Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 26 OCTOBER 1886

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LEGISLATIVE ASSEMBLY.

Tuesday, 26 *October*, 1886.

Petition.—Railway Plans.—Separation of Northern Queensland.—Formal Motions.—Building Societies Bill—third reading.—Divisional Boards Bill No. 2—consideration in committee of Legislative Council's amendments.—Message from the Legislative Council—Local Government Act of 1878 Amendment Bill.—Employers Liability Bill—consideration of Legislative Council's amendments.—Trade Unions Bill—second reading.—Gold Fields Homestead Leases Bill second reading.—Liquor Bill—committee.—Printing Committee's Report.—Adjournment.

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

PETITION.

Mr. MURPHY presented a petition from 320 residents of Blackall, praying that a sum of money be placed on the Estimates sufficient for the construction of a railway from the Central line to Blackall, and moved that it be read.

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

Mr. MURPHY moved that the petition be received.

The SPEAKER: I must remind the hon. member that as the prayer of the petition is for a distinct grant of money it cannot be received in its present form, and I advise him to withdraw it.

Petition, by leave, withdrawn.

RAILWAY PLANS.

The MINISTER FOR WORKS (Hon. W. Miles) said: Mr. Speaker,—I beg to lay upon the table of the House the plans, sections, and books of reference of the following proposed railways:—Maryborough to Gayndah, section 1, 25 miles 75 chains 50 links; railway from Gladstone to Bundaberg, 106 miles 46 chains 50 links; Cleveland branch railway, 21 miles 48 chains 2 links; railway from Bowen towards Ayr, section 1, 30 miles. I take this opportunity of informing hon. members that the plans for the extension of the Cooktown Railway have not yet been received, but are expected by the mail which arrives here on Thursday next.

SEPARATION OF NORTHERN QUEENSLAND.

Mr. BLACK said: Mr. Speaker,—I beg to give notice that to-morrow I will ask the Chief Secretary when he will lay on the table of this House the correspondence on the subject of the separation of Northern Queensland between the English Government and the Queensland Government, and between the latter and the Agent-General, since that contained in the last paper on the subject laid on the table.

The PREMIER (Hon. Sir S. W. Griffith) said: Mr. Speaker,—I can give the hon. gentleman the information now. The paper was to have been ready to-day, but there were some clerical errors in the proof. It will be laid on the table to-morrow.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. ALAND—

That leave be given to introduce a Bill to authorise the mortgage of certain real estate devised by the will of Richard Godsall, deceased, and the renewal of certain mortgages made by him.

Mr. ALAND presented the Bill, and moved that it be read a first time.

Question put and passed.

By Mr. FOOTE—

1. That the Ipswich Grammar School Trustees Enabling Bill be referred for the consideration and report of a select committee.

2. That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House; and that it consist of the following members—namely, Messrs. Nelson, Donaldson, Buckland, Sheridan, Rutledge, and the mover.

BUILDING SOCIETIES BILL.

THIRD READING.

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

DIVISIONAL BOARDS BILL No. 2.

CONSIDERATION IN COMMITTEE OF LEGISLATIVE COUNCIL'S AMENDMENTS.

On the motion of the PREMIER, the House went into committee to consider the Legislative Council's amendments in this Bill.

On clause 18—"Disqualifications"—which the Legislative Council had amended by including licensed victuallers among persons disqualified from being members of the board—

The PREMIER said the first amendment made in the Bill was in the 18th clause, and the Legislative Council proposed to disqualify licensed victuallers from being members of the board. He took the opportunity of saying that in accordance with the previous practice of the present Government, as there were several amendments made in the Bill, he had had printed and circulated to hon. members a draft of the message they proposed—if the views of the Government were adopted—to send to the Legislative Council. The draft would, he thought, assist hon. members in dealing with the various amendments as they came to them. He proposed to move that the amendment be disagreed to, and the reason he proposed to assign was—

Because there does not appear to be any sufficient reason for excluding licensed victuallers from taking part in the business of local government in divisional boards, as they have always done in municipalities, without any objection, and without any evil results."

He moved that the amendment be disagreed to

Question put and passed.

On clause 28—"Disputed elections or exercise of office"—

The PREMIER said he thought the Legislative Council's amendment was an improvement to the clause. The clause as it left the Assembly provided that no order for ousting a person unduly elected should be granted after four months from the date of the election; the amendment provided that it should not be granted unless applied for within that time. It was quite possible that an application might be made in time, but that the court for some reason might be prevented from dealing with it before the expiration of the four months. He proposed that the amendment be agreed to.

Question put and passed.

On clause 30—"Voters"—from which the Legislative Council proposed to omit the following proviso:—

"And provided also that no person shall be allowed to give more than three votes at any election, whether for a division or subdivision, notwithstanding that he is entitled to a larger number of votes in respect of land within the division or subdivision"—

The PREMIER said that the amendment took away the maximum limit to the votes which a single person might give. If a man had thirty properties, each of the rateable value of £100 a year, then if that proviso were omitted he would have ninety votes. He could not help thinking that the amendment had been inserted inadvertently, and he moved that it be disagreed to.

Question put and passed.

On clause 31—"Joint companies and owners"—a verbal amendment of the Legislative Council was agreed to.

On the following new clause, inserted after clause 31:—

"When a corporation or joint-stock company are owners or occupiers of rateable land, the directors or manager of the corporation or joint-stock company may, at the request of the corporation or joint-stock company, be entered in the rate-book as the owners or occupiers, or owner or occupier, of the land, and in any such case the directors or manager shall, for the purpose of voting at elections, be deemed to be the owners or occupiers, or owner or occupier, of the land, instead of the corporation or joint-stock company."

The PREMIER said hon. members would remember that when the Bill was before the House before it had been suggested by hon. members opposite that some such provision as that should be made. He could see no objection to it, and the clause had been proposed in the Legislative Council in pursuance of a promise he had given that it would be considered in another place. He moved that the new clause be agreed to.

Mr. NORTON said he viewed the new clause with the greatest satisfaction, and he was only surprised that the Bill had been allowed to pass the Assembly without the oversight being noticed.

Question put and passed.

On clause 52, as follows :—

"When a poll is required to be taken, it shall be taken in the mode prescribed in Part V. of this Act, unless the Governor in Council directs that it shall be taken in the whole division or in one or more subdivision or subdivisions in the mode prescribed in Part VI. of this Act, in which case it shall be taken in the whole division or in such subdivision or subdivisions in the latter mode accordingly.

"Any such direction may be given at any time after the passing of this Act, and any such direction given before the first day of January, one thousand eight hundred and eighty-seven, shall take effect on and after that day."

The PREMIER said the Legislative Council proposed to omit the clause and insert a new clause, providing that voting by post should continue in all divisions where it was already in operation, and that no change should be made except on a petition under the corporate seal of the division, or signed by a majority of the ratepayers. That had been found extremely inconvenient in the past. It was not desirable that it should be left to the board, which might have been elected by postal voting, and be satisfied that so long as that system was adhered to it would continue to be elected. The difficulty of getting the signatures of a majority of the ratepayers to a petition was very great indeed. In some divisions where the land had been very much cut up there were so many absent ratepayers that it would be practically impossible to get the signatures of a majority. He thought the change proposed to be made in the law by the clause, as it left the Assembly, was a very great improvement. Voting by post should be understood to be merely a temporary expedient, not a permanent way of voting; and where the circumstances of a division, or part of a division, admitted of voting by ballot, the Government ought to have power to direct that that system should be adopted. He moved, therefore, that the amendment of the Legislative Council be disagreed to.

Question put and passed.

On clause 69, as follows :—

"Every presiding officer shall have power and authority to maintain and enforce order and to keep the peace at any election or polling held before him; and may, without any other warrant than this Act, cause to be apprehended and taken before a justice any person reasonably suspected of—

(1) Knowingly and wilfully making a false answer to any of the questions hereinafter mentioned; or

(2) Personating or attempting to personate any voter; or

(3) Attempting unlawfully to vote more than once at the same election; or

(4) Leaving or attempting to leave the polling-booth after having received a ballot-paper and before having deposited the same in the ballot-box as hereinafter provided; or

(5) Attempting to vote by means of a ballot-paper which has been delivered to another person; or

(6) Causing a disturbance at the election;

and may cause any person to be removed who intrudes into or obstructs the approaches to the polling-booth, or conducts himself in a disorderly manner. And all police officers shall aid and assist such presiding officer in the performance of his duty."

—which the Legislative Council had amended by the substitution in the 3rd subsection of the words "voting or offering" for the words "attempting unlawfully"; by the omission of the word "and" in the 4th subsection; by the addition of the word "or" to the 6th subsection; and by the insertion of the following subsection after subsection 6 :—

"(7) Wilfully obstructing the polling by any unnecessary delay in performing any act within the polling-booth."

The PREMIER said he proposed to agree with all the amendments except that in subsection 4. If hon. members turned to the 81st clause they would find the same sentence there. As the Bill left the Assembly, the word "and" had been inadvertently omitted in clause 81, and the Legislative Council had very properly inserted it; but for some inscrutable reason they had struck it out in clause 69. They had corrected the grammatical error in one clause, and carefully made the same error by their amendment in the other.

Amendments in subsections 3, 6, and 7 agreed to; and amendment in subsection 4 disagreed to.

On clause 76—"Mode of voting"—

The PREMIER said in this clause the Legislative Council had struck out the words "any voter who wilfully infringes any of the provisions of this section, or obstructs the polling by any unnecessary delay in performing any act within the ballot-room, shall be guilty of a misdemeanour," and had inserted in clause 81 the words "wilfully obstructs the polling by any unnecessary delay in performing any act within the polling-booth." He thought it would be more convenient to have those words in that clause; but he had an objection to the other words being left out in the clause before them. He moved that the Legislative Council' amendment, so far as it proposed to omit the words "any voter who wilfully infringes any of the provisions of this section shall be guilty of misdemeanour," be disagreed to.

Question put and passed.

On the motion of the PREMIER, the remaining portion of the Legislative Council's amendment was agreed to.

The PREMIER moved that the Legislative Council's amendments in clause 81 be agreed to.

Question put and passed.

On clause 84—"Returning officer to open sealed parcels transmitted by presiding officers, and count the votes, after which each parcel to be re-sealed"—

The PREMIER said the Legislative Council had inserted the following provision, which was contained in the Elections Act passed last year :—

"The returning officer shall also examine the voters' lists which have been used by himself and the presiding officers at the several polling-places, and ascertain whether any voters appear to have voted at more than one polling-place, and shall make out a list, showing the names and numbers of all voters who appear to have voted at more than one polling-place, or to have voted twice at any one polling-place, and shall forward a copy thereof to each of the candidates, and shall enclose the original list in the sealed packet with the voters' lists."

He moved that the amendment be agreed to.

Question put and passed.

On clause 85—"Declaration of poll"—

The PREMIER said the Legislative Council had inserted a provision requiring the returning officer to send in something like a formal return of the result of the election. He noticed that the word "thereupon" appeared instead of the word "thereafter," and he moved that the amendment be amended by the substitution of the latter word for the former.

Question put and passed; and amendment, as amended, agreed to.

On clause 104—"Scrutiny of votes and declaration"—

The PREMIER said the Legislative Council had made an amendment in the clause similar to that in clause 85, and he proposed to make the same amendment to the amendment.

Question put and passed; and amendment, as amended, agreed to.

On clause 124—"Meetings of board"—

The PREMIER said the Legislative Council had amended the clause by omitting the words "and a quorum shall comprise not less than one-half of the whole number of members assigned to the division for the time being." He proposed to agree to the amendment, but also, as a consequential amendment, to omit the words, "all questions shall be decided by the majority present at such meeting"; and a consequential amendment could be inserted in clause 125.

Amendments agreed to.

On clause 125—"Quorum"—

The PREMIER moved that the words "all questions shall be decided by a majority at such meeting" be inserted after the word "present" in the 3rd line.

Amendment agreed to.

The PREMIER moved that the Legislative Council's amendment in clause 169, in conjunction with the corresponding amendments in clause 190, be agreed to. The original clauses provided that a board might establish tolls, rates, and dues in respect to roads and other places, and that such rates might be imposed in the form of a tax upon vehicles. The Legislative Council proposed to amend that by providing that that might be done by a by-law. It was better that it should be done by a by-law, and it was evidently the intention of the House that it should be. As a reason why those amendments should be agreed to, he proposed to assign "that they are in furtherance of the intention of the Legislative Assembly."

Question put and passed.

On clause 190—"By-laws generally"—

The PREMIER moved that the Legislative Council's amendment in paragraph 6 of clause 190 be agreed to. It was clearly not the intention of the House that cars used on tramways should be licensed.

Question put and passed.

The PREMIER moved that the Legislative Council's amendment in paragraph 8 of clause 190 be disagreed to. The question of subjecting private vehicles to a license had been discussed by the House on several occasions, and that was the only practical way of obtaining any security against the roads being destroyed by heavy traffic, or compensation for injury done to the roads. It had been done for a great many years, and a by-law to that effect was in force in many divisional boards now, although doubts had arisen as to their validity.

Mr. NORTON said that many objections had been raised to imposing a license fee upon private vehicles, but even if they were allowed to go free some provision would have to be made to meet the heavy traffic, upon which the boards ought to be allowed to put a tax.

The PREMIER said he did not know how they were to distinguish one private vehicle from another. What difference did it make whether a vehicle brought its owner into town, or brought his milk or fruit to market, or was used to carry his timber? It was impossible to make a distinction, and the clause as it left the Assembly seemed to meet the views of the House.

Question put and passed.

The PREMIER proposed that the Legislative Council's amendment in paragraph 27 of clause 190, already referred to in conjunction with clause 169, be agreed to.

Question put and passed.

On clause 203—"Mode of making valuations"—

The PREMIER said the Legislative Council's amendment in clause 203 must be disagreed to, because it was clearly an interference with the now undoubted authority of the Assembly over taxation. It was unnecessary to quote authorities to establish that point. The question was fully discussed on an amendment of the rating clause in the original Bill of 1879, when the reason assigned by the Assembly for disagreeing to the Council's amendment was that it was an interference "with the rightful control of the Legislative Assembly over taxation." Since then events had happened which had left it beyond all doubt that it was the exclusive function of the Assembly to deal with matters of taxation. He did not propose, therefore, to offer any reasons to the Legislative Council on the matter, except that. But quite apart from that, the acceptance of the amendment, which provided that the rateable value of country land should be estimated at not more than 5 per cent. upon its capital value—the words as the clause left the Assembly being "not less than 8 nor more than 10 per cent."—would reduce the whole system of local government to a farce and an absurdity. It might be only one-fourth per cent.; it might be 1d. in the £1, or 1d. in the £100 upon the capital value; and the rate might be 4d. in the £1 on that. That would be reducing the whole thing to an absurdity, and he could not believe that to be the intention of hon. members. But the first objection he had raised rendered the amendment quite inadmissible, and he moved that it be disagreed to.

Mr. NORTON said he could not help thinking that the other Chamber in making the amendment did not wish to again raise the constitutional question. Their object was to call attention to what might have been an oversight. Of course, he was not going to argue that an amendment of that kind should be accepted; but, at the same time, if it was an amendment that it would be well to accept, it might be mentioned in the messages that the Assembly accepted it without yielding their exclusive right to deal with matters of that nature—that they accepted the amendment simply because they took it to be an amendment made by the other Chamber under the impression that it had been overlooked. He believed it would be possible to do that, although he was not prepared to say that it would be a very wise manner in which to deal with the case; he believed that the intention of the Council was simply to draw attention to the point. He did not agree with the amendment, but he could see some force in the arguments that were brought forward by the other House in support of it. He believed the effect of the Bill, as passed by the Assembly, might be to levy an excessive rate on freehold land as compared with leased land, and he believed it was because the other Chamber thought that it would have that effect that the amendment was inserted.

Question put and passed.

On clause 208—"Notice of valuation to be given"—

On the motion of the PREMIER, the Legislative Council's amendment was agreed to with an amendment substituting the words "is to" for the word "shall."

On clause 209, as follows :—

"If any person thinks himself aggrieved on the ground of incorrectness in the valuation of any land, he may in any year, at any time within one month after he has received notice of such valuation, appeal against such valuation to the justices in such court of petty sessions as the Governor in Council may appoint, or if none is so appointed, to the court of petty sessions held nearest to the land; but no such appeal shall be entertained unless seven days' notice in writing of the appeal is given by the appellant to the board.

"The board may, by advertisement in one or more newspapers generally circulating in the district, notify a day, not being less than thirty-eight days after the delivery of the notices of the valuations, for hearing appeals against valuations.

"On the day so notified, or any later day to which the justices adjourn the hearing, or if no day is so notified by the board, on such day as the justices shall appoint, the justices present shall hear and determine all appeals against valuations on the ground of incorrectness, but shall not entertain any other objection, and shall have power to amend any valuation appealed against, and their decision shall be final upon all questions of fact determined by them."

The PREMIER said the amendments in that clause were chiefly verbal. It was quite right that the word "notify" should be inserted, but the word "appoint" should not be struck out. A day could not be notified without first being appointed. He proposed, therefore, to agree to the insertion of the word "notify" and disagree to the omission of the word "appoint." He moved that the omission of the word "appoint" be disagreed to.

Question put and passed.

The PREMIER moved that the insertion of the word "notify" be agreed to.

Question put and passed.

On the motion of the PREMIER, the word "and" was inserted before "appoint" and "notify."

The PREMIER moved that the Legislative Council's amendment in paragraph 2, substituting "thirty-eight days" for "one month," be agreed to. As the Bill left the House there was an inconsistency between that and the 1st paragraph. According to the 1st paragraph, a person had a month in which to give notice of appeal, but he was bound to give seven days' notice in writing to the board. If the notice of assessment, therefore, was given on the last day of the month, the notice to be given by the board—namely, "one month"—for the hearing of appeals, would not be sufficient. He moved that the amendment be agreed to.

Question put and passed.

On the motion of the PREMIER, the amendments inserting the word "notified," in the last paragraph, were agreed to; the omission of "appointed," disagreed to; and the insertion of the word "and" before "notified" and "appointed" agreed to.

On the motion of the PREMIER, the Legislative Council's amendments in clauses 266 and 291 were agreed to.

