Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 16 OCTOBER 1888

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LEGISLATIVE ASSEMBLY.

Tuesday, 16 *October*, 1888.

Message from the Administrator of the Government—Marsupials Destruction Acts Continuation Bill.—Railways—Maryborough-Gayndah Railway—Cairns-Herberton Railway—Cooktown Railway—Croydon Branch Railway.—Formal Motion.—Personal Explanation.—Railways Bill—committee.—Adjournment.

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

MESSAGE FROM THE ADMINISTRATOR OF THE GOVERNMENT.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL.

The SPEAKER announced the receipt of a message from His Excellency the Administrator of the Government, transmitting a Bill to continue the operation of the Marsupials Destruction Act of 1881 and of certain continuing and Amending Acts relating thereto.

On the motion of the POSTMASTER-GENERAL (Hon. J. Donaldson), the message was ordered to be taken into consideration in committee to-morrow.

RAILWAYS.

MARYBOROUGH-GAYNDAH RAILWAY.

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) laid upon the table of the House the plan, section, and book of reference of the proposed extension (section 2) of the Maryborough-Gayndah Railway, 25 miles 27 chains 50 links to 45 miles 60 chains, in length 20 miles 32 chains 50 links.

CAIRNS-HERBERTON RAILWAY.

The MINISTER FOR RAILWAYS laid upon the table of the House the plan, section, and book of reference of the proposed extension of the Cairns-Herberton Railway, from 24 miles to 42 miles, in length 18 miles.

COOKTOWN RAILWAY.

The MINISTER FOR RAILWAYS laid upon the table of the House the plan, section, and book of reference of the proposed extension of the Cooktown Railway, from 67½ miles to 97½ miles, in length 30 miles.

CROYDON BRANCH RAILWAY.

The MINISTER FOR RAILWAYS laid upon the table of the House the plan, section, and book of reference of the 1st section of the proposed Croydon Branch Railway, 13 miles to 42 miles from Normanton, in length 29 miles.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. POWERS—

That leave be given to introduce a Bill to confer powers upon the Queensland Executors, Trustees, and Agency Company, Limited.

Mr. POWERS presented the Bill, and it was read a first time.

PERSONAL EXPLANATION.

The PREMIER (Hon. Sir T. McIlwraith) said: Mr. Speaker,—I wish to make a personal explanation in reference to a few words I said during the discussion in Committee of Supply last night, because I find that I inadvertently used words which bear a meaning I certainly did not intend. I was speaking as Treasurer in reference to the money voted for accommodation for holding the birthday ball at Government

House, and I said that the money voted for the purpose was not spent. Of course, I was speaking as Treasurer, and what I meant was that the money had not gone out of the Treasury. I very much regret that those interested have put a different meaning on my words—a meaning which they might fairly bear—that the money was not spent, though it might possibly have been drawn from the Treasury. I need not assure the House that I had not the slightest intention of conveying such a meaning, because the House knows perfectly well what I meant in making the explanation I did make. The late Governor spent none of the money whatever; the Treasury did not spend it; though it is quite possible that what I said last night bears a different construction.

RAILWAYS BILL.

COMMITTEE.

On the Order of the Day being read, the SPEAKER left the chair, and the House resolved itself into a Committee of the Whole, to further consider the Bill in detail.

On clause 44—"Accidents to be reported to the Minister"—

The MINISTER FOR RAILWAYS said that clause 44, and the following sections contained in Part IV., which dealt with the investigation of accidents, were exact copies of the clauses in the English Act. They had been adopted in Victoria and in New South Wales; and he believed they had been found to work well.

Clause put and passed.

Clauses 45 to 47, inclusive, passed as printed.

On clause 48, as follows:—

"1. The commissioners shall appoint or employ such clerks, officers, and employés to assist in the execution of this Act as they may think necessary; and every person so appointed shall hold office during pleasure only.

"2. The commissioners may dismiss such clerks, officers, and employés; and may discontinue the offices of, or appoint other persons in the room of such as may be dismissed, or may die, or resign, or be convicted of any felony, or become insolvent, or institute proceedings for liquidation of their affairs by arrangement or composition with, or assign their salaries for the benefit of, their creditors.

"3. The commissioners shall pay such salaries, wages, and allowances to such clerks, officers and employés respectively, as Parliament shall from time to time appropriate for that purpose.

"4. All officers, clerks, and employés in the railway service at the time of the passing of this Act shall be deemed to have been appointed by the commissioners under this Act.

"5. No person appointed, or whose appointment has been confirmed under this section, shall engage in any employment outside the duties of his office.

"6. Nothing in this section shall apply to the Chief Engineers of Railways and their respective staffs of officers."

The MINISTER FOR RAILWAYS said that in that clause he proposed to deal with a matter which formed one of the greatest difficulties in connection with the Bill—that was to define in the way most applicable, the proper position of the Chief Engineer and his staff. Since the discussion that took place on the second reading, he had given the matter very full consideration, and for consistency, and for the purpose of carrying out what evidently was the grand idea of the Bill—to remove the whole of the managing power of the railways, both in the matter of construction and working, from all sorts of political influence—he had come to the conclusion that the proper way to do that would be to put the whole of the engineers under the control of the commissioners. The difficulty that presented itself with regard to the Government of the day carrying out any railway policy, and requiring the engineers for the purpose of making trial surveys, was one which might arise, but he thought it would be got over pretty easily when the Bill came into practical operation. His idea originally was, that the Chief Engineer and his staff should be under the Government as they were now; but, practically, that would have been much the same thing, because the Government would then have the duty laid upon them of defining the position of the Chief Engineer and they would immediately decide, no doubt, that in all matters of the construction of railways he would be under the control of the commissioners. The only difference there would be in the getting of trial surveys would simply be that it would be a little more roundabout. The Chief Engineer in those matters was the confidential adviser of the Government of the day, and under the clause as he proposed to amend it, instead of dealing, as at present, direct with the Chief Engineer, the Government would do so through the commissioners. If they thought a new railway was advisable they could apply to the commissioners and state what they required, and make arrangements with them for the services of the engineers. He did not think there would be much difficulty in working in that way. That had been the system in Victoria for four or five years, and he believed no difficulty had arisen there in that respect. No doubt the commissioners should be well acquainted with any new scheme of railways that might be projected, and it would devolve upon them, not only to advise the Government, but to advise Parliament as to the advisability of going on with new railways. They would be in a position to collect information and report fully to the House before any plans and sections of new railways had been passed and approved of by Parliament. He proposed, therefore, to amend the clause in that direction, and would move that the words "or employ such clerks, officers," in the 2nd line of the clause, be omitted, with the view of inserting the words "and employ such chief and other engineers, officers, and clerks," and contingent upon that he would move later on, the omission of the 6th subsection of the clause.

The HON. SIR S. W. GRIFFITH said he was disposed to think that the Government had come to the best conclusion on the clause. It was certainly more convenient to have the Chief Engineer and his staff under the commissioners than to have a separate institution. If that was not done the two institutions might come into collision. He certainly had no objection to offer to that amendment. There was, however, another point in connection with those professional men to which he would direct the attention of the Minister for Railways. He would like the hon. gentleman to consider for a moment whether it was desirable that the last words of the paragraph—"and every person so appointed shall hold office during pleasure only"—should remain without modification. It was sometimes necessary to appoint a man of special skill in a particular branch of work for a fixed period. It had often been found necessary to engage such a man for a few years; but all officers appointed by the commissioners under that clause would hold office during pleasure. The general law was that all officers under Government were appointed during pleasure, but it might be desirable, and would certainly be convenient, to give the commissioners power to make a special agreement in the case of the employment of persons whose services were required on account of special skill. It might be well to provide that all officers so appointed should hold office during pleasure unless where

otherwise arranged with the sanction of the Governor in Council. It was easy to conceive a case in which that would be a most convenient provision. For instance, the Commandant of the Defence Force was engaged for a fixed term.

The MINISTER FOR RAILWAYS said he did not think the difficulty was one that was likely to arise often, seeing that it was provided in the Bill that all promotions were to take place by seniority, unless in very exceptional cases; and it was only in those exceptional cases he fancied that the difficulty referred to might occur; that was, in cases where it might be necessary to import an outsider to occupy some office in connection with the Railway Department. But, in all such cases, it was already provided that the commissioners were debarred from going outside until they obtained the consent of the Governor in Council. He fancied that if such a procedure was necessary in a case of that sort a specific agreement for a term of years could also be made with the consent of the Governor in Council. By the Constitution Act all officers at present in the service were appointed during pleasure only, and it was only in exceptional cases that a departure was made from that practice.

The HON. SIR S. W. GRIFFITH said he did not think the hon. gentleman quite apprehended what he had stated. He quite agreed that officers should, as a rule, be appointed during pleasure only; but as the clause was worded, it prevented the commissioners from making an agreement with a man for a fixed term. It was an absolute prohibition—"Every person so appointed shall hold office during pleasure only"—so that they could not appoint an officer for a definite period.

