

Queensland



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[Hansard]

Legislative Council

WEDNESDAY, 22 SEPTEMBER 1886

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LEGISLATIVE COUNCIL.*Wednesday, 22 September, 1886.*

Messages from the Governor.—Offenders Probation Bill—second reading.—Messages from the Legislative Assembly—Justices Bill—Settled Land Bill—Succession Duties Bill.—Marsupials Destruction Act Continuation Bill—second reading.—Local Authorities (Joint Action) Bill—committee.—Health Act Amendment Bill—second reading.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

MESSAGES FROM THE GOVERNOR.

The PRESIDING CHAIRMAN announced the receipt of messages from His Excellency the Administrator of the Government stating that he had given his assent to the Mineral Oils Bill and the Customs Duties Bill.

OFFENDERS PROBATION BILL.**SECOND READING.**

The POSTMASTER-GENERAL said : Hon. gentlemen,—The Bill now in your hands—the Offenders Probation Bill—is very well described in the preamble, where it is stated, “There is reason to believe that many offenders might be induced to reform if, instead of being committed to prison upon their first conviction, an opportunity of reformation were afforded them”; and the preamble goes on to say that it is expedient under the circumstances to amend the law. Of course hon. gentlemen are well aware that this is a change—something new in criminal law—but it is a change which will perhaps result in an immense amount of benefit. The probation system has existed in America for a considerable time in certain States. It is not universal in that country, but where it has been in force it has had advantageous results. A considerable proportion of criminals convicted of first offences never appear again in a criminal court; and if results of that kind were obtained in a country like this they would be very happy indeed. Although this Bill is not exactly drawn out in the same form, or on the same lines as the American law, still it is confidently hoped that it will have the same beneficial results that have obtained in America. In a few words, the probation system may be stated to mean this—that a prisoner convicted of a first offence is not to be sent to gaol, but is released. He is set at liberty on probation during the currency of what may be termed the sentence period. If he behaves himself during that sentence period, at the end of it he is discharged from his sentence, and, moreover, the conviction is not to be put on record against him should he once more appear in a criminal court charged with a criminal offence; so that there is a double inducement, as it were, held out to persons to reform. The prisoner is not asked to perform his sentence; he is set at liberty on probation, and at the end of his sentence, as I have already explained, if his conduct is such as will not bring him within the conditions of the Bill referred to in clause 5, he is discharged from his sentence, and, in addition, has the advantage of not having the sentence brought up against him on a future occasion. One might dilate at considerable length on the evils that are attendant upon the herding of young beginners in crime with the older and more hardened criminals to be found in our gaols, and much might be said upon the desirability of giving these new criminals the chance of beginning the world, as it were, anew, without having been tainted by contact with the criminal classes as they are at present. I am sure in our own experience we must know of one or more cases where young men have been guilty of some

laches which brought them within the criminal law, but which on reflection are found to have been committed with no set purpose. We never know the circumstances that surround young men who are tempted to commit some trifling crime, the consequences of which they do not for a moment foresee; and although it is necessary to enforce punishment where crime has been committed, still it appears that this Bill is a step in the right direction, as it takes a merciful view of first offenders in respect to those who should have kindness and mercy extended towards them. I believe myself that the measure will have a very good effect in this country, and although it may not reach all those who are convicted of first offences, still if we can reform, say two-thirds of those who commit minor offences, then I say the State effects a very good result indeed. Hon. gentlemen will notice that the provisions of the measure only relate to those persons who are convicted of minor offences, and not to offenders of the higher grades. The principal object on the second reading of a Bill is to confirm or reject its principles, and I need not refer to the provisions of the Bill, as it is a very short one, beyond noticing just one or two clauses. If hon. gentlemen will turn to clause 3 they will find that subsection 2 says:—

"The court may, if it thinks fit, suspend the execution of the sentence, upon the offender entering into a recognisance in such amount as the court directs, such recognisance being conditioned that the offender shall be of good behaviour for a period from the date of the sentence equal to the term of the sentence."

And subsection 3 says:—

"When such recognisance is entered into the offender shall be discharged from custody, but shall be liable to be committed to prison to perform his sentence if, during the period specified in the recognisance, any of the conditions hereinafter specified happens with respect to him."

Now, the conditions under which a person will become liable to be committed to prison are to be found in clause 5, and they are as follow:— If it is proved that an offender has failed to report his address and occupation; if an officer of police reports that the offender is getting his living by dishonest means; if the offender refuses, when required to do so, to give his address, or gives a false name or a false address. And the fourth part says:—

"If he is convicted of any offence against the Act of the Governor and Legislative Council of New South Wales, passed in the fifteenth year of Her Majesty's reign, and numbered four, entitled 'An Act for the more effectual prevention of vagrancy and for the punishment of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues in the colony of New South Wales,' or is convicted of any indictable offence or of any offence punishable on summary conviction, and for which imprisonment for a period exceeding one month may be imposed."