The House resumed, and the CHAIRMAN reported that the Committee had agreed to some of the amendments of the Legislative Council, disagreed to others, and agreed to some amendments with amendments.

The report was adopted.

The PREMIER moved that the Bill be returned to the Legislative Council, with a message intimating that this House—

Disagree to the amendment in clause 18—

Because there does not appear to be any sufficient reason for excluding licensed victuallers from taking part in the business of local government in divisional boards, as they have always done in municipalities, without any objection, and without any evil results.

Disagree to the amendment in clause 30—

Because it is manifestly inconvenient that the holders of several properties, should have so greatly preponderating an influence in elections as would be given them by the proposed amendment.

Disagree to the omission of clause 52 and the new clause proposed to be inserted instead thereof—

Because the system of voting by post is merely a temporary expedient to be departed from as soon as the circumstances of any division or subdivision will admit.

Because the proposed restrictions upon the action of the Governor in Council have been found to be highly inconvenient in practice.

Because in many divisions, in consequence of the large number of non-resident ratepayers, it is impracticable to obtain the signatures of a majority of ratepayers to a petition, and it is not desirable that the board should have entire control of the matter.

Because in the case of many divisions it is expedient that one system of voting should be adopted for one or more subdivisions and another for the other subdivision or subdivisions.

Because it is conceived that the question of determining the best mode of voting in each division and subdivision may safely and conveniently be left to the discretion of the Governor in Council, in the same manner as other questions of equal or greater importance are left by the Bill.

Disagree to the amendment in clause 68, line 36—

Because the grammatical construction appears to require the retention of the word proposed to be omitted.

Disagree to the amendment in clause 76 so far as it proposes to omit the words "Any voter who wilfully infringes any of the provisions of this section shall be guilty of a misdemeanour,"—

Because the section prescribes several duties to be performed by voters and presiding officers, and it is desirable that the non-performance of such duties should be made punishable.

And agree to the omission of the other words proposed to be omitted.

Propose to amend the Legislative Council's amendments in clauses 85 and 104 by omitting the word "thereupon" and inserting the word "thereafter," and agree to the amendments as so amended, in which amendment they invite the concurrence of the Legislative Council.

Agree to the amendment in clause 124, but propose, as a consequential amendment, to omit in that clause the words "all questions shall be decided by the majority present at such meeting," and to insert, after the word "present," on the third line of clause 125, the words "and all questions shall be decided by a majority of the members so present," in which amendment they invite the concurrence of the Legislative Council.

Agree to the amendments in clause 169 and in subsections 6 and 27 of clause 190, because they are in furtherance of the intention of the Legislative Assembly.

Disagree to the amendment omitting subsection 8 of clause 190—

Because it is convenient that divisional boards should have power to require contributions towards the expense of the maintenance of roads from persons who are not ratepayers, and such contributions may be more conveniently collected by license fees than by the erection of toll-bars.

Because the imposition of license fees upon heavy vehicles or vehicles engaged in carrying heavy goods and causing special injury to roads is the best practicable mode of dealing with the case of such vehicles.

Disagree to the amendments in clause 203—

Because, as was pointed out in a message from the Legislative Assembly to the Legislative Council, on 22nd September, 1879, referring to amendments of a similar character made by the Legislative Council in the Divisional Boards Bill of that year, the amendments interfere with the rightful control of the Legislative Assembly over taxation.

Propose to amend the amendment in clause 208 by omitting the word "shall" after "sessions" and inserting the words "is to," in which amendment they invite the concurrence of the Legislative Council; and agree to the amendment as so amended.

Disagree to the amendments in clause 209 omitting the words "appoint" and "appointed," and agree to the insertion of the words "notify" and "notified" respectively, but propose to amend the amendments of the Legislative Council inserting those words by the insertion of the word "and" before them respectively,—in which amendments they invite the concurrence of the Legislative Council.

And agree to the other amendments of the Legislative Council.

Question put and passed.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

Local Government Act of 1878 Amendment Bill.

The SPEAKER : I have to inform the House that I have received the following message from the Legislative Council :—

"Mr. Speaker,—

"The Legislative Council have this day agreed to the Bill intituled 'A Bill to amend the Local Government Act of 1878,' with the amendment indicated in the accompanying schedule, in which amendment they request the concurrence of the Legislative Assembly.

"Jno. F. McDougall,

"Presiding Chairman.

"Legislative Council Chambers,

"Brisbane, 26th October, 1886."

I deem it my duty to call the attention of the House to the character of the amendment made by the Legislative Council in this Bill. Although simple in itself, it is one which it appears to me this House cannot consent to without conceding the claim of the other Chamber to the right to amend a taxation Bill, which this House has never yet conceded. Similar amendments were made by the other Chamber last year in a like measure, which necessitated the Bill being laid aside. I have again to express my regret that the other branch of the Legislature should so repeatedly attempt to interfere with the exclusive right of this House to deal with questions affecting the principle of taxation, embodied in local government Bills, inasmuch as it is calculated to seriously retard the public business of the country.

The PREMIER : I beg to move that the amendments of the Legislative Council be taken into consideration in committee to-morrow.

Question put and passed.

EMPLOYERS LIABILITY BILL.

Consideration of Legislative Council's Amendments.

On the motion of the PREMIER, the Speaker left the chair, and the House went into Committee of the Whole for the purpose of considering the Legislative Council's amendments on the Employers Liability Bill.

On clause 3—"Definitions"—

The PREMIER said that the Legislative Council proposed by their amendments in this Bill to omit domestic or menial servants and seamen, so that they should not have the benefit of the proposed law. So far as domestic servants were concerned, he did not know that it was of much consequence whether they were omitted or not, because domestic servants were not in the care of their fellow-servants in a sense in which their employers could be fairly held responsible under the definitions of the 4th section. He moved that the amendment of the Legislative Council in clause 3 be agreed to. He should not make the same motion with respect to seamen.

Mr. NORTON said the hon. gentleman proposed to agree to the amendment because he did not know of any case where a domestic servant was likely to be injured through the carelessness of another servant. In that case the clause would be inoperative if it passed in its original form; but if there were cases where a domestic servant suffered in that way, then a domestic servant was as much entitled to reparation as anyone else. He thought there was a great deal of discussion on that matter when the Bill was last before the Committee, and he understood that the Chief Secretary was then disposed to include domestic servants in the benefits of the Bill; and he must say he was rather surprised that the Chief Secretary should now propose to agree with the amendment of the Legislative Council. For his part, he thought that domestic servants were just as much entitled to consideration under that Bill as any other class. If there were no cases where any of them would receive injury through the carelessness of fellow-servants having superintendence over them, then that portion of the Bill would be inoperative, but at any rate it would do no harm.

The PREMIER said he wanted to see the Bill passed, and he did not think the part about domestic servants was of much consequence. He did not see, if the Legislative Council attached any importance to their amendment, why the Committee should imperil the Bill for that which was of no value.

Mr. NORTON said the other amendment was the principal one.

The PREMIER said the case of the seamen was a matter to which he attached considerable importance. He did not see that any of the causes of injury mentioned in clause 4 would cover the case of domestic servants. The first was—

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

He did not see any possibility of such a case occurring to a domestic servant, unless perhaps in the case of a coachman. The second was—

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

According to the definition in the 3rd clause, a person who had superintendence entrusted to him meant a person whose sole or principal duty was that of superintendence, and who was not ordinarily engaged in manual labour. That could only possibly refer in the case of domestic servants to a housekeeper, and he did not think it worth while to provide for cases of negligence by a housekeeper. The 3rd clause was—

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

He did not see how that could apply to the case of a domestic servant. The next paragraph referred to by-laws of employers in factories or mines, and the 5th referred to persons in charge of railways or railway works. He thought it was not worth while to insist on the inclusion of domestic servants.

Question put and passed.

On clause 4—"Amendment of law"—

The PREMIER said he did not know the meaning of the amendment made by the Council. As the clause was originally drawn, it was perfectly intelligible, the 2nd subsection providing that the employer should be responsible for personal injuries caused to any workman in his employ "by reason of the negligence of any person in the service of the employer, who has any superintendence entrusted to him whilst in the exercise of such superintendence." The expression "person who has superintendence entrusted to him" was defined in the interpretation clause, and why verbal amendments had been made by the Council he did not know. The clause as originally drawn was as it stood in the English Act, and he thought it more aptly expressed what might be presumed to be the intention of the Legislature. He moved that the amendment be disagreed to.

Mr. CHUBB said the reason for the amendment seemed to be that the Council thought there might be some who might have superintendence entrusted to them, and yet not be in the service of the employer.

Question put and passed.

On clause 6—"Compensation to seamen in certain cases"—

The PREMIER moved that the amendment of the Legislative Council omitting the clause be disagreed to. The amendment raised the question whether seamen were to have the advantage of the Bill or not, and he did not know that any sound argument had been advanced against seamen having the advantage of the Bill. The only case in which a seaman would have the right to compensation from his employers was when he sustained a personal injury by reason of any defect or unfitness in the condition of the spars, tackle, machinery, or other apparel or furniture of the ship or boat in which he was employed; and he thought that ships ought not to be sent to sea with any such defect. The committee of the House of Commons, appointed to investigate the working of the Act in England, recommended that it should be extended to seamen, but only in home ports. The clause under consideration would only apply to accidents occurring on vessels while in Queensland waters, so that it might safely be allowed to become law.

Mr. NORTON said he did not think there could be any objection to extending the advantages of the Bill to seamen; but the clause did not appear to provide against sending a ship to sea in an unseaworthy condition. He did not think it applied to a water-logged vessel, for instance, but only to vessels not fitted with proper appliances to insure the safety of those on board. They heard numberless complaints, where accidents happened at sea, of some of the gear not being in working order, and he thought the object of the Committee should be to provide that all the fittings of ships leaving the ports of the colony should be in proper working order, and that if they were not, those sustaining accidents should be entitled to compensation. He did not agree to the amendment made by the Council.

Question put and passed.

On clause 11—"Trial of actions"—

The PREMIER said the object of the amendment apparently was that in case of an action being brought in a district court under the Bill, in consequence of an injury sustained by a workman, if it turned out that the cause of action did not arise under the Bill at all, but under the common law, and the amount claimed was over £200, the district court should nevertheless be competent to try the case. Not long ago an employé brought an action in the Supreme Court against his employer for more than £200 damages on account of an injury sustained through the carelessness of some person for whose acts the employer was responsible at common law. The district court had not jurisdiction to try the case on account of the amount of damages claimed, and a case might arise in which it was not quite clear whether the right of action was at common law under the existing law, or whether it arose under the Bill; and if the injured person claimed more than £200, in order to have both strings to his bow, he would have to bring two actions, one in the Supreme Court and another in the district court, not being certain which was right. That would be of no advantage either to the servant or the master, and it would be far better to allow the whole question to be disposed of in one action, whether it arose either at common law or under the Bill. He thought the amendment might be a good one, and he moved that it be agreed to.

Question put and passed.

The House resumed; the CHAIRMAN reported that the Committee had agreed to some amendments of the Legislative Council, and disagreed to others; and the report was adopted.

The PREMIER moved that the Bill be returned to the Legislative Council with a message intimating—

That this House disagree to the amendment in clause 4, because the language of the clause as originally framed appears to more aptly express the conditions under which the employer's liability is to arise; and disagree to the omission of clause 6, because there does not appear to be any sufficient reason for excluding seamen from the benefits of the Bill within the limits proposed by the clause, which is only operative within Queensland waters.

Question put and passed.

TRADE UNIONS BILL.

SECOND READING.

The PREMIER said: Mr. Speaker,—This Bill to amend the law relating to trade unions is in effect a transcript of the law relating to trade unions, which has been in force in the United Kingdom for the last ten years. It amends the law relating to trade unions in this respect, that at the present time they are practically unlawful, being combinations of persons whose objects are "in restraint of trade," and by a rule of common law supposed still to exist, any combination of that kind—any combination interfering with the perfect freedom of trade—is unlawful, and the persons forming it are supposed to be guilty of a misdeameanour. Of course we know perfectly well that under existing circumstances they are admitted, not only in Great Britain but in most civilised countries, to be societies of advantage to trade, and serve many useful purposes; and it is manifestly absurd that combinations of this kind should be unlawful in consequence of a rule of law established centuries ago. Some persons think that trade unions are somewhat dangerous institutions, and might look upon any law that would have the effect of legalising them as objectionable on that score; but anyone who reads this Bill will see that there is nothing objectionable in it. It is well known that trade unions exist—that is, voluntary associations of persons engaged in a particular trade, who combine for mutual assistance and support. Their internal management amongst themselves is not of any consequence to the country, but being at the present time under the ban of the law as combinations in restraint of trade, they have no legal remedy against persons who may take their money or property; they are, in fact, associations that are not entitled to any of the privileges or protection of the law. This is very undesirable; and as they are institutions that serve many useful purposes, they should be protected, and should have the same protection as other institutions that are innocent, or are —as I think in the case of these institutions—highly beneficial. The scheme of the Bill is very short and simple. It is proposed to allow trade unions to register with the Registrar of Friendly Societies. They are to send in their rules, and upon that being done they are to be registered, and upon registration they obtain certain privileges. The principal privileges are that they may in the names of their trustees take property and hold it; they may take land not exceeding one acre, and the trustees may otherwise deal with it; and they have the right to bring or defend any action touching the property

of the union, and will be under the protection of the law. The trustees will be liable only for the moneys they actually receive on account of the union. Then there are other provisions, beginning with the 19th section, about the accounts of trade unions, and they are very useful provisions. The treasurer or other officer of a trade union is bound to render proper accounts to the trustees or members, of the money he receives and disburses, and to pay over any balance in his hand, and under the Bill a summary way is provided for punishing persons who do not do so. It is proposed also that annual returns must be sent to the registrar of the operations of trade unions, and a summary remedy is given by the 21st section against any person who withholds the property of a trade union. The ordinary principles of criminal law also apply to any person who steals the funds of trade unions. As the law is at present, any person who did so would probably be able to escape, as these institutions are not under the protection of the law. These things are not right, and should be altered; and so far there can be no possible objection to the provisions of this Bill. The general provisions of the Bill, beginning with section 24, provide, first--

"The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to a criminal prosecution for conspiracy or otherwise."

Of course, the prosecution now of a man for being a member of a trade union would be simply absurd. I am quite sure no jury would convict, and if they did no judge would inflict any punishment. The law is really obsolete, and it is just as well to declare it so on the Statute-book. The next provision is—

"The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust."

Otherwise the trustee of the property of a trade union could make away with it. To that extent there can be no objection to the Bill. It is not proposed by this Bill to give courts of law the right to interfere with the internal management of trade unions. They are entirely voluntary to that extent, and the members must trust their officers. They join under certain conditions, and if they do not like those conditions they have no redress in a court of law. This is a very necessary and useful provision, as there might be a disagreeable and quarrelsome person who did not agree with the managing body of the union, and he might, without such a provision, bring an action against them, and bring up the whole of the affairs of the union before the court. If that was allowed, these institutions, instead of being a benefit, might become an intolerable nuisance, and it might be impossible to carry them on. The 26th clause therefore provides—

"Nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements namely,—

(1) Any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ, or be employed;

(2) Any agreement for the payment by any person of any subscription or penalty to a trade union;

(3) Any agreement for the application of the funds of a trade union,--

(*a*) To provide benefits to members; or

(*b*) To furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or regulations of such trade union; or

(*c*) To discharge any fine imposed upon an person by sentence of a court of justice; or

(4) Any agreement made between one trade union and another; or

(5) Any bond to secure the performance of any of the abovementioned agreements.

But nothing in this section shall be deemed to constitute any of the abovementioned agreements unlawful."

All those matters will be left to mutual arrangement. If a member of any trade union violates the obligation he entered into when he joined the union, they will probably expel him; and he cannot bring an action against them and recover damages. If he will not pay his subscription they cannot sue him for it; it is an entirely voluntary arrangement between the members themselves. There are one or two provisions in the Bill of minor consequence, which I do not think I need call attention to. The fees are very small —£1 for registration, 10s. for registering alterations of rules, and 2s. 6d. for inspection of documents. Hon. members will observe that marginal references are given to the sections of the Imperial Act, from which the clauses are adopted with modifications. It is founded upon two Acts; one passed fifteen years ago, in the 34th and 35th year of Her Majesty, 1871, and the other passed in 1876. I hope the Bill will pass without any opposition.

Mr. NORTON said: Mr. Speaker,—For my part I can see no reason why the Bill should not pass. It appears to me that workmen are just as much entitled to combine for their own protection as employers are. I believe it has been the practice of both employers and workmen to combine to help themselves, and I can see no reason why the law should not give them that power, as they do not appear to have it at present. I look upon this Bill as wiping off one of the relics of barbarism—that is the provision which prevents workmen from taking any action in defence of their own interests. So far as the 26th clause is concerned, for my part I think it is a very proper one. If unionism is to be made lawful, I think the provisions of the Bill should be such that a union when formed must take care of itself. Of course, the trades combine for objects of their own, and I think any disputes that arise among them should be settled by themselves without the intervention of the law. I entirely concur with that clause, and I hope it will pass without any alteration. There is one matter that struck me as somewhat strange —the use of the word "masters" instead of "employers." I do not know what word is used in the English Act, but in the Victorian Act the word "employer" is used where "master" is used here. In the 26th clause of this Bill the word "employer" is used. Of course the same word should be used throughout, and the word "employer" is, I think, fully recognised. The 11th clause, providing for a change of name, is similar to one in the Building Societies Bill dealt with on Friday. The Committee on Friday omitted that clause because there appeared to be no particular reason why a building society should be allowed to change its name, and I suppose the same argument applies here. I do not see the object of a trade union desiring to change its name. There is no particular reason why it should not, but as the provision was struck out in the other Bill, I think it ought to be struck out here also. I have no objection whatever to the Bill, and I am very glad to see it introduced.

