why the traffic of the company should not be regulated the same as other traffic? He thought the only safe and fair way was to have the tramways under the same rule as all other traffic.

Mr. FERGUSON said that all vehicles followed the track of the tramway, and that showed that the part of the road kept in order by the company was superior to the other. He thought £300 per mile per annum a fair estimate of the cost of keeping that part of the road in order, and when they considered the enormous amount of capital invested—a point which did not affect omnibuses or other vehicles—they would see that it was not right to handicap them in every possible way. Everyone used the trams in preference to omnibuses, and wherever they were established they were considered a boon to the inhabitants, so that instead of being hampered they should be encouraged in every possible way.

Mr. CHUBB said there was one point worth mentioning, as showing how fairly the local authorities were disposed to treat the tramway company. The municipal council assessed the company's property at £10,000, and on appeal the assessment was reduced to a little over £1,300. Then with regard to private vehicles—could the board put a tax upon them?

The PREMIER: Yes.

Mr. CHUBB said the drivers were the persons who ought to be licensed. And in regard to those licenses, was it the skill as a driver or the respectability of the applicant that would be taken into consideration? In Queen street one might meet carts driven by boys any day, and pony cars were often driven by ladies who had a very small knowledge of driving and were often more likely to cause accidents than properly licensed drivers.

Mr. ANNEAR said the hon. member for Rockhampton was quite right in saying that the whole of the traffic followed the tramway. But that was because for the whole length it was dangerous to cross the rails, which were invariably above the surface of the street. Queen-street at the present time was a disgrace to the company; he could show anyone places where the rails were three inches above the macadam; and until the tramway was blocked as in Melbourne it would be the same. He should be sorry to see the tramways not under the control of the joint board. He used them very much every day, and he must say they were well conducted; but they were crowded to excess on Saturdays and Sundays.

Mr. NORTON: So are the railways.

Mr. ANNEAR said there was generally sitting room in the railway carriages, but on some of the tram lines, especially the Woollongabba line, after 10 o'clock, many passengers had almost invariably to stand. The tramway traffic should be regulated in the same way as the omnibus traffic. If an omnibus carried more than a certain number of passengers, the driver was liable to be summoned and fined; and the same rule should be applied to the trams. Sufficient cars should be put on to suit the wants of the people. He looked upon the tramway as a splendid property, which would pay the company well, and it was no use their coming with a crying petition saying that they had gone into a large expenditure. What for? To make money, and there was no doubt they would make money. The House and the Brisbane Corporation would be failing in their duty to the public if they allowed the trams to be exempt from any of the conditions to which omnibuses were subjected. It was not to be surprised at that other vehicles followed the tram-track. That was owing to the danger there was in crossing the street. Not very long ago he saw two wheels of a carriage taken off in crossing the tramway at the corner near the Bank of New South Wales; and there would always be that danger until the system followed in Melbourne was adopted here—namely, that for eighteen inches outside the rails and right across the track the road should be blocked with timber.

Mr. ADAMS said the last speaker complained that the tramcars were often overcrowded. That might be so; but, supposing he had three or four miles to go late at night, and found when he got to the tramcar that it was already full of passengers, he would look very curious if he was told to get off.

Mr. ANNEAR: I would wait for the next tram.

Mr. ADAMS said he was speaking of the last tram. He believed it would be wise to license the drivers, some of whom were very reckless. He himself had been nearly run down by them, and he had seen several instances of really reckless driving. There was another little matter which he would like to bring under the notice of the Brisbane councillors. At the corners of many of the streets there were iron crossings for passengers to walk over the gutters, but instead of being kept clean they were generally covered with about eighteen inches of mud.

The PREMIER: I hope hon. members will keep a little to the question, or we shall never get through the Bill.

Mr. ADAMS said the hon. gentleman had not a great deal to blame him for in that direction. He did not speak much, and when he did speak he generally spoke to the purpose. His object

in speaking now was simply to express his opinion that the drivers of tramcars should be under the control of the boards to prevent men from driving too fast.