Shortly, therefore, those are the provisions of the Bill, and its operation will be as I have stated. I think I need hardly commend it to the attention of hon. members; I am sure it will receive that, and I will now simply content myself with moving that the Bill be read a second time.

The Hon. A. C. GREGORY said: Hon. gentlemen,—This Bill meets a requirement in our criminal law that has long been needed, and I, as one of those who have had practical experience of a system which is almost identical with that proposed in the Bill, am aware that it has worked admirably, and I will certainly support the measure. The question of its agreement with the provisions of similar measures in other countries is one which may be left to the legal members of this House. I am not aware of any difficulties or defects in its construction. It is not a very long Bill either, and I think it

can be easily understood. It is decidedly very important, in those cases where first offenders are found guilty by law of certain acts, that they should not be mixed up with old offenders, and finally become old offenders themselves. Many men become liable to punishment through some inadvertence, and would, if given a second chance, commit no further offence; and I think it is undesirable that they should for a single fault be branded as criminals and go amongst the very worst class of the population—mixing up with old and hardened offenders. I do not think it is necessary to say anything more upon the Bill, because it is one which decidedly tends in the right direction.

The Hon. W. HORATIO WILSON said: Hon. gentlemen,—This Bill may be regarded as a species of experimental legislation, and I think if it has the effect that the framers of it consider it will have, it will lead to very beneficial results. We know that many persons are led to commit crimes, especially minor offences, upon a mere impulse, or through momentary temptation, and if they had a chance of reforming—which chance is given by this Bill—I think it would be a very good thing. Of course, it is possible that the Bill may fail to reach men of vicious propensities who will still continue their evil doings; but it will, on the other hand, be certain to aid in arresting the downward course of those who are susceptible to good influences, and I have no doubt but that a very considerable number of persons will be thus saved from a criminal career. In connection with this Bill, the Discharged Prisoners' Aid Society, just established in Brisbane, will be of very great use. That society will be able to take in hand, so to speak, offenders who are under recognisances, and will be enabled to assist them. The principle, as the Postmaster-General said, is in vogue in the United States, and this Bill, I believe, is the outcome of an article written by Mr. Howard Vincent, late Director of Criminal Investigation, which he read before the Social Science Congress. I do not like, as a general rule, troubling the House with extracts, but certain portions of this article are so pertinent to the Bill before us that I will make no apology for reading them. Mr. Vincent states:—

"I now come to a subject upon which I wish to invoke your serious attention. It is not wholly new, for it has long engaged the attention of those among you, and they are many, whose chief labour is for the good of the people. I refer to first convictions. Those acquainted with prison administration know how serious is the influence over the young who have taken the first downward step by those hardened in crime. No one can have much sympathy with the man who is on his trial, even if for the first time, for an act of personal violence, and I am strongly of opinion that corporal punishment acts as the greatest deterrent for such offences, and would tend to hinder the carrying of firearms by burglars. But is this the case with the clerk who embezzles a trifling sum to pay a debt—of so-called 'honour'—incurred in a betting transaction; or the servant who yields to temptation and takes the jewelled ornament from the drawing-room table, and pledges it at the neighbouring pawnbroker's, that the proceeds may purchase some article of finery or an evening's amusement; or the unfortunate woman driven to conceal the birth of her natural child? Would it not be far better if, while justice was vindicated, some means could be found of reforming the character without giving the prison taint and ruining the future life of such an offender by the odium of a crime expiated in gaol? Such a system has been found in Massachusetts, and its success commends it to the attention of the mother-country. It consists in releasing persons found guilty, upon probation, when the circumstances of the case appear to justify such a course. Their liberty is conditional upon the honesty of their proceedings, and if their conduct is not satisfactory they can be brought up, and without formality sentenced upon the previous finding."

He then proceeds to describe the system in the works of the probation officer for Suffolk (Massachusetts), in his report for 1882 :—

"Probation, as practised by the courts, is simply a suspension of sentence for a limited time for the purpose of giving the offender an opportunity to reform without punishment.

"No one is placed on probation until a conviction, or plea of guilty to the alleged offence, has been recorded, and then only at the discretion of the court having jurisdiction in the case.

"When sentence is suspended for the purpose of reformation, the party is put under bonds for his appearance at court on a certain day, that he be of good behaviour and keep the peace towards all persons, and that he pay the cost of prosecution at the expiration of his term of probation. This payment is held to be an inducement for the person to at once engage in some useful employment.

"Persons sent to country or charity homes or to sea may not be required to again appear at court, or to pay costs, but, on a favourable report from the officer, may have their cases placed on file, not to be called up except in case of a second offence. When probated persons treat the leniency of the court with contempt, and show no disposition to reform, the courts require that they be surrendered for sentence.