The MINISTER FOR RAILWAYS said that if the commissioners went outside the colony for an officer they must first get the consent of the Governor in Council. When they got that consent they could also get the sanction of the Governor to appoint the officer for a term of years.

The HON. SIR S. W. GRIFFITH said the Governor in Council could not empower the commissioners to override the law, and if they laid down an absolute rule, as that clause did, that officers should be appointed during pleasure only, and they then made a most solemn engagement with a man, it would not be binding.

Mr. HYNE said he was very sorry that the Chief Engineer was to be placed under the control of the commissioners, because he thought that would place too much power in the hands of the board. The Government should have an independent officer outside the commissioners to advise them with regard to railway construction. How were they to form their railway policy without such advice? They wanted an independent officer to counteract the influence of the board; for they did not know what influence the commissioners would bring to bear in opposition to the views of that Committee. The Chief Engineer might act under their advice, but he should not be under the control of the commissioners. He much regretted that it had been determined to place the engineering staff under the board that would be appointed under the Bill.

Mr. O'SULLIVAN said he would ask whether, when that Bill was passed and the commissioners were appointed, all Civil servants in the Railway Department were to resign?

The MINISTER FOR RAILWAYS: No; if the hon. member will look a little further in the Bill he will see that they are all protected.

Mr. O'SULLIVAN said he had looked at the subsequent provisions in the Bill. Then he supposed that all those now in the service would be promoted according to seniority? He mentioned that matter because such an arrangement would be unfair to a large section of the community, who were already excluded from the Railway Department by some means or another. When he came to look at the railway appointments in the southern portion of the colony he found that there were only two station-masters of the class to which he referred. What chance would they have of promotion? Some of them were only lately appointed. He intended, in the course of time, to call for a return from the different departments with respect to that matter. He would like to know whether anything of the kind had been brought under the notice of the Civil Service Commissioners, who were now investigating the Railway Department—whether it had been pointed out to them that a certain section of the community had been excluded from that department.

The MINISTER FOR RAILWAYS said clauses 57 and 58 clearly defined how promotions were to take place. In the lower grade vacancies would be filled by "the promotion of some officer next in rank, position, or grade"; and promotions to the higher grades would be by competitive examinations. He was not aware that any section of the community had been debarred from employment in the Railway Department; he had not found such to be the case. With regard to the suggestion of the leader of the Opposition, if the hon. gentleman was of opinion that clause 54 did not authorise the commissioners to make a specific agreement with an officer with the consent of the Governor in Council, he had no objection to insert the amendment suggested by the hon. gentleman.

Mr. O'SULLIVAN said he would ask whether the Minister intended to infer that what he (Mr. O'Sullivan) had stated was not the case, simply because the hon. gentleman was not aware of it. Did the hon. gentleman think he would stand up there and say what was not true before the Committee?

The POSTMASTER-GENERAL: He said he was not aware of it.

Mr. O'SULLIVAN said it was the business of the hon. gentleman to be aware of it, and one of the reasons why he rose was to bring it under his notice. If the hon. gentleman would open his eyes he would very soon be made aware of it. He (Mr. O'Sullivan) could give him names and dates; in fact, he had a pocket full of them.

The HON. SIR S. W. GRIFFITH said he heard with very great surprise the statement made by the hon. member for Stanley. Certainly he had never heard the statement before, but he had heard a directly contradictory statement. It was certainly not true during the last four or five years that any preference of that kind had been shown. Nothing of the kind had come to his knowledge, and he did not believe any such thing had occurred.

Mr. O'SULLIVAN said he begged to inform the hon. gentleman that it was true for the last five years, and it was true now, and to convince the hon. member he would call for returns.

Mr. MACFARLANE said he hoped the hon. member would call for returns, as it was generally supposed that the reverse of what the hon. member had stated was the case.

Mr. BARLOW said he had never inquired into the sectional proclivities of any employés, and he was very much astonished at the statement made by the hon. member for Stanley. He sincerely trusted that the hon. member would persevere in his intention to call for returns.

Mr. O'SULLIVAN said the hon. member might rest assured that he would persevere in his intention. He was very glad the hon. member had stated that it ought to be done, and was sure that the hon. member would assist in the matter as much as anybody. In the meantime he (Mr. O'Sullivan) repeated that the thing had really occurred.

The PREMIER said he could add his testimony to that of the leader of the Opposition, and say that he had not seen any such thing within the last five years, or the five years before that. He must say this also, that whenever any proposal was made that employés in different branches of the Civil service should state their religion, it was always most strongly objected to by people who were members of the religion to which the hon. member referred—namely, the Roman Catholics. He (the Premier) thanked God that his mind was so framed that he could give a man an appointment without caring of what religion he was—whether he professed the Roman Catholic or any other religion. As a matter of fact, he did not know what was a man's religion when making an appointment.

Mr. HYNE said he thought the hon. member for Stanley must have been referring to his own electorate, because during the last two months he (Mr. Hyne) had recommended two of his own employés who were Roman Catholics for positions in the Railway Department. Those men were recommended by him, and they had been accepted, and were now in the employ of the Railway Department at Maryborough, and very worthy employés they were. Such a statement as the hon. member for Stanley had made could not be substantiated in the district he had the honour to represent.

Mr. O'SULLIVAN said that that remark did not touch his case, for the same reason that "two swallows do not make a summer."

Mr. STEVENS said he thought it would be better for the Government to have their own engineer, instead of that officer being under the control of the commissioners. Under the Victorian system, the Railway Commissioners had to decide where railways should be made, and the engineers were under their control; but under the present Bill the Government were to decide where railways should be made, and for that reason the engineers should be under their control.

The MINISTER FOR RAILWAYS said the Government would bring forward their railway projects for the approval of Parliament, but it would rest with the commissioners where the trial surveys should be made. If the Government were to have one set of engineers and the commissioners another, the friction that would ensue would lead to no end of trouble. In fact, such a system would be utterly unworkable.

Mr. STEVENS said that according to the Bill the Government would still retain their railway policy in their own hands. The commissioners would only report as to the advisability of any particular line being constructed.

Mr. MORGAN said that if the Government were going to bring in their railway policy on their own initiation, they would of course get the money voted by Parliament for the work included in that policy. If, after getting the money voted, the commissioners were to report against the construction of those particular railways, what would be done then, and what would become of the money?

The MINISTER FOR RAILWAYS replied that the same thing would happen as had happened to the *via recta*, and to other lines of which the House had disapproved—they would be withdrawn. The money spent on trial surveys was not wasted. They would always come in useful at some time or other.

Mr. NORTON said he entirely approved of the proposal to put the engineers under the commissioners. He believed it was one of the best proposals contained in the Bill, but it seemed to him to involve a question of some difficulty, which had not, so far, been anticipated. Those employés who were not now on the permanent staff, with the exception of day labourers, would be placed in a rather peculiar position; their engagements, according to clause 51, would have to be renewed every six months.

Mr. ANNEAR said it might be that he was dull of comprehension, but it seemed to him that the Minister for Railways talked one thing and wanted to do another. The hon. gentleman had just stated that the construction of railways should be taken away from the control of the commissioners.

The MINISTER FOR RAILWAYS: No.

Mr. ANNEAR said the 6th paragraph provided that "Nothing in this section shall apply to the chief engineers of railways and their respective staffs of officers."

The MINISTER FOR RAILWAYS said that was what he proposed to strike out.

Mr. ANNEAR said that would be very unfortunate, because, as he said the other day, a board might be appointed of non-professional men, and even greater trouble would arise should there be an engineer on this board. The Government were to continue to inaugurate their own railway policy, and whom had they to confer with but their own Chief Engineer, who should be, what he might call, a political officer in the service of the Government. The clause was a very important one, and the Committee were entitled to some information with regard to it. They were going to place a great power in the hands of the commissioners, and it would be a great mistake if Parliament should lose its control over such an important public department as the railways of the colony. The hon. member for Stanley just now made a remark about favouritism being shown in the Railway Department. He would not mention any particular class, but he believed there was favouritism shown through all the Government departments. He did not believe the most competent persons got the positions for which they were best qualified, but that through political influence the right men were very often not put in the right place. Under the Bill a chief commissioner was to be appointed at £3,000 a year, and two other commissioners at £1,500; and he thought it was not too much to ask the names of, at any rate, the two commissioners at £1,500 a year. It was time they knew who they were. They had a precedent for the request in the conduct of hon. gentlemen opposite who, when the Land Bill of 1884 was going through, refused to go on with further business until the names of the Land Commissioners were given. And the names were given.

HONOURABLE MEMBERS: No. When?