Mr. FOOTE said all the evening seemed to be taken up in the discussion of questions which solely concerned the Brisbane Municipality. But he would remind hon. members that there were other places besides Brisbane, and that they were discussing a Divisional Boards Bill. The power given to divisional boards under that clause seemed very great. Not only were they empowered to tax private vehicles, but they could regulate the width of the tires of wheels. He presumed that referred to waggons and trollies and vehicles of that sort; and it gave them power to place an almost prohibitory tax on timber waggons. It might hamper the timber trade very much. There was also a regulation for lighting up roads with gas, but that could only be applicable to municipalities, as the boards, so far as he was aware, did not contemplate lighting up their roads with gas. He also noticed that the 27th subsection gave them power to collect and manage tolls, rates, and dues upon roads, bridges, ferries, wharves, jetties, and markets. He hoped the boards were not going to revert to the objectionable system of raising rates by tolls on bridges and public roads. If the boards exercised all the powers given to them, they could raise an immense revenue by taxation, and the country would not only be taxed higher than any other portion of the world, as was now the case, but double or treble as high. Everything would depend upon the intelligence of the men who would have the working of the Act, but it certainly gave them enormous powers.

The HON. J. M. MACROSSAN said he would point out to the hon. member for Bundanba, who seemed to have only just wakened up, that by the regulations every grocer's, baker's, and butcher's cart in a division might be taxed.

The PREMIER moved, as an amendment, that in subsection 18, the word "vacant," in the phrase "causing vacant lands to be enclosed," be omitted.

Amendment put and agreed to.

Mr. BUCKLAND moved that the word "metalling" be added to subsection 12 after the word "gravelling."

The CHAIRMAN said that could not be done now; they were past that subsection.

Mr. STEVENS called attention to the fact that nothing was said in regard to the use of firearms.

The PREMIER: Is it worth while?

Mr. STEVENS said it was just as necessary to prevent a man recklessly using a gun in a township as in a city.

The PREMIER said that was illegal now under the Towns Police Act.

Mr. BUCKLAND thought that something should be added to subsection 33 as to the regulation of the storage of kerosine.

The PREMIER did not see that there would be much danger from the storage of kerosine in a division where there was not likely to be a large quantity. If it were in a municipality there might be some danger.

Mr. STEVENS said he would really like to see some provision inserted regulating the use of firearms. It was just as dangerous to use firearms in a township as in a city. It had been pointed out that under the Towns Police Act power was given to regulate the use of firearms. But there were many reasons why the Towns Police Act should not be brought into force in some townships. The restrictions were too great. Over and over again in the township in which he lived his house had been "peppered" with shot by people firing at flying-foxes and other animals at night; and there was just as much danger there as there would be in Brisbane.

The PREMIER said there would be no harm in allowing boards to regulate the use of firearms. The boards need not do it unless they liked. He moved that after subsection 26 there be added "prohibiting or regulating the discharge and use of firearms."

Mr. NORTON said if they imposed regulations regarding the use of firearms they would be wanting to know who kept them, and that would be followed by a license, and that again by a small tax.

The PREMIER: We have not yet got to a license.

Mr. NORTON: No; but he dared say they would. He did not believe in licensing or regulating firearms in this way. There would be more sense in regulating the use of catapults, by which more damage was done than by firearms. He knew that a big stone had come running through his passage the other day, though he could not exactly say whether it had come from a catapult or not.

Mr. DONALDSON had not the slightest doubt it was very desirable there should be a tax on firearms.

Mr. NORTON: No.

Mr. DONALDSON said he saw a great number of "brummagem" guns used not a great distance from Brisbane, and if they put a tax on them they would put them out of use altogether. They were of more danger to the people who fired them than to the game fired at, and it was surprising that there were not more accidents from the use of such flimsy firearms.

Mr. STEVENS said the member for Port Curtis spoke about the danger of using catapults. He would be astonished to hear that in one of the southern colonies it was illegal to use a catapult, and the police were empowered to take catapults from boys whom they saw using them.

Mr. NORTON: So it is here in municipalities.

The HON. J. M. MACROSSAN asked why a man ten or fifteen miles away from a township should be prohibited from using firearms. He thought people ought to be encouraged to use firearms, for it would encourage them to learn how to shoot.

Mr. FOOTE thought the amendment very objectionable. There was not a bushman but had a gun, and it would be very hard not to allow them to use them. He thought firearms were very necessary for killing a thousand things, like flying-foxes, and for the destruction of marsupials. He did not see how they could consistently insert an amendment of that sort after the amendments they had already passed.

Amendment put and negatived.

Mr. FOOTE wished to call attention to subsection 28, which gave boards power to regulate processions. What was the meaning of "processions"? There were no processions in the bush except funerals, and he presumed boards did not interfere with them. He moved that the word "processions" be left out.

The PREMIER said there were many large townships under divisional boards—such as Southport, a great part of the Valley and of South Brisbane, and many other suburbs of Brisbane. He thought it was desirable that the clause should be retained.