Mr. CHUBB said: Mr. Speaker,—With the exception of four or five clauses which have been omitted, this Bill is almost a transcript of the Trade Unions Acts of 1871 and 1876 in England. I do not intend to discuss it at length after it has been so succinctly explained

by the Premier. The most important clause of the whole, I think, is the 26th, which provides that a society must manage its internal affairs itself without appealing to the court. I would like to mention, as a fact worthy of the consideration of the Premier, that, according to the decision of an English judge, an injunction is not excluded by the terms of this clause. I looked to see whether that decision has been appealed against, but I have not found any appeal reported. The case was one where a trade union society made arrangements to amalgamate with another society, and one of the members who objected to the amalgamation got an injunction against it. The judge, after expressing some doubt on the point, granted the injunction. If the Premier thinks the case worth consideration in connection with this Bill, I will give him a reference to it. I think the Bill is a very desirable one. The principle of common law which makes it unlawful for servants to combine for their mutual benefit is a very old one like that which forbids forestalling a market by buying up all of one particular kind of produce. They were very good provisions, probably, when they were originated, but in modern times they can have no practical application; and the sooner these legal cobwebs are swept away the better.

Mr. S. W. BROOKS said: Mr. Speaker,—I also look upon this Bill as a piece of necessary and reasonable legislation, and I think hon. members will find it contains nothing revolutionary. Stanley Jevons's work entitled "The State in Relation to Labour" contains a reference to legislation of this sort. It says on page 113:—

"It is very desirable that the public, especially the working-class public, should always bear in mind exactly what was the intention and effect of the Trade Unions Acts of 1871 and 1876, which enabled trade societies to be registered and to obtain legal facilities equivalent to those enjoyed by registered friendly societies. The matter is a technical one, of no real importance in principle, but the change made in the law is liable to be misconstrued into an approval by the State of trade combinations. Previous to the passing of the abovenamed Acts, trade societies, being deemed illegal, in respect of acting in restraint of trade, were excluded from registration under the Friendly Societies Act (18 and 19 Vict., cap. 63, sec. 44). This Act granted special benefits as regards security of property and settlement of disputes to any societies established for certain specified purposes, and in certain cases, 'for any purpose which is not illegal.'"

I think it is necessary that we should remember that, because there are some of us who do look upon trade societies as a means by which society is to be saved from the difficulties of labour. We should not imagine that, because we accept this Bill as necessary and reasonable, we therefore look upon all the aims of all trade societies as reasonable and good. There is no doubt that trade unions have accomplished a very great deal of good work, and no man has written more clearly on this subject than Mr. George Howell in his work on the "Conflicts of Capital and Labour," wherein he sets forth the advantages that have accrued from these combinations. I am pleased, therefore, that this measure has been brought in to place trade unions on a legal footing. It seems to me that we are a little bit, and only a little, behind the United States in this matter. I hold in my hand a copy of *Bradstreet's*, dated the 12th of June last, and I see by it that—

"The Senate has just passed a Bill to legalise the incorporation of national trade unions. This Bill makes trade unions which file articles of incorporation in the proper office corporations under the technical name by which they desire to be known, and gives them the right to sue and be sued, and to grant or receive in their corporate name property, and the proceeds and income thereof for the objects defined in their charters. They can only hold such real estate as is necessary for the purposes of their incorporation. They are also given the power to make and amend such constitutions and by-laws as they may deem proper in order to carry out their lawful objects. In defining what is meant by national trade unions, and enumerating the purposes for which they may be formed, the Bill lays stress upon the education and benevolent purposes of such organisations."

So that the United States passed a similar measure to this only two or three months ago, and I suppose we may be considered relatively very far ahead of the United States. Hon. members will see by the interpretation clause of this Bill that provision is made for combinations not only of workmen and workmen, but also of workmen and masters, and masters and masters. There are some of us who think that in some such combinations in the future we shall find safety in relation to labour difficulties. Safety will not lie in combination of a one-sided sort, and I am, therefore, glad to note that this Bill provides for all kinds of combinations. Hon. members will observe that provision is made to secure the registration of the rules of trade societies, so that it may be seen for what objects they are formed. It is also provided that a person under the age of twenty-one but above the age of sixteen may be a member of a trade union, but shall not be a member of the committee of management. The 10th clause is, to my mind, a very important one. It provides for the transmission after death of any benefit accruing to a member to a person nominated by him, without a will. That seems to me to be the intent and purport of the clause. It says:—

"A member of a trade union not being under the age of sixteen years may, by writing under his hand, delivered at or sent to the registered office or servant of the trade union, nominate any person not being an officer or servant of the trade union (unless such officer or servant of the trade union is the husband, wife, father, mother, child, brother, sister, or niece of the nominator), to whom any moneys payable on the death of such member not exceeding fifty pounds shall be paid at his decease."

And so on. It is transmission without a will. Clause 26 has been referred to by previous speakers, and it is, to my mind, one of the most important in the Bill. Clause 29 is also important. It provides that—

"A person who is a master, or father, son, or brother of a master, in the particular manufacture, trade, or business in or in connection with which any offence under this Act is charged to have been committed, shall not act as a member of a court before which any matter is brought under this Act."

The Bill is a very simple one. It provides for a technical difficulty, and is in no way revolutionary. The House, I think, may safely pass it into law, and so change by this stroke the relative position of these combinations of men, which are combinations of a reasonable sort, and having in view a reasonable aim.

Mr. SCOTT said: Mr. Speaker,—I daresay this is a very good Bill, but I should like to know what will be its effect upon strikes.

The PREMIER: Nothing at all.

Mr. SCOTT: The Bill legalises trade unions, and we know that trade unions are the support of all strikes. I hold that if strikes are made legal, as I take it they will be by this Bill, some protection should be afforded to the employer of labour as well as to a labourer in this colony. We know very well that in Brisbane of late years a great many men, especially those in the iron trade, as soon as they find that the employer has got hold of a good contract, strike for higher wages, and so force their employer to come to their terms, or pay a forfeit for not carrying out his contract. I think some provision should be made in this measure to the effect that when a contract is taken by an employer and the employés strike for higher wages he ought to be at liberty, whatever his

contract might be, to throw it up, so that he should not be forced into paying higher wages than he can afford to pay, or forfeit the deposit on his contract.

Mr. PALMER said: Mr. Speaker, — The reason given by the Premier for introducing this Bill—namely, that there is not at the present time any standing for trade unions in the colony—is, I think, a very good one, and the only astonishing part of the matter is that such a measure has not been introduced before this. It is surprising that in a colony where labour is so important as it is in this country, trade organisations for the protection of labour should not have been legalised many years ago. I admit the principle that the workmen have a right to form organisations or trade unions for their protection, or for any other purpose for which they may think they are entitled to combine. We have seen, in the history of trade unions, that by this means labour has been raised to the standard at which it is at present. I see nothing in the Bill to protect men who may be the subjects of criminal actions outside the trade unions. There is no doubt that trade unions have no right to interfere outside their societies, but it is well known that cases of social terrorism have occurred. Indeed, terrorism has been put in force as a means of exercising what may be called tyranny outside the societies connected with trade unions. I look upon that as a criminal act, and I see nothing in the Bill to protect men from such acts.

The PREMIER: The common law does that.

Mr. PALMER: The principle of the Bill is satisfactory enough. I have no doubt the eight hours' system, which was celebrated with such *éclat* the other day in Sydney, has been in a large measure brought about by trade unions. I happened to be there and saw as many as 15,000 workmen walking in procession to celebrate the anniversary of the inauguration of the eight hours' system in that city, and I have no doubt that this is be to traced to the effects of trade unions; many other beneficial results are also to be traced to trade unions. I doubt, however, whether, when trade unions make themselves political organisations, they are then carrying out their functions. There is no doubt that they have entered into politics, and they will become the tool of some political party or other. I hold that when used as political engines, trade unions lose their effect, and are not carrying out their legitimate functions. I do not profess to have gone into the matter much. I have read the two Acts of which this is almost a transcript — English Acts — and there seems to be very little dissimilarity between them. With regard to the matter of trade unions interfering with persons outside their society, I think that is a thing that wants looking into, as also does the question referred to by the hon. member for Leichhardt, with regard to contracts, where the men combine against their employer, and the contractor is unable to carry out his work.

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

On the motion of the PREMIER, the committal of the Bill was made an Order of the Day for to-morrow.

GOLD FIELDS HOMESTEAD LEASES BILL.

Second Reading.

The MINISTER FOR WORKS said: Mr. Speaker,—As far back as 1883, the Government received complaints from the residents of Gympie that they had no power to subdivide, or mortgage, or otherwise deal with their homesteads. Recently, there have been applications made from Charters Towers on the same subject, and the Government have endeavoured, in framing this Bill, to meet these complaints. It will be seen that the 2nd and 3rd clauses of the Bill are simply explanatory. The 4th clause provides that the lessee of any holding under the repealed Acts, the area of which is less than two acres, may surrender his lease and obtain a new grant of one-eighth part of it under the following conditions:—The lessee must lodge with the warden an application stating his desire to surrender his lease, and to obtain a deed of grant for a specified portion of the holding, such application to be accompanied by a plan showing the boundaries of the land comprised in the lease, and of the portion thereof of which he desires to obtain a deed of grant. The frontage of such portion to a main road is not to exceed the depth. Notice of such application must be posted by the lessee at the warden's office and published within two days in some newspaper published on, or generally circulating on, the goldfield. If any objections are lodged within fourteen days after such posting of the notice or publication, whichever is the later date, the warden shall hear the objection in open court. The warden shall afterwards forward the application to the Minister with a report thereon, recommending that it be or be not granted, and the Minister may recommend to the Governor in Council that the application be so granted, and thereupon the Governor in Council may issue a deed of grant accordingly. This is simply dealing with areas not exceeding two acres. The lessee of a homestead not exceeding two acres may surrender his lease and obtain a deed of grant for a certain portion of that two acres. Clause 5 provides for the resumption of the land, and reads as follows:—

"The Governor in Council may resume the whole or any part of a holding held under the said repealed Acts.

"Upon such resumption the lessee shall be entitled to compensation for any improvements upon the land which are taken or destroyed or rendered useless, and also for the value of his interest in the land, but the amount to be allowed for the value of such interest shall not exceed a sum equal to twice the amount of the fair value of the use and occupation for one year of the land so resumed."

Up to the present time there has been some doubt about that. The Government have not power to resume these homestead leases, although I know the hon. member for Townsville is of a different opinion. He thinks the Government have that right, but I have consulted my hon. colleague, the Premier, and he informs me they have not. This clause, at all events, will set the matter at rest. The next part of the Bill provides for new leases. Clause 7 provides that any holder of a miner's right, or resident on a goldfield, being not less than eighteen years of age, may make application for a lease, such application to be lodged at the office of the warden. The clause is almost similar to the clause in the present Act. Clause 8 describes the area of land which may be leased, and the following clauses relate to rent and survey fee to be paid, applications how entered and determined, application and receipt to be posted on land, and objections. Clause 13 is as follows:—

"All applications shall be heard on a day appointed by the warden, of which public notice shall be given by posting it at his office, and not being less than thirty days from the date of lodging the application."

The 14th clause provides that applications are to be disposed of in open court; and the 15th gives the warden power to alter or reject any application. The 16th clause relates to the survey of the land, and the warden's report to the Minister thereon. The 17th details the terms of the lease

to be issued; and the 18th provides that when an application for a lease is rejected the applicant shall be entitled to have the amount deposited by him as rent and survey fee returned to him by the warden forthwith. Clause 19 provides that on the approval of the warden the land must be occupied, and goes on to state:—

"But if, at the expiration of two calendar months from the completion of the survey and notice thereof to the applicant, he has not occupied the said land either by himself residing on it or by cultivation, or by enclosing it with a substantial fence, or by erecting substantial improvements on the land, or by carrying on some manufacture or business upon or in connection with the land, he shall be deemed to have abandoned the land, and shall cease to be entitled to a lease thereof, and shall not be entitled to a return of any moneys paid by him as rent or survey fee, and the land may be immediately applied for by another applicant."

Clause 23, which provides for subdivision, refers to what residents on goldfields have been complaining of. It is as follows:—

"Any lessee under this Act may, upon application to the warden, and upon payment of the fee of ten shillings, transfer any part of the holding, not less than five acres in extent, to any person qualified to be the lessee of a holding under this Act.

"The application must be accompanied by proper and correct plans and descriptions showing the proposed division of the holding, and certified by the mining surveyor or a licensed surveyor, and an endorsement shall be made on the original lease showing the portion of the holding so transferred."

This will, to some extent, meet the wants of those who hold homestead leases on goldfields. The next three clauses refer to mortgages, clause 25 defining that a memorandum of mortgage shall have effect only as a security for the sum of money intended to be secured by it, and shall not take effect as an assignment of the lease. The next part of the Bill relates to mining on leased land. Clause 28 sets forth that—

"1. Any holder of a miner's right may apply for and take up for mining purposes, in accordance with the provisions of the Gold Fields Acts, any land comprised in a holding under this Act, and may mark off the claim or land to which he is entitled, and may obtain registration thereof in the same manner as if the land were unoccupied Crown land.

"2. A gold-mining lease may be granted under the Gold Fields Acts of land comprised in a holding under this Act. But in any such case the mining lease shall be of the mines under such land only, and not of the surface of the land.

"3. When land comprised in a holding under this Act is taken up for gold-mining purposes, or is included in a gold-mining lease, the person entitled to mine thereon shall also be entitled to access to the mines through the land comprised in the holding."

Clause 29 is the same as the corresponding clause in the existing Act. The next clause provides for the appointment of arbitrators to assess damages, and clause 31 gives protection to mining improvements. It is a penal clause, as follows:—

"When a miner has put up any building or other erection upon land leased under this Act and afterwards leaves the land, the lessee shall not remove or destroy such building without the sanction of the warden. Any lessee offending against the provisions of this section shall be liable to a penalty not exceeding twenty pounds."

The 32nd section empowers the Governor in Council to resume the whole or any part of a holding under this Act, and states that upon any such resumption the lessee shall be entitled to compensation for any improvements upon the land which are taken, destroyed, or rendered useless; but shall not be entitled to any compensation in respect of the value of the land or the lessee's interest therein. Then come a number of general provisions referring to compensation for resumed land; the application of the Fencing Act of 1861; the making of regulations by the Governor in Council; and the last clause of the Bill provides that a copy of all such regulations shall be laid before Parliament within fourteen days from the publication thereof, if Parliament is then sitting, and if Parliament is not then sitting, then within fourteen days after the commencement of the next session thereof. I have no doubt that this Bill will prove acceptable to goldfields representatives and residents. It gives the latter considerable advantages which are not contained in the existing law on the subject, and will, I believe, meet their requirements. I may add that the Bill enables the lessee to take up a larger area of land than before—namely, within the limits of a proclaimed township, half-an-acre; within five miles of the boundary of any such township, forty acres; and beyond five miles from such boundary, eighty acres. It has been a very common complaint, especially from Charters Towers, that they are unable to get land enough to erect suburban residences upon. This Bill will meet their case also.

The HON. J. M. MACROSSAN said: Mr. Speaker,—The Minister for Mines says the reason why this Bill has been brought in by the Government is, that certain people at Gympie thought they were unable, under the existing law, to subdivide their homesteads. If that was the only reason, the Bill might very well have consisted simply of clause 23, which is the only part of the measure dealing with that subject. There must have been some other reason which the hon. gentleman has not mentioned. I have never heard any serious complaints, from people on goldfields, of the existing Acts as they have been worked. Generally speaking, I have found them very well satisfied with the working of both the principal Act and the amending Act. With several things the hon. gentleman has stated I cannot agree. He seemed to try to leave the House under the impression that the principal Act—the Act of 1870—did not provide the means of resumption. But the fact is that that Act provides for every possible case of resumption; and it provides also for arbitration. And that is all that this Bill provides. To prove that the hon. gentleman is mistaken, I will read the clause in the principal Act which provides for resumption. I had some trouble in trying to make him believe that he could resume, although I myself resumed in several cases when I was Minister for Mines. Clause 19 of the Act of 1870 is as follows:—

"It shall be lawful for the Executive at any time during the currency of any lease under this Act to resume the whole or any portion of the land leased, if the same shall be required for the construction of roads, tramways, railways, drains, water-races, canals, or any other purpose of public utility or convenience."

I do not know anything that that clause will not cover—

"And in case of such resumption, compensation shall be made for improvements destroyed or rendered useless, but nothing shall be allowed for the land or the tenant's right therein."

That is just what this Bill provides—nothing shall be allowed for the right which the tenant has in the land, and he shall be paid for his improvements. But the Minister for Mines goes further in dealing with the existing homestead leases. When he resumes land he not only pays for the improvements under clause 5 of this Bill, which were rendered useless, but he also allows the lessee two years' compensation for the value of his interest in the land. I do not object to that, but the hon. gentleman has always had an objection to resume land when large sums for compensation had to be given, and yet he is actually providing here for greater compensation to be given. I do not object to the homesteader getting the full value of his land. I think he ought to get whatever interest he has in the lease. I believe there are

people in Gympie who have homesteads near the town who would scarcely take ten years' purchase of their land, quite independent of improvements. I am quite certain they would not take five years' purchase. Of course, this Bill would compel them to take it if the Government wished to resume. Now, I cannot see the object to be gained by asking the holders of existing leases to surrender their leases for the purpose of getting one-eighth part of the homestead under deed of grant. What is the object to be gained by that on the part of the Government?

The MINISTER FOR WORKS: That is near the town.

The HON. J. M. MACROSSAN: This applies to homesteads at any distance from the town. It does not apply only to homesteads in the centre of the town but all over the goldfield. Then, again, by subsection 8 the right of mining under these deeds of grant is certainly reserved in the lease, but where is the right for the miner to enter? What right has he got? The Crown may put in the lease that it reserves the right to mine, but unless it gives the miner the right to enter it will be perfectly useless. Then if you give the miner the right to enter, what is the use of the right to hold freehold land? It is better to leave the homesteader his leasehold than to deceive him and deceive the miner as well. Then we come to the issue of the new lease. Well, I take exception to the wording of the clause giving the new lease, because it will give the right to all Chinamen. I know they have got the right now, but when we alter the law let us deprive them of that right as we have deprived them of other rights in other Bills passed by this House. The clause says:—

"Any holder of a miner's right or resident on a gold field, being not less than eighteen years of age, may, subject to the conditions hereinafter prescribed, make application in the prescribed form for a lease of any land upon the goldfield."