"In reviewing the results of the work for 1882, the probation officer says—

"The unpleasant fact is presented that 51 persons, who have been convicted of crime, and were placed on probation to give them an opportunity to reform without punishment, have not profited by the leniency shown them, but have again returned to their vicious ways, and have been re-arrested and surrendered back to court for sentence; and that 9 others of the same class have run away to escape re-arrest and punishment; add to this 18 persons who behaved well while on probation, and were discharged, but subsequently were in court again for offence against the laws, and we have a total of 78 persons who may be counted as lost.

"But when we examine further, and find that this loss amounts to only about 15 per cent. of the whole number disposed of, and that 462, or about 85 per cent., have so conducted themselves as to merit the approbation of the court before whom they were convicted, and have been honourably discharged, or had their cases dismissed, or placed on file, and have since behaved well, the result of the work is indeed more encouraging; even if the 15 per cent. had been the only portion saved, it would have well paid all labour and expense.

"Would imprisonment have shown a better result?

"The work of probation in this country has saved a no inconsiderable sum of money to the Government; but, large as it is, it does not compare in value with the change from lives of vice and crime to that of rectitude and usefulness, or with the value of homes made peaceful and happy."

"There would be no difficulty or expense in the introduction of such a system in this country, and placing the probationers under the supervision of the police who are already afforded sufficient powers under the Prevention of Crimes Acts. Nor would it entail the adoption of any principle now alien to British law, for prisoners are now occasionally, in cases of doubt or hardship, discharged upon recognisances to come up for judgment when called upon.

"Conditional liberation is a subject which has recently engaged the attention of an international congress of jurists assembled at Paris. It appears to be a recognised part of the penal system in Great Britain alone, although lately introduced more or less into most European states. Its effect upon prison conduct is, I understand, most powerful, and if there was throughout the country a uniform administration of the Prevention of Crimes Acts, the result would be wholly satisfactory."

In looking over the Bill before us, I find that it is drawn upon the lines I have named, but there are several improvements to which it is not necessary at present that I should refer, as the matter will come before us in committee. One remark made by Mr. Vincent may engage the attention of the House, and it may be well to consider whether in cases in which persons have been found guilty of wilful destruction of property, or where fines have been imposed, or costs awarded in connection with some other minor offences, it may not be judicious to insert a clause requiring the offender to pay the amount before the expiration of his sentence. That would be just to the injured party, and

would give the offender an opportunity of repairing the injury done. It would have a highly moral effect on the person so discharged, and give him an opportunity of retrieving his position if he really wished to do so. The Bill is one in which I take great interest, and I shall be very glad to see it become law.

The Hon. G. KING said: Hon. gentlemen,—This is legislation in the right direction. It is a humane measure in the interests of those unfortunates who may be brought under its operation, and it is to be hoped that it will have the most happy results. I have much pleasure in supporting the second reading.

The Hon. A. J. THYNNE said: Hon. gentlemen,—I quite agree with the intention of the Bill, which combines two very good qualities—namely, humanity and economy. It will save considerable expense in the maintenance of our gaols, looking at it from the lowest point of view; and looking at it from a higher point of view, it will have a very good effect upon the unfortunate people who may happen to come within its provisions. Most prisoners on coming out of gaol find themselves without means or reputation, and are driven almost into crime again, but when discharged before being sent to gaol on an undertaking to be of good behaviour, they are bound to make a greater effort to reclaim themselves than after finishing their sentence. I am not sure whether hon. members are prepared to give the term "minor offences" the extended meaning proposed to be given in the interpretation clause, namely:—

"Any offence punishable on summary conviction before justices, with or without the consent of the accused person, or any offence, of whatever nature, for which, in the opinion of the court, a sentence of penal servitude or imprisonment, with or without hard labour, for a shorter period than three years is an adequate punishment."

By this we would substitute the opinion of a judge of the Supreme Court or district court or justice before whom the person is convicted for all the penalties contained in our criminal statutes, even if the offence is punishable by statute by imprisonment for five or fifteen years. It seems to me that it is going somewhat beyond the strictest bounds of prudence. If our statutes provide that a man is not to suffer less than three years' penal servitude, as I read the Bill at first he would not come within its provisions; but I see that if the judge in his opinion thinks three years inadequate, he may give such a sentence as he thinks proper, whether the criminal statute provides a larger sentence or not. I ask the Postmaster-General, therefore, to consider whether there is not some danger of confusion arising with regard to the powers of the court in reference to sentences under the criminal statutes. With that exception I think the Bill is one that is likely to do a great deal of good.

The Hon. W. G. POWER said: Hon. gentlemen,—I think the 4th clause rather defective, as it provides that a discharged offender must report himself and his occupation once in three months at the place where he is convicted. A man might be convicted at Normanton, and have to come to Brisbane to make a living, or a man convicted in Brisbane might think it necessary to go to Sydney, and I do not think he should be compelled to report himself at the place where he was convicted.

The POSTMASTER-GENERAL: He can do it by letter.