The HON. J. M. MACROSSAN said he supposed the clause would give power to deal with such processions as those of the Salvation Army. Some of the boards might exercise the power very well, but municipal councils sometimes did interfere with them rather too much. He did not know if that had been done in this colony, but it had been done elsewhere in Australia. Boards should not be allowed to interfere with processions at all. The hon. gentleman said it would apply to funeral processions. He did not think that boards would wish to interfere with them. He saw that subsection 19 provided for regulating or prohibiting the interment of the dead elsewhere than in public cemeteries. He knew that in the bush men were buried all over the place.

The PREMIER: These powers are not all exercised.

The HON. J. M. MACROSSAN: I hope they will not be.

Mr. FOOTE said he had moved as an amendment that the words "and processions" be omitted from the 28th subsection.

The PREMIER said he questioned the advantage of the amendment. The power to regulate processions might be very useful indeed. However, he would not discuss the matter at length. As soon as divisional boards began to abuse the clause that power would very soon be taken out of their hands. It had been in force a great many years now, and had never been abused.

Mr. FOOTE: With the permission of the Committee, I will withdraw my amendment.

Amendment withdrawn accordingly.

Clause, as amended, put and passed.

On clause 188, as follows :—

"A by-law may impose reasonable fees or charges for or in respect of licenses granted under the by-law"—

The PREMIER moved the addition of the words "not being licenses to drivers or conductors of cars used upon tramways."

The HON. J. M. MACROSSAN asked the Premier if the clause would give a board power to impose a fee upon the cars themselves?

The PREMIER said there was no provision for a license fee on cars. That clause was the only one which gave power to impose fees at all under the by-laws.

Mr. McMASTER said he would ask the Premier if the drivers would be amenable to law? If there were no charge in the license, would they be amenable to any law, and what law?

The PREMIER said they would be liable to fines for breaches of the by-laws the same as anybody else, and liable to have their licenses cancelled, and not be allowed to act as drivers any longer.

Mr. McMASTER: Without any fees being charged?

The PREMIER: Yes.

Amendment agreed to.

Mr. CHUBB said he would ask the Premier if the term "vehicle" did not apply to tramcars? The 6th subsection provided for regulating and licensing vehicles plying for hire, and the 8th subsection provided that all vehicles used in the district should obtain licenses from the board. Of course they knew the intention of the Committee was not to give the board power to put a license fee upon tramcars. The point could very easily be made plain.

The HON. J. M. MACROSSAN said the Government would not pass the by-law if it related to a car. It was possible, under the 8th subsection, referred to by the hon. member for Bowen, that the board might demand licenses for each car.

The PREMIER said the clause referred to could not be altered now, but it might be reconsidered before the Bill was finally passed. The present clause simply dealt with fees.

Mr. BUCKLAND said he would ask the Premier whether there ought not to be some small fee charged to cover the expense of printing?

The PREMIER said he referred to that just now. They could not prescribe a minimum fee in the Bill; it would not be the proper thing to do. They would either have to say that they should charge no fee or leave it to the board, subject to the veto of the Government.

Mr. McMASTER: That will do.

The PREMIER: That is what we propose not to do. We propose to adopt the other way.

Clause, as amended, put and passed.

Clause 189 passed as printed.

Clause 190 passed with a verbal amendment.

On clause 191, as follows :—

"After a by-law has been sealed it shall be submitted for the approval of the Governor in Council, and if approved by him shall be published in the *Gazette*, and thereupon such by-law shall have the force of law in the division."

Mr. MELLOR said when a law had been passed and sent down to the Attorney-General and gazetted, the board generally supposed that it became law, but often when tried in court it was found not to be law. Of course, the board expected when the Attorney-General had consented to a by-law that it was in accordance with the law, but it often turned out not to be so.

The PREMIER said he did not think it would be a fair duty to impose upon the Attorney-General to say that he should be responsible that all by-laws were good, because sometimes very nice questions arose, and the general principle acted upon by him, when there was any reasonable doubt upon the subject, was that he gave the board the benefit of the doubt, and anybody who was disposed to do so could appeal or raise the question when action was taken.

Mr. CHUBB said divisional boards passed very funny by-laws at times. He remembered a by-law being submitted to him wherein it was provided that no person should run a bull in a reserve unless he was approved of by the members of the board.

The PREMIER: Was the bull to be approved of?

Mr. CHUBB: Yes; I disapproved of the by-law, and incurred the enmity of the board.