Mr. ANNEAR said Mr. Deshon's name was given. The hon. the Colonial Secretary was one of the most pronounced in getting that name. He believed Mr. Sword's name was given also.

HONOURABLE MEMBERS: No.

Mr. ANNEAR said at any rate there were only two to be appointed then, and there were three to be appointed now. They, as the representatives of the people, had a right to know who those commissioners were to be, especially when it was remembered that the whole control of such

an important department of the public service was going to be handed over to them. The Chief Engineer, and all his officers, in fact everything, was to be handed over to those commissioners. Every person connected with the railways of the colony would be at their mercy, because, unless something outrageous occurred, there would be no appeal to the Minister. The construction of railways, and the localities where railways were to be constructed, were to be taken out of the hands of the Government and of Parliament.

The PREMIER: Ridiculous.

Mr. ANNEAR said it might be ridiculous, but he held that it was not ridiculous to ask the names of the two commissioners. He dared say it was known who they were to be, and the country was entitled to know who they were. They would have the control of enormous sums of money. Railways had been the means of making the colony, and they would have to be carried out in the future to even a greater extent than they had been in the past. Therefore, it was only right that Parliament should know and express its approval, or otherwise, of those men.

The MINISTER FOR RAILWAYS said with regard to the remarks of the hon. members for Stanley and Maryborough as to partiality and favouritism in the Government service, he thought that was one of the strongest arguments that could be brought forward in favour of the Bill, because, if it were worked at all in accordance with the spirit in which it was conceived, it would be the means of putting a stop to that. Patronage would be reduced to a minimum. Even the commissioners would have very little patronage, because the staff would be so arranged that it would work within itself. Any patronage that could be exercised would only apply to the lower grades—boys and young men entering the service after passing the standard examination. After that their career in the service was all fixed and defined by the Bill. That was one of the evils that was intended to be cured by that alteration in the railway management. He believed it would be a good thing if the same principle were extended to all Government departments, but in the meantime—until a general Civil Service Bill could be prepared and brought in—he had inserted it in the Railways Bill. With regard to the request to be told who the commissioners were to be—that their names should be given—it was altogether premature. They could not give a child a name until it was born. At present there was no arrangement whatever for the appointment of those commissioners. It would be time enough to make those arrangements when they had the authority of Parliament to do it. He trusted and believed that the Bill would obtain the full sanction of Parliament, but in the meantime it would be premature to offer the appointment to any person whom they might consider eligible. Referring to the suggestion of the hon. the leader of the Opposition, as it did not appear that the clause covered all that was necessary, he had no objection to add the words "unless in any case the Governor in Council may otherwise direct."

The HON. SIR S. W. GRIFFITH said the amendment raised the question as to the position of the engineers. He thought it involved this, that an engineer ought not to be appointed as a commissioner. If one of the commissioners were an engineer he would be practically the chief engineer, because he would consider himself a better man than the Chief Engineer, his servant. He did not know what the intentions of the Government were on the point, but he thought it undesirable that any of the commissioners should be an engineer. In the same way he thought the Minister for Railways should not be an engineer.

The PREMIER: Do you think the Attorney General should be a lawyer?

The HON. SIR S. W. GRIFFITH: That was, perhaps, unfortunately necessary, but it was not chiefly an administrative office. In so far as the office was administrative there was no advantage in the Attorney-General being a lawyer. He thought that in administrative offices the men who were at the head should not belong to the same profession as those over whom they exercised administrative supervision.

The PREMIER said he did not quite catch what the hon. gentleman had said. Was it that if the engineers were to be under the commissioners, then there should be no engineers on the commission.

The HON. SIR S. W. GRIFFITH: Yes.

The PREMIER said as a matter of policy he did not believe much in an engineer being a commissioner; but as to the talk about the men to be appointed commissioners, there was no mortal soul who could give any indication to the public that he had the slightest authority for saying that he had even been looked upon either favourably or unfavourably. No man who had made an application had got any answer, directly or indirectly; and no one outside the Cabinet had any information as to who was likely to be chosen, nor would they until after that Bill passed. In Melbourne at the present time one of the Commissioners had been an engineer for railways. He had been in the employment of the Railway Department for a long time. He (the Premier) had been very doubtful about the result, but the result had proved it was all right. The opinion, of course, was that he would act as an engineer and not as a commissioner; that he would try to teach the railway engineer his business; but as a matter of fact that had not taken place, as the gentleman he referred to tried to get through his duties as easily as he possibly could, and did not interfere with the engineer. That was just human nature. The Commissioner worked remarkably smoothly with the Engineer-in-Chief, with whom he had been connected for twenty-four years previously. The positions were quite reversed, and since he had become a commissioner they had worked smoothly together, although they had never worked well together previously. He had no hesitation in expressing his opinion that he was not at all anxious to have an engineer on the commission. He would far rather have a good business man; but he would not consider, if an engineer happened to be also a good business man, that the fact of his being an engineer should debar him from being appointed as a commissioner.

Mr. HYNE said the Minister for Railways had not answered his question. He wished to know if it was not necessary for the Government to have an independent engineer as an adviser? It had been already stated that the commissioners were not to pass plans for the construction of railways, but the Government. He said it was the commissioners wholly and solely, if they passed subsection 6 of clause 48, who would have the construction of the railways. They would bring in their recommendations, and give their reasons for the passing of the railways, and how were the Government to know whether the lines should be constructed unless they had an independent adviser outside of the commissioners?

The MINISTER FOR RAILWAYS said he begged the hon. member's pardon, but he had answered his question. He had shown most

distinctly that if they had two chief engineers the whole scheme would be unworkable. The hon. member was also under the impression that the commissioners were to decide as to what railways were to be constructed. That was already provided for in the Railways Act of 1864, with which that Bill was to be incorporated. The whole of that Act was not being repealed, and all the machinery for the construction of railways was there laid down. The Government would still continue to make proposals to Parliament, and lay before Parliament the plans and other information that might be required, and the only addition to that was what had been provided for in clause 29—that was to say, that Parliament would be furnished with information which it had never possessed before in this way. They would have the estimate of the cost of construction from an independent board of advice —in the shape of the commissioners—who would inform Parliament what their ideas were with regard to the various railways, and give their estimate of the amount of traffic likely to be on that line, and such other information as they might think proper.

Mr. MACFARLANE said he must say that he thought it would be a mistake to put the Engineer-in-Chief under the commissioners. Up to the present the Engineer-in-Chief had done the principal part of the work in estimating the cost of the railways, and under clause 29 it was now proposed that should be done by the commissioners. The occupation of the Engineer-in-Chief would be almost gone, and he thought it would be better, if the Engineer-in-Chief were placed under the commissioners, to do away with the office altogether, because he believed there would be friction. The Minister for Railways had said the friction would be greater, on account of the diversity of opinion, if they were to have two engineers—that was, having an engineer as one of the commissioners, and then having also an Engineer-in-Chief; but he thought quite the reverse. He thought the present system of engineering the railways of the colony was the best they could have. He did not think they would be able to get any good man to act as Engineer-in-Chief under the commissioners; and it would be far better for the Government to have an independent adviser — independent of the commissioners altogether.

The MINISTER FOR MINES AND WORKS (HON J. M. Macrossan) said that with reference to the remarks of the hon. member for Ipswich about doing away with the position of Engineer-in-Chief, he would like to ask who would make the railways for the commissioners? Would they employ a tailor, or a shoemaker, to do so? As to having an independent engineer to advise the Government, what would they want his advice for? The Government would not want anyone else to give them advice, as the commissioners would be responsible for the construction of the railways after Parliament had approved of the plans. They would get the railways made through their engineer; and as to having two independent sources of advice, they had only to look to the colony of New South Wales to see the effect of that. They had there two departments under the Minister for Railways, and he had no hesitation in saying that, owing to those two departments being under different control, it had cost the Government hundreds of thousands of pounds through money being wasted in the making of railways. The same thing would occur here most inevitably if they were to adopt a similar system of having two independent engineers. The Engineer for Railways should be under the commissioners. They were responsible not only for the management of the railways that were made, but that Bill also made them responsible for the construction of the railways by putting the Engineer-in-Chief under them. Therefore, he should be under their control. When the Government of the day wished to initiate a railway policy, they would not ask the advice of the Chief Engineer.

Mr. HYNE: They do at present.

The MINISTER FOR MINES AND WORKS said they did not take any advice as to the initiation of a railway policy.

Mr. HYNE: They ask for an estimate of the cost of the line.