The Hon. W. G. POWER: He can do that, but there is another drawback. If the Colonial Secretary wishes he must report himself personally, and I think that is a weak point in the Bill, because an individual may have some enemies from whom the Commissioner of Police

only can get information, and they may want to levy blackmail and take away his chance of regaining his reputation. If a man is found guilty of stealing a few shillings from the office in which he is employed, he may think the best thing he can do is to go to America or to one of the other colonies. Some people rob their creditors of large amounts, but they keep within the law and nothing is said against them, whereas an unfortunate fellow who steals a few shillings may be ruined for life. I think we ought to give a real good chance to such people to regain their reputation.

The Hon. J. D. MACANSH said: Hon. gentlemen,—This is a Bill which should meet with the approval, not only of this House, but of every right-thinking man in the community. The principle of the Bill is to reform offenders, and not revenge itself by punishing them. I believe it will have the effect of saving many a young man from joining the criminal class. All I hope is that in the administration of the Act first offenders when in probation will not be persecuted by the police. It will save a great many young men who from thoughtlessness or some temptation have committed some crime, and the remorse they feel is of itself a heavy punishment. I shall support the second reading of the Bill with very much pleasure.

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

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

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

JUSTICES BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly intimating that the Assembly—

“Disagree to the amendments of the Legislative Council in clause 4, and omitting clauses 8 and 9, for the following reasons:—

“It is highly convenient that the chairman for the time being of divisional boards should exercise the functions of justices, and it is not desirable to depart from the practice which has been followed for many years of issuing a General Commission of the Peace at the beginning of each year. It would, therefore, be impracticable to include the names of the chairmen of divisional boards in the General Commission, and it would cause great administrative inconvenience if they were appointed from time to time upon their being severally elected in the months of February and March. Moreover, as the appointment could not be made for a temporary period only, it would become necessary, in order that they might exercise the functions of justices during their whole term of office, to include them all in the General Commission for the following year, and then either to retain them on the commission for the whole of that year (which might be inexpedient), or else to adopt the course, open to obvious objection, of formally removing them from the commission if they should not be re-elected. The present law, which has now been in force for several years, is believed to have worked satisfactorily and to the public advantage, and it has never yet been found necessary to exercise the power proposed to be conferred by the 9th clause, which is sufficient to effectually prevent any unfit person from taking part in the administration of justice.

“It is conceived that the provisions relating to the exercise of the functions of justices by chairmen of divisional boards properly find place in a Bill dealing with the whole question of the appointment of justices of the peace.

“Propose to amend the amendment in clause 15 by omitting the words ‘or other,’ and propose as a consequential amendment to omit the word ‘justice’ before those words.

“Disagree to the amendment of the Legislative Council in clause 94, because it might seriously diminish the beneficial operation of the provisions of this clause, and it is not easy to define the circumstances under which it would or would not be practicable to procure the attendance of a justice or clerk of petty sessions.

“And agree to the remaining amendments in other parts of the Bill.”

On the motion of the POSTMASTER-GENERAL, the consideration of the message was made an Order of the Day for to-morrow.

SETTLED LAND BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly intimating that the Assembly—

“Insist upon their amendment, because, having regard to the rapidly changing condition of the colony, it is thought inexpedient to allow a tenant for life to bind a property, under ordinary circumstances, for a longer period than fourteen years.”

On the motion of the POSTMASTER-GENERAL, the Presiding Chairman left the chair, and the House went into committee to consider the message.

The POSTMASTER-GENERAL moved that the Committee agree to the amendment of the Legislative Assembly.

Question put and passed.

The House resumed, and a message was ordered to be sent to the Legislative Assembly intimating that the Council agreed to the amendment made by the Assembly.

SUCCESSION DUTIES BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly intimating that the Assembly disagreed to the Council's amendment in clause 3 of the Bill, because—

“The effect of the proposed amendment would be to reduce the amount of duties payable to Her Majesty in the case of property transmitted to grandchildren. Under these circumstances, the Legislative Assembly do not think it necessary to offer any reason for disagreeing to the amendment; conceiving that it has been made by the Legislative Council by inadvertence, and not with the intention of invading the undoubted privileges of the Legislative Assembly in respect of all Bills of Aid and Supply to Her Majesty.”

On the motion of the POSTMASTER-GENERAL, the Presiding Chairman left the chair, and the House went into committee to consider the message.

