Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 26 JULY 1887

LEGISLATIVE ASSEMBLY.

Tuesday, 26 *July*, 1887.

Presentation of the Address in Reply.—Answer to Address in Reply.—Petitions.—University.—Protection of Girls.—Motion for Adjournment.—Land-grant System of Irrigation.—Tenders for Construction of Patent Sleepers.—Motion for Adjournment.—Marburg Show.—Questions.—Formal Motions.—Divisional Boards Bill—second reading.—Valuation Bill.—Copyright Bill—second reading.—Criminal Law Amendment Bill—second reading.—Supply.—Adjournment.

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

PRESENTATION OF THE ADDRESS IN REPLY.

The SPEAKER invited hon. members in attendance to proceed to Government House, there to present to His Excellency the Governor the Address in Reply to the Opening Speech delivered by His Excellency.

The Speaker, accompanied by the Clerk of the Legislative Assembly and hon. members, accordingly proceeded to Government House.

ANSWER TO ADDRESS IN REPLY.

The SPEAKER, on returning, announced that, pursuant to order, the Assembly had been to Government House, and there presented their Reply to His Excellency's Opening Speech, to which His Excellency was pleased to make the following Reply:—

"MR. SPEAKER AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY,—

"I shall lay before Her Majesty with pleasure your assurance of your continued loyalty and affection to Our Most Gracious Sovereign, and I thank you for the expression of your desire to deal with all matters brought before you so as to promote the advancement and welfare of the colony.

"A. MUSGRAVE.

"Government House,
Brisbane, 26th July, 1887."

PETITIONS.

UNIVERSITY.

Mr. MELLOR presented a petition from the Widgee Divisional Board, praying the House to make provision for the establishment of a university in Queensland; and moved that the petition be read.

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

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

PROTECTION OF GIRLS.

Mr. JORDAN presented a petition from the office-bearers of the Women's Christian Temperance Union of Queensland, praying the House to raise the age of protection for girls from twelve to sixteen years; and moved that the petition be read.

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

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

MOTION FOR ADJOURNMENT.

LAND-GRANT SYSTEM OF IRRIGATION.—TENDERS FOR CONSTRUCTION OF PATENT SLEEPERS.

Mr. KATES said: Mr. Speaker,—Sir, I take this opportunity of calling attention to a question raised on Thursday last in connection with the land-grant system of irrigation. An hon. member asked the Premier whether he had committed himself to that system in connection with Messrs. Chaffey Brothers, and the Premier wisely replied that he had received no communication from them on the subject. Considering that this principle has been introduced in New South Wales, Victoria, and South Australia, I took it as a matter of course that in this colony also it would be applied. Considering that we have so many millions of acres of waste lands, no cash, a large debt, and a very small population, I think it would be unwise to discard the principle entirely in this colony. Are we to discard the principle of land grants because there was a proposition before us some time ago to build a transcontinental railway? The principal reasons why that was rejected were because the proposed bargain was so one-sided, and because it was undesirable to surrender the control of our railways to a foreign syndicate; but it is different in this case. The principle has already been adopted with regard to the Ipswich Woollen

Company, and I am very pleased to see by this morning's paper that it is likely to prove successful. They are enlarging their business; they have established a branch at Townsville, and they declare dividends of 12 per cent. That was assisted on the land-grant principle, and I do not think that industry would have been established had it not been for the inducement held out in the shape of a bonus of 1,000 acres of land. Our homestead clauses are nothing but examples of the land-grant principle. We are giving selectors 80 acres or 160 acres at 2s. 6d. per acre, payable in five years, as an inducement to people to settle on the land. We get settlement and grant them the land; for I look upon 2s.6d. an acre as a nominal figure. I wish to know whether we are going to encourage Messrs. Chaffey Brothers or not, for I shall be opposed to the borrowing of money and spending it on irrigation, when one or two gentlemen are prepared to take land instead of cash. In Victoria they have received 250,000 acres of land, 50,000 acres of which was granted to them, and £1 per acre being paid by them for the 200,000 acres; and the work they are doing is likely to prove successful. I received a letter from them this morning, in which they say:—

"We are very busy at the present time. We expect to have land ready for selection in three weeks or so. Applications are pouring in for allotments."

It must not be understood that these gentlemen come from America purely as philanthropists. They have come out here to make money. They went to Victoria and to South Australia to make money; but whilst they are making money they are doing good to the country. We are gainers, and they are gainers. I should like to know from the Premier whether he intends to give up the land-grant principle entirely in connection with the scheme proposed by Chaffey Brothers, if they come to Queensland, as I believe they will in a short time? I myself will not trouble the House on this question any more, unless I am certain it will be treated the same as in Victoria, for it is quite unnecessary to spend money on irrigation when we have so many millions of acres of land. We could well spare 50,000 acres, for which we would receive valuable consideration. In order that we may come to an understanding on this matter, I beg to move the adjournment of the House.

The PREMIER (Hon. Sir S. W. Griffith) said: Mr. Speaker,—I am sure the hon. member for Darling Downs does not expect me, any more than any other hon. member expects me, to give the House any definite information on the question of irrigation, or a possible agreement with Messrs. Chaffey Brothers, until further inquiries have been made. These are matters which must be dealt with when all the facts are before us; and I am not prepared at present to give an abstract opinion with regard to what is at the present time, in the absence of the necessary information, very little better than a conundrum. The hon. gentleman wants to know what the Government will do if certain things happen; but I cannot tell what the Government will do in connection with a number of unknown conditions. All I can say is, that when we are in a position to deal with the subject we will deal with it, and make such propositions to the House as seem to us to be right. As the hon. member knows, I do not entertain any enthusiastic admiration of the principle of land grants.

Mr. MOREHEAD: Mr. Speaker,—It may perhaps clear the ground for the Premier if I say that there will be no opposition afforded by this side of the House if he thinks fit to adopt the land-grant principle with regard to a system of irrigation proposed to be carried out by Messrs. Chaffey Brothers.

Mr. ANNEAR said: Mr. Speaker,—Taking advantage of the motion for adjournment, I wish to bring under the notice of the House and the Government a question brought under my notice to-day by two ironfounders of Brisbane. Some time ago the Government called for tenders for the manufacture of some of Mr. Phillips's patent steel sleepers such as are now used on a portion of the railway between Ipswich and Fassifern. Last week a notice appeared in the papers calling for tenders for 80,000 of those sleepers. I am informed to-day that that specification is withdrawn, and that tenders are called for labour only, the Government providing material. Now, the ironfounders in this colony are quite competent to enter into contracts to provide the material as well as labour, and they are able to indent material cheaper than the Government can. There are very important firms in almost every important town in the colony. I hope the information is not true, but I believe it is, that the Government have sent home an indent for the plates for making these sleepers. We have seen, not only in Brisbane but in other towns, that our ironfounders can make dredges, barges, steamers, and iron bridges—in fact, almost every description of work—and they are able to import their own material. I am of opinion that if the Government intend to do this they will get very few contractors in this colony to tender for labour only. I know that some ironfounders in Brisbane and some in Maryborough spent as much as twenty guineas in getting information from England as regards the prices of material previous to tendering for the construction of these sleepers.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker, — The hon. the Premier having spoken, I may say, in reply to the hon. member for Maryborough, that the matter to which he has referred has been under the consideration of the Government, and it was considered more economical that the Government should provide the material. They consider that they can purchase the plates in England and land them in the colony cheaper than the contractors would do; while, if the contractors purchased them, their profit on the transaction would have to be added to the cost of making them into sleepers. There is also a very large money consideration in the matter. We have large funds in London, and it is more convenient for us to pay for those plates in London. I do not think that if the hon. gentleman looks carefully into the matter he can sympathise with any feeling of grievance that the ironfounders may express. The matter has received very full consideration, and I do not think the majority of the House will disapprove of the action of the Government.

Mr. NORTON said: Mr. Speaker,—I would like to say, in connection with those sleepers, that I think the reports which have been made upon the trial which took place should be laid on the table of the House. I believe the Chief Engineer for the Southern Division and the Engineer of Existing Lines have been requested to report upon the deviation made on the line, and that they have sent in their reports. I do not wish, Mr. Speaker, to throw any cold water upon this proposition of Mr. Phillips's, because I believe his scheme is a good one and a practical one; but doubts have been raised as to its efficacy on that particular line. I mention the matter now because it is advisable to bring it forward, as the subject has been referred to.

The PREMIER: There is no objection to lay the papers on the table.

Mr. NORTON: I simply refer to the matter now because I was told the other day by a man

in authority that the trains had been shifted on to the other line because the ground on which this deviation was laid was so completely sopped that it was hardly in a condition to carry the line. I do not know if that is the case ; but I think we should see all the reports.

Mr. JORDAN said: Mr. Speaker,—I can quite understand that the Premier would find it difficult to answer the question put to him by the hon. member for Darling Downs—"Yes, no," and I do not suppose such reply was expected ; but I was sorry to hear the answer given by the Premier to the question asked by the hon. member for Darling Downs. It strikes me as somewhat unfortunate that the Premier should have so worded that reply as to lead to the idea that he is unfavourable to the project. It would be a pity that the gentlemen who are desirous of introducing here the irrigation scheme, which they are carrying out so successfully in the other colonies, should be deterred or discouraged from coming here when they have their hands so full in the other colonies, or that the member for Darling Downs who has taken so much trouble in favour of irrigation should be now discouraged in his efforts. I think the remarks made by the hon. member for Aubigny the other night would help to create the impression on any person reading the report that hon. members on this side of the House are unfavourable to the adoption of such a scheme. Such an impression, I am assured, would be entirely incorrect.

Mr. CAMPBELL said: Mr. Speaker,—I do not think anything I said on Thursday night would lead any hon. gentleman here to think that I was unfavourable to the scheme of carrying out irrigation works on the land-grant principle. What I complained of was the definiteness with which the hon. member, Mr. Kates, spoke ; he spoke as it were on authority from the Government. I challenged his statements, and I was very pleased indeed to hear the direct negative which the Premier gave. Now, sir, I do not want it to be understood for one moment that I am opposed to it if circumstances warrant it ; neither am I opposed to railways being constructed on the land-grant principle if circumstances warrant it ; but I do object to any private member of the House speaking in the manner in which the hon. member for Darling Downs did. He compromised the Government. Until the Premier made the denial, the House took it for granted that the hon. member was warranted by the Government in making use of the words he did.

Mr. KATES said: Mr. Speaker,—I really do not think the hon. member for Aubigny would have said anything at all about the land-grant system of irrigation but for its connection with the Warwick to St. George railway. He knows quite well that the Hydraulic Engineer and the Under Secretary for Agriculture have been there, that their report is expected, and that the report is very likely to be a favourable one. He knows quite well that if Chaffey Brothers come up and their scheme is established, that would be the place, and that it would be an additional strong argument for the Warwick to St. George line. He cannot sleep over that ; that is what troubles him. I have too much faith in the wisdom of the Government to believe that they will refuse to listen to Chaffey Brothers, even if they ask for a grant of land, for the good of the country. Whether I approve of the principle as applied to railways I am not prepared to say, but in this case I think it might be applied, as it has been applied to woollen factories. I beg to withdraw the motion.