The MINISTER FOR MINES AND WORKS said that was not initiating a railway policy. There was a misconception in the minds of some hon. members as to the meaning of a railway policy. A railway policy was not the asking the Engineer-in-Chief for an estimate as to the cost of any railway. Before that was done, the Government had made up their minds to make the railway, and then they asked for the estimated cost. Some railways would never be made if the estimated cost were the first thing asked for. He looked upon the Bill as being the means of a better system of railway-making than hitherto. There would be fewer political railways, and the railways made would be more beneficial to the country, not only in the way of opening up new country, but also in the way of paying better. He did not see why time should be lost in discussing the question whether there should be two independent heads in railway-making or giving advice to the Government, especially when the Government wanted no advice on the matter. The Government would simply deal with the plans and sections after getting the advice of the board, and all the information that could be obtained. The board would get all information as correctly as possible, seeing that they would be responsible for the working of the lines after they were made. After the plans and sections were approved of, and the money voted, the commissioners would order the Engineer-in-Chief to construct the railway. The proposition made by the Minister for Railways, accepting the suggestion of the leader of the Opposition, and also excising the 6th subsection of clause 48, would meet everything that was desired.

Mr. BARLOW said that by the Bill the Legislature was giving up all control over the railways; and from the lowest employé to the Engineer-in-Chief everyone in the department would be at the beck and call of the commissioners. It was not a very hard thing that if the Government had not already made up their minds as to the appointment of the commissioners, they should do so at an early date, and let Parliament and the country know who they were. Considering the tremendous powers proposed to be conferred by the Bill, they had a reasonable right—he was not speaking in an obstructive spirit—to know the men to whom those powers were to be delegated. The chief commissioner would be brought from England, Scotland, Ireland, France, Germany, or America, and he would be supposed to be the embodiment of everything new in railway management; but it was very possible that he would come to a country he knew nothing about and bring theories to bear on Queensland which had nothing in common with the colony. As to putting the Engineer-in-Chief under the commissioners, he did not think any professional man with any respect for himself would consent to anything of the sort. A second-rate man might be willing to put himself into a position of comparative humiliation in order to get a high salary; but he did not think the Premier, with his high attainments as an engineer, would accept office

under the commissioners. If he (Mr. Barlow) were a professional man he would not do it. He believed the safe and proper course was to keep the construction of railways and the management of railways quite distinct. It was one thing to manage a railway, but it was quite another thing to construct one. If there should happen to be an engineer on the board, then confusion would be worse confounded, because it was generally the case that when a man of mediocre attainments occupied a position in which he could domineer in any way, he did so at the earliest opportunity. It was not clear that the spirit indicated by the Premier would be cultivated,—namely, that everybody would be anxious to get through the work with as little friction as possible, because experience showed that men were given to meddling, especially those with a little authority. The Bill proposed to give up all the control of the railways; and that seemed to be the tendency of late. It seemed to be the tendency for the Legislature to allow to slip out of its hands one by one the privileges delegated to it by the people; and by-and-by it would be a matter of curiosity to know what members went to Parliament for except to vote money. Suppose every Government department were put under commissioners, the whole system of representative government would be changed. The object of hon. members being sent to Parliament was to keep an active direct check on every action of the Government, from the dismissal of a clerk to the construction of a railway; and putting those things into the hands of irresponsible authorities was nothing more nor less than the destruction of the first principles of representative government. It was a very easy matter to commit to a board of commissioners a trust given to them by the people; but as to putting a stop to patronage or abuse, he did not believe the Bill would do anything of the sort. He believed the measure would not answer the expectations of its promoters. Of course it was impossible for those on his side to offer anything like effective opposition to the Bill, and they might as well make up their minds that it would pass; but as far as he understood the railway policy of Victoria, they were by no means satisfied with the system there. They were by no means satisfied with the definition of "managing the railways on commercial principles;" and it was not yet settled whether it meant the development of the country and applying the railways to that purpose, or whether it meant making a dividend. The commissioners seemed to take one view, and the public seemed to take another. He strongly urged that the Engineer-in-Chief should be kept distinct from the board, that they should not have all power in construction as well as in management, and that the Government might make up their minds as to the minor appointments, and enlighten the Committee on the subject before the Legislature parted with those immense powers.

The MINISTER FOR MINES AND WORKS said the hon. member for Ipswich had been discussing the general principles of the Bill, which should have been discussed on the second reading. The hon. member said that Parliament was giving up control of the railways, but he believed that Parliament would have more control under the Bill in the construction of railways than at present. Under the present system the Minister brought down the plans and sections of a railway and laid them on the table. Parliament had to be content with whatever information he gave, and the party in power passed the plans and sections. Under the Bill every information would be given by the board, whether for or against the making of the line, and members who were opposed to it would be in a position to vote against it, even if they voted against their party.

Mr. HYNE said he wished to reply to the argument of the Minister for Mines and Works, that having the Engineer-in-Chief under the board would have the effect of removing the construction of railways from political influence. Could he tell him where political influence had ever been brought to bear on the construction of railways? Hon. members might laugh, but it was not upon the construction of railways that political influence was brought to bear, but in the passing of them through that House. What then had political influence to do with the Engineer-in-Chief? The hon. gentleman was wide of the mark altogether.

Mr. GROOM said he would like to hear how political influence would be done away with under the Bill. He had not yet spoken upon the question, but he had listened very attentively to what had been said, and it struck him that political influence and political railways would be just as rampant under the Bill as ever they had been.

The MINISTER FOR MINES AND WORKS: How?

Mr. GROOM said this was the reason: The Government of the day would still have the initiation of the railway policy of the country, and the commissioners would only be entrusted with the carrying of it out. That was how he read the Bill. It would not be the commissioners who would advise Parliament to construct particular lines of railway, but the Government of the day who would initiate their own railway scheme. As political parties were at present in that House, he was convinced they would have political railways as much as ever.

The POSTMASTER-GENERAL: There will be more information.

Mr. GROOM said they might have more information but they would still have political railways, because, as parties were at present, members would be found to support that party who would advocate their particular lines of railway. The "bridge member" had gone from the House with the passing of the Divisional Boards Act, but they would still have the "railway member." The only effect the Bill would have would be to relieve members of the House of the nuisance they were constantly subjected to in having letters sent them by young men and old men alike asking to get them appointed to some position in the Railway Department. That would be obviated under the Bill, as appointments and promotions under the commissioners would be decided, as they ought to be decided, by merit. But so far as the initiation of political railways was concerned, that objectionable feature would remain as rampant as ever, and the Government that would initiate most railways in a particular district, whether they were wanted or not, would receive the largest number of votes. The provisions of the Bill would not obviate that in the slightest degree. It was true that before a line of railway received the approval of the House the commissioners, under the 29th clause, would have to submit an estimate of the cost of the proposed line, including the value of the land to be resumed, and of the traffic on the line; but it was entirely a matter for the House to decide whether they were satisfied with the information or not. If the Government made it a test question with their supporters, and said to them: "You must vote for this line, or out we go"—what would happen then? Would not political lines still be passed in that way? It was absurd to say the Bill would do away with political railways. They would have them so long as

party government was conducted upon the lines on which it was conducted at present in the colony. The Government that would initiate most lines of railway and carry them out, whether urgently required or not, was the Government that would receive the largest amount of support, and the Bill would not do away with that state of things in the slightest degree.

The MINISTER FOR RAILWAYS said that if the members of that House would not listen to the recommendations of the commissioners, he was perfectly certain the outside public would. That House might pass a railway which the commissioners reported strongly against. A Government might do that with a strong majority, but when it had become known outside the public would very soon take up a case of that sort, and the parties who perpetrated such a political job would meet with their just reward. As to the hon. member's statement that the Bill would not in the slightest degree tend towards getting rid of political influence——

Mr. GROOM: Political railways, I said.

The MINISTER FOR RAILWAYS said the very fact of having the independent opinion of the commissioners laid upon the table of the House would have some slight effect—if only a slight one—in putting a stop to political railways. But it would have more than a slight effect in the way he had already mentioned, and the opinion of the commissioners might be admitted to exercise its due influence upon public opinion outside.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved the insertion of the words "unless in any case the Governor in Council otherwise directs" at the end of the 1st paragraph of the clause.

The HON. SIR S. W. GRIFFITH said they should give a moment's consideration to the question of all the officers holding office during pleasure. That was the present law, but on looking through some of the subsequent clauses of the Bill he confessed he had some doubts as to whether that was really the intention of the Bill. For instance, the 51st section provided—

"That all persons employed in the railway service, except supernumeraries, shall be deemed to be employed in a permanent office."

That was a different clause from the one they were discussing, and would have to be modified to correspond to it. Then there was a provision that persons should not be employed as supernumeraries for more than six months at a time; and there were further provisions enabling officers to bring an action against the commissioners. He did not know of any action they could bring, as officers, against the commissioners, except an action for wrongful dismissal. If they were injured by an accident they would of course have the same right as anybody else to bring an action, but not because they were officers. A person employed during pleasure could bring no action against his employer for dismissal. He was under the impression that that question had arisen in Victoria lately with respect to one of the boards there as to how far the commissioners had power to get rid of servants. They did not want to create a body of men that could not be dismissed, but, in order that there should be no inconsistency in the Act, they should pay particular attention to those clauses. He could not help thinking that when the draftsman got a little further on he forgot the provision which he had made with respect to the tenure of office of persons appointed by the commissioners. He (Sir S. W. Griffith) knew of no instance in which officers held office during pleasure except those employed by Government.