The POSTMASTER-GENERAL said that, as he apprehended every hon. member had made up his mind as to the course he intended to pursue with regard to the message, he did not intend to say anything beyond a few words. Believing as he did, in concert with many others inside and outside of that Chamber, that it was outside the functions and rights of the Council to affect by any amendment the measure or quantity of a money Bill, he thought that the Legislative Assembly had acted strictly within its rights and functions in sending back the message which had just been read. It would be puerile, and certainly a waste of time, to attempt to initiate a discussion upon the constitutional question which was undoubtedly involved in the amendment before the Committee. Under those circumstances, and believing that no good could result from a discussion whether lengthy or short—that nothing new could transpire, and that no new light could be thrown upon the matter, in view of all that had happened during the last eighteen months or two years on the same subject, the constitutional point—in view of all that he did not intend to discuss the question, and he hoped hon. gentlemen would offer no opposition to the course he proposed to take. As they were all anxious that the business of the country should not receive any check at that particular juncture, he trusted that the good feeling which had prevailed throughout the whole session would not be disturbed, and that the decision come to would be such as would reflect credit on the judgment and common sense of that Chamber. He moved that the Committee do not insist upon their amendment.

The Hon. A. HERON WILSON said he had several times objected to the discussion of these money Bills in committee. He did not intend to oppose the passing of the measure on the present occasion, but he had been abused by the papers for not voting when the Bill was last before the House. He abstained from voting purposely. He objected to the discussion of the Bill, and while doing that he certainly could not take part in a division upon it. He did not think it right of that Chamber, after it had been decided by the highest authority in the realm that they had no power to amend or alter a money Bill, to continue to discuss such Bills in committee. There was a time to deal with such measures, and that was when they came on for second reading. If they found there was anything in a money Bill with which they did not agree, let them take a strong stand upon the question by throwing it out, so that the other Chamber might send it up in an amended form. There was not the slightest doubt that the Constitution Act was wrong, because in the way it was worded it gave full power to the Council to alter or amend, although it said they could not initiate money Bills. The Act was silent on every other point, and if he could understand the English language at all, the language of the Act meant that the Legislative Council had power to deal in any way it thought fit with money Bills. But it had been decided by the highest authority that they had no such power, and he considered they were only delaying the work of the House by discussing money Bills in committee. He hoped they had discussed them for the last time in that way.

The Hon. A. C. GREGORY said he thought the question now before the Committee was not the constitutional question or what the powers of either House were. In that particular instance the intention of the Council was to put in a definition of a word which some assumed to mean one thing and some assumed meant another. Now, there was no doubt that if a man in his will left his property to his children, no matter whether they were his direct immediate children or his grandchildren, the will would have the same effect, and he thought it was highly probable that on some future occasion the judges of the Supreme Court would decide that even as the measure stood, without the amendment, the term "children" included grandchildren. However, he was not going into that question. When the Bill was before the House on a previous occasion an addition was made to the definition clause to the effect that "children" should include grandchildren. Now, the Assembly had distinctly stated that their intention was that the term "children" should not include grandchildren, and he really did not see any necessity for making an endeavour to introduce a new interpretation into the Bill contrary to the wishes and intentions of the Assembly. They now stated distinctly what they meant, and he did not see any particular objection to adopting their view of the case. Under those circumstances he thought they might very fairly not insist upon their amendment.

The Hon. W. G. POWER said he thought it was his vote that turned the scale on a previous occasion. He was not present during the discussion, and he had entirely lost sight of the fact that the constitutional question was involved. His sympathy was entirely with the grandchildren, and he had never any intention, nor did he wish on any future occasion, to discuss in committee a Bill of that sort. He thought the matter had been sufficiently settled, and he could only repeat what had been said by the Hon.

Mr. Wilson, that if they wished to discuss or deal with a money Bill the proper time to choose was when the second reading had been moved.

The Hon. J. C. HEUSSLER said he had expressed his opinion before on the constitutional question, and he could not alter his views so long as they had a Constitution Act which gave them power to deal with money Bills in the same way that other Bills were dealt with, with the exception of initiating them. Some hon. gentlemen had stated that the question had been settled by the highest authorities; but on a previous occasion he took the opportunity of pointing out that the very highest authorities in the neighbour colony had entirely disagreed with the decision of the home authorities, and the question might arise again in this colony. He thought himself that the originator of the Australian Constitution, Mr. Wentworth, had the decided idea that money Bills should be dealt with in the Legislative Councils of the colonies; and as the Act had not been altered since separation from New South Wales it had the same effect as it ever had. But there was an old saying that "It is no use running your head against a brick wall," and it was not his intention to place factious opposition in the way of the Government. On the last occasion when the Bill was before the Chamber he did not vote at all, but he should take another course on the present occasion, because it was not desirable that the Bill should be thrown out. He had one thing more to say, and that was that in the Old World it was the practice not to impose higher duties upon direct lineal descendants; and grandchildren being direct lineal descendants he could not see that it was logical to impose the higher duty upon them. If the question went to a division he should vote in favour of the Bill.

The Hon. W. HORATIO WILSON said he hoped the Committee would take the view put forward by the Hon. A. C. Gregory, which he thought was a very reasonable one, and put the matter in a correct light. The Assembly had come to a conclusion upon the meaning of the word "children"; and they had asked the concurrence of the Council, and it was not advisable now to raise a question which might be considered to have been set at rest. The Hon. A. H. Wilson had said correctly that the matter had come before the highest court of the land, and had been finally settled. He did not see any reason why they should waste any further time in discussing the constitutional question. He hoped the amendment would not be insisted upon.