Mr. BAILEY said there was no doubt that many of the by-laws made by the divisional boards and municipalities were *ultra vires*, and the boards were often put to heavy legal expenses in defending what they considered to be their rights. The hon. member for Townsville had alluded to the Salvation Army. A case happened at home in connection with the Army, not very long ago, at a place called Croydon, near London, where the municipality passed a by-law prohibiting processions, and the Army were punished for breaking it; but upon appeal the Salvation Army came off victorious as usual. He was afraid that in a great many cases here, if men had only the means to go to the Supreme Court the municipalities would lose most of their cases. He thought divisional boards and municipalities ought to have some security that their by-laws were sound in point of law. They sent them to

the Attorney-General for his official sanction, and after all it was found that no real power was conferred upon them. He did not know what was the use of sending them to the Attorney-General.

The PREMIER: To save vexatious litigation and trouble.

Mr. BAILEY said it seemed to run the boards into expense. They acted upon the by-laws with the Attorney-General's sanction, and they got into litigation and great expense.

The PREMIER said he did not know whether the hon. gentleman was present when he explained the matter referred to by him. It was impossible for the Attorney-General to undertake the final revision of all by-laws and certify that they were correct. That duty could not be entrusted to the Attorney-General; it would be impossible to impose any such duty on any of the law officers of the Crown.

The ATTORNEY-GENERAL said, with regard to what had fallen from the hon. member for Wide Bay with respect to by-laws being absolutely binding and final after revision by the Attorney-General, he might point out that the Attorney-General did most laboriously revise drafts of by-laws which were made by divisional boards and municipalities. He did all in his power to guard against the possibility of by-laws being *ultra vires*, and sometimes it was a nice question indeed whether by-laws were *ultra vires*, but that the Attorney-General could not possibly decide for himself. It took the Full Court to decide that; but whenever there was any doubt upon the subject the by-law was revised and corrected before it was passed by the Governor in Council.

Clause put and passed.

Clause 192 passed with a verbal amendment.

Clauses 193 to 196 passed as printed.

On clause 197, as follows:—

"The ordinary revenue of a division shall consist of the moneys following, that is to say—

Rates (not being special rates), tolls, rents of tolls, fees, and dues;

Moneys received by the board under any grant or appropriation by any Act of the Parliament of Queensland not containing any provision to the contrary;

All other moneys which the board may receive under or in pursuance of this Act, not being the proceeds of a loan;

"And all such moneys shall be carried to account of a fund to be called the 'divisional fund,' and such fund shall be applied by the board towards the payment of all expenses necessarily incurred in carrying this Act into execution, and of doing and performing all acts and things which the board are by this or any other Act empowered or required to do or perform."

The PREMIER moved the omission on the second last line of the clause of the word "are," with the view of inserting the word "is."

Mr. MELLOR said that before the amendment was put he would like to suggest something in reference to the rating. He thought they ought to omit the words "not being special rates." He thought that the Government might arrange to grant a subsidy for special rates in the case of a board whose revenue was really not sufficient for the purposes for which it was required, and where the ratepayers were willing to tax themselves for the purpose if they found that they could not make their roads and other works by the ordinary rates and endowments.

The PREMIER said the clause did not deal with that subject at all. If the hon. member would look at clause 24 he would see that the endowment was payable upon money raised in the division by general rates or sewerage or drainage rates, whether special or separate. Special rates were not a part of the ordinary revenue, but were raised for special purposes, kept separate, and did not form a part of the general fund. Special rates must be for the purposes of sewerage or drainage, in which case endowment was paid on them, or for the purpose of watering or lighting the streets, in which case no endowment was payable; nor did he deem it desirable to give an endowment for watering or lighting the streets.

Mr. MELLOR said he thought that clause should be altered to give the boards power to levy a special rate where the ratepayers were content, for the purpose of making necessary roads and putting up bridges. It was desirable that the Government should have power to allow certain boards to rate themselves even beyond the limit in the Act.

The PREMIER said that could be dealt with better by increasing the limit from 1s. in the £1 to a higher rate. If some of the propositions made were adopted, it would have to be raised to 5s. to get the necessary revenue. He hoped that any proposition intended to be made for increasing the rate would be communicated to him formally before the House went into committee on the Bill again, because if any such amendment was to be proposed a formal recommendation to the Committee would be necessary before it could be entertained.

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

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

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I beg to move that this House do now adjourn. After the introduction of a Bill to-morrow in committee, we propose to proceed with Supply.

Question put and passed.

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