The MINISTER FOR RAILWAYS said there was no intention to give the employés such permanency that they would be able to sue the commissioners in the event of their services at any time being dispensed with. The commissioners would, of course, have power to abolish an office when it was not required. The permanent employment mentioned in clauses 49 and 50 was qualified by the provisions of the clause now before the Committee. When they talked of permanent officers they simply meant officers who were expected to remain in employment so long as they were needed. He did not mean that they were appointed for life.

Mr. NORTON said the difficulty would arise in cases where men were employed in construction. Their employment now lasted so long as construction went on, and if at any time there was any necessity for reducing the expenditure in connection with railways, and a number of them were not wanted, they could easily be removed. The question was whether under that Bill they would not be placed in a position which would give them some claim on the Government which it was not intended to give. But, apart from that, it seemed inconsistent that the men who were employed on temporary works should appear to be permanent officers, as would be the case if the 6th subsection were omitted—that they should apparently occupy the same position as the men employed on maintenance. The latter had their salaries voted on the Estimates-in-chief, while the men employed on construction had their salaries voted from loan. The men employed on maintenance were permanent officers, and the question might arise under the proposed provision whether the men engaged on construction were not also permanent officers.

The HON. SIR S. W. GRIFFITH said it was rather a difficult question. The more he looked at the clause the greater the difficulty seemed to him. The fact was that the clause was evidently prepared to suit circumstances which did not prevail here.

The MINISTER FOR RAILWAYS said he thought that clause was passed in Victoria to meet an abuse which had arisen in that colony—and he believed a similar abuse occurred in New South Wales to some extent—of appointing men to temporary employment, and their salaries never appearing on the Estimates. It was in order to obviate that abuse that the clause was introduced, and it might be just as well to have such provision in Queensland.

Amendment put and passed.

Consequential amendments were made in subsections 2, 3, and 4.

The HON. SIR S. W. GRIFFITH asked what was the meaning of the words "railway service"? He doubted whether it would include the Chief Engineers and the surveying staff. The Chief Engineers were appointed by the Governor in Council. It was not a technical phrase, and he hardly knew what it was intended to mean. If it was intended to cover all the officers who were paid out of the public funds in connection with railways, he doubted whether the words "railway service" would mean that.

The MINISTER FOR RAILWAYS said that with regard to the chief engineers, all subsequent appointments would be made by the commissioners, and not by the Governor in Council.

The HON. SIR S. W. GRIFFITH said the phrase did not include anyone in the survey staff In one sense those men might be said to be in

the railway service, but it was desirable that the clause should express what it was intended to mean. The phrase might do very well for a newspaper article, or in ordinary conversation, but it did not define what was really meant. If he were asked to say what it meant in an Act of Parliament, he should be obliged to answer that he really did not know.

The PREMIER said he knew perfectly wel what it meant in English. It was possible there might be a want of technicality about it, and that a judge might rule that a man who was not directly under the commissioners might not be in the railway service. But there was nothing to limit the employment of the term to those who were employed under the commissioners, and that made the term quite broad enough.

The HON. SIR S. W. GRIFFITH said that difficulties might arise from it. However, if the Government were satisfied it was no business of his. He would point out that the words "from the time of the passing of this Act" should be "from the commencement of this Act." The interpretation clause —— That session something had happened which had never happened before. One could hardly hear one's self speak in consequence of the conversation going on all over the Chamber. During the nineteen sessions he had been in the House he never knew it to occur before. He did not know whether it arose from the number of new members who were not familiar with the traditions of the House, or from some change in the acoustic properties of the Chamber, but on several occasions during the present session it had been almost impossible to hear what was going on.

The MINISTER FOR MINES AND WORKS said he supposed it was owing to the large number of new members.

The HON. SIR S. W. GRIFFITH said he was about to remark that in the interpretation clause of the Bill the word "railways" was defined to mean any railways vested in the commissioners, so that the term "railway service" could only mean anybody in the service of the railways vested in the commissioners.

The MINISTER FOR RAILWAYS said he was satisfied with the clause as it stood; it would cover all that was required. He accepted the suggestion as to the time of commencement of the Act, and moved that the word "passing" be omitted, with the view of inserting the word "commencement."

Amendment put and agreed to.

Mr. UNMACK said he had an amendment to propose at the end of subsection 4. That subsection provided that all officers, clerks, and employés in the railway service should be deemed to have been appointed by the commissioners. He wished to propose an exception, and would move the insertion of the following words at the end of the subsection :—"Excepting the railway audit staff, which shall be under the control of the Auditor-General." All must be agreed that in order to be effectual and worth having, an audit must be performed by men who occupied a thoroughly independent position. They certainly should not be under the control of the parties whose accounts they were supposed to audit. The traffic revenue of the Railway Department had been for a considerable number of years audited by a special staff appointed under the 40th section of the Audit Act by the Governor in Council by a special minute. He had no hesitation in saying that the exercise of the authority under that Act in that instance, and indeed in any instance, was a mistake. It had led from small beginnings to very large results. Hon. members would, no doubt, be surprised to hear that the present railway audit staff was more then double the staff which was employed by the Auditor-General for auditing the whole of the accounts of the colony. Speaking subject to correction—from memory—he thought the Auditor-General employed eight audit inspectors, while the number employed on the railway audit staff was eighteen, which number, he was perfectly satisfied, could conveniently be reduced to ten. That staff was completely and entirely under the control of the Commissioner. He was sure they were all agreed that that was wrong—that the audit staff should be independent. As the matter was a very important one, affecting revenue to the extent of about half-a-million of money, he thought it was only right that he should read a portion of the evidence of Mr. Battershill, railway auditor, as given in the first progress report of the Civil Service Commission. Referring to the staff under him, he said :—

"The fact is that they do not belong to me but to the Commissioner's department, but their returns are sent to me. I have no control over the auditors. They get their instructions from the Commissioner for Railways.

"By the Chairman: How many clerks do you employ in the audit office and statistical branch? There are fifteen for the audit branch proper, three for statistics, the traffic auditor and his chief assistant.

"By Mr. Williams: Are there only two auditors? Yes; only two station auditors.

"By Mr. Forrest: We refer to the travelling auditors. How many of them are there? The two I have mentioned are the travelling auditors for all the lines, but they are not under my control."

Further on he was asked :—

"Do you not consider that the travelling auditors should be exclusively under your control as you are responsible for the audit—Should their movements not be under your control? Well, they are indirectly: if I discover any suspicious circumstances in connection with a station I report to the Commissioner, and the auditors are recalled from where they are and despatched to that station.

"By Mr. Williams: Then you really do control them? In that respect only.

"By Mr. G. W. Gray: How many stations are there requiring audit? Three hundred and eighty-six on all lines.

By Mr. Williams: Do you think that two auditors can do the work? They cannot go to the stations as often as they ought.

"By Mr. G. W. Gray: Have you any book showing the dates of the last audits of these 386 stations? I have not.

"By the Chairman: Do the auditors start from Brisbane and follow a particular line, or do they go promiscuously? They are generally told that a certain district wants auditing, and they go there.

"By Mr. Williams: Then all the station-masters in that district are on the alert? I do not think they know; they might wire to one another; but I think the auditors might work so that no station would know when they would be visited.

"By the Chairman: Will you furnish the Commission with a return showing the dates of the two last audits of these 386 stations? I will; there is some account kept in the Commissioner's office, and I think from that I will be able to compile the return.

"By Mr. G. W. Gray; To find the dates of the last audit you have to refer to the Commissioner's office? Yes.

"Do you think, as head of the Railway Audit Department, that that is correct? It is a matter of indifference to me, because I can always pop upon the auditors through the Commissioner when necessary.

"If you find anything wrong? I report to the Commissioner.

"The object of the audit is to prevent anything being wrong? But if anything is discovered in this office which we think is suspicious we report to the Commissioner, who requests the auditors to go to the station at once.

"By the Chairman: We argue on the assumption that your position in the Railway Department should be the same as that of the Auditor-General towards other departments? ——

"By Mr. G. W. Gray: Do you hold yourself responsible for the proper auditing of these 386 stations? So far as the accounts that are rendered to me are concerned. I do not consider myself responsible for the station auditors.

"By Mr. Williams: Who is responsible? The two auditors.

"But to whom are they responsible? To the Commissioner.

"Could you tell at the present moment where these two auditors are? I do not know.

"Did you send them out last? No. I have been away on the Southern and Western line for about nine days and only came back this morning."