Question put and passed.

The House resumed, and the CHAIRMAN reported that the Committee did not insist on their amendment.

The report was adopted, and the Bill ordered to be returned to the Legislative Assembly, intimating that the Council did not insist on their amendment.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL.

SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I have, I may say, a peculiar pleasure in the duty that devolves upon me in moving the second reading of the Bill for the continuation of the Marsupials Destruction Act of 1881. I say I have pleasure in moving it, because I am fully cognisant of the devastation which this country has suffered from the marsupial pest for many years. As hon. gentlemen of this Chamber are well aware, we had a Bill of this nature in force during the years preceding the great drought,

which we are all happy to say has at last terminated; and the various parts of the country had barely got over the worst part of the marsupial trouble when the great drought began. That continued, not for three years as some people say, but in some parts of the colony it continued for five years and a-half; and in a large part of the colony, of which I have a knowledge, no rain fell for over three years. I know there are many people in what are termed the inside districts who do not understand much about the Marsupial Act. They have no sympathy with it; they do not know what it means. But in a word it may be said to mean this: The destruction of marsupials implies larger exports of wool and other products, a much greater increase in the shipping at all of our ports, the arrival of more people in the colony, and employment for all. I therefore think it ought to be a pleasure to this Chamber to pass a Bill of this nature, which will continue the operation of the Act of 1881 till the end of 1887. I trust the time is not far distant when a Bill of this kind will be a thing of the past; that we will be able to say that the marsupials have been polished off the face of Queensland. Some statistics have been given from time to time as to the extent of the operations under the Act, but I will just content myself by calling the attention of hon. gentlemen to a few figures in the most abstract form which represent the number of marsupials destroyed since the passing of the Act of 1877. Something like five and a-half millions of marsupials have been destroyed in this colony at a cost of £136,000, of which amount the Government contributed £75,000, or a little more than half. Of course, the details of this statement may be found in the report of the Chief Inspector of Stock. The Bill now before the House contains a slight amendment which will be found in clause 2, and which gives power to the boards in various districts to revise the rates of bonus payable in respect of the scalps of marsupials, such rates being below the rate specified in Schedule B of the principal Act. That is a very useful discretion to give to the boards. I do not think I need say a word more in support of this Bill. I have very much pleasure indeed in moving the second reading.

The Hon. A. J. THYNNE said: Hon. gentlemen,—I only rise to say that I have been urged very strongly to ask this Chamber to consider again the question of the unfortunate dingo. Very considerable discussion was raised last year upon this question, and I merely call the attention of the House to the fact that the question may be raised again in committee this year.

The Hon. A. RAFF said: Hon. gentlemen,—I am very pleased to see that the Marsupial Destruction Act is to be continued. I think it would be a very great pity, after the amount that has been spent in past years in endeavouring to destroy the marsupial pest, if at this time we should cease altogether our endeavours to exterminate them. If we did so, after a few years they would be as numerous as ever they were, and we would have to begin *de novo*. I shall support the second reading of the Bill.

The Hon. W. FORREST said: Hon. gentlemen,—I am pleased to see that the Government have brought in this Bill for the continuation of the Marsupial Destruction Act. It is an Act of which I have always been strongly in favour. Owing to my absence from the House, I have only just seen the Bill, and I am not satisfied that this clause 2 is, as the Postmaster-General says, an improvement. I think it is quite possible that it may stultify the Act to a great extent, and the question is worth considering before the Bill gets into committee. I would like to satisfy myself what is going to be the

effect of reducing the bonus or paying none at all. The Act, as far as I understand, is only put in operation upon application from a district, and if they think it is unnecessary to pay a bonus there is no necessity to put the Act in operation. But if it is put in operation the presumption is that it is required, and great care ought to be exercised in giving such power to marsupial boards in regard to reducing the bonus to such a sum that it would be worth nobody's while to kill marsupials. I am going to quote some figures from memory which I quoted last year. If my memory serves me correctly, before the drought began, and before the operation of the Marsupials Destruction Act, there were something like 2,000,000 sheep in the Peak Downs district, and they were reduced to 700,000 entirely through the ravages of marsupials. That was in one of the best seasons known in that district. That is sufficient evidence that such an Act is required, but we should be careful in passing a Bill of this sort, and see that its effect is not nullified by the insertion of a provision such as the one now contained in clause 2.

The Hon. G. KING said: Hon. gentlemen,—I have much pleasure in supporting the second reading of this Bill, although prior to the passing of the original Act I had expended over £3,500 in clearing my country of marsupials; and though now I have to pay from £18 to £25 a year to keep the lands of my friends and neighbours clear, nevertheless I think the Act a very useful one indeed.