Motion, by leave, withdrawn.

MOTION FOR ADJOURNMENT.

MARBURG SHOW.

Mr. ISAMBERT said: Mr. Speaker,—I rise to move the adjournment of the House.

The SPEAKER : The hon. member cannot move the adjournment of the House until some other business intervenes.

Mr. CHUBB : I beg to ask the Minister for Works the question standing in my name.

The SPEAKER: When the hon. member for Rosewood rose to move the adjournment of the House just now, it did not strike me that the hon. member for Darling Downs, Mr. Kates, had withdrawn his motion for adjournment ; so the hon. member for Rosewood is in order in moving the adjournment.

Mr. ISAMBERT : Mr. Speaker,—I rise to move the adjournment for the purpose of obtaining an explanation of the business before the House to-morrow. A show will be held at Marburg to-morrow, and as it was decided last year that the House would not adjourn any more for shows, it is important that members should know what business will be before the House, so that at least some of them can attend the show without interfering with the business of the House. Hon. members are invited to attend that show, and I would be obliged if they would let me know during the afternoon or evening who will favour the show with their presence.

The PREMIER said : Mr. Speaker,—As at present arranged, it is proposed to go on to-morrow with the Orders of the Day which stand third and fourth for to-day, and see if they can be finished. That is what we propose to do to meet the convenience of hon. members, and I believe they can be easily taken to-morrow afternoon.

Mr. MOREHEAD said: Mr. Speaker,—I trust the Premier will not give way to the soft blandishments of the hon. member for Rosewood, who would get members to desert their posts at this early period of the session either for shows at Marburg or elsewhere. There are most important shows to be held at Charleville and Cunnamulla ; but I am not aware that the members representing those districts propose to ask the House to adjourn for them. I hope the hon. gentleman at the head of the Government will have enough influence to enable him to keep together a sufficient number of members, so that we may get on with the public business.

The PREMIER: We do not intend to adjourn at all.

Question put and negatived.

QUESTIONS.

Mr. CHUBB asked the Secretary for Public Works—

1. What has been done in regard to the trial survey from Mackay to Bowen, as promised by him last session ?

2. How much of the permanent survey of the Bowen railway has been completed to date ?

3. When is the remainder likely to be finished ?

The PREMIER (for the Secretary for Public Works) replied—

1. The Chief Engineer has recently been invited to report on this question.

2. Fifteen miles.

3. The survey of the remainder of the line already sanctioned by Parliament is expected to be finished in September.

Mr. CHUBB asked the Colonial Treasurer—

1. How many certificates of exemption have been granted under the Chinese Immigrants Regulation Act of 1877, from the passing of the Act to the present time ?

2. How many Chinese have returned to the colony under such certificates of exemption ?

The COLONIAL TREASURER replied—

The information asked for by the hon. member is now being obtained, and when prepared will be laid on the table of the House as a return.

Mr. NELSON asked the Colonial Treasurer—

If he will agree to the appointment of a Select Committee to inquire into the expenditure of the Loan Fund, with a view to determine the items properly chargeable to Loan Fund and Revenue respectively.

The COLONIAL TREASURER replied—

The question of the hon. member is too vague in its present form to receive a distinct reply. The hon. gentleman should give fuller particulars to prove the necessity for such a committee, and should also indicate the full extent and scope of the inquiry to enable Government to judge whether the information he desires to obtain is not already available from authoritative documents laid before Parliament.

Mr. NELSON: Mr. Speaker,—I think I am in order in supplementing my question with another in the same direction.

The SPEAKER: By leave of the House.

Mr. NELSON: I would ask the Colonial Treasurer if he has any objection to lay upon the table of the House a detailed statement of the expenditure of the Loan Fund for the last financial year, giving full particulars as to how the money was expended—what it was paid for?

The COLONIAL TREASURER: I have no objection.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By the COLONIAL TREASURER—

That this House will, at its next sitting, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to amend the Audit Act of 1874, and for other purposes.

By Mr. ADAMS—

1. That the Bundaberg School of Arts Land Sale 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:—Mr. Chubb, Mr. Ferguson, Mr. Annear, Mr. Aland, and the mover.

By Mr. FOXTON—

That there be laid upon the table of the House, copies of all correspondence and papers relating to the re-opening of the South Passage, Moreton Bay, for ocean-going steamers.

DIVISIONAL BOARDS BILL.

SECOND READING.

The PREMIER said: Mr. Speaker,—Last session this House devoted a considerable amount of its time to the consideration of a Bill to consolidate and amend the laws relating to local government outside the boundaries of municipalities, which Bill passed from here to another place, from which it came back with some amendments. Upon all but two of these amendments both Houses came to an understanding, but on those two no agreement was arrived at. One of these was as to the basis of rating, and the other—a matter of comparatively trifling importance—was as to the mode of voting, when no special action was taken by the Government. On the question of rating, we maintained that it was not the province of the other House to interfere with the mode proposed by this House; and, upon that, the Bill was laid aside. On consideration the Government have thought it would be convenient, for many reasons, to separate the question of valuation from the details relating to the constitution and administration of local authorities. It will still be convenient, I think, that the law relating to local authorities outside municipalities should be contained in a separate Act from the law relating to municipalities; but I do not know that there is any reason why the valuation clauses should not be applicable to all local authorities alike. There are cases of municipalities containing country land within their boundaries, and many divisional boards have town and suburban lands within their boundaries; so that the fact of one particular kind of local authority being in operation should not be sufficient to determine the mode in which land should be rated. It will be convenient that that should be proposed as a separate subject—it is really a taxation Bill—and it would be inconvenient to deal with it in a measure relating to the constitution and administration of local authorities. The Government have, therefore, eliminated from this Bill all the clauses of the Bill of last year relating to valuation, and have introduced a Bill dealing with that subject separately. This Bill contains the remaining parts of the Bill of last year, substantially as agreed to by both Houses. There are one or two differences of minor importance, but I do not intend to weary hon. members by pointing them out now in detail. The details of the Bill of last year will still be fresh in the minds of hon. members, and there are no substantial changes in it, although there are a number of verbal ones, some of which I may briefly call attention to in passing; but as to the greater number of alterations it will, I think, be enough to point them out when the Bill is in committee. My attention has been directed to some points of doubt that have arisen, and these questions we have endeavoured to deal with in a full and sufficient manner. The first change of any consequence is in the 31st section, which provides who are to be the electors before the first valuation is made. In the Bill as passed by this House last year it was provided that when an election was held for a new division they were to take the electoral roll for the Legislative Assembly as the basis. But as a matter of fact, when a new division is made, it must almost always happen that it is constituted from existing divisions or municipalities, so that there are already rate-books in existence which, of course, would be the proper basis for ascertaining the voters. This it is proposed to provide for, and a corresponding alteration is made in section 69 to give effect to the change. Another difficulty that has frequently arisen has been when several extraordinary vacancies have occurred at the same time. This is dealt with by the 55th section, which provides that they shall be held on separate days; and it is provided that in the nomination paper it shall be distinctly stated in whose place the candidate is nominated. That will effectually remove that confusion. The 122nd section enables the Governor in Council to appoint a chairman if none has been elected within a reasonable time. That is the provision in the present Local Government Act relating to municipalities. The clause relating to the making of by-laws has been re-cast, but I need not now call attention to the particulars of the changes that have been made in it; although I think that hon. members, on comparing it with the language in the existing law, will see that the various objections that have been raised from time to time will be remedied by the language of this clause. Additional powers are also proposed to be given, especially with reference to ferries and markets. The question is dealt with in the 178th clause, and I think hon. members will see that the words used now—I need not draw further attention now to the changes in the phraseology—will be clearly sufficient to give the boards

the powers they have been in the habit of exercising, and which it was no doubt the intention of Parliament they should exercise, although on various occasions, on investigation, the language has been held insufficient for the purpose. A very important change is made in sections 241 and 242, which embody the provisions to which this House agreed with respect to municipalities borrowing money for the construction of waterworks. When the House agreed to that it was not I am sure intended to give it only to municipalities, but also to divisional boards undertaking similar works. And I take the opportunity of saying that the Government have felt so sure on this point that they have promised in anticipation of the passing of this Bill to one important divisional board—that of Dalrymple—to give an advance, in order that the joint board of the municipality of Charters Towers and the divisional board of Dalrymple may take preliminary action in proceeding with the construction of the very necessary waterworks in that part of the colony. I think the Government were certainly justified in assuming that Parliament would give the same facilities to all kinds of local authorities in that respect. The other portions of the Bill are substantially repetitions of the measure as passed last year, which I will not occupy the time of the House with in moving the second reading. I sincerely hope that this measure will pass this year. I do not know that there is anything in it likely to give rise to any serious difference of opinion. The questions of liability to rates and the right to vote remain in the form agreed to by this House last year, after very full consideration. I now move that the Bill be read a second time. I take this opportunity of saying that the Government propose to press on with the measure as rapidly as they possibly can. Of course they would not be justified in pressing a Bill of this length and importance through committee without longer time for consideration were it not that it has been fully considered by the House during last session, and that the alterations since made in it are chiefly verbal.

Mr. MOREHEAD said: Mr. Speaker,—I do not, of course, nor do I think any hon. members on this side of the House intend to oppose the second reading of this Bill. The Premier has pointed out very fairly the alterations that have been made in the measure since it last passed this Chamber, and he has very clearly proved that in the case of any important measure introduced by the present Government it is necessary that two sessions should be allowed to elapse before it becomes law. I think that position has also been clearly proved with regard to another important measure—the Land Act of 1884. If that Act had stood in abeyance practically for two sessions, the House would have been saved the trouble last session of passing amendments in it. One point—and an important one—that should not be lost sight of by this House is with regard to the action of the Premier or of the Government in anticipation of a measure which has not yet become law. I do not take exception personally to what has been done, because I believe the hon. gentleman has probably gone in the right direction; but still I think it is a dangerous precedent to establish—no matter how powerful a Government may be—to anticipate legislation, which the hon. gentleman at the head of the Government seems to have done in the case of the Charters Towers and Dalrymple water supply. I think that is a very bad precedent, Mr. Speaker, and one that I hope will not be repeated by any other Government. I do not care how good the thing may be, I do not care how strong or powerful the Government may be, they have no right to arrogate to themselves the functions of Parliament, nor to pledge themselves on behalf of Parliament, as the hon. gentleman on his own admission appears to have done. I trust the experiment will not be repeated, and that every member of this House will protest against any such precedent being made by the Government.

Mr. PATTISON said: Mr. Speaker,—I think the Premier is quite right when he says that this Bill was very fully considered last session, and if it is the same measure that left this House then I think it will require very little discussion. Possibly in committee I may move two or three amendments in it. I have received a request from the board I represent asking me to move certain amendments, and these I shall bring before the House in committee. So far as I have read the Bill I am very well satisfied with it, and shall be perfectly satisfied to see it pass with very little discussion.