That showed conclusively that the auditors were completely under the control of those who employed them. If the Commissioner found fault with his auditors for perhaps doing their duty too strictly, or too faithfully, when they had reason to expose any malpractice, they would have no means of rectifying themselves, and all sorts of abuses might arise. He thought all those officers should be placed under the charge of their able Auditor-General. He did not wish to insinuate or suggest for one moment that it would be advisable, or indeed possible, to abolish the permanent railway audit staff. It was necessary, looking at the particular, arduous, and constant duties that had to be discharged; but he maintained that those officers should be kept distinct—that they should be under the charge of an independent officer, such as the Auditor-General, who was responsible to Parliament. He was supported in that by the opinion of the Auditor-General himself, as would be seen from an extract he should read from the report of that officer for 1884. Under the head of "Local Audit," he said:—

"Notwithstanding my desire not to add to the responsibilities of this office, I think it my duty to bring under the notice of Parliament the fact that, although the whole of this expenditure accounts of the Department of Railways on both Loan and Revenue account are periodically examined by this office, the traffic receipts have hitherto been exempted from detailed audit by the Auditor-General, under the authority of a minute of the Executive Council, passed in accordance with the 40th section of the Audit Act. The railway revenue last year reached a total of £582,641 16s. 3d., and is annually increasing; and, without questioning the zeal or integrity of the officers attached to the Railway Department, who now perform the duties of traffic auditors, I fully concur in the opinion expressed by the Auditor-General of New South Wales on the subject in his last Parliamentary report, viz.:—

"'It is obviously wrong in principle, and so far a source of danger in the long run to the public interest, that the examiners should be subordinate officers of the Commissioner for Railways, whose accounts they are appointed to check, and whose authority they are not in a position to question. There is no difficulty in conceiving that such authority would be issued and accepted in cases where it would be challenged as insufficient by an independent examiner.'"

For those reasons he intended to move the amendment he had mentioned. If they passed the clause as it stood, and transferred the whole of the present railway employés to the care and charge of the commissioners, he had seen quite sufficient of "red tape" difficulties exercised in various Government offices to know that in the future it would be utterly impossible to do away with that system. If they altered it now it could be done easily, but once they gave the commissioners authority over the auditors that system would always be continued. It would never be altered, unless by some violent stretch of authority arising perhaps out of defalcations. He, therefore, thought it would be better to take time by the forelock and at once entrust the auditing of the accounts to the officer of Parliament charged with that duty. He, therefore, moved that the following words be inserted after "Act" in the 4th subsection:—"Except members of the railway audit staff, who shall be under the control of the Auditor-General."

The PREMIER said he would say a few words about the considerations which had led the hon. member to move that amendment. In the first place, referring to his labours under the Civil Service Commission, they were prepared to accept his conclusions upon matters that had come under his notice in that way. Of course the hon. gentleman was in a position to spring a mine upon them, and say that in the railway audit branch ten men could do the work now being done by eighteen, but that had nothing to do with the present question. The hon. member should understand that that was put aside altogether, because it was a matter that could be dealt with quite irrespective of whether the railway traffic auditors were placed under the control of the Auditor-General or not. He, therefore, put that aside. As to the opinion or recommendation of the Auditor-General, with all due respect to that officer, who had performed his duties remarkably well, they did not want his opinion. His recommendation would not have the weight of a feather in his (the Premier's) mind. Almost all the under-secretaries and auditors-general he had come across had worked in the one way—that was to get a great amount of work done in their departments. His opinion, therefore, unless they had some special reason for valuing it, should not count for much. The Auditor-General had had no knowledge of auditing railway accounts, except the experience he had gained while an officer of the Queensland Government. To come to the main question, the hon. member confused two things. They did not decline to have an audit at all—they wanted to have an audit, not only of the whole of the expenditure, but of the whole of the receipts also. If the Auditor-General said he had confined his attention up to the present time to auditing the expenditure, and not the receipts, he would say he had not been performing his duties. There was no reason why he should not take the receipts into consideration just as well as the expenditure, and it was not right to omit to do so. An audit in the Railway Department was a different thing to an ordinary audit. They might possibly work up to it by putting it under the Auditor-General, but it was very different to an ordinary audit. The audit carried on by the managers of the Railway Department, whether commissioners or not, was an audit for the purpose of seeing that the servants of the Government were doing their work honestly from day to day. They wanted auditors who could go and see whether anything was wrong at any particular station, and by counting the cash and blank tickets, check the receipts of that station. That was the way in which a private business was carried on. For instance, large private business houses in London audited their own books very carefully, and took the greatest possible care to check their receipts and their expenditure, and then they might, to see if they were perfectly correct, bring in auditors to examine generally into the working of the business, and if they thought anything was wrong, they had power to call for all the details. That was the system adopted by all the railway companies in England, and should be adopted here. What would be the result if the hon. member's idea were carried out? The Auditor-General would simply have to undertake a business he knew nothing about, invert the whole process, and do away with the good work the hon. member had done. He had found out how he could reduce the staff in the Railway Auditor's Department from eighteen to ten, and in doing that he had done good work, but if the work were to be shoved on to the Auditor-General, he would invert that, and the

consequence would be, he would make the ten twenty before twelve months. He believed the Auditor-General had neglected his work through a minute directing him not to take any cognisance of the receipts, but only of the expenditure. If that were the case it was to be deplored; but, at the same time, how could they possibly expect the Auditor-General to report without examining into the receipts. He had to take the receipts as a whole, and not go into an audit of all the details, which would have to be done by the commissioners themselves—not that they expected the commissioners to audit their own accounts, but they wanted to put them into the position of being able to check dishonesty. Possibly the whole confusion had arisen through calling them auditors at all. If they had been called clerks, he did not think the hon. gentleman would have noticed the matter at all. All those railway auditors were clerks with a certain amount of technical knowledge, and to put them under the Auditor-General would be an absurdity. If the hon. gentleman had considered the question he would never have proposed it. He was not speaking disrespectfully of the Auditor-General. He did not want to do that, as he had referred generally to auditors-general and under-secretaries wanting to increase the power of their departments, so that he did not put much faith in the Auditor-General's recommendation. He put it on the ground that he would be undertaking work he was not competent to perform, and would be debarring the officers of the commissioners from having the powers they ought to have. If they did not get those powers in that way they would have to get them in some other way, as they could not manage the railways without having the power to employ men to audit the accounts and see how the work was done from day to day.

Mr. BARLOW said he failed to see that the recommendation of the hon. member for Toowong was absurd. It was not a suggestion that audit clerks, who knew nothing about railway management, should be sent, but simply that they should be under the control of the Auditor-General, and not under the control of the commissioners. That seemed to him to be the point; and as to the Auditor-General auditing receipts as well as expenditure, how could he audit the receipts except by taking the totals given him? He would get certain totals compiled, he presumed, from the various returns sent in, and that formed the railway revenue. There were audits in which people had no confidence whatever—where the auditors merely added up certain lists of figures. An audit should be an audit from day to day, and every particular item gone through. That could be carried out by the traffic auditors, who were experienced men, but they should be put under the control of the Auditor-General instead of under that of the commissioners. The case was analogous to that of a bank. When an inspection of a branch bank took place the audit was not made by an inspector who had been appointed by the manager, but the inspector was under a separate and distinct authority—under the central authority.

The PREMIER: He is under the same management.

Mr. BARLOW said he was under the general management of the institution. The manager of the Brisbane branch of any particular bank did not appoint the auditor who went through his work. That inspector—and he claimed to speak upon the subject with some practical knowledge—was sent there by an entirely independent authority. It was true that independent authority was within the bank, but the commissioner in this case was analogous to the manager of a bank.

The PREMIER: He is the general manager.

Mr. BARLOW said he begged leave to differ with the Premier in that matter. The inspector of a bank was sent up to inspect the Brisbane branch.

The PREMIER: You are thinking of Ipswich only.

Mr. BARLOW said he thought the Premier might have spared that remark, as it did not affect him in the least, whether he referred to Ipswich or not. He had had experience in four or five colonies, and knew something outside of Ipswich, and he knew that the inspection which took place in any bank in Brisbane was an inspection as completely distinct from the local administration of that bank as if the inspector had been sent by the Premier himself; and no inspection would be worth anything if the inspector were directly or indirectly under the control of the person whose work was to be inspected. Now, what the hon. member for Toowong said was perfectly true—that vouchers might be passed when submitted to an auditor who was under the control of the commissioners, which would never be passed by an independent auditor who was not so connected with the commissioners. It was not contended for one moment that those special traffic auditors should be taken away from their work. On the contrary, they should be kept at their particular work, and additional men should be trained up to the business; but in his opinion they should be under the control of an entirely different authority. It was of no use to talk about the Auditor-General being able to audit the railway receipts when the audit consisted simply of adding together totals which might be either right or wrong. In England the large banks were crying out for independent audits. Putting aside the difficulties raised about the secrecy of their proceedings, and the disclosure of their business, they were calling in the services of professional auditors, because they were supposed to be entirely free from bias or interference from the persons whose accounts they had to audit. He agreed with the hon. member for Toowong that if the auditors were to be under the railway commissioners the audit would be, if not useless, at any rate very seriously diminished in value.