The Hon. J. TAYLOR said: Hon. gentlemen,—I think it is a pity that clause 2 should be included in the Bill. I would not give the boards power to reduce the fees for the destruction of marsupials, but would let the bonuses remain as in the original Act, 8d. and 4d. I have been chairman of a marsupial board for a good many years, and have had to sign all the cheques, and they are something enormous. Although the Act is doing a vast amount of good, it is rather a severe tax. I pay myself £60 or £70 a year in rates, although all my lands are protected with marsupial-proof fencing, at a cost of about £80 or £100 a mile. Some consideration ought to be shown to those who go in for such heavy expense, but it seems that that cannot be done. I certainly think that clause 2 should be struck out altogether.

The Hon. J. D. MACANSH said:—Hon. gentlemen,—I can testify from my own personal experience to the great benefit this Act has been to the colony. Ever since the first Act was passed in 1877 I have been a member of a marsupial board in the part of the country where I live. Before that time, in the neighbourhood of Warwick, in forest land, the kangaroos actually got possession of the country, and even in broad daylight they came down and ate the crops on the farms. Now there are hardly any in that part of the country. This is a question that every person is interested in, even those who live in the interior where no marsupials exist. I lived in New South Wales, down in the neighbourhood of the Murrumbidgee, for twenty-two years, and during all that time I had only seen two kangaroos, but on returning to the district five or six years afterwards they were there in any number. That shows how they spread from the infected to the uninfected districts. Many squatters in the interior where there are no kangaroos think it an injustice that they should be assessed, but they are as much interested as others, because in the course of time the marsupials will spread, as they did in the case of the run I have just spoken of. With regard to the 2nd clause, which is an amendment upon the original Act, I think it is an

improvement. The Hon. Mr. Taylor is perhaps not aware of the high price which kangaroo skins fetch now. They bring so high a price that it is worth the shooters' while to destroy the animals for the sake of their skins.

The Hon. J. TAYLOR: They will not do it.

The Hon. J. D. MACANSH: The large skins fetch as much as 90s. a dozen in Sydney, and a very common price is 40s. to 60s. a dozen; so that the shooters, without any bonus, will destroy marsupials for the sake of the skins. I have very much pleasure in supporting the second reading of the Bill.

The Hon. A. C. GREGORY said: Hon. gentlemen,—The object of this Bill, according to its title—"A Bill to continue the operation of the Marsupials Destruction Act of 1881"—is a good one; but when I turn to clause 2 I find that it should be termed "A Bill for discontinuing the operation of the Marsupials Destruction Act in certain districts." I think clause 2 gives too much power to the boards, who, by reducing the bonuses for the scalps of kangaroos and wallaroos, might allow their districts to become the nursery from which immense numbers might drift into other districts; and the clause should be modified, even though the skins bring a high price. It is not the kangaroos that are killed with shot that are of any value, because, unless they are shot with a bullet through the head, the skins, instead of bringing 60s. a dozen, will not bring 6s. a dozen. It is therefore desirable to put some limit to the reduction that may be made by the boards on the bonuses in special districts. With that exception I think the Bill is in the right direction, and I shall support the second reading.

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

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

LOCAL AUTHORITIES (JOINT ACTION) BILL.

COMMITTEE.

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

Clause 4—"Interpretation"—passed as printed.

On clause 11, as follows:—

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

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

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

- (1) Regulating traffic;
- (2) Licensing and regulating porters, public carriers, carters, water-drawers, and vehicles plying for hire;
- (3) Imposing and collecting license fees for any of such purposes, and expending the moneys raised by means of any such fees;

- (4) Making and enforcing by-laws relating to any such purposes;
- (5) Such other purposes as all the component local authorities concur in referring to the joint local authority so constituted."

The POSTMASTER-GENERAL moved the insertion of the following new paragraph after the 1st paragraph of the clause:—

Where two or more local authorities are so directed to proceed to elect a member or members of a joint board, any member of either of the local authorities shall be eligible to be so elected.

The amendment embodied what the Hon. A. C. Gregory intended to convey by an amendment which he had suggested.

The Hon. A. C. GREGORY said that, generally speaking, the amendment was in accordance with his views regarding the representation of local authorities, but it did not go quite so far as he should have liked.

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

On clause 31, as follows:—

"When any fees or other moneys are received by a joint board, the same shall be applied in the first instance towards defraying the expenses of the collection thereof and of the carrying out of the public work or administration of the by-law in respect whereof such fees or moneys were received, and the surplus (if any) shall be divided amongst the component local authorities in such proportions as the joint board determines, and, in default of any such determination, shall be divided in proportion to the amount of the rates collected by such component local authorities respectively in respect of such parts of their respective districts as are within the district of the joint local authority during the same year in which the fees or moneys were so received by the joint board."