Mr. NELSON said: Mr. Speaker,—I am very glad to see this Bill brought before us again, as I have always taken very great interest in local government institutions, and thoroughly believe in them. I simply rise now to express my approval of the Bill we have now before us, so far as the general principles of it are concerned. There is, however, one thing I should like to ask, as it seems to me of some importance. I think the Valuation Bill, No. 2 on the paper, should come before this one. The valuation provisions form one of the most essential elements in a Divisional Boards or Local Government Bill, and why the Bill dealing with that has been put second I do not know.

The PREMIER: We can easily change it.

Mr. NELSON: I think it would be useless passing a Divisional Boards Bill until the other one is passed. It would be totally inoperative unless the Valuation Bill is passed.

Mr. MOREHEAD: We can take the Valuation Bill first in committee.

Mr. WHITE said: Mr. Speaker,—I believe, sir, that divisional boards are a success in all partially settled parts of the country, but wherever close settlement takes place divisional boards as at present constituted are a failure entirely—an absolute failure wherever close settlement takes place. Nothing will meet the necessity but very small divisions, so that the people will get their own money and have their own local control. Then they will get roads, not otherwise.

Mr. NORTON: They get it now.

Mr. WHITE: Of course, I am only interested in a closely settled part of the country. I am not interested in those partially settled portions where the squatters predominate. I am interested in a farming locality where people——

Mr. STEVENSON: Have landlords!

Mr. WHITE: Are thoroughly settled. They have a large amount of traffic on their roads, and the divisional boards as now constituted are perfectly inadequate to meet the requirements of those places.

Mr. CHUBB said: Mr. Speaker,—I shall not occupy the time of the House at any length on this measure, but there is one point that I think deserves consideration. It is a matter that has come under my observation since last session, and, of course, everyone should give his ideas as to how measures such as this may be improved. I see no provision in the Bill for enabling a local authority either to compel private owners to drain their lands, or to enable them to go through private property with drains. I am aware that there is a section which gives them power to resume lands. The 147th gives them authority "under and subject to the provisions of the Public Works Lands Resumption Act of 1878,"

to take away land required to enable the board to exercise any of the powers conferred upon it by this Act. Those powers are provided in the preceding clauses.

The PREMIER: Look at clause 159.

Mr. CHUBB: I see the clause the hon. gentleman refers to, but it does not go as far as I mean. It gives power to carry sewers "through and across any underground cellars or vaults, or under any road." What I am referring to is this: There are swamps in some divisions—I know one where there are upwards of fifteen acres of swamp—which will become a great nuisance by-and-by when there is more population. There is no power here to compel the owner of that land to drain it, and he may maintain it there as a nuisance. Then again there is no power, in the event of a board making a road through that swamp or through land of a similar character, to compel the owner to fill it up. There might be occasions when it would be a good thing for a board to have power to compel the owner to fill up the land to the level of the road. In Fortitude Valley, for instance, roads have been made all round allotments, and the allotments on each side of the road are six or seven feet deep, and get filled up with water, which stagnates and becomes a nuisance. There should be more provision made in the Bill by which, if the interests of the public require it, the owners of private property should be compelled to drain it or fill it up. The Bill should also give the boards power to run pipe-drains through private lands upon making fair compensation.

The PREMIER: The second part of the clause covers that.

Mr. CHUBB: Yes; but I am more particularly referring to the first matter I spoke of—compelling the owners to drain their own lands, or in other cases to fill them up when they are below the proper level. In reference to clause 55—which deals with the question of more than one vacancy occurring at the same time—the proposed remedy may be very expensive. It is proposed that an independent election shall take place for each vacancy. But I think it might be possible to provide for that by different nominations. The holding of independent elections for each vacancy means multiplying the cost of those elections; and in some districts elections are expensive—they cost as much as £20 or £30; and three or four of such elections may, perhaps, eat up the cost of a road; so that it would be advisable to arrange that there should not be any more expense than under the existing arrangement. As the Bill went through last session with so much critical discussion, I do not think it necessary to say any more upon the subject now. When the Bill is going through committee I daresay it will meet with more discussion, and any suggestions which occur to hon. members will be made at the proper time.

Mr. MORGAN said: Mr. Speaker,—I do not intend saying very much upon the Bill before the House—more especially as I understand it was so fully discussed last session, and met with the general approval of the House. But there are one or two little matters which I think it is a pity that the Bill has not been made to touch upon. I do not agree with the hon. member for Stanley, Mr. White, that divisional boards have proved a failure. I think, on the contrary, that they have proved an immense success, and done a vast amount of good for the country. I think, however, that we might take more advantage of the machinery of local government than we have done in the past, and I think it might be made more useful to the country districts if we placed pounds under the control of the divisional authorities. In New South Wales the public pounds are placed under the control of the local authorities, although they have not such a complete system of local government there as we have in Queensland. I know that the pounds are sources of real grievance to many selectors in the country districts, and I know, too, that in nine cases out of ten, in the grievances against poundkeeepers, redress is impossible under the present system. The poundkeeper is hemmed in by red-tape in such a way that the unfortunate selector, who is very often a man who does not know his way about the Government departments, has to grin and bear his grievance. If we took these pounds away from the care of the Colonial Secretary—I think they are in charge of his department now—and placed them under the control of the divisional authorities, they would be more effectively managed, and people who had grievances would be able to obtain redress upon the spot. I do not know what the revenue derived from pounds is at present, but I do not think it is very much. As I said before, I know that real grievances arise under the present system, and it should be within the power of local governments to redress them promptly. There is another matter which I think might be taken notice of while the Bill is passing through, and that is the question of noxious weeds. I know boards have ample powers under the existing law; but I am sorry to say they do not enforce or take advantage of them as they should do. I can speak of my own district, and say that in one instance within my own knowledge Bathurst burr was allowed to run wild throughout the whole year, and the efforts of the previous ten years were thereby completely nullified. The boards, I know, have the power, and ought to be compelled to use it. At present, I believe, they are compelled to destroy the burr within a chain of a main road, but that provision might as well have been omitted from the original Act, because it is absolutely worthless. What is the use of destroying it within a chain of a main road if you allow it to grow—nurse it, in fact—in all other parts of the division? You will find in large runs, with main roads skirting them, that the runholders comply with the Act and destroy the burr, but all over the rest of the runs they may allow burr, thistle, and prickly pear to run riot, and the seed is carried down by floods and streams, and spread all over the division. There is no use in simply compelling them to destroy a mere strip along the main roads. I think the provision ought to be made as stringent as possible, and that boards ought to have the power to compel landholders to destroy such weeds all over their holdings; and they should not only have that power, but they ought to be compelled by the Government to enforce it. It should not be a matter of discretion at all.

The COLONIAL TREASURER said: Mr. Speaker,—I do not want to speak at any length, but just to say a few words in reply, chiefly to the hon. member for Warwick, whom, I am sure, we are all pleased to hear speak in the House, and who promises to be a very great acquisition to the debating power of the House, judging from the last speech. The hon. gentleman referred to the desirability of placing pounds under the control of divisional boards. Sir, I may say, that the matter has received the attention of the Government, but it was deemed that it would be incomplete to place pounds under the control of divisional boards, when they are not placed under the charge or care of municipalities. It would be only a half measure if they were placed under the care of divisional boards and not under that of municipalities,

Therefore, the matter is one which will require fuller consideration, and also special legislation. That is why, even if the Government had approved of the change, it did not appear in this Bill. The matter, however, was fully considered, and there is a great deal to be said in favour of placing the pounds under the care of local authorities; but the practice should be made uniform, and applied to municipalities as well as divisional boards. In regard to what has been stated by the hon. member for Bowen, as to the rights of local authorities to enforce drainage on areas of land belonging to private proprietors, I may say that it seems to me to be giving rather large powers to boards, and is a matter which should be carefully considered. Whilst I believe that divisional boards have done good service to the colony in the past, and their administration on the whole has been decidedly beneficial, and the colony is to be congratulated upon possessing such a system of local government, yet, at the same time, I am not one of those who approve of giving very much larger powers to those boards than they at present possess. I think they had better by degrees obtain from the ratepayers of the colony a fuller amount of confidence in their ability to administer such important functions. They have certainly up to the present time conducted their affairs satisfactorily, still I do not think they should be entrusted with such powers as those referred to by the hon. member for Bowen, or the powers referred to by the hon. member for Warwick, with regard to noxious weeds, without very fully considering the extent to which the powers of boards might be carried, lest they should in many cases become most oppressive and injurious to people coming under their operation. I will not at present deal at greater length with the subject, and have simply risen to make these few remarks in reply to what fell from the last speaker.

Mr. GRIMES said: Mr. Speaker,—This Bill, or a similar one, was pretty well thrashed out last session, and there is therefore not much occasion for discussion upon it, but I notice one very important alteration in this Bill. I had not the privilege of listening to the remarks of the Premier in introducing the subject, and I cannot say whether he referred to that alteration. I notice the entire absence of all the rating or valuation clauses from this Bill.

The PREMIER: They are in a separate Bill.

Mr. GRIMES: I notice they are issued as a separate Bill, but I can hardly understand the reason for that, seeing that the mode of valuation in municipalities and shires is different from that in force in most of the divisions under the control of boards. We shall probably get an explanation of the change when the Bill gets into committee. I notice also that there is no provision in this Bill for the extension of the £2 to £1 endowment. That will be a subject that will come up for consideration in committee. The time is now expiring for the payment of the endowment, and I am certain the divisional boards will not be able to carry on the very important works that have fallen upon them unless the endowment is continued. When the Divisional Boards Act came into force a number of bridges were put into the hands of the boards, and they have had to incur considerable expense in keeping them in repair. They are now fast falling into such a state of disrepair that they will soon want renewing, and if these large works fall upon the boards within the next two or three years, I am confident from what I have seen that we shall have to continue the £2 to £1 endowment. With reference to the remarks of the hon. member for Bowen, I would like to call his attention to the fact that this Bill deals mostly with country lands. If the land in a district is so thickly populated as to need swamps filling up and draining, the people of the district had better come under the Local Government Act, or form themselves into shires, as I do not believe we can manage divisions in such a way. It would be a great hardship upon a farmer if, because a swamp on his land was near a main road, he should be obliged to drain and fill it up. If the district is so thickly populated as to render that necessary it had much better be brought under the Local Government Act, and be formed into a shire.