Well, that gives the Chinaman the same right as the European, and I think the words "not being an Asiatic or African alien" should be inserted. That will deprive the Chinaman of a right which I think every member will agree with me in thinking he should be deprived of.

HONOURABLE MEMBERS: Hear, hear!

The HON. J. M. MACROSSAN: Then I object to the additional area given. I really do not know why the Government have taken it into their heads to double the area of 40 acres. In 1870, when the principal Act was passed, the intention in giving 40 acres was to settle people on the goldfields, always reserving the right of the miner to enter on the land. It was not prescribed by the Act that the holder of a miner's right should have only one homestead—naturally he could only have one—but the Act was loosely administered by the wardens, and taken advantage of; and it was found that at Gympie some men acquired several homesteads, and I am almost certain that one man had as many as four. Well, the Act of 1880 was introduced for the express purpose of restricting the holder of a miner's right to one homestead of 40 acres. I have never heard any complaints of that, but here the Government have taken it into their heads to double the area at a distance of 5 miles beyond the township boundary. The Government must know that on some goldfields there are several townships, and one can never know where a township is going to spring up; perhaps the spot where you grant two or three men 80 acres apiece may be the very place where a township will spring up with a fresh discovery of gold. Now, I think 40 acres is quite sufficient. I do not object to 40 acres being granted, although I never liked it, but I do not object to it because, although the principle has worked badly in some cases, in general it has worked beneficially. Therefore, I say it should be retained, but the quantity of land should not be increased. Most of the clauses of this Bill have been taken out of the Act of 1870. A word has been put in in one place and a word left out in another place. That is the chief difference with the one or two things I have pointed out and one or two things which I shall point out. I think that in clauses 11, 12, and 13 improvements have been made, and also in clauses 19 and 20; but in clause 13 sufficient time should be left to the applicant for land to be able to reply when objection is taken by another person. The applicant, when an objection is made, should have a reasonable time to reply, and I think the clause should be amended in that direction. Clause 14 is not an improvement on the principal Act. I think it is very necessary that the warden should go and inspect a homestead before he grants it. In many cases the wardens did not comply with the Act. They have complied with it lately, but in many cases homesteads were granted to Chinamen in the very places where they should not have been granted, simply because the warden did not inspect the land. I think, therefore, the warden should be compelled by the Government to go and inspect the land before he grants the homestead lease. Clause 19 says the Minister "may recommend." I think that is a mistake. I am under the impression that the Minister himself grants the lease. I know it has to go through him, and that it has to be signed by him. In clause 17 there is a verbal error, in which the word "hereinbefore" is used instead of "hereinafter." I come now to the improvements suggested by the Bill. When a person makes application for a homestead under the principal Act, he gets three months' time allowed him before he is compelled to occupy the homestead, under penalty of forfeiture. The Bill unwisely reduces the time to two months, but I think the next clause is an improvement. In clause 21 the time allowed to defeat forfeiture in default of payment of rent is increased from sixty to ninety days. I think that is fair, and that as much time as possible ought to be allowed to the lessee for the payment of the rent. Clause 22 deals with the transfer of leases. It permits a goldfields homestead lease to be transferred from one person holding a miner's right to any other holder of a miner's right. The same provision I mentioned as being required in clause 7 to exclude Chinese from being the possessors of homesteads should be inserted here to prevent them from having leases transferred to them. There are many whites on the goldfields who would be mean enough to take up a homestead lease and transfer it to a Chinaman for the sake of a few pounds, and I think we should have the same protection here as I proposed to insert in clause 7. The same protection should be required in the clauses dealing with mortgages. I think if we prevent Chinamen from being the holders of goldfields homestead leases, we should also prevent them being the holders of mortgages, and so getting leases which they could not take up in their own interests. In clause 26 the proviso says:—

"Provided nevertheless that the warden may extend the time during which the mortgagee may retain possession of or sell the holding."

I think the time should be limited. As it is here, the time is unlimited, and the warden may extend the time as long as he likes, or from time to time as he pleases, and I think a limit should be put to it. Clause 28 permits a mining lease to be given on a goldfields homestead, but provides that the mining shall be under such land only and not on the surface of the land. Now it may happen that it will be almost useless to

give a mining lease unless you give some access to the mine. I do not think it should exempt the surface. There should be power given to the Minister, or to the warden through the Minister, to break the surface. I think a hard-and-fast line cannot be safely laid down in a case like this. Clause 33, dealing with compensation, is, I think, a very fair one. It prescribes that the amount of compensation shall be determined according to the provisions of the Public Works Lands Resumption Act of 1878, which has operated very fairly so far, and I think it is a very fair basis for determining compensation. There is one matter of complaint by residents upon the Etheridge Gold Field to which I wish to call attention. Hon. members, of course, know that the size of our various goldfields differ very much. Some of them are extremely small. The largest average-sized goldfields are the Palmer and Charters Towers, which are a long way below the size of the Etheridge, which comprises, I think, about 10,000 square miles. Now, it has been long looked upon as a grievance there that the holder of one miner's right carrying on business in different parts of the goldfield is restricted to the use of one homestead, just in the same way as the holder of a miner's right upon a small field like Gympie, Ravenswood, or other small fields in the Central district, which comprise only a few square miles. I would like to point this out to the Chief Secretary so that he may be able to provide a remedy for it: There are people there who have taken up homesteads near Georgetown, and have business elsewhere—at Cumberland and other places—but under the present Act they are precluded from having another homestead, and are consequently obliged to dummy homesteads—to get other people to take up homesteads for them, trusting to their honesty not to take advantage of them. The only remedy I can see is this: Either to make special provision for goldfields like the Etheridge, by giving power to the Minister to grant more than one homestead under one miner's right, or to subdivide the goldfield itself. That goldfield is very large, and I believe there are some large patches of non-auriferous land in it, so that it might be subdivided. I would not like to give power to grant more than one homestead over all the goldfields of the colony; but on the Etheridge the present system works very badly; and if the Premier, or rather the Minister for Mines, can see his way to insert a clause of that kind in the Bill, I will give him my hearty support. I think it would be very much better to do that than to allow the areas provided for in the Bill to be taken up. With the amendments I have mentioned, I think the Bill will be a very good one, and I shall give all my support in committee to assist the Minister for Mines in making it a perfectly workable Bill.

The PREMIER said: Mr. Speaker,—I agree with a good many of the remarks the hon. member for Townsville has made upon this Bill. Of course, it is not expected that a Bill of this kind as introduced will be perfect. The matter has been under the consideration of the Government for some years, and it has always been one of special difficulty. The tenure under the existing goldfields homestead law is, I think, a very unsatisfactory one. It is practically a perpetual tenure, at 1s. per acre per annum. The hon. member for Townsville says it is not a perpetual tenure because any land upon a goldfield can be resumed by the Government whenever they like. I do not read the 19th clause of the existing Act in that way. It says that land may be resumed for certain purposes specified or for "any other purpose of public utility or convenience." I do not care to say much about the construction of that clause, sir. I do not think it authorises the resumption of land entirely at the will of the Government. However, at present it looks very much like a perpetual tenure, and I am quite sure that was never intended by Parliament when the Act was passed. I do not think any of the successive Ministers who have held office have ever regarded the law as having that meaning. Nevertheless, there is a very serious question as to what is the meaning of that clause, but I believe the tenure proposed to be given by the Bill is the tenure Parliament intended; that is as to its duration—I am not speaking now of the minor details of the Bill. The 4th and 5th sections of the Bill have been framed entirely with reference to that point. Of course, when you take away a tenure under the Crown, no matter how absurd it may be, it is always understood that you give something as an equivalent for what you take away. In some goldfields, Gympie notably, very large homesteads are held almost in the middle of the town, and practically the owners have a perpetual tenure, if one view of the construction of the Act is correct. I do not think that was intended for one moment, and I consider that it is very desirable to get rid of that tenure. The 4th clause was introduced for the purpose of allowing persons who have a tenure of that sort to take advantage of the provisions of the Bill—to retain a smaller portion of land by giving up the remainder for the benefit of the public. The 5th clause, I think myself, if it can be carried by itself, would be better than the two together. It is a liberal provision, giving two years' compensation—in cases where it was never intended that any compensation should be given when the land was taken from the occupiers. With many of the minor suggestions of the hon. member I am, as I stated, disposed to agree. For instance, in respect to the power of entry being given as well as the power to mine under freeholds; also, as to provision against aliens, and a few other provisions, such as requiring the warden to visit a homestead before he recommends a lease. I also agree with much of what the hon. gentleman has said with regard to mortgages. These, however, are minor details. I am glad the Bill commends itself to the approval of the hon. gentleman's mind, as he has had very large experience indeed on the goldfields. What we are anxious to do is to encourage settlement on the goldfields as far as we legitimately can, without interfering in any way with mining operations upon them. I see every prospect for hoping that the Bill will be made a very good one by the time we have got through with it.

Mr. HAMILTON said: Mr. Speaker,—The Premier states that the tenure under the existing regulations is unsatisfactory. That is very true, but at the same time the gold-mining interest is the paramount interest upon goldfields, and the tenure proposed to be given under the Bill should not be allowed to injuriously affect that interest. With regard to clause 4, I notice that freeholds to the extent of one-eighth of the ground now held under homestead leases can be acquired by the present holders of such leases; I think that is rather unsatisfactory. I noticed a week or two since, in the Gympie correspondent's letter in the *Brisbane Courier*, very bitter complaints against the way in which the present holders of homestead leases near the Monkland are injuriously affecting mining interests there, and if this clause is to be passed, and these persons are given so large an area as 2 or 3 acres of freehold, I think it may far more injuriously affect those interests. I observe that clause 5 provides:—

"Upon such resumption the lessee shall be entitled to compensation for any improvements upon the land which are taken or destroyed."

Now, anyone taking up a claim that is held under a homestead area is only entitled to certain compensation; but if those persons are given their freehold the improvements would be probably far greater which would be put on them, and the compensation which they would have to give would be infinitely greater. According to this clause, although "in any deed of grant so issued there shall be contained a reservation of all such rights and powers as may be necessary for enabling holders of miners' rights to mine for gold under the surface of the land comprised therein," there is no provision enabling the miner to go on to that ground, and I think there should be. It is also stated there that the miner shall not be allowed to break the surface of the land; but he is only empowered to mine for gold under the surface. It may be necessary to break the surface of the ground, and according to this clause a person would have to sink outside the ground in order to prove any reef which might be inside the homestead area which is taken up as a freehold. I do not think that clause 8 is any improvement on the existing state of things. According to the Gold Fields Regulations a person can take up either by virtue of his miner's right a quarter of an acre for residence purposes, or by virtue of a business license, a quarter of an acre for business purposes. And for the business license he requires to pay £4 a year. That gives him the right to carry on business on his quarter of an acre; but on the quarter of an acre which he is entitled to take up by virtue of his miner's right as a residence area, he must not carry on business. If he does so, he is liable to a penalty of £10. In order to get out of that, I introduced a homestead area clause some years ago for the purpose of enabling miners to take up a quarter of an acre inside a proclaimed township on a goldfield; and by virtue of that, although the revenue was affected on some fields, still miners were enabled, by paying 5s., to take up quarter of an acre for a homestead, in which they could carry on business, instead of having to pay £4 for a business license as previously. I think quarter of an acre is sufficiently large for any person holding land inside a town for business purposes. Quarter-acre homestead areas are generally taken up for that purpose. I think it is right that a person should be able to take up a quarter of an acre in the town, and also 40 or 50 acres, as the case may be, for a country residence. At the same time I do not think it is any improvement extending the area of land to be taken up outside the towns to 80 acres. The condition of tenure is not specified. It is stated in clause 19 that if a person has not occupied the land by residing on it, or by cultivation, or by enclosing it with a substantial fence at the time settled in the lease, he is liable to forfeit it. It appears that after getting that lease merely enclosing the land with a substantial fence is considered occupation. I think residence should be necessary. I hold that the ground why this clause is introduced is for the purpose of inducing people to make their homes on goldfields; and I think it unfair that any speculator should be able to take up 80 acres and hold that area for any length of time for speculative purposes by simply enclosing it with a substantial fence. According to clause 22 a person is allowed to transfer his lease provided that the maximum area allowed to be held by one person is not exceeded. It is not very plain what the maximum area is. It is stated certainly in one clause that the maximum area inside a town is half-an-acre, and that the maximum area outside a town not beyond 5 miles is 40 acres, and beyond 5 miles, 80 acres. But the question is, can one person hold half-an-acre in the town and at the same time 80 acres outside the town—if a person has, say, taken up a quarter of an acre inside the town how many acres can he take up outside the town? I think that ought to be defined. Now, according to subsection 2 of clause 28, in no case shall anyone be allowed to mine except under the surface of the land. This clause must be altered, for acccording to that any one could hold 80 acres on a proclaimed goldfield and could prevent anyone disturbing the surface of that land. On most of the goldfields there is extremely rich surfacing, and that would be entirely locked up to miners, although the gold was on the surface and exceedingly easy to obtain. That is an absurdity. I see by clause 31, that when a miner puts up any buildings on the leased land and afterwards leaves the land he may not destroy or remove such buildings. But according to this he can remove them before he leaves the land, or if he destroys the buildings two or three days before he leaves, he is within the law. On the whole there are very good provisions in this Bill, and when some amendments have been made in committee it will make a very good Bill indeed.

The ATTORNEY-GENERAL (Hon A. Rutledge) said: Mr. Speaker,—It is a great satisfaction to find that the effort which the hon. the Minister for Mines has made to improve the law relating to goldfields homestead leases is likely to be acceptable to hon. members who are most competent to give an opinion on the working of the Gold Fields Acts, and who represent the gold-mining interests in this House. I have listened with satisfaction to the criticisms which have been addressed by the hon. member for Townsville, whose knowledge on this subject is of very great value, and I have no doubt that the hon. the Minister for Mines will be very glad to receive his suggestions, and also suggestions which may be made by other hon. members. I have one or two that I would like to make myself, and I have no doubt my hon. friend will incorporate them in the Bill in committee. It has been a matter of complaint on some goldfields—I know it is on Charters Towers—that some of those who are holders of quarter-acre allotments inside the townships are not able to secure any such tenure of the small allotments they hold as they would like to have in view of the expenditure which they have incurred in placing buildings and other improvements on their lands. I think that if provision is made for securing that the miner shall have the right to extract the gold beneath the surface, and on the payment of compensation for disturbance, and that the leasehold tenure which some of these persons have of small areas shall be changed to freehold tenure, it will meet with general approval. It has also been a subject of complaint that the area which is allowed to be taken up now outside the townships on goldfields is not sufficiently large to warrant persons who live outside the towns in putting up sufficiently good improvements for the purposes of suburban residence. I think that if persons living outside the boundaries of townships were allowed to secure, say, 5 acres of land within a certain distance of the boundaries as freeholds for the purposes of suburban residences, it would be of very great advantage. It would be necessary, of course, to provide for the interests of mining by preventing the persons acquiring these freeholds from being able to keep off legitimate enterprise, by which the gold known or believed to be beneath the surface might be extracted. With some such provisions as these, and the safeguard indicated by the hon. member for Townsville against Asiatic aliens obtaining any rights under a measure of this sort, the Bill will be one that will conduce to the satisfactory solution of what has been felt to be a difficulty on some of our gold-

fields, and one that will tend to the general welfare and prosperity of a large class of the community.

Mr. MELLOR said: Mr. Speaker,—I am very glad to see this Bill introduced. I know that it has been a difficult matter to secure the rights of the miners, and also to give a good tenure to homestead leaseholders, and I think the present Bill will go a good way towards solving that difficulty. With reference to what has been said by the hon. member for Townsville, I hope that Asiatic aliens will be prevented from becoming homestead leaseholders. We should do all that we possibly can to prevent them from settling on our goldfields. There is one matter I may mention in reference to the Act passed in 1870, referred to by the hon. member for Townsville. Forty acres was the maximum area which could be measured off under that Bill, but not the maximum a person could select, as he could select as many homesteads as he liked. It was the original intention that 40 acres should be the maximum amount, but that did not prevent a person from taking up as many as he liked, and a great many parties in Gympie, for instance, took up several homesteads and made nice little estates, using them for dairy farms and cultivation purposes. The Act of 1880 suddenly came into force and prevented those parties from re-transferring them. An assurance was given by the hon. member who introduced that Bill that it would not be retrospective, but it was retrospective to a certain degree. It certainly did not take away the right possessed by those parties to the land, but it provided that the persons holding the estates could not transfer them. I myself had five homesteads at that time, having taken up some and purchased others, but when the Act came into force I could not transfer, and to this day they are still in my name; so that I think a just grievance exists, and I think it would be only right that something should be introduced into the Bill to relieve parties by giving them the right they had before the Act of 1880 was passed. They still hold their homesteads, and those estates are still intact. Though they were not allowed by law to take up more than 40 acres, we know that over 40 acres have been taken up, perhaps not in one name, still owned by the same person. I do not think the freehold clause will be very acceptable. I know it is not wanted by the majority of the homestead holders, though it may be wanted by a few. I know they would rather have their 40 acres than surrender them and have 5 acres freehold. We know very well that freeholds on goldfields are not acceptable to miners, and never will be until there is some provision made by which they will be allowed to mine on freeholds the same as on leaseholds. Perhaps the day is not far distant when the privilege will be given to miners to mine under private property, but until that is done freeholds will not be acceptable. I do not know how far they may be extended under the Bill. A person may surrender his homestead and get a freehold; he may take up other land and get another freehold, and so on until he gets the whole of it, unless some provision is made to prevent it. I believe that when we are in committee we shall be able to insert amendments to prevent these abuses. There are a great many things in the Bill that will be of very great service to the homestead leaseholders—that portion particularly that gives power to transfer a portion of a holding. I never could see why a person should not be permitted to divide his homestead, and sell a portion instead of transferring the whole. The boundary of the town of Gympie has been shifted from time to time, and some homesteads of 40 acres are inside the boundary at the present time. These are still held intact, and when the clause becomes operative the owners will be able to sell portions of their homesteads, and enable settlement to take place inside the town boundary. In reference to the amount of land which should be allowed to be taken up inside the town boundary, I think a quarter of an acre, which was the amount under the original Act, should still be the quantity allowed. A quarter of an acre is sufficient for a man to build a house upon and live upon; a man cannot get more than that by his miner's right; and I think he should not be allowed to get more under the Homestead Act than he is allowed to get by his miner's right. Great difficulty has been experienced on Gympie in reference to granting a lease over a homestead, particularly out Monkland way. When people mining on leasehold property there have come in contact with homesteads they have had to go round. There should not be a lease granted over another lease, and this will remedy that, and I think will be of very great service. I am sorry the hon. member for Gympie is not in his place this evening, but I trust before the Bill goes into committee he will be here, because I know he has some very important suggestions and amendments to propose. There is one matter I should like to mention, and I hope its omission from the Bill has been inadvertent and not intentional; that is in reference to the moneys which have hitherto been paid to local authorities and divisional boards. I hope the Government do not intend to make this revenue, as it is a matter of very serious consequence to local bodies around goldfields. I trust the Government will concede this again, and allow it to be included in the Bill. I trust the Government will reconsider this matter, and allow the amounts collected, as hitherto, to go to the boards, as I do not think they should be taken from them. I have no doubt that when the Bill gets into committee some very important amendments will be proposed, and I hope accepted, by the Government.