The Hon. A. C. GREGORY said that when the clause was last under consideration he pointed out that in a previous clause provision was made for levying the contributions of moneys required according to the amount of the rateable property, and that clause 31 would involve the distribution of any net proceeds not according to the amount of rateable property in each division, but in proportion to the amount of rates collected, which rates might be collected upon different bases, and therefore the contribution would be perhaps twice as much in proportion as the distribution. Under the circumstances he moved that all the words from the word "as" at the end of line 6 to the word "respectively" on line 9 be omitted, with a view of inserting the words "such component local authorities are liable to contribute." That would put the distribution on exactly the same basis as the contribution.

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

On clause 36—"Maintenance of bridges on main roads"—

The Hon. A. C. GREGORY said that on a previous occasion clauses 36 and 37 were postponed at his request, because the Committee would only have been continuing the debate on the interpretation clause with regard to main roads. As they had now passed the clause in which the term "main road" was defined, it was not necessary to go into any further argument on the question.

Clause put and passed.

Clause 37—"Repairs of main roads"—passed as printed.

Preamble put and passed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, and reported the Bill with amendments.

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

HEALTH ACT AMENDMENT BILL.

SECOND READING.

The POSTMASTER-GENERAL said : Hon. gentlemen,—The principal aim of this Bill is to qualify the payments made by governmental endowments to municipalities and divisional boards in respect of rates levied under the Health Act of 1884. The section which authorises the rate is as follows :—

“For the purpose of defraying any expenses chargeable on the municipal or divisional fund which that fund is insufficient to meet, the local authority shall from time to time, as occasion may require, make and levy, in addition to any other rate leviable by them under any Act, a rate or rates to be called ‘General Health Rates.’”

And it is further provided that—

“The same endowment shall be payable, and shall be paid to the local authority in respect of moneys raised by general health rates as is payable in respect of moneys raised by general rates under the said Acts respectively.”

Towards the end of last year or early this year I, in common with a number of others engaged in legislative duties, discovered that the Government endowment was paid in respect of health rates levied by local authorities, which health rates and endowments together were appropriated by the local authorities for the cleansing of back-yards, cesspools, privies, earth-closets, etc. It appeared to me a most remarkable discovery, and to others also. It seemed to be altogether outside the province of the general Government to supply any money whatsoever from the Treasury for such purposes. The result was that, attention having been called to it, the Government determined, after full consideration, that the principal Act never intended that such payment should be made to any local authority for the domestic purposes of any household within a city or a division; hence the Bill before you. I trust it will meet with fair discussion on its merits, because I think, now that this question of decentralisation is before the country, without going into the larger question of decentralisation of governmental administration, it is the duty of legislators to encourage local authorities to do all that lies within their province. There is no one who will attempt to say that all the purposes which come within the scope of the Health Act are purposes in respect to which local taxation should be levied, and in respect to which an endowment should be paid out of the general revenue of the country. From these observations hon. gentlemen will see that I am an advocate of the Bill, and to me it is a matter of regret that an endowment was ever paid from the Treasury for any such purposes as those to which I have referred. I will go further, and say that I am just as much entitled, living within the municipality, to be subsidised by having my milk bill paid for me, as for the cleansing of the premises I keep as a private residence, or as business premises. It is never too late to mend, and the principle contained in the Bill is a sound one. In order that the change may not be too sudden, and press hardly on the local authorities who have been accustomed to receive this financial aid, the Government propose to pay them up to a date named, so that they will have ample time to arrange matters. While speaking on this Bill I shall call attention to the mode of levying the rates, which will henceforth be called “a cleansing rate.” Subsections 1, 2, 3, and 4 of clause 3 provide the basis. There are four modes of rating, any one of which may be applied, or partly one and partly another, as the case may require. The local authorities are wisely left to use their own discretion as to what shall be the basis. Clause 4

relates to the accounts of moneys raised by general health rates, and clause 5 provides as follows :—

“No moneys raised by a general health rate made or levied in respect of any period after the thirty-first day of December, one thousand eight hundred and eighty-six, or received as endowment in respect of any moneys so raised, shall be applied for any purpose other than the purpose of defraying the expenses incurred or payable by the local authority in the execution of the principal Act or this Act, and not being expenses incurred in respect of any of the works mentioned in the last preceding section but one.”

Then there is a power to withhold the endowment if the proceeds have been misapplied; and the local authorities may, under clause 8, make by-laws in relation to cleansing rates. Clause 9 provides that all the Local Government Acts for the time being shall be applicable to all rates made and levied, and all by-laws made, under the Health Act of 1884 or this Act. One word as to dairies. That dairies should be inspected and be placed under some supervision no one will deny. We know that much disease has been spread by the sale and distribution of bad milk; and it goes without saying that this department of the Bill will receive the earnest attention of hon. members. I have pleasure in moving the second reading of the Bill.

The Hon. A. C. GREGORY : I move that the debate on the second reading be adjourned.

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

The House adjourned at 6 o'clock.