Mr. NORTON said: Mr. Speaker,—The question of endowment raised by the hon. member who has just sat down is one, I think, the real position of which is not often recognised. The endowment, though supposed to be paid by the Government, is really indirectly paid by the people themselves. For my part I think it would be a good thing if the endowment were knocked off altogether, with the condition that taxation should be reduced by a similar amount. The effect of it is this as it now works: Districts that will not expend large sums of money have to pay for those which do; the weaker districts pay a larger share of the endowment than they get themselves, and which is paid to the large districts. I do not think we are in a position to make the change now, but I do say that if the taxation which is imposed could be reduced by an amount equal to the endowment it would be better and fairer for all the divisions that the endowment should cease only on the condition that the taxation is reduced to a similar extent. There is only one point I wish to refer to in connection with this Bill, and for which I rose, and that is in connection with section 144, dealing with excepted roads. It is really a difficult point, and one that has been bothering me for a very long time. The section as it stands in the present Act does not provide for what I know to be a cause of serious complaint in my own district and in the district adjoining it, represented by the hon. member for Mulgrave. There is a small mining township there with a varying population; sometimes there are forty or fifty miners there, and sometimes there are 100 or 150 or even more. Their port is Gladstone, and to reach it they have to go out of their own division into the Banana Division and along the boundary of that division into the Calliope Division. All the road through the Banana Division is so far removed from the centre of the division that the board will not expend any money upon it, and unfortunately it is a bad road, and one that very soon gets into disrepair. The effect of this is that these unfortunate people are almost cut off from supplies. I do not see how this case can be met under the clause of the new Bill, and I point it out now in the hope that the hon. gentleman will endeavour to devise some scheme to meet the case. The hon. member for Mulgrave knows the case to which I refer, because he was consulting me the other day to know what means could be adopted to obtain relief in this particular instance. The miners have written to me several times about it, and when the Government had power to give money for roads to goldfields I succeeded in getting for them a sufficient sum to make a good road throughout. Now they can get no assistance of that kind, the board will do nothing for them, and as they are a small community they cannot themselves keep the road in order, for it is some forty or fifty miles in length. When the Bill gets into committee I hope to be able to devise some means, by an amendment of the clause, that will have the effect of giving these people relief.

Mr. ADAMS said: Mr. Speaker,—I do not know a great deal about this matter, but I have had some correspondence about this road, and my correspondents state that they can get nothing done by the board, as their community is too small to raise sufficient rates to keep the road in repair. One of the principal men on the diggings actually, out of his own pocket, paid eight men for a fortnight to put the road in repair as he could not get his goods up until the road was improved. They wrote to me asking what could be done in the matter. I replied that nothing could be done at the present time. I, however, wrote to the Minister for Works to ascertain whether the hon. gentleman could not give them something out of the Loan Fund, and in reply was informed that he was unable to afford them any assistance. I hope that the Bill now before the House will, in a great measure, obviate such difficulties. There are many of them, I know, in different parts of the colony, and I think something should be done to remove them. I hope that this Bill when it goes into committee will be altered in such a manner as to meet cases of this kind.

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

VALUATION BILL.

Second Reading.

The PREMIER said: Mr. Speaker,—In moving the second reading of the Divisional Boards Bill I explained the reasons why the valuation clauses of the Bill of last year had been put in a separate Bill. I think it is convenient that the law as to valuation should be contained in one Bill—just as it is convenient that our sanitary laws are contained in one measure—and not be mixed up with other laws. I pointed out that the fact that particular local authorities were municipalities or divisions, did not in any way determine whether the land comprised in them was town land or country land or suburban land, because land of each kind was found in both municipalities and divisions. The principle proposed in this Bill corresponds—with a slight variation which I will point out directly—to the principle agreed to by this House last year as to the valuation of land in the case of divisions, and of the provisions which were agreed to by the Legislative Council, except in one particular—namely, as to the maximum and minimum amount of annual value to be placed on country lands. We also last year amended the Local Government Act so far as it relates to the valuation of land in municipalities by providing that the first proviso of section 177 of the Local Government Act should not apply to improved properties. That proviso states that "no rateable property shall be computed as of an annual value of less than £8 per centum upon the fair capital value of the fee-simple thereof." It had often been pointed out in this House that that was very unfair in the case of fully improved properties in towns, which were certainly not worth 8 per cent. on the capital value, and we amended the law last year in that respect so far as regards municipalities. What is proposed to be done in this Bill is to repeal the valuation clauses both of the Local Government Act and the existing Divisional Boards Act. This Bill stands by itself. If the Divisional Boards Bill, which we have just read a second time, becomes law, and this Bill does not, then the existing valuation rules will continue until they are altered. On the other hand, if this Bill becomes law and the Divisional Boards Bill does not, then the amended system of valuation will be applied to all local authorities alike, and the existing arrangements with respect to other matters relating to divisional boards will stand till Parliament finds time to alter them. Last year we could not make any amendment at all, because the two Houses could not agree upon a small point of detail. It is now proposed to separate the two subjects, and probably we shall be able to deal with one; I hope with both of them. It has often been suggested that our system of rating is wrong altogether. I do not agree with that; I think it is, substantially, probably the best we could adopt. I propose now to point out the differences between this Bill and the valuation clauses of the Bill passed last year, which are not in any way substantial. The first to which I shall call attention is the omission from the exceptions of rateable lands of the term "mines." This has been done, not because mines are proposed to be removed from these exceptions, but because the construction of the clause, as it originally stood, was extremely clumsy so far as it referred to them, as it made an exception within an exception. Mines were rateable, but on certain prescribed principles which are not proposed to be altered. They were rated, but only to the extent of the surface and the buildings erected thereon. That has been the rule for a long time, and it was distinctly provided for in the Bill of last year, as it is in clause 7, paragraph 3, of this Bill. But it was a very clumsy way of expressing it to say that mines should be excepted from rating except as to the surface and the buildings erected thereon. Mines, as I have said, are rateable, but only to the extent of the buildings and the surface. I call attention to this matter now, because some members may be alarmed at seeing the word "mines" left out of the exceptions. The definition of annual value in the case of town and suburban lands is the same as agreed to last year, that is—

> "The annual value of the land shall be deemed to be a sum equal to two-thirds of the rent at which the same might reasonably be expected to let from year to year, on the assumption (if necessary to be made in any case) that such letting is allowed by law, and on the basis that all rates and taxes, except consumers' rates for water, gas, or other things actually supplied to the occupier, are payable by the owner."

But it is provided that—

> "The annual value of rateable land which is improved or occupied shall be taken to be not less than five pounds per centum upon the fair capital value of the fee-simple thereof."

The definition of fully improved land is the same as we agreed to before, that is to say—

> "Land upon which such improvements have been made as may reasonably be expected, having regard to the situation of the land and the nature of the improvements upon other lands in the same neighbourhood."

With respect to unimproved and unoccupied town or suburban lands the annual value is to be taken to be not less than £8 nor more than £10 per cent. upon the fair capital value of the fee-simple. That was in the Bill introduced last session. With respect to country land we propose to reduce the maximum and the minimum also in regard to the annual rateable value. We were unable to deal with any amendments made in that direction by the Legislative Council because they were contrary to the rules regulating the powers of the two Houses; though there was a good deal to be said in favour of the reduction, both of the maximum and of the minimum, and it was unfortunate that the Bill should have had to be laid aside on that account. It is provided that—

> "With respect to country land, the capital value of the land shall be estimated at the fair average value of unimproved land of the same quality in the same neighbourhood, and the annual value shall be taken to be not less than five nor more than eight pounds per centum upon the capital value."

With the exception of five instead of eight and eight instead of ten, that is the same as the provision passed last year. The 8th clause contains a verbal alteration; and the 9th contains a new paragraph—

"The valuation so returned may be adopted by the local authority with or without alteration, but when adopted shall be the valuation of the local authority."

The reason for the introduction of this paragraph is that doubts have arisen in some places whether the valuation made by the valuer must be adopted, or whether it may be altered by the local authority. In the appeal clause the word "incorrectness" has given rise to some doubts. It used to read in this manner—

"If any person think himself aggrieved on the ground of incorrectness in the valuation"—

and so on. Now, the only question ever intended to be left to the bench of justices to decide on appeal was that of amount, but they appear to have thought the word "incorrectness" allowed them to consider other questions besides, such as questions of principle or of rateability. It is proposed to alter that by saying exactly what we do mean—namely, "If any person thinks himself aggrieved by the amount of the valuation"; and further on that the justices shall hear and determine all objections to the valuations on the ground of error in the amount, but shall not entertain any other objection. Those are the only changes in this Bill. I am assuming, of course, that hon. members have not changed their opinions in regard to the general principles of valuation adopted with respect to municipalities the session before last as well as last session, and with respect to divisional boards last session. Every change in the mode of valuation necessarily causes friction and irritation at the time; indeed, every change in the law causes friction. People get used to the old law, no matter how bad or how clumsy it may be. In reality the present mode of valuing under the Divisional Boards Act is almost unworkable. It is almost impossible to make a valuation strictly according to the rules laid down there; but it has been the practice of boards to be guided by the spirit of the Act, and the system has worked tolerably well. Though no doubt a little irritation will be caused by a new system, however good, I am sure that if this mode is adopted and put into operation the irritation will not long be felt, and the results will be very beneficial. Something was said this afternoon, when dealing with another Bill which is really supplementary to this, about this measure preceding the other; and I am disposed to think that we should consider this Bill in committee before the Divisional Boards Bill. As hon. gentlemen will see, when it is passed it will apply to both municipalities and divisional boards. I move that the Bill be now read a second time.

Mr. MOREHEAD said: Mr. Speaker,—I am very glad to find that the Premier has accepted the suggestion made by the hon. member for Northern Downs with regard to the consideration of this Bill, which may be taken almost as the backbone of that which was read a few minutes ago. I also concur with the Premier in his statement that crude measures dealing with large subjects require revision from time to time, particularly the Divisional Boards Act, which, however, has so far been of material benefit to the colony. I believe both sides of the House are desirous of making that measure as perfect as possible. I observe that the 7th clause contains an alteration falling in with an amendment made in another place, but the hon. gentleman has not dealt with a very much wider question that was raised there—namely, the different modes of rating with respect to leasehold and freehold properties, an injustice which existed in the original Act, and which has been perpetuated ever since. I think he might have met the powerful objections raised to these differential rates in another place, and I trust that when we get into committee on the Bill he will be prepared to deal fairly with these objections. I also think, with those gentlemen who expressed the opinion last session, that it is a mistake to fix any minimum as to the annual value, as contained in the second portion of clause 7, which says:—

"The capital value of the land shall be estimated at the fair average value of unimproved land of the same quality in the same neighbourhood, and the annual value shall be taken to be not less than five nor more than eight pounds per centum upon the capital value."

Now the hon. gentleman must see, as was pointed out on former occasions, that the rate can be lowered by fixing a lower capital value. I hope the hon. gentleman will be able to meet this side of the House with regard to the more important question I have raised—the difference in the method of rating freehold and leasehold property. Beyond that I do not think any objection can be taken to the measure as it is brought before this House. I do hope that the objection taken in another place will receive due consideration at the hands of the Premier and hon. members on both sides of the House. I believe myself that an amendment in that important particular would be a very valuable one.