The PREMIER said that what the banks in London were doing was exactly what was proposed in the Bill. The officers who did the work now would be kept to do the work under the commissioners. But the services of the Auditor-General would not be dispensed with in regard to railway accounts; he would be there to audit both receipts and expenditure. If the Auditor-General did not audit the receipts at present he did not do his duty, because he ought to make as complete an audit of the receipts as of the expenditure.

Mr. BARLOW said that that audit could only be made by the officers of the Auditor-General going to every station and checking every set of tickets and every book kept in every station.

The HON. SIR S. W. GRIFFITH said that what the Premier said in his last speech ought to be done by the Auditor-General was now done by the clerks in the railway office. In his first speech he said it was convenient to have the audit made by clerks attached to the Railway Department, who were familiar with the work done at the different stations. If the accounts were to be audited as provided by the 21st section, the Auditor-General must have officers to make exactly the same detailed investigations as were made at present by clerks in the Railway Department, or else the audit would simply be a farce.

Mr. UNMACK said the Premier had gone away from the point he raised, which was that the auditing of the department should be under

the control of the Auditor-General, free from the influence of the commissioners. He was getting accustomed to having his suggestions slighted by the other side; but it did not matter. No matter what suggestions those on his side made they could not carry them; at the same time, he thought that some attention should be paid to an expression of opinion on an important matter by a practical man like himself. The Premier said the Auditor-General had no knowledge of the railway accounts. What had that to do with it? He had officers who had knowledge of those accounts; and his officers were responsible to him. The Auditor-General had a good staff. Another unfair charge against the Auditor-General was that if he got the control of the traffic auditors he would have a staff of twenty in twelve months instead of ten. He thought that the manner in which the Auditor-General had worked his department so far proved entirely the contrary, because he was working with a staff which was far too small, as he would be able to show by-and-by. The Premier insinuated that he was springing a mine on him in introducing the amendment; but that was a most unfair statement, because the Premier knew very well that he showed him the courtesy a fortnight or three weeks ago to give him notice of the amendment. He liked fair discussion, and he thought that such personalities should be left out.

The PREMIER said the hon. member was getting angry without much cause. He made no imputations against the Auditor-General. If he had anything to say against that officer he would say it straight out. He was not afraid of the Auditor-General or any one else. Let the hon. member take the advice of an older member and not talk so much of the work of the Commission. The time would come when he would get all the credit of the work he had done. Of course the hon. member was not springing a mine on him in connection with the amendment. The hon. member had brought the discussion to a point when he said the question was whether the Auditor-General should have the control of the auditing staff of the Railway Department. The whole of the difficulty had arisen from calling those clerks "auditors." If they had simply been called "clerks" the hon. member would never have said the Committee ought to debar the commissioners from having the control of the officers who made the audit from day to day, from week to week, and from month to month. The Auditor-General was the last man to conduct the business, which should be under a man who would know what was likely to go on from day to day, from week to week, and from month to month. The only men who ought to have control over that work were those who would be responsible for the honesty of the work done—namely, the commissioners. Then the Auditor-General came in; and he could easily ask for the information which would make it perfectly certain to him that the receipts and expenditure were correctly accounted for.

Mr. UNMACK said the Premier might call the railway auditors "clerks," but they were auditors, and they were doing auditors' work. They audited the revenue of the Railway Department, and in consequence of that the Auditor-General did not go over the work again, but simply accepted the accounts supplied to him. If the Auditor-General were held responsible for the work of the railway auditors, he would have to send his officers to every railway station to make a complete audit.

Mr. BARLOW said he inferred from the remarks of the Premier that the Auditor-General received certain statements from the Commissioner, to the effect that a certain amount of revenue had been received, and that the same had been audited by the officers of the department. He took that for granted, looked *per contra*, saw what had been spent, and so long as that was in accordance with the votes of Parliament he signed the paper and called it an audit. He contended that that was not an independent audit outside the Commissioner for Railways.

The PREMIER said that if the Audit Department were not satisfied with the information they got from the officers of the Railway Department, they should take steps to see that a better system was adopted, by which the accounts relating to revenue as well as expenditure could be checked. That could always be done; but to make the officers of the Auditor-General the auditors of the Railway Department would be to make the Auditor-General manager of the Railway Department. And he might, under the same conditions, be the manager of every other department of the Government.

Mr. BARLOW said that, without wishing to irritate the Premier or prolong the discussion, he would say that the Auditor-General published a certain balance-sheet of the affairs of the colony, and showed on one side the railway receipts and signed the balance-sheet. He said that if the Auditor-General did not know the particulars in minute order when he showed the railway receipts, the affairs of the colony were not audited.

Amendment put and negatived.

Mr. PALMER said he would like to call the attention of the Minister for Railways to the 5th subsection which said:—

"No person appointed, or whose appointment has been confirmed, under this section, shall engage in any employment outside the duties of his office."

It sounded strangely to him, and the words "any employment" covered a very large field. He supposed the intention was that they should not engage in any remunerative employment where they would be competing with persons outside the Railway Department.

The MINISTER FOR RAILWAYS: Yes.

Mr. PALMER said that meaning was scarcely conveyed by the subsection. It covered any employment whatever, and a servant in the Railway Department might hold an honorary office and have citizen's duties to perform entirely apart from the duties of his office in the department. The subsection was not happily worded.

The HON. SIR S. W. GRIFFITH said that what the hon. member had said was worthy of consideration after the extreme rigidity of the construction put upon an Act in an instance which occurred there about a fortnight ago. If a gentleman took a position as hon. secretary to a benevolent society or institution, it would be "employment." Under the subsection no officer in the Railway Department would be allowed to do that, though there was no reason why he should not, of course. Perhaps it would be better to define it as "paid" employment.

Mr. SALKELD said it should be defined in some way. There was no reason why an officer of the department should not act as a member of a board or council, or as a director or honorary secretary of a society or benevolent association, so long as the position did not interfere with his performance of the duties of his office in the department. Under the section as it stood a man could not even accept the position of secretary to a chess club.

Mr. FOXTON said that if the word "paid" was put in, it would debar a number of officers and servants of the Railway Department joining the Defence Force. That would be a great

pity, as there was a great number of very efficient men belonging to the Defence Force in the Railway Department.

The PREMIER said he did not think there would be a great difficulty under the subsection. He would not like to see "paid" put in, for another reason altogether; because he could not see why the commissioners should not object to an official taking upon himself too many honorary duties. He might take upon himself the secretaryship of a race club, a boating club, or other clubs—some people had proclivities that way—and why should not the commissioners be able to tell such a man to mind his business as a railway employé? The remarks of the hon. member for Carnarvon put the idea of inserting the word "paid" out of the question altogether, as it would knock the Defence Force on the head.

Mr. FOXTON said he would suggest that the words "without the permission of the commissioners" might be inserted. That would meet the difficulty.

The MINISTER FOR RAILWAYS said clause 67 dealt with it by giving the commissioners power to make regulations for regulating the duties to be performed by employés.

Mr. FOXTON said they could not override the Act by the regulations. If they put in the words "without the permission of the commissioners" it would meet the case exactly.

Mr. DRAKE suggested that the subsection should be amended so as to read: "Engage in any outside employment inconsistent with the due performance of the duties of his office."

The MINISTER FOR RAILWAYS moved that the words "without the permission of the commissioners" be inserted after the word "shall," in the 2nd line of the 5th subsection.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved the omission of subsection 6.

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

On clause 49, as follows:—

"The Governor in Council may appoint, for each branch of the railway service, competent persons, to be examiners of candidates for permanent employment in such branch, and of officers who are candidates for promotion to the higher grades in such service. Provided that such examiners shall not hold office longer than three years from the date of appointment, but shall be eligible for reappointment."

The MINISTER FOR RAILWAYS moved that the word "permanent" in the 3rd line be omitted.

Amendment put and passed.

Mr. HYNE said he would like to say a word or two with reference to the appointment of examiners. He would suggest that the clause should be amended to the effect that the Governor in Council might appoint for each branch of the railway service the head of that branch as one of the examiners. What he was afraid of was, that examiners would be appointed who had not a practical knowledge of the subjects on which the candidates were to be examined, and he thought it was almost necessary that the head of the department should be one of the examiners: For instance, in the case of a candidate for the position of engine driver, he should be examined by the locomotive superintendent, and a person applying for admission to the maintenance department by the resident engineer. He was inclined to think, from his experience of examinations, that they were often of much too high a character for those who were likely to offer themselves for examination. In the State school examinations, some of the most ridiculous questions were put to teachers, and he believed that in nine cases out of ten examinations were used more to show the skill of the examiners than to test the skill of the candidates. He did not think it would be interfering with that clause to amend it in the way he had suggested.