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

The committal of the Bill was made an Order of the Day for to-morrow.

LIQUOR BILL.

COMMITTEE.

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

Clauses 1 to 5, inclusive, passed as printed.

On clause 6, as follows:—

"It shall not be lawful for any person, not being a registered brewer or licensed victualler, or a licensed auctioneer selling under the conditions defined by paragraph (*j*) of the sixtieth section of the principal Act, to sell or otherwise dispose of or to deliver, in quantities exceeding two gallons at one time, any liquor on which duty has been paid, except at a place appointed as aforesaid."

Mr. FOOTE said he would like to have an explanation of the clause. Why should not a person be allowed to sell liquor in wholesale quantities, provided he paid the amount of the license fee required? He would like to know what was intended by the clause.

The PREMIER said that at the present time probably anyone who registered his place of business for selling liquor by wholesale might claim to be allowed to do so. For some time the practice was to appoint a place by a proclamation of the Governor in Council. For instance, when a new township was established application was generally made that it should be appointed a place for the sale of liquor by wholesale. It was usual to do that under the law until lately in force regulating the sale of liquor by wholesale. It would be extremely undesirable that

a man should be allowed, merely by registering his name and place of business, to sell liquor by wholesale in a shanty five or fifty miles out of a town, as he would be very likely to evade the law and sell by retail also. Paragraph (*j*) of the 60th section of the principal Act exempted an auctioneer selling liquor in an insolvent estate by order of the trustee, or selling liquor by order of the Curator of Intestate Estates, where the liquor formed part of the property of an estate in course of administration.

Clause put and passed.

On clause 7, as follows :—

"Any person, not being a registered brewer or licensed victualler, or licensed auctioneer selling as aforesaid, who desires to sell liquor upon which duty has been paid, and in quantities of two gallons or upwards, must register his name and a description of the premises in which such sale is intended to be carried on.

"For the purpose of such registration such person shall lodge with the clerk of petty sessions, at the court of petty sessions nearest to the place at which the sale is intended to be carried on, a statement in the form in the Second Schedule to this Act, and thereupon the clerk of petty sessions shall register the name and premises of such person accordingly.

"Such registration must be renewed on or before the first day of January in every year, and shall be so renewed by the clerk of petty sessions on the application of the person registered, upon payment of the fee hereby prescribed."

Mr. BLACK asked if any wholesale wine and spirit merchant could obtain a license by simply paying £30, without going before the licensing bench at all ?

The PREMIER : Yes.

Mr. ADAMS said he thought it very unwise to compel one class of people to go before the licensing board for their license, while others could get it without going before the board at all.

The PREMIER said it had always been the law as long as he remembered, and he had never heard of any abuses arising from it. He did not think there was any danger of anybody starting a wholesale spirit store in Brisbane or Bundaberg, or other large town, for the purpose of selling grog on the sly. He had never heard of any abuse of that sort.

Clause put and passed.

Clauses 8 to 13, inclusive, passed as printed.

On clause 14, as follows :—

"It shall not be lawful for any person engaged in the trade or business of a brewer to carry on the trade or business of a dealer in wines or spirits, either by wholesale or retail, upon any premises registered for carrying on the trade or business of brewing, or on any premises situated within the distance of one hundred yards from the same; and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds for every day during which he so offends."

Mr. LUMLEY HILL said he did not see the necessity for the clause. He could understand it if it applied to a distiller, but he could not see anything objectionable in a brewer carrying on a trade in wine and spirits on the same premises as those which were partly occupied by his brewery. It would only put the individuals concerned to additional expense and inconvenience.

Mr. MACFARLANE said he thought it was a very good precaution ; and that it might be made to apply to others besides brewers. It was commonly reported that the wine-selling connected with grocers' shops had a good deal to do with the drunkenness of women. He was not referring so much to Australia as to England, and when he was in England there was a great outcry against women getting drink in grocers' shops, and having it put down to soap or soda or something of that sort ; so that when the poor husband supposed he was paying for something in connection with the laundry he was really paying for grog. It would be a good thing if the business of wholesale publicans was kept altogether separate, instead of the provision being limited to the small area of brewers.

The PREMIER said those clauses were introduced into the Act 13 Vic., No. 26, passed in 1849, on the ground that "unlawful distillation may with great facility be carried on in breweries." He thought that was a very good reason for enforcing it.

Mr. LUMLEY HILL said he did not know how unlawful distillation could be carried on in breweries, unless they had stills. Breweries did not distil, as a rule.

The PREMIER said they were not allowed to ; but if the clause were left out they would be allowed to. The existing law was re-enacted by that clause.

Mr. LUMLEY HILL : Brewers do not distil ; they are not allowed to.

The PREMIER : The law which prevents them from doing so is repealed by this Bill, and this clause re-enacts that provision of it.

Mr. LUMLEY HILL : Then are they to be allowed to distil by this Bill ?

The PREMIER : No.

Mr. LUMLEY HILL said he really failed to see the necessity for the clause. With regard to what fell from the hon. member for Ipswich, they were all perfectly well aware that if he had his sweet will in the matter no spirits or beer in any shape or form would be sold. He (Mr. Hill) could not see the force of the argument used by the Premier.

The PREMIER said the existing law of which the clause under discussion was a re-enactment, provided that it should not be lawful for a person engaged in the business of a brewer to carry on the distillation of spirits on the same premises. That could not be done now. It had not been tried since the passing of the Distillers Act in 1849, though he supposed it had been done frequently before that Act was passed. He had never heard any objection to the provision, and he thought it would be a pity to omit it in a consolidation of the law.

Mr. NORTON said he could not see any particular reason why a brewer should not also be a distiller. Breweries were subject to constant inspection, and he did not see how it was possible for any brewer to carry on distillation on his premises without being found out. It appeared to him that it would be a moral impossibility. He did not see, either, why a brewer should not be a wholesale spirit-dealer. He could understand why he should not sell retail on the same premises where brewing was carried on, but he could not see why he should not be allowed to sell wine and spirits wholesale. The following clause prohibited a brewer from having more than six gallons of wines or spirits on his premises. Surely that was hardly a fair provision. He thought they were carrying out what might have been a very good law thirty or forty years ago, but did not seem to be necessary now.

The PREMIER said if any good reason was shown for altering the law he could understand the objection to the clause, but nobody had complained about it. The reason why the provision was inserted was almost obvious to anybody. The greatest facility for abuse would be given if the clause was omitted. The sale and distillation of spirits on the premises of a brewer had been prohibited for thirty-six years, and there had been no complaint against the provision. Now, some hon. members did not see why a law which had been standing for that

number of years, and against which nobody had complained, should be re-enacted. If the clause was left out, a very useful provision of the law might be evaded — the excise law might be evaded. Of course the reason why they provided against unlawful distillation was because they got a revenue from spirits. It was not desirable that spirits should be distilled except in distilleries, and where provision was made for collecting the excise. They knew that spirits were made from malt liquor in many parts of the world, though not very much of that was done here; and he did not think it was desirable to offer any facilities for doing it illicitly. If members wanted to alter the law they should give some reasons for the alteration.

Mr. FOOTE said he did not see why, although that clause had been the law for some time, a brewer who wished to go into the business of distillation should not have the opportunity of doing so if he conformed to the laws of the land. It was not necessary for a man to have an illicit still because he was a brewer. Of course, it was quite necessary that illicit distilling should be not only prohibited but also punishable. The 14th clause simply said that a brewer should not be a distiller; but he did not see why a brewer should not also be a distiller provided he conformed to the Act. With reference to brewers being wine and spirit merchants, he knew that there were some who were engaged largely in the wine and spirit trade; it was part of their business.

The PREMIER said there was nothing in the clause to prevent a brewer becoming a distiller. As a matter of fact, there were brewers in Brisbane carrying on the business of distillers, and others carrying on the business of wine and spirit merchants, only they did so in separate premises. And why should they not have separate premises? He could not know all the reasons for the original introduction of that clause. If he had been in charge of a Distillers Bill he would have got up the whole subject, and would probably have found that the reasons why that system was adopted extended over a great many years before the passing of the Act. But here a law had been in force for a great many years, to which no one had ever objected. Now, some members asked, "Why should that be the law?" He was not prepared to give all the reasons why it should be the law, but was it not a strong argument to say that it had been the law for a great number of years, and nobody had ever thought of objecting to it! Surely if hon. members wanted to alter the law they should give some good reason for the change.

Mr. JESSOP said he thought it was a great hardship that brewers who wished to engage in business as wine and spirit merchants should be required to have separate premises, and that they should be prohibited from having more than six gallons of spirits on the premises where brewing was carried on. It would cost a great deal more to have separate premises, because two sets of men would be employed, and two buildings maintained. He thought the provision relating to brewers being distillers also involved a great hardship to them.

Mr. BLACK said he thought that they should now, when passing a new Bill, do all they could to encourage trade. Because a law had been in force for forty years it did not follow that it was suitable to their present circumstances. He believed the Distillers Act was an Imperial Act.

The PREMIER: No; a New South Wales Act.

Mr. NORTON: They had very primitive ideas in 1849.

Mr. BLACK said he could see no reason why, now that breweries were under inspection, and a tax was imposed on beer, that the clause should be included. It would have the effect of hampering trade.

The PREMIER: Not at all.

Mr. BLACK: Undoubtedly it would.

The PREMIER: It has never hampered trade up to the present.

Mr. BLACK said he believed it would have that effect. Brewers were carrying on a legal occupation; they were working under the laws of the country, and their breweries were open to inspection. The argument that it was not advisable to have a distillery in connection with a brewery, because that had been the law for forty years, had no force at all.

The PREMIER: Why not?

Mr. BLACK: Because breweries were now under supervision. He was sure the hon. gentleman's Acts would not last forty years. They did not seem to last more than one year.

The HON. J. M. MACROSSAN said the Premier said he had heard no complaints; but he (Mr. Macrossan) had heard a great many complaints upon different occasions. It was no argument at all to say that because the present Act had lasted forty years that the provision now proposed was a good one. Supposing any hon. gentleman had had reason to oppose the Bill that passed its second reading that afternoon—the Trade Unions Bill—and used the argument that, because the law had never allowed combinations of workmen, they should not be allowed now? That argument would be just as rational as that used by the hon. gentleman when he said that because this law had lasted thirty-six years they should not ask to alter it. There was a very good reason for altering it, and he saw no object to be gained by keeping the premises of a brewer, who was also a wine and spirit merchant, 100 yards away. It would be much better to leave the clause out. As for there having been no complaints, he had heard them many times.

The PREMIER said it was a strange thing that no complaints had been made to the Government on the subject, either now or at any other time. This part of the Bill was simply a consolidation of the existing law, and if hon. members wished to make fanciful amendments here and there it was better to leave the law as it was, with all its imperfections. He was not prepared to accept amendments for which no reason could be given.

The HON. J. M. MACROSSAN: I showed a reason.

The PREMIER said the hon. gentleman only said that he did not understand the law. He had asked them to alter the law, and had given no other reason. The Bill was not introduced to alter the law in that respect. Some hon. members said, "We do not understand the existing law; let us alter it." He did not think that was a sufficient reason, because hon. members did not understand it. They had better leave it as it was, with all its imperfections. When a brewer had a business by itself, it was carried on under certain restrictions. The beer was sent out, and the casks contained beer and nothing else. What hon. members would like would be to see casks coming out, some containing spirits, some beer, and some wines, all mixed up together. He did not mean the contents of the casks mixed up, although that might be so. Spirits might be put into the beer to fortify it, or they might make other curious drinks under the name of wines, if they were all kept on the same premises without any supervision. It would be a bad principle altogether;

each cask would have to be tapped to see what was in it. A cask, bearing the brewer's stamps as beer, might contain beer or rum, which might be distilled on the same premises. It might carry the name of port wine, or sherry, or claret, and might contain rum if all those businesses were carried on promiscuously, on the same premises. It did not require any knowledge of the business to see what facilities would be offered for abuses in the spirit trade by the omission of the clause. It seemed to his mind that there was very good reason for having distilleries separate from breweries. If there were no spirits allowed to be sold from breweries, there would be no distillation carried on. The clause before them and the one following were the very best safeguards, and he hoped hon. members would not prevent the Bill passing by dragging in amendments simply to gratify a fad of that kind.

The HON. J. M. MACROSSAN said he did not think there was any intention of preventing the Bill from passing. The hon. gentleman misunderstood the argument against that particular clause. He (Mr. Macrossan) did not say that he did not understand the question, and he did not hear anyone else say so. What he did say was that the only reason he could see for preventing a brewer who was also a spirit merchant from having his premises together instead of 100 yards apart was to entail extra expense. That was the reason why it should be altered—because it would entail extra expense. He thought that was a very good reason. Why should a man be put to double expense ?

The PREMIER : Where does the double expense come in ?

The HON. J. M. MACROSSAN said he would have to get a double staff. They might ask any brewer acting as a wine and spirit merchant, and he would give them a reason at once. As for rum, whisky, brandy, and port wine being mixed, the argument of the hon. gentleman was a very mixed one. If the hon. gentleman had said he did not understand the subject, he would have been telling the truth. Why should not a cask of rum, or a cask of brandy, or a cask of whisky, or a bottle of wine, go out from the same premises ?

Mr. JESSOP : They do from wholesale spirit merchants' premises.

The PREMIER : They pay duty first ; but in the other case rum might pay duty as beer.

The HON. J. M. MACROSSAN : They would pay duty in any case.

The ATTORNEY-GENERAL said he did not see where the hardship came in in having to keep separate staffs. Did not a wine and spirit merchant have to go to the expense of keeping a separate establishment for the sale of wines and spirits ? The brewer had his set of profits on his business, and the wine and spirit merchant had his set of profits on his ; and why should a man who combined the businesses of brewer and wine and spirit merchant evade the charge which a wine and spirit merchant who was not also a brewer was obliged to be at for the purpose of keeping up a separate staff ?

Mr. BLACK : He would not evade it.

The ATTORNEY-GENERAL said it would tend to promote monopolies, which was quite apart from the policy of the law as laid down by the section his hon. friend had read. A few brewers in the place would do all the business in connection with wine and spirits that there was to be done, because they made their profits on the proceeds of the breweries and on the proceeds of the wines and spirits ; and because they were not required to keep up separate places, and separate staffs to manage each particular business, they would be able to undersell those men whose sole business was the sale of wines and spirits. By combining both businesses in that way with only one staff, they would be able to create a monopoly to the great disadvantage of those wine and spirit merchants who were not also brewers.

Mr. BLACK said he would ask the Attorney-General if he would see any objection to a firm, one of the members of which was a barrister and the other a solicitor, occupying the same premises, and thereby creating a monopoly—why they should not be compelled to have separate places of business ? The hon. gentleman did not understand anything at all about the question, and he did not think the Premier understood very much either. There was no rational reason why a wine and spirit merchant who was also a brewer should be compelled to have a separate establishment for the sale of wine and spirits. The Premier told them that, although they both paid duty, a cask of rum might be rolled out that had paid duty as a cask of beer ; but he thought that was utterly impossible, because the rum had paid duty already.

The PREMIER : Perhaps !

Mr. BLACK said certainly it would have. How would it get there if it had not paid duty ? It must be remembered that that rum or other spirit had paid duty before it could be taken to the brewery or went into the spirit merchant's store. There was positively no reason why a brewer, who was also a wine and spirit merchant, for which he paid a heavy license, should be compelled to have two houses of business 100 yards away from each other That might perhaps have been necessary forty years ago, but there was no necessity for it now. And as they were trying to improve the law, there was no reason why they should be hampered by the unnecessary legislation of forty years ago.

The PREMIER said it would be much more to the purpose if hon. members on the other side would show reasons why they wanted the law to be altered. Who were the brewers who wanted to carry on the business of selling spirits on their premises ? He should like to know. Breweries were not always established in populous places where they could be watched over. The facilities for abuse were obvious. What was the object of hon. members in thus wanting to open the door to serious abuses of that kind ? Surely, if they did want to open the door to these abuses, they should give some reason why it should be done.

Mr. NORTON said the Attorney-General evidently saw why it should be done. That hon. gentleman had just told them that if a brewer was allowed to keep a wholesale spirit store on the same premises he would be able to sell his liquors much cheaper than was generally done. That would be a very good thing indeed. The present price of wine and spirits was a good deal higher than might be, and anything which would have the effect of reducing them in price—so long as it did not tend to promote intemperance—would be a very good thing. The object of that side of the Committee was not to open the door to any abuse. All they had urged was, that they saw no reason why a brewer should not have a wholesale wine and spirit store on the same premises. He failed to see how that was offering any inducement to brewers to distil on the sly, seeing that there was a constant inspection of the breweries by the revenue officers. If a brewer wished to practise illicit distillation he would take care not to do it at his brewery. All they on that side argued was that there was no reason

why the present law should be continued simply because it had been in force since 1849. The hon. gentleman could not give the reason for its being put in force at that time.

The PREMIER : The Act recites it.