Mr. McMASTER said: Mr. Speaker,—I am not quite clear about the 5th clause. I would like to know whether land vested in a corporation is liable to be rated. I know of cases where a corporation has not been able to collect rates on property which the corporation itself had leased to private individuals, it being maintained that property leased by a corporation was not rateable. Now, I think if a corporation owns a block of land, and leases it to private individuals, it ought to be able to collect the rates on it as well as the rent. I should like to know whether the Chief Secretary intends that corporations shall be empowered to collect rates on their own property, or property held in trust by them and leased to private individuals.

The PREMIER: It is not proposed to alter the law in that respect.

Mr. PATTISON: Mr. Speaker,—I think it would be altogether a simple question. I can see no difference between a corporation being the landlord and leasing to me, and my leasing to a corporation.

Mr. SALKELD said: Mr. Speaker,—I should like to have this question cleared up. Suppose a municipality owns land under another local authority—under a divisional board or a shire council—and leases the land for building purposes. I suppose it would be liable to be rated. Suppose the municipality of Brisbane owned a piece of land in the Woollongabba Division, and leased it to any private person, that would be liable to be rated by the Woollongabba Divisional Board.

The PREMIER: If it is owned by another local authority it can be rated.

Mr. ADAMS said: Mr. Speaker,—A little matter crops up here that cropped up last year—that is, the present method of rating machinery. Now, I think that machinery used on plantations should not be rated any more than mining machinery. I know that in my district, and I daresay in the other districts as well, many people have gone to the expense of preparing the land for planting, and have then had to borrow from a capitalist the money to erect the machinery. The consequence is that they have to pay the interest on the borrowed money, and also pay heavier taxes to the divisional boards for that machinery. I think we might endeavour to give relief in that direction, taking into

consideration that the machinery makes the land so much more valuable. I hope that the Premier will see his way clear to insert into the clause a provision exempting from taxation machinery used for agricultural and other purposes.

Mr. NORTON said: Mr. Speaker,—I think the point raised by the hon. member for Mulgrave is one of a good deal of importance. We have exempted mining machinery, but we tax agricultural machinery and machinery used for ordinary work. I confess I do not see why we should make the distinction. I do not refer particularly to sugar machinery, because there are lots of other machinery that ought to be exempted if sugar machinery is. I would point out what occurred in New South Wales some years ago—I believe at Orange. There was a a flour-mill there, and the municipality rated the mill and the machinery. The case was disputed and went before the Supreme Court in Sydney; and it was decided by the judges that the machinery was equivalent to the tools of trade of an ordinary tradesman, and the machinery was exempt for that reason. I do not know the law of the question, but I think that, taking a common-sense view of it, that was a justifiable conclusion to come to. Although machinery cannot be regarded as quite the same as the ordinary tools of a mechanic, it is the means of giving work to mechanics in the same way as their tools of trade do. The point is one which I think is worthy of very serious consideration, and for my part I should be disposed to support any amendment which would have the effect of taking off the rate from all machinery, whether employed in mining, sawmills, plantations, or anything else.

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

COPYRIGHT BILL.

Second Reading.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said: Mr. Speaker,—The object of this Bill is not to confer upon persons who produce literary or artistic works the right to enjoy protection for those works or the profits that arise from the sale of those works, but simply to provide a method whereby the evidence of the right to that protection may be facilitated. The Copyright Acts of the Imperial Parliament, which are set out in the first part of the schedule of the Bill, are really in force in this colony, and have been so all along, and anyone examining the provisions of those Acts, and more particularly the most important of the whole—the Copyright Act of 1842—will perceive that there is a recognition throughout those Acts of the common-law right which British subjects have to the benefit of any literary or artistic works which they themselves are able to produce. The Imperial Act of 1842 provides very elaborately the means whereby persons who have published literary or artistic works are able to secure the evidence that they are the authors of those literary or artistic works. In Great Britain, the Act to which I have referred, and which, with other Acts, will be found set out in the schedule of this Bill, provides for the deposit of literary or dramatic pieces in the hall of the Stationers' Company, and within a certain period named. The author of the work is obliged to deliver a certain number of copies of his work to the officers of the institutions that are named, and the entry in the register book of the Hall of Stationers of the fact of authorship is sufficient evidence in courts of justice of the British dominions of the fact of authorship. So that the Act upon which this Bill is founded is not for the purpose of conferring the right, but simply to afford the means of evidencing and enforcing that right when it is in danger of being infringed. The preamble of the Bill refers to the provisions made in what is called the International Copyright Act (Imperial) of 1886. Section 8 of the Imperial Act, which is referred to here in the preamble, and declares that the Copyright Acts "shall, subject to the provisions of the International Copyright Act of 1886, apply to a literary or artistic work first produced in British possessions in like manner as they apply to a work first produced in the United Kingdom." That is rather an affirmation of the existing law; but inasmuch as it would be inconvenient for literary authors or authors of artistic pieces in the colony to go through all the formulæ required in the case of a British author, and it is desirable that a simpler method should apply to the locality in which the work is produced, the Act states that, in the case of British possessions, the provision requiring entry in the books of the Stationers' Hall shall not be necessary. So that this Bill provides that there shall be a register kept in this colony, and that when a person produces a literary or artistic work he will have the right to go to the Registrar and have the fact of his being the author of this literary or artistic work there entered, and that a copy of the entry shall be receivable. In fact, it is proposed by the Imperial statute that when that is done which is proposed to be done by this Bill, a certified copy of an entry in a local register shall be receivable in all courts in the British dominions as evidence of the right of the person registered as the author to protection against infringement of his rights of authorship. The Bill sets out the method by which this registration is to be effected. The Registrar-General is to keep a register, and in that book, the form of which is given in the schedule, the particulars necessary shall be set out; and if at any time after registration the author shall have assigned his right to any other person that also is subject to registration, and the form of assignment is also set out. Instead of having, as under the Imperial Acts, to deliver copies of the book or artistic piece to the British Museum, it is sufficient under this Bill that copies shall be presented to the Museum here and to the Parliamentary Library. And then the times are fixed during which it will be proper to deliver such copies as the Bill requires. The registry is to be open for inspection at stated times, and penalties are provided in case of any attempt to make a false entry in the register-book. These are the provisions of the Bill, Mr. Speaker. As I said before, its object is merely to enable a simple local machinery to be provided by which authors in Queensland shall be protected in their right to the literary or artistic work which they have produced. It may be said that a Bill of this kind is somewhat premature, because we have not, in a young colony like this, a great number of authors of literary or artistic work. But I do not think that is an argument that applies with very great force. Although we are a young colony, I take it that the colonists and the sons of colonists have given evidence that they are sharers, in an equal degree with the rest of Her Majesty's subjects in all parts of her dominions, in the heritage of intellect which has characterised the British race generally; and I think no one will deny that our colony, not only in mechanical work, but in matters of literary work and artistic work—given the requisite time to enable the tastes of the colony to be developed—will stand on a par with any other part of Her Majesty's dominions. We have had persons who have

produced works that have attained very considerable renown; but they have not published those works in this colony, but have gone to Great Britain and published them there. But if this Bill should become law, any local author can register his literary and artistic work here; and if any attempt be made in any part of the British dominions to pirate his work, he will have his remedy in any court of law in the British dominions.

Mr. MOREHEAD said: Mr. Speaker,—I do not know whether the House is to regard this Bill as a literary work or as an artistic work. I think myself it is neither. Indeed, I have no hesitation in saying that never before has such a Bill been presented to this Chamber. The Bill consists of a very small amount of original matter, the vast bulk of the measure consisting of the text of Copyright Acts passed by the Imperial Parliament over a period extending from 1734 to 1862.

The ATTORNEY-GENERAL: But that method saves a lot of trouble.

Mr. MOREHEAD: I have no doubt it has saved the hon. gentleman a lot of trouble. He has admitted exactly what I wished to point out to the House—that the Attorney-General does his work so badly that to save himself trouble he brings down a measure which will give immense trouble to any person trying to make use of it. It is said that the attempt to interpret "Bradshaw" has driven many men mad; and I fancy that is what will happen to any unfortunate author who may try to interpret this Bill if it is passed in its present form. He masters the Bill itself, we will suppose, and then he turns to the schedule, only to find, as I said before, a number of Copyright Acts passed by the Imperial Government from 1734 to 1862, a period of 128 years. The Attorney-General, to save himself trouble, passes the trouble on to the unfortunate author, whose friend he pretends to be. This Bill is to be passed to prevent the works of Queensland authors—literary or artistic works—from being pirated in any part of Her Majesty's dominions. I cannot quite see the necessity for that portion of the 8th section which provides that a copy of every book registered under the provisions of the Act shall be presented to the Museum. Certainly, if it is, a copy of this proposed measure ought to be deposited with it. When the hon. gentleman tells us that it is the custom in England to send a copy of every book published in England to the British Museum he tells us what is perfectly true. But he does not state the whole truth. He does not tell us that they are sent to the library of the Museum—one of the largest in the world. There is no analogy between the Brisbane Museum and the British Museum. They have no points in common. There is no library attached to the one, and there is an enormous library attached to the other. It is perfectly right that a copy of every book published under the provisions of this Bill should be sent to the Parliamentary Library, and I hope the time is not far distant when an amendment will be moved that a copy be also sent to the public library, which, I trust, may be established before very long—much sooner indeed than the university, of which we have heard so much. I wish this measure had been brought before us in a more definite form, so that we could have thoroughly understood its provisions. I am sure the Attorney-General—and I think most hon. members will agree with me—has not thrown any light on the subject. He has certainly told us that if we look into the schedule we shall get more information than he is able to give us. That I can quite believe.

The ATTORNEY-GENERAL: This Bill does not attempt to alter the existing law.

Mr. MOREHEAD: It does, by making a law apply to this colony which did not apply before. I think I am right in saying so, and that it might have been done—and would have been done if it had been in the hands of the Premier—in a way which would have enabled us to gain the information quite easily. But I defy anyone but a lawyer—and I suppose the Attorney-General is a lawyer, or else he would not be Attorney-General—I defy anyone but a lawyer, taking up this measure, to discover what it is all about. We have authors amongst us, even in this early stage of our history, whose works are certainly worthy of preservation, and will be preserved, and the Bill should have been drafted in such a way as would have enabled such men readily to ascertain what course of procedure to follow to enable them to obtain the proper rights to protect the work of their brains. But in its present form it would drive a man mad before he had half finished his investigations. I think the Premier himself will admit that a very much more succinct way of putting the matter might have been chosen. The Attorney-General himself has admitted that he brought in this measure in this shape because it saved him trouble. I do not think that is a sufficient excuse, and in thus endeavouring to save himself trouble at the expense of others he is failing in the duty he owes to the high position which he occupies in the country. I shall not oppose the Bill, because I think it is a proper one; but I do hope that the Premier will see his way, in committee, to so alter it as to make it a fairly intelligent measure, which in its present form it is not.

The PREMIER said: Mr. Speaker,—One thing the hon. member has made quite clear by his speech, and that is, that he had not the least idea of what the Bill was about.

Mr. MOREHEAD: I have read it from end to end, excepting the Imperial statutes.

The PREMIER: His speech has been made on an entirely different subject. The hon. member is evidently under the impression that this is a Bill to bring into operation in Queensland the various Acts which are contained in this schedule, which ought, therefore, to have been embodied in the Bill itself.

Mr. MOREHEAD: Yes.

The PREMIER: But that is not so. The Bill is not a Bill for any such purpose. Those Acts are already in force in Queensland, not by any law of this colony.

Mr. MOREHEAD: I am aware of that.

The PREMIER: And we have no power to alter those Acts. They are in force by the authority of an Imperial statute. The only difficulty is that nobody knew where to find them. The Imperial Parliament was good enough, two years ago, to pass an Act expressly declaring that those Acts were in force in the colony. What use is that to us, Mr. Speaker? Of course, it is all very well for those who have access to libraries containing the Imperial statutes, but although those statutes are declared to be in force in the colony, ordinary persons have no means of finding out what their provisions are. It therefore occurred to the Government—and the suggestion came from me to my hon. colleague, so that if there is any blame in it it is mine—that it would save the public a great deal of trouble if they knew where to find those laws, and I venture to say that no other method could have been taken except to reprint them. We cannot alter them. They apply to the whole British dominions, and moreover they

apply, to books published in foreign parts, by means of treaties, extending the protection of copyright to books published in foreign countries. We certainly thought that people who wished to take advantage of those laws should know what they are. It is not competent for us to amend them. What does the hon. gentleman want us to do? I certainly do not see how it would facilitate the public if the Government concealed from them the information they possess.

Mr. MOREHEAD: Why does not the hon. gentleman add the Imperial statute to every other Bill relating to an Imperial statute?

The PREMIER: Because it would be inconvenient to do so. In this case it is very convenient. When the hon. gentlemen spoke he was evidently under the impression that the Government were doing something similar to what the Parliament of New South Wales used to do some years ago. When an Act was passed in England, instead of adapting it to the circumstances of the colony, they passed a short Act saying Act so-and-so of the Imperial Parliament "shall be in force in New South Wales, in so far as the provisions thereof are applicable thereto." That is evidently what the hon. gentleman thought the Government were doing.

Mr. MOREHEAD: No.

The PREMIER: Then the hon. gentleman spoke without any thought at all. His speech from any other view was nonsense. The preamble to this Bill recites that the Acts in the schedule have been declared applicable to all British possessions, including Queensland, by the Imperial Act, which also provides that its provisions as to registration in Great Britain shall not apply if there is provision made in the colony for it. What satisfaction would it be to an author to be reminded that the Imperial statutes applied to his works, but that the provisions relating to registration did not apply to them under certain circumstances? He would at once ask, "What are the provisions relating to registration? What is the use of telling me certain provisions do not apply if I do not know what they are?" That is the position the Government found themselves in. In bringing in a Bill providing for registration in the colony, it was thought better to let the author know what he was entitled to, and the most convenient way of doing that was to print the Copyright Acts as a schedule to the Bill. The Bill very conveniently allows of that being done, because, in order to make the preamble intelligible, in which reference is made to the Copyright Acts, naturally the first inquiry is, "What are the Copyright Acts?" As the Bill is framed, the author who wishes to secure a copyright has only to turn to the schedule to see what rights he will acquire.

Mr. MOREHEAD: Why is the principal Bill attached to the minor Bill?

The PREMIER: If the hon. gentleman thinks we are wrong in giving so much information to authors, he can get the House to strike it all out. Then they will have the pleasure of going to a solicitor every time they want information, and on payment of a reasonable fee to the solicitor or counsel, or both, they will be able to ascertain what those provisions are, which otherwise they will be in a position to learn by simply referring to the schedule. I remember having advised on more than one occasion professionally as to the provisions of those Acts, but I apprehend no one would be foolish enough to pay for that information if he had it in print before him. The Bill itself simply makes provision for registration of copyright in Queensland. One thing I should like to say, in answer to what the hon. gentleman said with regard to copies of books being deposited in the Museum in Brisbane. Of course the Government are well aware that the Brisbane Museum is a very different institution from the British Museum, but at the present time the Museum here is the only institution which can be looked upon as the nucleus of a public library. I have not the slightest doubt that a free public library will be established here, and I hope it will be before long. We cannot make it all at once; it will probably be primarily attached to the Museum, which is in the meantime a good place for the deposit of books, to be afterwards transferred to the public library as soon as established. The Museum, therefore, appeared to the Government to be the most convenient place for the deposit of books, in addition to the Parliamentary Library. I shall be very glad to see a public library established, and I hope steps in that direction will be taken during the present year, especially as there is money available.

Mr. NORTON said: Mr. Speaker,—With reference to this subject I feel tempted to say something on a matter of some importance—that is the supply of books to the Museum. By this Bill every author who registers a book is bound to place a copy in the Museum, and after our own action with regard to that institution I think that is rather mean. There are certain works—books of reference—which are necessary to the Museum, and the vote for that purpose has been miserably cut down. Is it not desirable, if authors are to be compelled to send copies of their books to the Museum, that this House should see that the Museum has a sufficient sum to supply books of reference, which are necessary to enable its officers to carry out their work faithfully and well as they wish to do? I think the miserable sum voted for that purpose is a disgrace to the House.

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

CRIMINAL LAW AMENDMENT BILL.

Second Reading.

The ATTORNEY-GENERAL said: Mr. Speaker,—This Bill proposes to make an amendment in our criminal law upon a subject in respect of which the provisions of the existing criminal law are somewhat inadequate. A very great deal of attention has been attracted in the old country to the imperfect condition of the law of Great Britain as it existed previous to the year 1885; and in obedience to an almost universal demand in Great Britain the Legislature passed into law an Act which is in most respects substantially identical with that the second reading of which I now propose to move. At present in this colony the age of a girl under which it is unlawful to have or to attempt to have carnal intercourse with her, is twelve years; and, providing the girl has reached the age of twelve, as long as she is a consenting party to her own defilement, the law cannot touch the party by whose agency that defilement is brought about. The age at which a girl is capable, under the law as it now exists in Great Britain, of giving consent to carnal intercourse is thirteen years, and it is made by the English law under certain circumstances criminal to have this illicit intercourse even with consent up to the age of sixteen years. I think it is generally admitted that, as a rule, the tendency of English law for a long time was directed most stringently towards the repression and punishment of offences against property, and it is only of late years that the more general attention of the statesmen of Great Britain has been directed towards the necessity of an improvement in the law in such a way as to tend to prevent the commission of offences

against the virtue of young females. After all, considering the tender age at which it is possible for the ruin of young girls to be effected, it is hardly to be supposed that at that age the amount of experience and judgment, and knowledge of the world and the consequences of wrong-doing, could have been acquired which are necessary to induce a young person whose virtue is insidiously assailed to refuse all efforts made to undermine her virtue. The present law of England has taken a step in advance in that direction in recognising that the virtue of young girls is one of the most precious things that can be guarded by the community, and it has raised the age under which it is criminal to undermine the virtue of a young girl. As I said before, our own statutes make very scant provision for the prevention of offences of this kind, and for the punishment of them when they have been committed. These provisions were founded upon the law which at the time of the passing of the Offences Against the Person Act was in force in Great Britain, and I do not think the colony of Queensland could do better than follow in the steps of the mother-country, in advancing in the direction of the protection of the women and girls of the country, more particularly when under some circumstances it is much more easy to commit these offences in colonies sparsely populated as this is, and with no very strong public opinion operating upon the minds of individuals, than it could be in a country thickly peopled like Great Britain. I think the provisions of the Bill which is now before the House will be found to meet all the necessities of what has been regarded in some quarters as a very urgent case. I do not intend at all now, in the course of the few remarks I have to address to the House, to expatiate on what is known as the "social evil." Everybody knows that this evil exists, and it is the opinion of a great many of the best informed persons in Great Britain, as I think it is in the colonies, that the sum total of the social evil has been very largely augmented by reason of the comparative immunity from punishment which persons have enjoyed who have sought to overthrow the virtue of comparatively young and innocent girls. Those who have had to do, as I have to do, with the practice of the courts of the colony, and especially in some of the country districts, may have had opportunities of observing to how great an extent the vice of the colony, the suppression of which is aimed at, prevails; and it is hoped, if this Bill should pass into law, that one very strong deterrent which heretofore has not existed will in future exist, towards the augmentation of the amount of the social vice which prevails; not more, perhaps, in this colony than elsewhere, but to a greater extent than it ought to do, and which prevails to a greater extent than it would do if legislation of the kind proposed were in force. The 2nd clause of the Bill makes it a misdemeanour on the part of any person who—

"1. Procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connection, either within or without the colony of Queensland, with any other person or persons; or

"2. Procures or attempts to procure any woman or girl to become, either within or without the colony of Queensland, a common prostitute; or

"3. Procures or attempts to procure any woman or girl to leave the colony of Queensland, with intent that she may become an inmate of a brothel elsewhere; or

"4. Procures or attempts to procure any woman or girl to leave her usual place of abode in the colony of Queensland (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of a brothel within or without the colony of Queensland."

We have no provision, sir, of that kind at the present time, or any provision analogous to it, upon our Statute-book. The nearest one we have to it is one section of the Offences Against the Person Act, which makes it criminal for any person to attempt to seduce a woman of any age who happens to be an heiress or interested actually or prospectively in property, or to have unlawful connection with or to marry her against her will or induce her to go anywhere for improper purposes, as hon. members well know without my having to repeat it so frequently. But there is no provision in our existing law such as is now sought to be made by section 2. Section 3 also provides for a very pressing requirement, I think, in a young colony like this, and which makes it a misdemeanour on the part of any person who—

"1. By threats or intimidation procures or attempts to procure any woman or girl to have unlawful carnal connection, either within or without the colony of Queensland; or

"2. By false pretences or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either within or without the colony of Queensland; or

"3. Applies or administers to, or causes to be taken by any woman or girl any drug, matter, or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connection with such woman or girl."