Mr. NORTON said the Act recited the reason there was for it in 1849, but no reason had been adduced why it should be enforced now. Workmen were not allowed to combine for their own protection in 1849 ; but when hon. members were now asked to legalise such combinations, they did not set it aside simply because it was illegal then. They would render combinations legal, because it was a proper thing to do ; and in the same manner they considered that in the present case it would benefit both the public and the dealers to carry on their combined business on the same premises. Surely the Chief Secretary was not seriously using the argument that it would induce brewers to distil on the sly.

The PREMIER : Of course it would.

Mr. NORTON said he did not think the brewers would be such fools as to run the risk of having the whole of their stuff forfeited.

The PREMIER : Some of them would.

Mr. NORTON said he did not think there was one of them who would. Why should a brewer be prevented from carrying on the two businesses on the same premises any more than a general storekeeper from carrying on three or four different businesses on the same premises? Personally, he did not particularly care whether the clause was passed or not, but as the matter had been brought forward, he felt bound to express his opinion that there was no reason, as far as he could see, why the two businesses of a brewer and a wholesale wine and spirit merchant should not be carried on in the same premises.

The PREMIER said a moment's consideration would show the reason why they should not. Every brewer was compelled by law to affix a stamp to every cask of beer he sent out. What was to prevent him sending out his stamped casks filled with spirits or wine instead of beer? Were the revenue officers to stop the drays and tap every cask in the street to see what its contents were? Hon. members, out of pure wantonness, sought to throw the whole department of excise into confusion. The excise laws were not made on the assumption that every man conducted his business on principles of the highest probity. They were based rather on the contrary proposition. Apparently some hon. members, from sheer wantonness, as he had said, were willing to throw the Bill out, although it contained some very useful provisions ; for he would not proceed with the Bill if those clauses were left out. He had no hesitation in saying that, although the Bill was a very beneficial one, he was not prepared to go on with it if the law were altered in that respect.

Mr. FOOTE said the Chief Secretary was labouring somewhat under a mistake, and his misapprehension arose from his lack of knowledge of the business of brewing, distilling, and the sale of wines and spirits. There was a very large and respectable brewery not far from the Parliamentary Buildings, the proprietors of which were also wine and spirit merchants on a very large scale, and the hon. gentleman should know that a large spirit merchant did not keep his spirits on his own premises. He kept them in bond—sometimes in several bonds. It would not pay him to clear them before they were wanted for delivery. New spirit had often to be held back a considerable time before it was fit for use, consequently it could not be mingled with the brewing department in the sense represented by the Chief Secretary. Moreover, a Custom-house officer who knew his business could tell by the cask what it contained. A brewer could not put up an apparatus for distillation on his brewery premises without its being detected by the excise officer. He (Mr. Foote) was far from wishing to open the door to any abuse, but he believed in making the law as simple as possible without giving anybody a chance to defraud the revenue. The Attorney-General was very far out when he propounded his idea about the monopoly of trade. What was the use of a distillery to a spirit merchant? He could not use the raw spirit in his business ; and he (Mr. Foote) could not see where the abuse was likely to come in. His object was to facilitate trade. Now, he knew brewing businesses in Brisbane with which was connected distillery business. There was one at Milton, and the two premises were separated by a very short distance. Of course, the brewers would rather have such places out of town than in town. The establishments would not cost so much out of town. That applied to Brisbane, but it did not apply to outside towns. For his own part he did not see a great deal of difference whether the clause was removed or retained, but he thought the discussion had done a great deal of good. He knew what the law was now, and how it stood, but he still had the idea that a person having brewing premises adjacent to a distillery would be able to carry on his business as a wholesale wine and spirit merchant, and also the brewery, provided the premises were not immediately connected.

Mr. CHUBB said the proposition was either to amend the section or leave it out, but before doing either they should ascertain why the law of 1849 was passed. Well, he found that in New South Wales in 1849 there was no brewer's license ; but a distillery had to be licensed, and consequently one of the reasons for separating the manufacturing premises was, of course, that the brewer, having paid no license, should not distil spirits illicitly. Again, on reference to 20 Vic., No. 27, it would be found that licensing of distillers was hedged round with such conditions that it would be almost impossible for a brewer to carry on business in the same premises. By that Act the distillery premises had to be enclosed by a close paling fence, and the distillery had always to be lighted. A lot of other conditions were also imposed which did not apply to brewers at all. The reasons, therefore, why the premises were kept separate, were because the brewer paid no fee at all, but had a right to brew if he simply registered his premises, whereas the distiller paid a large license fee and excise duty on the spirits he distilled. The object of the law was to prevent brewers from unlawfully distilling spirits in breweries. As the law in Queensland was at present, brewers paid a license fee, although not so much as the distillers, and were equally under supervision. He saw no objection to the law remaining as it was, but if it would facilitate business he would have no objection to giving permission for the premises to be together. He had heard no good reason why the law should not remain as it was.

The COLONIAL TREASURER (Hon. J. R. Dickson) said there were several reasons why the law should not be altered. In the first place the license fee paid by the brewer was £5, while the registration fee for a wine and spirit merchant was £30. He thought it undesirable that the brewer should be allowed to sell wines and spirits from his brewery, for the reason that, in the remote towns, they would be liable to sell small quantities of spirits, which would be an infringement of the Act. The registered wine and spirit merchants were not supposed to sell less than two gallons, and there would be no check upon the brewers in the

smaller towns supplying the local publicans with small quantities of spirits. In fact, in the interests of brewers themselves he did not think the proposed change would be desirable. It would, perhaps, be beneficial to the larger breweries, but not to the smaller ones. At any rate, he could see very serious abuses likely to arise, so far as selling in quantities less than two gallons was concerned, irrespective of the other matters referred to. They ought to be cautious in altering a law which appeared to work well, and against which no complaints had been alleged.

Mr. MACFARLANE said he had not heard any complaints as to the existing law, which provided that a brewer who conducted the business of a spirit merchant should have his premises separated by at least 100 yards, and he thought it was expedient that there should be some distance between the two places. It must be clear to all hon. members that there would be a certain amount of risk in allowing a brewer to have his office at the mouth of the brewery, and dealing at the same time in spirits and wines. They did not legislate for a perfectly pure society, but they legislated with the intention of catching rogues and persons who were apt to cheat the revenue if they were able to. Some people thought it was a perfectly justifiable thing to get the better of the Government if they could; and it was far better to prevent anything of that kind than to throw temptation in the way of persons who were inclined to tamper with the revenue. He thought the Treasurer had given a very good reason indeed why the premises should be separated. Country brewers, who at the same time might be wholesale wine and spirit merchants, would have a strong temptation to send out brandy and book it as beer. He thought that, all things considered, it would do no harm to keep the law as it was, while a great deal of harm might occur if it was altered, and temptation thrown in the way of evil-disposed persons.

Mr. BLACK said the hon. gentleman who had just sat down said an alteration in the law in the way suggested would throw temptation in the way of country brewers to send out brandy and book it as beer. Now, that was a characteristic argument of hon. gentlemen on the other side who evidently really did not understand the way the thing would work. When brandy was sent out it had already paid duty, and why on earth should a brewer send it out as beer and pay an extra duty? There was nothing to be gained by that; it was simply unreasonable. The reason why it had been suggested that the clause should be amended was that it would facilitate trade.

The PREMIER: Omitted, not amended.

Mr. BLACK said the hon. gentleman need not be so impatient. The Committee had passed twelve clauses, showing an inclination on his (Mr. Black's) side of the House to facilitate the passage of the Bill, and if the hon. gentleman showed that impetuosity for which he was somewhat characterised, perhaps he had better withdraw the Bill altogether. Had the Licensing Act of last session been properly matured, there would have been no necessity for an amending Bill being brought in so soon afterwards. It would be a good thing if the clause were omitted. It was of neither use nor ornament to the Bill. The hon. gentleman had got it into the measure somehow and did not like to withdraw it. It was of very little consequence whether it was withdrawn or passed. It was no good. The only effect it would have would be to hamper the trade of the colony. If the hon. gentleman thought that was a good thing in the present depressed state of affairs, let the clause stop where it was. There was no reason why it should be made a party question. The reason the hon. gentleman had assigned—which had some force forty years ago—no longer existed now, and the Bill would undoubtedly be better if the clause were left out.

The PREMIER said he had heard no suggestion made to amend the clause; that was the reason why he had interrupted the hon. gentleman when he saw he was in error, and pointed out that the only suggestion made was to omit the clause. He was sorry the hon. gentleman objected to having his errors corrected in that way. Most hon. members were thankful for being assisted by the correction of their errors when they were made. When the hon. gentleman himself had an opportunity of introducing a Bill of this kind, no doubt it would be perfect—no amendment whatever would be necessary in it; but in the meantime they had to put up with the imperfect Bills introduced by the weaker members of the House who at present occupied the Treasury benches. He had heard no argument whatever up to the present time in favour of the omission of the clause, nor had any been urged. He had pointed out the necessity that existed for its retention—because its omission would facilitate the evasion of the law in every conceivable way. He was not going to point that out any more. If hon. gentlemen opposite intended to reject the Bill because the retention of that clause would be such a serious blot upon it, let them do so. He would not take the responsibility of altering the law at all if the condition of the alteration was that such a serious change should be made in it.

Mr. MACFARLANE said he only wished to say one word in reply to the hon. member for Mackay. The hon. gentleman said the brandy he (Mr. Macfarlane) had mentioned as an illustration of his argument had already paid duty. He was perfectly aware of that; but suppose the brandy was distilled in the brewery, would it then have paid duty?

The PREMIER: There is no such thing as illicit distillation! They never heard of such a thing.

Mr. NORTON: Not in that way.

Mr. FOOTE said he thought the Chairman must have some difficulty in seeing him.

Mr. LUMLEY HILL: He ought to be able to see you.

Mr. FOOTE said he had risen to speak on three occasions, and the Chairman had called upon some other hon. member. He was determined to have fair play, and should insist upon it.

The CHAIRMAN said another hon. member had risen before the hon. gentleman, but being behind him, of course, he could not see him.

Mr. FOOTE said he had risen on three occasions, and he was afraid the Chairman had been in the chair a little too long to be convenient. However, as the subject of illicit distillation had been raised, he would like to ask what supervision the Government had over the distillation that was permitted in vineyards? Wine-growers grew a large quantity of grapes, and according to the Act they were allowed to distil a certain quantity of spirit in order to fortify their wines. He should like to know, if it was convenient for the Government to give the information, what supervision was exercised over those stills, and how many of them there were in the country?

Mr. JESSOP said the Chief Secretary had stated that no reason had been given in favour of the omission of the clause. Well, he knew that

brewers complained that the clause was a very great hardship, because it entailed additional expense on the working of their establishments. In regard to what had fallen from the Attorney-General as to one person engaging in only one kind of business, he would point out that nearly all wholesale storekeepers were wine and spirit merchants. He did not believe there was a single merchant who confined his business to wines and spirits alone. In country towns storekeepers sold all kinds of merchandise as well as wines and spirits.

Mr. LUMLEY HILL said, with regard to what the Premier had stated about there being no such thing as illicit stills and all that kind of thing, the very fact of a brewer having an establishment of that avowed nature rendered his premises subject to inspection. It would be the most difficult thing in the world for a brewer to keep a private still going on, because his premises were always open to the revenue officers, and no enterprising individual would ever think of starting an illicit still in a brewer's premises. The hon. member for Ipswich, Mr. Macfarlane, said that he had no complaints of hardship in connection with the matter, but he (Mr. Hill) did not think it was at all likely that persons in that kind of business would confide in him in the hope of getting any sympathy. The hon. member also seemed to think that all people who were engaged in the liquor business, either beer, wine, or spirits—those who made it, and those who used it—were to be dealt with as rogues. He (Mr. Hill) did not think so at all. There were many very honest men amongst those who dealt in beer, wines, and spirits, and also amongst those who consumed them—many who were by no means rogues. They had to legislate for honest men as well as rogues, and he did not see the use of putting additional bars to a business which in a very great measure was properly and respectably conducted.

Question—That the clause as read stand part of the Bill—put, and the Committee divided :—

AYES, 29.

Sir S. W. Griffith, Messrs. Rutledge, Dickson, Miles, Dutton, Moreton, Foxton, Foote, Isambert, Mellor, W. Brookes, White, Buckland, McMaster, Bulcock, Higson, Wakefield, Annear, Murphy, Lalor, Philp, Macfarlane, S. W. Brooks, Pattison, Grimes, Brown, Chubb, Bailey, and Lissner.

NOES, 6.

Messrs. Norton, Macrossan, Black, Adams, Jessop, and Lumley Hill.

Question resolved in the affirmative.

On clause 15—"Quantity of wines or spirits kept by brewers"—

Mr. BLACK said he would like to know whether that clause was in that Act forty years ago? Was the clause intended to apply to breweries whose owners were resident? Was there any reason why brewers residing on their own premises should not be allowed to have more than six gallons of colonial wine, for instance?

The PREMIER said they must draw the line somewhere. He did not know that there was any objection to fixing it at six imperial gallons. It was not likely that there would be more required for business purposes.

Mr. BLACK said it was well known that private families frequently had a quarter-cask of wine. Was a man not to be allowed to have a quarter-cask on his own premises? The clause was evidently taken from that same Act of forty years ago——

The PREMIER: It says so on the margin.

Mr. BLACK said that the Premier ought to chalk out a line for himself, and plan legislation suitable to the colony.

The PREMIER said the provisions of this Bill commended themselves to the Government as being very useful and proper.

Clause put and passed.

Clause 16 put and passed as printed.

On clause 17—"Monthly meetings in certain cases"—

Mr. MACFARLANE said he had made a few remarks on that clause on the second reading. He did not think the principal Act had had a fair chance. Only last year the alteration had been made from monthly to quarterly meetings, and he had not heard that the Act had worked very badly. In fact, he thought it must have been a relief to the licensing justices to meet quarterly, instead of monthly as they used to do. Of course, the alteration only applied to the transfer of licenses and to licenses for bagatelle, or to any business left over from the quarterly sessions. But he could hardly see any particular grievance which should induce them to make the proposed alteration so soon as inside twelve months. They knew that in large cities like London, Glasgow, and Dublin, the licensing courts were only held yearly, with transfers each half-year, and the people there were in millions, while they were here only dealing with hundreds. If he thought he would get any support, he would move the omission of the clause altogether.

Mr. ADAMS said that the quarterly meetings had been found to be very inconvenient indeed, and several complaints had been made about them. As a remedy to those complaints he thought the clause a very good one.

Mr. BLACK said that the hon. member for Ipswich had suggested the omission of the clause. If he intended to move its omission, he (Mr. Black) would like to know if it was the intention of the Government to withdraw the Bill.

Clause put and passed as printed.

On clause 18, as follows :—

"From and after the first day of March, one thousand eight hundred and eighty-seven, the exemption contained in paragraph (*e*) of the sixtieth section of the principal Act shall extend and apply only to persons selling liquor in a club which is a *bonâ fide* association or company of not less than fifty persons, and with respect to which the following conditions exist, that is to say—

(1) The club must be established for the purpose of providing accommodation and meat and drink for the members thereof, upon premises of which such association or company are the *bonâ fide* occupiers;

(2) The accommodation must be provided and maintained from the joint funds of the club, and no persons must be entitled under its rules to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof;

(3) It must be proved to the satisfaction of the licensing justices, at a quarterly meeting, that the club is such an association or company as in this section is defined, and that the premises of the club are suitable for the purpose.

"Upon such proof being made the club shall be registered by the clerk of petty sessions, for which registration a fee of five pounds shall be paid.

"Upon the complaint of an inspector the manager, steward, or other person conducting or managing a club, may be called upon to show cause before justices why the registration of the club should not be cancelled. And upon the hearing of the complaint, if it is proved to the justices that any of the conditions of this section are no longer fulfilled by or with respect to the club, the registration shall be cancelled and the exemption aforesaid shall no longer extend or apply to persons selling liquor in such club."

Mr. LUMLEY HILL said he really did not see the necessity of the clause at all. He hoped the Chief Secretary would not be impatient. He thought they had done a considerable amount of legislation that evening.

The PREMIER: I am never impatient of reasonable discussion.

Mr. LUMLEY HILL said he thought the matter could be reasonably discussed. He did not see why old-established institutions known to be conducted on a perfectly respectable line should be brought under any supervision or licensing code as proposed, and he would submit to the Chief Secretary that he might find a way of making the clause apply only to clubs that had not been in existence for, say, five or seven years past. He was aware that a new class of objectionable clubs was springing up, as the outcome, he believed, of a little over-legislation against Sunday trading in the Licensing Act lately passed. For his own part he did not see any harm in an hour or two being set apart on that day when men could get something to drink. At any rate, an old-established institution should not be called upon to bring itself under the provisions of the Act.

The PREMIER said he did not think any hardship would arise from allowing it to apply to all clubs, and on general principles it was fair that they should all be placed on the same footing. It was a mistaken principle to say that one class of clubs might exist without coming under the provisions of the clause while others should not. It looked like class legislation, and he did not like it for that reason. The clause might certainly be amended in the way suggested by providing that it should only apply to clubs established after the passing of the principal Act, but he did not think any existing club would object to paying a fee of £5, and he thought it was only fair that all classes of the community should be put on the same footing. It was much more satisfactory that all clubs should be registered, and whether they were registered or not, some provision must be made to take notice of those which were in existence before the passing of the principal Act. The amendment suggested would only apply to three clubs in Brisbane, and perhaps one or two in the country. They would only have to pay £5 each, and he did not think it was desirable in the interests of the public to make an amendment such as had been suggested.

Mr. LUMLEY HILL said it was not a money consideration to which members of old-established clubs took objection; it was the supervision and being called upon to take out, as it were, a sort of license. He might just as well be called upon to take out a license for his own private house if he chose to supply any of his friends there with a drink on Sunday, Monday, or any other day. He would supply them all with drink if they came, even the hon. member for Ipswich. The club was just as private to its own members as the Chief Secretary's own house to himself, or as his (Mr. Hill's) was to himself. It was not a public institution or place of business at all, and therefore it was not a pleasant thing for individuals connected with it to be called upon to place themselves under a sort of police registration.