Cases have occurred in which this has been done, and in which, having been done, there has been no law by which the guilty persons could be punished. There is in section 4, which is founded on a similar section in the English statute to which I have just alluded, some very important provisions; but there is a slight difference between this and the corresponding section of the English statute. Hon. members will see by the 1st paragraph of section 4 that it is made a felony to have illicit intercourse with a girl under the age of fourteen years, and the felony is punishable with penal servitude for life, or for any term not less than three years, or by imprisonment for any term not exceeding two years, with or without hard labour, and with or without a whipping. The provision of our existing law analogous to this is that if a person has illicit intercourse with a girl under ten years the felony is punishable in precisely the same way as in the first paragraph of section 4. The effect of section 4 is to raise the age to fourteen years, under which it is a felony on the part of a man to have illicit intercourse. Under the English law, to which I have referred, the age is raised to thirteen years. In England it is criminal, and a felony punishable in this severe manner, with the exception that the age is thirteen years instead of fourteen. There is also this difference in the punishment: The section here, as printed, makes whipping, at the discretion of the court, a part of the punishment. Hon. members will see inserted in several of the clauses the provision of whipping, which is, I am bound to say, not to be found in the English statute. Hon. members perhaps have different ideas as to the propriety of administering flogging under circumstances of this kind. I can only say that some of those most experienced in connection with criminal law, and to whose judgment hon. members will be disposed to pay the greatest amount of deference, are of opinion that whipping has a most salutary effect as a provision of the criminal law, for the reason that it acts as a powerful deterrent to those who might otherwise be disposed to indulge their criminal propensities. I know that His Honour the Chief Justice, for whose opinion hon. members will have a profound respect, has expressed himself in this direction, and by

the manner in which, when the opportunity was afforded, he has, under the provisions of the existing law, meted out that form of punishment to wrong-doers, I am satisfied he has done a very great deal towards increasing the amount of protection which young girls enjoy, and decreasing the extent to which criminally disposed persons in this direction might otherwise feel themselves at liberty to go. With the exceptions that the age in England is thirteen years, and that the punishment does not include whipping, this part of the Bill is identical with the English law. Then the 2nd paragraph of the section makes it a misdemeanour to attempt to have this illicit intercourse under the same circumstances. The English law there again makes provision for thirteen as the age, while this Bill makes provision for fourteen as the age, and includes the punishment of whipping at the discretion of the court, as in the case of the felony. The English law does, however, retain the punishment of whipping in one particular case, under a similar provision to that found in this section. The English law provides that a lad whose age does not exceed sixteen years, and who is found guilty of either of these offences, may be whipped, but it makes no provision for whipping in the case of one whose age does exceed sixteen years. I do not know whether hon. members will see any rule of justice in drawing a distinction in the case of a boy under sixteen years of age and subjecting him to the punishment of a flogging if he indulges his criminal propensities, though it may be with the consent of the other party, while one older may not be subjected to a similar punishment. The provision in this Bill makes the punishment of flogging at the discretion of the court applicable to all persons guilty of an offence of this kind against the virtue of young females, whether they be under or more than sixteen years of age. There is a provision here by which abuses may in some cases be guarded against. At the present time there is no limit fixed by law as to the time within which an information may be laid for an offence of this character; so that it is possible for a man to be criminally proceeded against to-day for an offence of the kind alleged to have been committed by him twelve months ago. Everybody knows how difficult it would be for any man, under such circumstances, however innocent he might know himself to be, to give adequate proof of that innocence when the charge is made after so lengthy a period has elapsed. Considering that the age has been raised, the risk is greater and the consequences more serious on that account, and it is provided that no prosecution shall be commenced for an offence under subsection 1 of this section more than one month after the commission of the offence. This is a safeguard which I think hon. members will be disposed very much to approve of. Section 5 removes doubts which have existed by reason of the different opinions held by eminent judges of Great Britain, as to whether carnal connection with a married woman under certain circumstances amounted to rape or not. Such offences as the one mentioned in subsection 5 have taken place, and one came under my own cognisance in my official capacity not very long ago. Such things have happened, and by section 5 all doubts on the subject are removed, and where this intercourse has been obtained in the case of a married woman by any act, or by the using of words or the assuming of a disguise, or any act or word at all, or any act by which there is a yielding, as the result of a mistake on the part of a married woman, the section makes that offence equivalent to rape on the part of the man who acts in such a manner as to take advantage of the woman who submits. Section 6 provides that it shall be a misdemeanour if a man—

> "Unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any girl being of or above the age of fourteen years and under the age of sixteen years."

The difference between this provision and the provision of section 4 is that not only is it a misdemeanour to have or attempt to have unlawful carnal knowledge in the case of a girl under fourteen years, but it is likewise a misdemeanour under this section in the case of a girl of the age of fourteen and under the age of sixteen. The provisions of this section, with the exception that the age is from thirteen to sixteen instead of from fourteen to sixteen, are identical with the provisions of the English statute to which I have already referred. Section 7 also makes a very salutary provision, by which—

> "Any person who, being the owner or occupier of any premises, or having, or acting, or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally"—

shall, if such a girl is under the age of fourteen years, be deemed guilty of felony, punishable in the same way as stated in the previous sections I have already alluded to, and shall be deemed guilty of a misdemeanour, if the girl is of the age of fourteen and under the age of sixteen years. It has been said, and with some truth, that a provision of this kind seems very stringent in a country like this, where girls of comparatively tender age frequently attain an amount of physical development that may lead any person to fall into error as to their actual age. There is no doubt that there is some truth in that view, but this section makes provision by which it shall be a sufficient defence to a charge under this clause if the person accused had reasonable cause to believe that the girl was not under the age of sixteen years. I have seen, as I have no doubt most hon. members have seen, young girls in this country who have attained all the physical proportions which would lead any person to believe that they were over rather than under the age of sixteen years. In such cases as that this proviso steps in and says that if there were reasonable grounds for the belief punishment shall not follow. Section 8 makes it a misdemeanour to abduct any girl under the circumstances therein referred to under the age of eighteen years, and the same provision is made with regard to making mistakes as is found in the case of the preceding section. Section 9 introduces a very necessary provision, which will strike at those procurers who exist in all large cities and towns, and resort to certain means by which they suppose they keep themselves within the law in their endeavour to detain young girls on their premises for immoral purposes. Section 10 provides that where a person is charged with a felony under any of the provisions of this Bill, or rather of any offence which by this Bill is declared to be a felony, and the charge is not made out, it shall be competent for the jury to find the accused person guilty of an indecent assault. The law at the present time is that if a man is charged with rape, and nothing in the evidence goes to show that he is guilty of rape or attempted rape, the man is to go free, although there may have been an assault accompanied by circumstances of indecency. The law with regard to misdemeanours is that where an attempt only is charged—which is a misdemeanour—and the evidence does not go to show that an attempt

was actually made, the jury may find the person charged guilty of indecent assault. I do not think I need enter into the details of the subject dealt with, which is not all palatable to me any more than it is to hon. members. It is, however, one of those subjects upon which hon. members who are called upon to make laws have to deal with, and which only a stern sense of duty would induce them to discuss in more than a cursory manner. Hon. members can study the matter for themselves. But, without going into detail, I will just call attention to section 11, which empowers officers of justice to search, either in company with the parent or guardian, or without them, for any persons who may be unlawfully detained in houses for immoral purposes. Section 12 is also a very necessary provision, though perhaps it may be thought by some that it might be subjected to some modification. This section makes provision for the punishment of offences that cannot now, in some cases, be reached by the law. Experienced magistrates can very easily furnish illustrations of the necessity that exists for the passing of such a clause as this. As I said before, I do not think the Government feel wedded to the retention of the words "or private" in this Bill. The words are in the English statute because the English statute makes this provision applicable only in the case of males. It is thought, however, by the Government that both sexes should be included in this offence. I would further draw hon. members' attention to the provisions of section 14. The social evil has found its encouragement and its strength in the fact that persons who are interested in household property are willing to offer facilities for the maintenance of establishments of ill-fame, and it is one of the evils that exist in the old country. There are, unfortunately, many persons, and some of them holding respectable positions, who are not above deriving very large revenues from houses which they well know are let and used for immoral purposes of the worst description. Section 14 makes provision by which not only the lessee and tenants of houses of that sort can be made punishable by fine and imprisonment on summary conviction, but also by which persons deriving revenues from such houses, knowing that they are used for such purposes, shall be subject to the like disabilities and penalties. Following this section there are several miscellaneous provisions of a very necessary character, to one or two of which only I will refer. One of the clauses gives the court power to order that the costs of a prosecution shall be paid by accused persons in certain cases. And section 18 provides that—

> "Every person charged with an offence under this Act, or under section forty-six, or any of the sections fifty to fifty-six, both inclusive, of the Offences Against the Person Act of 1865, and the husband and wife of the person so charged, shall be competent but not compellable witnesses on every hearing at every stage of such charge."

I forgot to call attention to the circumstance that provision is made in this Bill, in some of the more stringent clauses, that the mere oath of the accusing party is not sufficient, but that there must be corroboration in some material particulars of the charge which is made against an accused person. Under the provisions of the clause I have just read, a person who is unjustly charged with offences such as are alluded to in this measure, and those under the Offences Against the Person Act herein referred to, being himself a competent witness, if he chooses to give evidence on his own behalf that evidence will be taken in the same way as the evidence of an independent witness. I think that is a provision which it is absolutely necessary should be made in connection with a stringent measure like this —for there is no use disguising the fact that it will be a stringent law. In section 19 it is provided that—

> "The provisions of the seventieth section of the Offences Against the Person Act of 1865, relating to the punishment of whipping, shall apply to all persons sentenced to that punishment under the provisions of this Act."

If this bill pass, the mere act on the part of the man, under these circumstances, renders him liable to punishment, and although the party upon whom he is charged with having committed the offence consents, that will not relieve him of the liability to punishment. But this provision does not exist in our law at the present time with regard to indecent assaults. By the 20th section it is provided that it shall be no defence to a charge of indecent assault on a person under the age of fourteen years to prove that he or she consented to the act of indecency. I do not see any difference in principle between consent being a defence in the graver offence, and it being allowed as a defence where an act of indecency has been perpetrated on a female. There is no difference in principle, and no reason, therefore, why the latter offence should not be punishable as an indecent assault, even when the opposite party actually gives consent. These are the principal provisions of the Bill; and I move that it be now read a second time.

Mr. MOREHEAD said: Mr. Speaker,—I need hardly say that I have no intention of opposing the second reading of this Bill, though I think the hon. gentleman did not make out a very strong case in favour of its introduction. The only argument, so far as I heard, in favour of the measure—and I listened to the hon. gentleman very attentively—was that this was an English statute. It appears to me that a wave of Imperialism is to roll over the colony since the return of the Premier. Does the hon. gentleman intend to introduce to our Statute-book all the measures on the English Statute-book? Does he intend to place on our Statute-book such a measure as the Crimes Act brought in by the Marquis of Salisbury, with respect to which the Premier, during the San Francisco interview—which will no doubt become historical—said Salisbury was right? Is the hon. gentleman prepared to give effect to that opinion in this colony? Is he going to propose some of those Algerine measures since his conversion to Conservatism by his visit to the old country? I am not going to discuss the measure in detail—I am not going to roll the savoury morsel under my tongue, like the Attorney-General—but I will point out when in committee various clauses in which I think the punishments proposed to be inflicted are too heavy. Further, I intend to discuss pretty freely this 14th clause. I admit at once that there is a state of things existing in our city which is a disgrace to any civilised community. It is a disgrace to the present Government and to all previous Governments, and I say that it is a matter which should have been treated by the police if there was no law on the subject. The Premier has told us already to-day that he had acted outside the law with regard to another matter, and if I had been the Premier I would have had the occupiers of the places I allude to turned out neck and crop. In the very heart of our city, and right at the gates of our public gardens, exists a state of beastliness which is a disgrace to civilisation. The Premier and others have held up the Chinese to odium, but, sir, I have seen sights in our city—I see them almost every day in Edward and Albert streets—that would be a disgrace to the lowest Asiatic community that exists. Yet with this at our door no Government is game enough to deal with it. This Bill will not meet it. I would be only too glad

if some measure could be introduced by which those people could be sent somewhere—where at any rate they would not be a continual eyesore to us, and certainly no benefit to themselves. I think they should be taken by the strong arm of the law, and locked up in some asylum where they would be looked after. This 14th section deals with establishments which will continue, no matter what legislation may be introduced, so long as there is a difference of sex. We know that what we call the "social evil" is recognised under our Contagious Diseases Act, and it would be much better if the system adopted in some of the cities on the Continent of Europe were adopted here. Having recognised the evil, which we know does exist, steps should be taken to keep it in check under the eyes of the police, under the control of the Government. That the evil will exist in one form or another, no matter how many such clauses are passed, every member of this House knows; no one can deny that. However, I am not going to offer any opposition to the second reading. It is a Bill in a good direction, and aims at the security of the softer sex, and I am sure that every hon. member will do all he can to further such an object; but do not let us in doing so go too far. Do not let us forget that the other sex has its rights and its temptations, and let us be very careful not to err too much on the side of what we consider philanthropy, or we may do an injustice to the stronger sex under the guise of protecting the weaker.

Mr. CHUBB said: Mr. Speaker,—This is an extremely unsavoury subject, and I am very sorry to have to witness that in this nineteenth century an assembly of English-speaking people should be asked to pass such a Bill as this. Has our civilisation come to this? I suppose—to apply the apothegm of a French writer—we must uncover our vices in order to apply a remedy. I shall not attempt to oppose this Bill, but I cannot but think that the greater portion of it is entirely unnecessary in this colony. Last session I drew attention to one matter which I see is dealt with in this Bill, and that is raising the protected age of the children from ten and twelve to fourteen and sixteen years. That is very necessary, and so is the clause which provides that the consent of a girl under fourteen shall be immaterial. With those portions of the Bill, and the part dealing with the suppression of brothels, I agree, but I am of opinion that the rest of the measure is not wanted. Surely we have not come to the state of things that is said to exist at home. All of us remember that the Criminal Law Amendment Act of 1885 was the outcome of the disclosures made by the *Pall Mall Gazette*. A wave of indignation then swept through England, and the Parliament of the day rushed into legislation and passed that measure; and the Bill before us is, with a few small exceptions, almost a *fac-simile* of the Act passed in England in 1885. Will any hon. gentleman say there has been in this colony a single instance of any of the matters referred to in the 2nd, 3rd, 7th, 8th, and 9th clauses? Has anything occurred here since the foundation of the colony to render these clauses necessary? It may be said that they may be necessary some time; but it appears to me at present that they are entirely unnecessary; and they will not be an ornament to the Statute-book. I would like to add that it seems to me that we are slavishly copying punishments enacted by the English statute, and following the same anomalies. I cannot see any difference in degree between the offence made punishable under section 4 and the offence made punishable under section 5—the age is the only difference—and why an offence against a girl under fourteen should be a felony, while that against a girl under sixteen should be a misdemeanour only, I never could and never shall understand. I never could understand why in our existing law such a distinction should be made between offences against girls under ten and between ten and twelve proposed now to be raised to fourteen and sixteen. I would put them on the same footing in both cases—make them either both felonies or both misdemeanours—according to what was considered the better. This Bill certainly contains one good provision—that is, that in cases of offences of this kind corroborative testimony is required. That I believe to be a very good thing, because we know there have been cases of imposition, and cases in which it was extremely difficult to disprove the charge. I know one case in this colony in which I am satisfied the accused person was innocent, and was convicted notwithstanding. Section 12 is one that will require to be very carefully considered. I see that the Attorney-General has left out the words to define the sex of the person referred to there, and I am quite satisfied that this section as it stands now will be quite sufficient to make even an act of infidelity a misdemeanour. That is not what is intended, of course; it is intended to meet cases of gross indecency such as we read of in the police reports; but I am quite certain, if I understand anything about English grammar, that those words are sufficient to cover the act I have mentioned. It is not so in the English Act, but the Attorney-General has altered it to that extent, and, I believe, to the extent I have stated. One word more, and I have finished. I think that the penalties proposed to be imposed under the 14th section, which refers to persons keeping brothels, are ridiculously small if the offence is to be punished at all. All that is provided for is a penalty of £20 on conviction, or imprisonment for any period not exceeding three months; and on the second conviction, £40. Why, sir, we impose higher penalties than those for sly grog-selling, and offences against the revenue. These offences are infinitely graver, and if we seriously want to put down this thing at all, and not to regulate it, we must impose very high penalties. We go as high as £500 if a man is found having an illicit still, and would that be too much to impose for an offence of this kind? I say no, Mr. Speaker, if we are going to attack the matter in a determined way with the object of suppressing it. Persons who drive a trade of this kind would be quite willing to pay a fine of £20. If we intend to make this portion of the Bill effective, we shall not only have to double, but to treble, quadruple, and make the penalties much higher than they are. I have nothing more to say except that I regret very much that it should have been thought necessary to introduce this Bill. As it has been introduced, I suppose we can only pass it into law with such amendments as we really think are required by the necessities of the case.

Mr. MACFARLANE said: Mr. Speaker,—I was very glad to hear the way the leader of the Opposition spoke with regard to this evil that we all deplore. However much we may differ as to the details of this Bill, I think we all give credit to the introducer of it for an honest intention to meet a very grave evil. It has been observed that it is not a matter upon which hon. members like to speak, and perhaps everyone in this House regrets that it is necessary to introduce such a Bill as this. However, we must take things as we find them, and deal with crime, no matter what it may be, as it occurs. I do not intend to criticise each clause of this Bill on the second reading; that will be done in committee; but there are one or two things which I shall refer to before I give place to anyone else. The hon. leader of the Opposition

said he thought that in some cases the penalties were too high. Now, sir, in reading this Bill I thought just the opposite; I thought they were too light in very many instances. Suppose we take the penalties in the 4th clause—for the defilement of a girl under fourteen years of age. That amounts to felony, and the punishment is that the judge may award the offender penal servitude for life or any term not less than three years; and then it says, "or to be imprisoned for any term not exceeding two years." Now, I do not exactly know what that means. The judge can give penal servitude for life, and not less than five years, or imprisonment for any term not exceeding two years. Now, that might mean fourteen days. It says, "with or without hard labour, and with or without whipping"; so that a person guilty of the grossest crime might be let off with seven days' imprisonment, without even whipping or hard labour. I cannot see the force of that at all. If the latter part had read, "not less than two years, with whipping," I could have understood it; but to give the judge power to give a man imprisonment for life or not less than five years, and then to say "or not less than two years," I cannot understand. It might mean anything at all. Now, I think the punishment of this crime of felony is altogether inadequate for so gross a crime. I want to say a word or two on another portion of the same clause :—

"Provided also that no prosecution shall be commenced for an offence under subsection one of this section more than one month after the commission of the offence."

Now, I see a very great evil in this, Mr. Speaker. It would be all very well to protect the offenders, but what is to hinder an offender, especially if he is a wealthy man, from committing this offence and keeping the girl out of the way for say one month? He might take her to another colony, and at the end of the month the girl would not be in a position, under this Bill, to make a case against him, simply by a little manœuvring on his part. That, I think, is a very great evil too. The hon. member for Bowen said that some clauses in this Bill were not required, and amongst these was the 8th clause. I think I shall be able to show the injustice of the remark made by the hon. member for Bowen. In this 8th clause it says :—

"Any person who, with intent that any unmarried girl under the age of eighteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, takes or causes to be taken such girl out of the possession and against the will of her father or mother, or any other person having the lawful care or charge of her, shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned for any term not exceeding two years, with or without hard labour."

Now, a girl under eighteen years of age is, according to law, not master of herself, and yet if she is in a house of this description her own father or mother, or her proper guardian, cannot take her out of that if she is willing to stop in it. If she, of her own will, elects to stop in such a house, her natural protector cannot take her out. Now, is it not a monstrous thing, Mr. Speaker, that a young person who has not the power to give herself away in honourable marriage, if she is under twenty-one years, without the consent of her parents or guardian, can, under this Bill, prostitute her own body in spite of father or mother? It is something very strange to me, and so far from the punishment being too severe I think it is far too light to meet such cases. I wish now to refer to the 3rd section of clause 3, which says :—

"Any person who in Queensland—

(3) Applies or administers to, or causes to be taken by, any woman or girl any drug, matter, or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connection with such woman or girl,—

shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned for any term not exceeding two years, with or without hard labour."

Now, is this a punishment suitable for such a mean crime—such a detestable crime—as drugging a girl for the purpose of overcoming her scruples? If I were not against capital punishment, I should say a person who did such a thing ought to suffer the extreme penalty of the law. The crime appears to me most monstrous, and yet such a villain might get off with 14 days' imprisonment, because the punishment is any term not exceeding two years, with or without hard labour. That is no punishment at all, and the punishments throughout the Bill are not at all in unison. When we come to look into the measure I think we shall find the punishments, instead of being too great, are very lenient. The second part of the measure deals with the putting down of brothels, and I was gratified to hear the leader of the Opposition speak in the way he did in reference to these places, which are a disgrace to Brisbane or any other place, and I think it would be far more satisfactory if these places could be rooted out altogether. There is just one thing I should like to say with reference to the putting down of such houses, and it is this : that the name of the agent or owner of the house should be published whenever prosecutions take place. That would go a long way towards the suppression of brothels. I will not say anything more on the present occasion, as we shall have an opportunity of going through the Bill clause by clause, and by that time shall be able to make suggestions for its improvement.

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

SUPPLY.

On the Order of the Day for the consideration of the Opening Speech of His Excellency the Governor being read,

The SPEAKER read the following extract from His Excellency's Speech :—

"GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"I have every reason to believe that the colony has entered upon a period of renewed prosperity, to which the largely increased development of our mineral resources that may be anticipated from the favourable attention now bestowed upon them in Great Britain, and the general influx of capital from that country, will largely contribute.

"The public finances have, however, not escaped the natural consequences of the long-continued adverse seasons; but I see no reason to doubt that with careful administration they will shortly exhibit their usual satisfactory condition. In the meantime strict economy will be necessary, and the Estimates of Expenditure have been framed on that basis."

The COLONIAL TREASURER moved—

That this House will, to-morrow, resolve itself into a Committee of the Whole to consider the Supply to be granted to Her Majesty.

Question put and passed.

ADJOURNMENT.

The COLONIAL TREASURER, in moving that this House do now adjourn, said :—The business to-morrow, after the ordinary formal matters, will be the consideration of Supply, and the consideration, in committee, of the Copyright Registration Bill, the Criminal Law Amendment Bill, and the Valuation Bill.

Question put and passed.

The House adjourned at seven minutes past 8 o'clock.