Mr. FOOTE said he was not surprised at the suggested amendment, and he fully agreed with the Chief Secretary that there should be no class legislation on the subject. When the principal Act was going through he called attention to the matter, and said that a new class of clubs would spring up, and so they had; and now the Licensed Victuallers' Society thought it necessary to stop them, and they were quite right. At the same time he thought that all clubs should be placed on the same footing, no matter whether they were started fifty years ago or only yesterday. Clubs were clubs, and poor men had just as much right to form a club as rich men. The hon. member for Cook said it was not a monetary difficulty at all. If that was the case, the safest and best way to meet the matter was by putting all clubs on the same footing as licensed publicans and making them pay £30 a year each for their licenses. He was sure that would settle the difficulty; and there would be no more clubs. If his suggestion had been accepted when the principal Act was going through, there would have been no necessity for the clause under consideration. He noticed that wine-sellers were to sell no wine but colonial wine; he supposed that meant wines made in Australasia.

The PREMIER: Yes.

Mr. FOOTE said that so long as that was the case he was perfectly satisfied.

Mr. FOXTON said that if a club really complied with the provisions of the 1st and 2nd subsections, it was to all intents and purposes a private house. It was a private house, but occupied and owned jointly by a number of persons assembled together for the purpose of forming a club. The 3rd subsection provided for registration, and if that was the objection to the clause he thought that registration might be abandoned; also that the paragraph following the 3rd subsection should be omitted and the last paragraph be amended so as to read thus:—

> Upon the complaint of an inspector, if it is proved to the justices that any of the conditions of this section are no longer fulfilled by or with respect to the club, the exemption aforesaid shall no longer extend or apply to persons selling liquor in such club.

He did not see why a club should be called upon to register any more than an individual.

Mr. FOOTE: Because they sell liquor.

Mr. LUMLEY HILL: They do not.

The PREMIER: For administrative convenience.

Mr. FOXTON said it was thought that registration implied a certain amount of police supervision. He did not think so himself; but, it was thought so by a number of hon. members. He did not think there was much to be gained by registration, and he would suggest that the part relating to registration be abandoned. If it was found that a club ceased to comply with the Act—that was to say, if it commenced the illicit sale of liquors in a manner other than as provided for by the 1st and 2nd subsections—then they should be proceeded against the same as the Crown would proceed against any ordinary person for sly grog-selling. If they were to cease to supply the liquor of the club to members of the club and were to employ a providore and purchase their liquor from him, then they would at once cease to be able to claim exemption under the Bill. It would be the same as if a private individual, although he occupied a private house, were to sell liquor to his guests.

Mr. LUMLEY HILL said he objected to the tone assumed by the hon. member for Bundanba who knew nothing about the subject they were discussing. The hon. member said that liquor was sold in a club such as he had alluded to. Nothing of the kind. They did not sell liquor in those clubs, but used their own liquor, which they had previously purchased conjointly, and paid for it just in the proportion they used it.

Mr. FOOTE: It is retailed to them.

Mr. LUMLEY HILL: No, it is not.

Mr. FOOTE: You can get a bottle of grog there.

Mr. LUMLEY HILL said he could get a bottle of grog there, and he could get a bottle of grog if he went to the hon. member's house perhaps, but the hon. member would be very

much annoyed if he had to take out a license to supply that bottle of grog to a friend. No liquor was sold either wholesale or retail in a club, but it was simply supplied to members and their guests. The clause was a new piece of legislation, and had not been found necessary in London or in other parts of the world where clubs had been in existence for many years, and it was, as he had pointed out, the outcome of over-legislation in the principal Act. The hon. member for Carnarvon with his legal acumen had pointed out a way in which the objectionable part of the clause might be eliminated, and he would certainly support the hon. member if he would move an amendment of the kind he had suggested.

Mr. MURPHY said he thought subsection 2, which actually prohibited proprietary clubs, was a sufficient safeguard against the class of clubs which the Premier wished to suppress. He did not suppose there was any wish amongst hon. members to suppress properly conducted clubs. He did not know what the feelings of the hon. members for Ipswich were with regard to clubs, but he was quite sure the general sense of the community was not in favour of suppressing clubs that were properly conducted, for the reason that they were very much superior to public-houses; he was sure the general desire was not to drive people out of the clubs into the public-houses. Most of the clubs they knew were properly conducted institutions, and there were very stringent laws against gambling, and no drunkenness was permitted or allowed on the premises. Not that it was against the rules of a club for a man to get drunk—because a man was at liberty to get drunk wherever he liked; but the man who would get drunk in a club, and make himself a nuisance in it, would be very soon expelled from it. In the same way that people would expel a man from a private house if he made himself a nuisance, so the members of a club would expel a man who made himself a nuisance in the club. A club was really a safeguard against drunkenness, because a man had to qualify himself for admission as a member of a club. He had to show that he was a good fellow, and a man who was socially fitted to be a member of the club, and had no objectionable peculiarities. Once a man became a member of a club, he had to see that he did not offend against the rules and regulations of the club. The institution of clubs had a good moral effect—an effect which he was sure the hon. member for Ipswich, Mr. Macfarlane, would like to see carried further. They went a long way in the direction of temperance and making a man temperate, because men would offend against good manners and good breeding if they got drunk in a club and made themselves objectionable to the other members of it. The Premier drew a long face and thought that he (Mr. Murphy) was overdrawing it, but he did not think he was in any way. He quite agreed with the suggestion of the hon. member for Carnarvon to withdraw the objectionable part of the 3rd subsection. He did not see how an inspector could make a complaint against a club unless he inspected it. The Premier said that it was not necessary under that provision to make an inspection; but how could an inspector come to any conclusion with regard to the way a club was carried on unless he made an inspection? A club was a private house, and he did not see why an inspector should be allowed to intrude into a man's private house. So long as they suppressed proprietary clubs, out of which profit was made, they would do all that was required. No profit was made out of a properly conducted club. The profits of what was eaten and drunk were not sufficient to pay the working expenses; therefore the members had to pay a considerable entrance fee and yearly subscription in order to keep the club going. He thought that subsection 2 provided sufficient guarantee that any club established under the Bill would be a *bonâ fide* one.

Mr. FOOTE said he was not surprised at hon. members laughing at some of the statements of the hon. member who had just sat down. The hon. member said a club was a private house, and so it might be to all intents and purposes; but his (Mr. Foote's) argument was that all clubs should be on the same basis. He did not see why one portion of the community who formed themselves into a club should be placed under police supervision and surrounded with difficulties with the intention to suppress them, simply because they had officers who got their living in the way of business; while another section of the community was left free to establish club-houses without any supervision. The object of the clause was evidently to suppress the clubs which had come into existence during the last twelve months, and he maintained they had as much right to exist as any other club in Queensland. The hon. member for Cook objected to the £5 a year, because it would subject them to a sort of police inspection, which would be derogatory to the club; and then the hon. member went on to show how well the clubs were conducted, and that they did not sell liquor. That might be so; but he understood that members could take their friends and ask them to have liquor, and somebody "paid the piper," whether it was the members or the club generally; at any rate it was paid. Those clubs were evidently not favoured by the licensed victuallers. There had been a great springing up of them since the passing of the Act, and if they went on increasing the licensed victuallers would suffer considerably. It was simply a side-wind to get rid of the Licensing Act, and very properly so, because it was as clear as the noonday when the Act passed that if the clubs were allowed to escape there was no reason why the poor man should not have his club as well as the rich man. He would vote for the suppression of those clubs to the best of his ability, and there was only one way he could see of doing it. That was to make them all pay alike, and pay the same license fee as the licensed victuallers; then there would soon be an end to the difficulty. The hon. member for Cook said there was not the slightest monetary difficulty; so that if that were done the respectable clubs would maintain their respectability the same as they had hitherto done.

Mr. MACFARLANE said he thought hon. members would have to take a wider view of the question. The arguments had all come from the present established clubs; and what they were legislating for now was something that had arisen since the Licensing Act of last year was passed. It was the same thing in Scotland when the Sunday Closing Act was passed; it was the same thing in Ireland; and now it was the same thing in Wales. He might mention that the Police Commissioner of Cardiff had summoned in one week over fifty individuals, who were fined as high as £50 for keeping spurious clubs; the police did not interfere with respectable clubs. Hon. members on the other side seemed to think that he was opposed to clubs; but he was not, and never had been, either to working men's clubs or respectable men's clubs.

Mr. MURPHY: Then the working man is not respectable?

Mr. MACFARLANE said that was an unfortunate slip; but the working men knew his feelings towards them. It was not poverty that kept a man from being respectable, nor wealth that made him respectable. Hon. members said that

the clubs were a kind of private houses, but there was a difference between clubs and private houses. Did they ever hear of a private house without a wife in it?

Mr. LUMLEY HILL: Yes; I have one.

Mr. MACFARLANE: Would you take your wife to the club?

Mr. LUMLEY HILL: I have not a wife.

Mr. MACFARLANE said that any man of the House who had a wife or a sweetheart would sooner see her at home than at a club. It was no use telling him that a club was the same as a private house; hon. members knew better than that. The clause had been put in the Bill to meet an evil which had sprung up since the Act was passed. The hon. member for Bundanba, and he himself and other hon. members, had foreseen it, and wanted to have the clubs licensed, but they were defeated. It was no new thing; it was anticipated, and it had come; it did not require prophecy. He hoped those hon. members who fought for the publicans last year—and he had no wish to say a word against the publicans, they had a stiff license-fee to pay—he hoped those hon. members would help him to fight for the publicans. A spurious club was started perhaps by an ex-publican who had lost his license. A few working men gathered round him and paid their shilling to become members, and got the worth of their shilling back in drinks. Those clubs were generally best supported on Sunday, when the public-houses were shut. The Bill would not in the least interfere with the clubs that had been long established; and those who were members of those clubs need not fear that they would be subjected to any inspection or supervision. The only amendment he would like to see introduced into the clause was that suggested by the hon. member for Bundanba—that instead of a registration fee of £5 there should be an annual fee of £30. By doing that they would meet the case, and prevent those spurious clubs springing up, while it would be no punishment to those already established to have to pay an annual license fee of £30.

Mr. ADAMS said he took it that that was a publican's clause. It was a clause which would do a great deal of good to some people. It would allow those persons who called themselves Good Templars to take a nip without being seen. It was no use saying that they did not do that. He was perfectly satisfied, after his seventeen years' experience in the business, that they did do it. It was not often they took spirits; they generally took peppermint out of a gin-bottle. He thought the clause was a very good one. He did not know who would be the loser under it, but he rather thought if there was any loss at all it would be the Treasurer of the day who would feel it. The Committee had been told that clubs did not sell liquor, and that they did not pay working expenses. But he would like to know where now, when there was so much agitation among the working men for work at the present time, the money was to come from to make up the difference. He contended that clubs of that description were not a benefit to the working men in their present state. If they could not support themselves and their families it was impossible for them to support a club which did not pay working expenses. The Committee had been told that the club was far superior to a public-house. Possibly they might be superior to public-houses in the far West. He had never been out west, but he knew what public-houses were in the towns, and he believed they would find hotels in Brisbane and in many other towns equal to any club. When they took into consideration the fact that there was no supervision over the clubs, they naturally asked how were they to know whether they were properly conducted or not. On the other hand the publican was compelled to conduct his house properly. If he did not keep a good house he would lose his business. He (Mr. Adams) believed that there was no respectable publican who would not put a man out who made himself disagreeable. If, however, the publicans did not do that, a policeman could go in and walk the man out, as a hotel was not like a private house or a club. A policeman would certainly not be able to do that in a club or a private house. He quite agreed with some remarks that had fallen from hon. members opposite—namely, that their legislation might be the means of wiping out the publican. Under the principal Act the inhabitants of any district might demand a poll on the question as to whether the number of licenses should be reduced, and if the polling was in the affirmative several licenses would not be renewed. In such a place as Brisbane a provision like that might work very well, but it would not do for small communities. People who did not want to pay a license fee of £30 a year for the sake of police protection would start a club for which they would only have to pay a fee of £5, and they would conduct their houses in the same way as a public-house, the only difference being that they would be called clubs. In clause 60 of the principal Act, paragraph (*c*), it was provided that nothing in the Act should apply to any person who "sells liquor in any premises *bonâ fide* occupied as a club, provided that such liquor is so sold only to members of such club and their guests." He had frequently invited twenty or thirty people to his house as guests. According to the 18th clause of that Bill, a club must consist of fifty members. Supposing each of those fifty members invited fifty guests to the club, he would like to know what kind of a carouse they would have. He was perfectly convinced that if the thing was allowed to go on in that manner it would not be a benefit to the country. It might, as he said before, be a benefit to a few who were ashamed to go inside a public-house, but would go behind the door and take a nip quietly; but it would not be a benefit to the country or the working men, while it would be a drawback to the Treasury. And a drawback to the Treasury meant more taxation. If the taxation did not come out of the publicans' pockets, it must be obtained from someone else. He was not now speaking as a publican; he was not a publican, and did not care a rap about publicans as far as that went. He was speaking in the interest of the country generally, and he said that the proposed provision might be all very well for Brisbane, but it was not suitable to country districts where the population was sparse.

The PREMIER said he thought the matter had been pretty well discussed, and that they might now deal with amendments if there were any to be proposed. He did not think it was worth while discussing the general principle of clubs at any greater length. It had been argued that clubs were private houses. That was true in a sense. They were private houses and they were not private houses, members bought liquor there and did not buy liquor there, according to the sense in which they used the terms. Many clubs, however, had been started in Brisbane lately, which were simply established in violation of the law and for the purpose of evading it. It was desirable that they should be dealt with, and he did not think any members of *bonâ fide* clubs would object to that. He thought the clause was a very good one as it stood. Something had been said in the course of the discussion about inspection by the police. There was nothing in the clause exposing clubs to

inspection by the police, but he thought it would be better to remove all possible doubt on the matter by amending the last paragraph of the section so as to make the onus of proving that the conditions specified in the clause had been complied with, rest upon the club. That would remove any necessity there might be for an inspector to visit the club. With respect to the arguments against registration, he thought it was convenient for administrative purposes that clubs should be registered; it was desirable that they should know whether any so-called club was one which was entitled to the protection of the law. As to the fee of £5, some members thought it was too large, others that it was too small. He thought each club ought to pay a small annual fee, merely for the convenience of administrative purposes. Another question was raised on the second reading of the Bill as to whether fifty was not too large a number to fix as the minimum number of members required to constitute clubs which should be entitled to the benefit of the Act. It might be too large for country districts, but he did not think it was too large for Brisbane. He believed that the conditions in the 1st and 2nd subsections, and the 3rd also, which required it to be proved to the satisfaction of the licensing justices that the premises of the club were suitable for the purpose, were very good ones, and provided against any abuses. He could point out, with respect to the remarks of the hon. member for Carnarvon, that if the facts were not required to be proved to the satisfaction of the licensing justices, once for all, the facts would have to be investigated afresh in every case. He did not know whether hon. members had any amendments to propose exempting the old established clubs; he hoped they had not. They might now proceed to discuss the question as to the number of persons who might form a club. That was the first matter upon which a division of opinion seemed to exist.

Mr. SHERIDAN said the opinion seemed to have obtained ground, that provisions, and spirits particularly, were sold for the purpose of being consumed outside the club. In all the clubs he was acquainted with—the old-established ones—no food or wine was allowed to be sold for the purpose of being consumed outside the club; so that, as far as that was concerned, it was an erroneous impression. He would ask the Premier if a registration fee were imposed for the establishment of a club, how would their own refreshment room stand? They were now, literally, a club. No one outside the House was allowed to regale himself with the good things that Mr. Baldwin supplied, and he wished to know how the clause would apply to that Chamber and the Upper Chamber also. He apprehended that the caterer would have to be under surveillance the same as any other, and have to pay a license fee.

The PREMIER said the 60th clause of the principal Act exempted any person who sold liquor in the refreshment room at the Houses of Parliament, by the permission or under the control of Parliament.

Mr. SHERIDAN said hon. members stood in the same position until that law was passed. There was no difference whatever. And now the law was to be altered with regard to clubs, he supposed it would be altered with regard to the caterer as well.

Mr. DONALDSON said he thought the object of the clause was to prevent clubs being started that were really not clubs at all, but were established to evade the law. If the clause were passed in its present form he knew it would have the effect of destroying at least one club now in existence in the interior. It might have that effect upon others also; but he was acquainted with one, and that was at Charleville, where there was a club containing most respectable people, about forty in number. He had a list of the names, but had lost it. They formed themselves into a club for the purpose of having a place where they could meet. There were country members and town members, and they had refreshments in the place, and a billiard-room and reading-room, and it was a very great convenience. But the clause would press very hardly upon them. As it was, there was no sleeping accommodation there.

The PREMIER: That does not matter.

Mr. DONALDSON said they had no provisions there either.

The PREMIER: No biscuits, or bread and cheese?

Mr. DONALDSON said the remark of the Premier showed him how easy it was to evade the law. He never had thought of that before. It was very necessary in bush townships to have a place of meeting, as it was not always convenient to meet at an hotel. The members really stopped at the hotels, and paid their way there; but they liked to have a place where they could meet, so that they might be sociable. At race-meeting times a number of people congregated in the township, and got on the spree, and made themselves generally obnoxious to persons who would rather be out of the way, and it was very convenient to have a club. He would suggest that instead of fifty members, twenty would be sufficient. If the subsection were not amended, clubs of the kind he had mentioned would be destroyed. He had the rules of that club with him, and they were much the same as those of clubs in Brisbane.

The PREMIER said that so far as regarded the 1st subsection members should be able to get meat and drink if they liked. But as to the number, he thought fifty persons would apply to Brisbane, and a less number might be fixed as a minimum in the country. The provisions of the 3rd subsection were very important; the premises of the club should be suitable for the purpose. Those drinking-shops which were established in the name of clubs were generally in places which were not suitable for the purpose. He moved that the words, "in the case of clubs established in the city of Brisbane, and not less than twenty-five persons in the case of clubs established elsewhere," be inserted after the word "persons" in the 21st line.

Amendment put.

Mr. NORTON said he confessed he looked upon the clause with a great deal of suspicion. He did not believe it would be of the slightest use. According to the 1st subsection, a club was to be established for the purpose of providing accommodation. He thought, when he read that, it was intended to apply to sleeping accommodation; but the Premier said it was not, and the hon. gentleman had pointed out that meat and drink simply might consist of biscuits and cheese. He did not think much accommodation would be required for that. He thought that, under the provisions of the section as they stood now, those so-called drinking-shops would be carried on as at present. The only difference was that they would have to pay a fee of £5, and be liable to inspection. If the object of registering establishments of the kind aimed at was to be properly carried out the premises ought to be subjected to inspection. That was one of the first difficulties that stared them in the face. If they were not subject to inspection he did not see how the inspectors could be in a position to make any complaint.

The PREMIER: They know all about them now.

Mr. NORTON said that in that case they must get to know on the sly, and in a short time those clubs would take care that no inspector ever stepped inside the door. He did not think £5 a year would stop them.

The PREMIER: Then we will have them up for sly grog-selling.

Mr. NORTON said there might not be any sly grog-selling. They might combine to supply themselves with grog on the condition that they shared it equally.

Mr. DONALDSON: That is not what we want to guard against.

Mr. NORTON said he did not know what they did want to guard against. The fact was, they were trying to slay one of the creatures that had sprung out of the new Licensing Act. What was the purpose for which clubs were intended, as defined by the clause? They were to provide accommodation, which might mean whatever the members pleased; and they were to supply meat and drink, which also might be whatever the members pleased. He confessed he could not understand the section. There seemed to be a good deal in it, but when they came to analyse it, it did not seem to be so worded as to have the effect which was intended.

Mr. ADAMS said the only effect of the clause would be to legalise drinking-shops. No conditions whatever were laid down as to the accommodation and the meat and drink to be provided. Some of those places, it was well known, were provided with billiard tables, and no doubt they had card tables as well, and invited people in to drink and gamble. They ought to be put on the same footing as the publican, both as to license fee, police supervision, and accommodation. He should like to see the clause struck out.

Amendment put and agreed to.

The PREMIER said he thought the registration fee ought to be annual. The fee was low, and there could be no objection to it.

Mr. NORTON: What about the accommodation?

The PREMIER said the more the definitions were criticised the more clearly it would be found that they did define what was a *bonâ fide* club. It must be occupied by an association of persons who were the *bonâ fide* occupiers of it for their own personal convenience, to the exclusion of other people. As to number, they drew the line at 25 in the country and 50 in Brisbane. That definition would exclude all those places which were started as clubs by men who could not get a license, or by the wives of persons in trouble to whom licenses would not be granted. It would strike down all those drinking-shops from the 1st day of March next. He proposed, by way of amendment, that the following new paragraph be inserted in the clause:—

> Such registration must be renewed on or before the 1st January in every year, and shall be so renewed by the clerk of petty sessions on payment of an annual fee of five pounds.

Mr. BLACK said he thought one registration fee ought to be sufficient. If he mistook not, the brewers only paid one registration fee.

The PREMIER: They do pay an annual fee.

Mr. BLACK said he thought it was only one registration fee.

The PREMIER: It is in clause 7 of the Brewers Act—the 2nd paragraph.

Mr. BLACK said one registration ought to be sufficient for clubs, because the object the hon. gentleman had in view would then be effected. He would like to know how the clause would affect chess clubs. They would be rendered illegal.

An HONOURABLE MEMBER: What about cricket clubs?

The PREMIER: They do not sell liquor. This has nothing to do with clubs that do not sell liquor.

The HON. J. M. MACROSSAN: We were told none of them sold liquor—that they gave it away.

Mr. BLACK said he assumed the clubs would be registered on the 1st January next, and then the matter should end; the difficulty would not begin again. The licensing authority would then have full control over clubs, and he did not see the necessity of charging an annual license fee, unless it was for revenue purposes. If that was the object he should object strongly to it, because they then would have the Treasurer when he was short of revenue coming down with a proposition to increase the club registration fee, just as he might increase the brewer's license. So far as the argument had gone, he did not see that it was the wish of hon. members that the country should derive a revenue from the registration of clubs. The registration was simply to put a stop to an irregularity which had crept in since the Licensing Act was passed, and it was considered that the licensing bench should have some control over clubs, and that those so-called bogus clubs should be stopped. Having attained that object, it was not intended to derive a revenue. He would further point out that whilst the irregularity so far as clubs were concerned had only become apparent in Brisbane, they were interfering with a necessity which existed all over the colony. The larger clubs in Brisbane might have no serious objection to paying £5 annually, but in the country districts it was an unnecessary and uncalled-for interference, and having decided that clubs should be registered they ought not to go so far as to insist on an annual fee being paid.

Mr. FOXTON said if the onus of showing that a club was properly conducted was thrown upon the club, then that ought to be sufficient without an annual registration fee, because as soon as the club was registered it became a marked establishment, as it were, and it was open to the Inspector of Police at any time, if it departed from its constitution, or went back from its career of respectability, to call upon it to show cause why its registration should not be cancelled, and, as the Chief Secretary said, the registration was merely for administrative purposes, and not for the purposes of revenue.

The PREMIER said he did not attach any great importance to the amendment. He did not think the revenue would be more than £40 or £50 a year, and he would content himself by amending the next paragraph so as to throw the onus upon the clubs of proving they were within the Act.

Amendment withdrawn.

On the motion of the PREMIER, the last paragraph of the clause was amended so as to read as follows:—

> Upon the complaint of an inspector the manager, steward, or other person conducting or managing a club, may be called upon to show cause before justices why the registration of the club should not be cancelled. And upon the hearing of the complaint, unless it is proved to the justices that the conditions of this section continue to be fulfilled with respect to the club, the registration shall be cancelled and the exemption aforesaid shall no longer extend or apply to persons selling liquor in such club.

Clause, as amended, put and passed.

On clause 19, as follows :—

"From and after the first day of July, one thousand eight hundred and eighty-seven, a wine-seller's license under the principal Act shall authorise the holder thereof to sell colonial wine only. And the term 'wine,' when used in the principal Act with reference to the holder of a wine-seller's license, shall from and after that day be deemed and taken to mean colonial wine only.

"On and after the said last-mentioned day it shall not be lawful for a licensed wine-seller to sell any wine other than colonial wine.

"'Colonial wine' means and includes any wine, cider, or perry, the produce of fruit grown in any Australian colony, and which wine, cider, or perry, does not contain more than thirty-two per centum of proof spirit."

Mr. NORTON said when the principal Act was passing through last year, the hon. the Premier objected to insert a definition of colonial wine, because he said it would be impossible to distinguish between colonial wine manufactured in the colony and other wines. He would like to know how the hon. gentleman proposed to get over the difficulty now?

The PREMIER confessed that he did not see how to define it last year, but he had since found that it had been tried in Victoria and succeeded there.

Mr. NORTON: It has been tried there for years.

The PREMIER said if it could be done there he did not see why it could not be done here. The only objection he had last year was that he did not see how to do it, but he was quite willing to learn, and believed now that it could be done.

Mr. NORTON: How do you propose to do it now?

The PREMIER said he confessed that he saw some difficulties, but the experiment would be worth trying. He thought the 21st section, requiring the production of invoices, would have a very good effect in that direction. No one would be able to produce an invoice of champagne as colonial wine.

Mr. NORTON said it appeared to him that there was the same difficulty now as ever as to the definition. With regard to the 21st clause, he did not intend to discuss it now, but would merely point out that if a wine-seller was selling his own wine he would not be able to produce an invoice.

Clause put and passed.

On clause 20, as follows :—

"Any wine-seller who, on or after the said last-mentioned day, sells, delivers, or otherwise disposes of, or permits to be consumed on his premises, any fermented or spirituous liquor other than colonial wine shall be liable to a penalty not exceeding thirty pounds and not less than ten pounds, and his license shall be cancelled, and all liquor other than colonial wine found on his premises shall be forfeited."

Mr. NORTON said he supposed those provisions would not apply to licenses now issued?

The PREMIER said if the hon. gentleman turned to clause 19 he would see that it did not come into operation until the 1st July next, when the present licenses would run out.

Clause put and passed.

On clause 21, as follows :—

"On and after the said last-mentioned day every wine-seller shall, upon demand of an inspector, produce and show to him the invoice of any wine offered for sale by him in his licensed premises, and shall allow such inspector to take copies thereof.

"Any wine-seller who offends against the provisions of this section, or produces to an inspector a false or fictitious invoice, shall be liable to a penalty not exceeding ten pounds."

Mr. BLACK said in the event of a man selling his own wine, how would the inspector know that it was his wine?

The PREMIER said the clause did not apply to a person selling his own wine in his vineyard, but to persons selling wine in wine-shops. In such cases the persons selling it would be able to tell the inspector where they got it from. If a person was selling his own wine, he would no doubt be able to produce some documents showing it was from his own vineyard.

Clause put and passed.

Mr. ISAMBERT said that he had to move the insertion of a new clause. He had had the honour a short time ago of introducing a deputation from the Wine-growers' Association which had pressed the Premier to introduce an amendment to limit the sale by wine-sellers to colonial wine; and he thought that as they were limiting the privileges of the wine-sellers it was only fair they should also reduce the license fee. It was a reasonable request, and he would move that the annual license fee be reduced from £10 to £5. Brewers paid only £5.

The PREMIER: And beer duty.

Mr. ISAMBERT: And clubs, which sold a large amount of spirits, had to pay only £5. Therefore it was more than reasonable to make that concession. He therefore moved the following amendment :—

The fee payable for a wine-seller's license, or for the renewal of a wine-seller's license, for the year in respect of any period after the first day of July of the year one thousand eight hundred and eighty-seven, shall be five pounds.

The COLONIAL TREASURER said he thought the amendment of his hon. friend must be objected to. It was a different thing, altering the existing tariff in regard to licenses, to altering proposed new charges for registration of clubs which were not at the present time an actual source of revenue. He was not prepared to object to the reduction in the fee for the registration of clubs, but he thought it time to enter a protest against any alteration in a fixed source of revenue under the head of licenses. When the Licensing Act was under discussion the fee for a wine-seller's license was fairly debated, and he really could not see that any argument had been urged by his hon. friend, the member for Rosewood, why they should now reduce the license by one-half. The present was not the time to urge a reduction of revenue, and he was inclined to think that it could not be any benefit to the wine-sellers themselves. If the business was worth going into it was surely worth paying the small license fee of £10. He should, therefore, oppose the new clause.

Mr. NORTON said it should be borne in mind that before the passing of the Act last year there was no fee at all.

The PREMIER: There was no such thing as a wine license.

Mr. NORTON said that the fee of £10 was charged in consideration of the licensees being allowed to sell any class of wine, including champagne or port.

Mr. DONALDSON said he had pointed out when the principal Act was passing through, that he thought it a great error to introduce those wine licenses. They were frequently used to cover sly grog-selling, and he was confident that that would be done more than ever if the license fee was reduced to £5. In country districts a man might take out a wine license, and that enabled the public to go in without question. If wine-sellers only sold wine he would have no objection to the low license fee, but he was perfectly confident that they would use those wine licenses as a cloak for selling ardent spirits as well as wine.

Mr. NORTON: Very likely.

Mr. BLACK said if he thought the reduction of the license fee would have the effect of inducing a greater consumption of sound colonial wine he would have no objection. But he was afraid those who advocated the reduction of the license fee to £5 were makers of Queensland colonial wine, and he thought that instead of reducing the license fee after the report on the Queensland wine recently received from home, it would be far more judicious to make the license fee prohibitory, as the less of that wine that was consumed the better it would be for the people who consumed it. If they wished to induce the consumption of sound colonial wine, which was a most suitable beverage for a climate like this, that would be arrived at by reducing the import duty on sound colonial wine from the other colonies.

Question—That the proposed new clause as read stand part of the Bill—put, and the Committee divided :—

AYES, 4.

Messrs. Isambert, Dutton, Moreton, and Mellor.

NOES, 17.

Sir S. W. Griffith, Messrs. Dickson, Rutledge, Lissner, Chubb, Norton, Miles, Donaldson, Murphy, W. Brookes, Black, Bulcock, White, Hill, McMaster, Sheridan, and Grimes.

Question resolved in the negative.

Clause 22 put and passed as printed.

On clause 23—"Unlawful gaming"—

Mr. ISAMBERT said that hon. members should bear in mind that the severe and restrictive conditions imposed by the Licensing Act had given rise to all this. Only for that Act they would never have heard of those clubs. They could not make people sober by legislation, and if it was wrong to sell or consume wines or spirits on Sunday, it was equally wrong to dispose of them on a week-day. He believed that if clubs were abolished drink would be carried wholesale into families. There should be some reasonable hours on Sunday afternoons when licensed victuallers and wine-sellers could supply people with liquor.

HONOURABLE MEMBERS : Question !

The CHAIRMAN: The clause under consideration deals with unlawful gaming.

Mr. ISAMBERT said the whole Licensing Act was a little unlawful, and that was the reason those clubs were springing up. It was because of the restrictions imposed by the Act that travellers told lies by the bushel in order to get a drink. That was an unlawful offence. Another inconvenience was the closing of public-houses at 11 o'clock, whereas the theatres and other places of amusement were not closed till after that hour.

HONOURABLE MEMBERS : Question !

The CHAIRMAN : The hon. member is departing from the question before the Committee.

Clause put and passed.

Clause 24— "Imprisonment of drunken or disorderly persons in default of immediate payment of fine"—passed as printed.

Clause 25—"Notice of prosecution in certain cases"—passed with verbal amendments.

Clause 26— "Appeal to district court"—passed as printed.

On clause 27—"Liquor not to be brought on board Her Majesty's Imperial or colonial ships without the commander's consent"—

Mr. BLACK said it appeared that any liquor found on any vessel hovering about or approaching a man-of-war was to be forfeited to Her Majesty, but if it once got on board the man-of-war the penalty was only £10. He did not know whether in the latter case also the liquor was intended to be forfeited, but it did not say so.

The PREMIER said he thought the hon. member's suggestion a good one. The clause was adapted from the Imperial Act at the suggestion of the Imperial Government; but he did not see why the liquor found on board should not be forfeited. The difficulty was that there would not be much to forfeit soon after it got on board.

Clause put and passed.

On clause 28, as follows :—

"Any person who supplies or permits to be supplied any liquor to any aboriginal native of Australia, or half-caste of that race, or to any aboriginal native of the Pacific Islands, or Polynesian born in the colony, or any half-caste of that race, shall, for the first of either of such offences, be liable to a penalty not exceeding five pounds nor less than one pound; and for the second and every subsequent offence of either kind, to a penalty not exceeding ten pounds nor less than three pounds; and in every case to the payment of the costs of the conviction"—

The PREMIER moved the omission of the words "and in every case to the payment of the costs of the conviction" at the end of he clause. The Justices Act dealt with that.

Amendment put and passed.

Mr. SHERIDAN said that before the amendment was put he stood up to speak, and he considered that he had been unfairly treated. When he addressed the Chairman that hon. gentleman did not condescend to look round.

The PREMIER : I did not hear you.

The CHAIRMAN : I apologise to the hon. member.

Mr. SHERIDAN : So you ought.

The CHAIRMAN : I do apologise to the hon. member. I certainly did not see him.

The PREMIER: I certainly did not hear him.

Mr. NORTON said that some hon. members were in the habit of standing up and expecting their names to be called by the Chairman without addressing the Chairman loudly, and on that account they were sometimes inadvertently overlooked. He had seen the hon. member rise, and had heard him say, "Mr. Fraser," but not very loudly, but the hon. member could not blame the Chairman for not looking round if he did not know he was standing up.

Mr. BLACK said there must be something peculiar about the seat on which the hon. member sat. On a previous occasion that evening the hon. member for Bundanba, who was certainly not a slight gentleman, made the same complaint about the Chairman not noticing him. Now the hon. member for Maryborough, whose figure might perhaps be overlooked, made a similar complaint, and he was inclined to think that the Chairman should pay particular attention to that bench.

Mr. SHERIDAN said he did not care very much to figure in the position he now occupied so far as that was concerned, but it was well known that he took a warm interest in the poor unfortunate aboriginal natives of the colony. His amendment had been to provide that for the first offence under the clause the penalty should be not less than £5, and for the second offence

not less than £10. His object was to protect those unfortunate creatures as much as possible, and he thought when an opportunity offered to do something for their advantage it should be cordially and warmly supported.

Mr. CHUBB said he had suggested, on the second reading of the Bill, that a few words should be added to the section to provide that the allegation in the information that the person supplied was an aboriginal native should be *primâ facie* proof of the fact. Clause 67 in the principal Act dealt with the same subject, and it was not provided for in that section.

The PREMIER moved as an amendment upon the clause, the addition of the following words:—

> In any prosecution for an offence against the provisions of this section, or the provisions of paragraph (*e*) of the sixty-seventh section of the principal Act, the averment that any person named in the information is an aboriginal native of Australia or the Pacific Islands, or a half-caste of either race, shall be sufficient evidence of the fact, unless the contrary be proved.

It was necessary to provide also for the 67th section of the principal Act, because a man might be convicted under that section, and other consequences besides a fine followed from a conviction under that section.

Amendment agreed to.

Mr. BLACK said he would point out that although the general principle of the clause was good it might interfere considerably with the pearl-shell fisheries in the North. He remembered when the Act of 1881 was before the House the question was fully discussed, and it was admitted that it was necessary in certain cases in the Straits, where divers were employed for a considerable time under water, that they should be allowed to have spirits ; and he remembered that the clause which was at that time in the Pearl-shell and Bêche-de-mer Fisheries Act was omitted on that ground.

The PREMIER said the provisions of the 42nd section of the Pacific Island Labourers Act of 1884 extended to all islanders, whether employed in the bêche-de-mer fishing or not.

Clause, as amended, put and passed.

Mr. BLACK asked if it was illegal now to supply spirits to the aboriginals or Polynesians employed in the fisheries?

The PREMIER : It has been so for the last three years nearly.

Mr. BLACK : It is done.

Schedules 1 and 2 passed as printed.

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

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

PRINTING COMMITTEE'S REPORT.

Mr. FRASER, on behalf of the Speaker, as Chairman, brought up the sixth report of the Printing Committee, and moved that it be printed.

Question put and passed.

ADJOURNMENT.

The PREMIER said : Mr. Speaker,—I move that this House do now adjourn. After considering the amendment of the Legislative Council in the Local Government Bill to-morrow, it is proposed to proceed with Committee of Supply.

Question put and passed.

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