The MINISTER FOR RAILWAYS said the insertion of such an amendment would have the effect of introducing a restriction which was unnecessary. In the majority of cases the head of the branch for which candidates were applying would be one of the examiners. It would be wrong to confine the examiners entirely to heads of departments, as it would often, no doubt, be advisable to have other examiners as well. It would be the duty of the Government, with whom the appointment of examiners would rest, to appoint fit and proper men as examiners, of whom, he supposed, in every case the head of the particular branch would be one.

Mr. GLASSEY said the acceptance of the suggestion of the hon. member for Maryborough would to some extent defeat the object of the Bill. It would open up a wide field for favouritism. Suppose there were two or three candidates for one appointment, and the head of the branch had a favourite among them, it would be the most natural thing in the world that he should find fault with those whom he did not want, and give the preference to his own favourite candidate. Examiners should be, as far as possible, independent men, consistently, of course, with their fitness for the position. The proposition of the hon. member it would not be wise to accept, and he was glad the Minister for Railways had set his face against it.

Clause, as amended, passed.

On clause 50, as follows:—

"Whenever the commissioners require additional permanent officers, they shall give public notice thereof three times in a Brisbane daily newspaper, and in some local newspaper circulating in the district where such officers are to be employed, which shall state the qualifications required and the branches for which such additional officers are required, and shall also state the time and place of examination. The commissioners shall so arrange the times and places when and where candidates are to comply with the conditions of employment provided in this Act, and to undergo examination, that persons residing in country districts shall have reasonable facilities for being examined in the district in which they reside."

The MINISTER FOR RAILWAYS said he proposed to make the same amendment as in the previous clause. He moved that the word "permanent," in the 1st line, be omitted.

Amendment put and agreed to.

The HON. SIR S. W. GRIFFITH said it would be necessary to put in something at the end of the clause, to the effect that that section did not apply to supernumeraries, unless the hon. gentleman was going to leave out the next clause altogether.

The MINISTER FOR RAILWAYS said he thought it would be better to negative the next clause.

Clause, as amended, passed.

Clause 51—"Permanent employment and appointment of supernumeraries"—put and negatived.

On clause 52, as follows:—

"No person shall be appointed as an additional permanent officer who has not obtained a certificate of fitness from the examiners (which they are hereby empowered to issue)."

The HON. SIR S. W. GRIFFITH said he thought it would be necessary to insert some words to except supernumeraries. Probably "except in the case of temporary appointments" would meet the case.

The MINISTER FOR RAILWAYS moved that the words "Except in the case of temporary appointments" be inserted at the beginning of the clause.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved that the words "additional permanent" be omitted.

Amendment agreed to.

Clause, as amended, put and passed.

Clause 53—"Order of precedence for appointment, how determined"—put and passed.

On clause 54, as follows:—

"All appointments shall be made to the lowest grade in each of the various branches of the railway service, and on probation only, for a period of six months. After the period of such probation, and upon production of a certificate of fitness from the officer at the head of the branch in which such probationer was employed, and upon proof to the satisfaction of the commissioners that all the provisions of this Act have been complied with, such appointments may be confirmed by the commissioners.

"The commissioners shall, notwithstanding, have the power to appoint to any position or grade, if they think fit, without examination as aforesaid, persons of known ability not engaged in the railway service.

"No such appointment shall be made unless the commissioners shall have previously certified under their official seal to the Governor in Council that there is no person in the railway service fit and qualified to be promoted to such appointment, and shall have obtained his sanction to such appointment."

Mr. GLASSEY said he thought six months' probation was rather too long a term, and that three months would be sufficiently long to test a man's qualifications. If a man was employed for three months and gave satisfaction, and the head of the department in which he was engaged gave a certificate to that effect, he thought that should be sufficient. Six months was too long to keep a man in suspense, particularly if employed at a very low salary.

The MINISTER FOR RAILWAYS said it was a matter of opinion whether six months was too long a period of probation. Of course, after the probation was over and the man had shown himself to be a satisfactory officer, he would be confirmed in his appointment, and be eligible, in his turn, for promotion. He was afraid that, if they made the term of probation less than six months, it might lead to the appointment of persons who might turn out to be not the kind of men they required. Six months seemed a reasonable period.

Mr. HYNE said he desired to draw the attention of the Minister for Railways to the second paragraph of the clause. It appeared to nullify other portions of the Bill, which required that every candidate must undergo an examination. Why give the commissioners power to override that?

The MINISTER FOR RAILWAYS said the provision was intended to meet exceptional cases that might occur. For instance, a traffic manager might be required on the Southern and Western Railway, and it might happen that the next officer in grade in that particular department was not qualified to be head of the department. In that case the commissioners would have power to appoint an outsider; but only if they were prepared to certify that the next officer in order was not fit to occupy the position. There was also the further safeguard that whenever such a case occurred, the consent of the Governor in Council must be obtained before the appointment could be made.

Question put and passed.

On clause 55, as follows:—

"No probationer's appointment shall be confirmed until he has effected, in some life insurance company carrying on business and having a permanent office in Queensland, an insurance on his life providing for the payment of a sum of money at his death, should it occur before the age of retirement from the railway service; or, if he survive until that age, of a sum of money or annuity on the date of such retirement.

"Such insurance shall be continued, and the amount thereof fixed and increased, from time to time, in the prescribed manner, and no policy of insurance so effected shall, during the time such person remains in the railway service, be assignable either at law or in equity."

Mr. PALMER said: No doubt the principle of the clause was a very admirable one, and he hoped it would be extended to every portion of the Civil service. There appeared, however, to be one defect in the clause, and that was, that although an officer might insure his life, unless the premium was made a charge upon his income he might neglect to make the necessary provision to keep the policy alive, and so defeat the object in view. He thought the premium should be a charge upon his salary, and be paid by the Treasury.

The MINISTER FOR RAILWAYS said he did not think the hon. gentleman could have read the clause. It said, "Such insurance shall be continued, and the amount thereof fixed and increased from time to time."

The HON. SIR S. W. GRIFFITH: Suppose it is not.

The MINISTER FOR RAILWAYS said he supposed in that case the commissioners had the right to dismiss the man from the service, as he had broken the conditions of service. He might mention that he had been trying to elaborate a scheme for extending the same provision to all the men at present in the service, but owing to want of time he had not been able to get it ready in time. He thought it could be done by a Bill, and he hoped to have it ready after the recess.

Mr. GLASSEY said he happened to possess some material in connection with the railway employés, owing to some action they had taken in that direction about four years ago; and he should be only too glad to hand over that material to the Minister for Railways to enable him to carry out his intentions. He had been about to rise to inquire how that clause would affect the present employés, and he was pleased that the Minister for Railways was going to deal with the question.

Mr. BUCKLAND said he would like to call attention to one thing. Although a probationer might be in every other respect eligible, it was possible that his life would not be accepted by any insurance office. What, then, would be the position of the probationer, as he certainly could not comply with the provisions of that clause? He might be eligible in every other respect.

The COLONIAL SECRETARY: Except that he is not eligible.

The MINISTER FOR RAILWAYS said that if no insurance company would accept his life, he thought he was hardly a fit person to enter the service.

Mr. GLASSEY said there was just one point they might consider before they passed that clause, with reference to the solvency of any company which might insure a man's life. Who would guarantee that the company was solvent? He would much prefer—and he knew he expressed the feelings of a large number of men employed in the railway and other departments—that the Government would decide in that matter. It was just possible that those men might insure in some company, and some financial difficulty might overtake that company, and it might become insolvent, and the men's insurance was gone. He wished to draw the hon. gentleman's

attention to that matter in order that he might try and arrive at some conclusion, so that no hardship would arise to the employés.

Mr. BARLOW said he believed they had a Government insurance fund. It had not done very much in the past, according to the reports, but possibly that might be worked into this scheme.

Mr. COWLEY said he thought there was some force in the contention of the hon. member for Bulimba. He knew a case in which a friend of his had tried twenty-five years ago to insure his life without success, and that man was alive and well to-day in spite of the doctor's opinion, and he considered it bad that a man should be prevented from earning an honest livelihood simply because the doctors thought he was unsound. Could not the clause be amended to make provision, in the event of a life insurance company not taking his life, that he might insure in an accident assurance office? Many men might be working as guards and be injured, and an accident policy would cover them. No doubt there were many men who had been refused by insurance companies who had lived many years.

The MINISTER FOR RAILWAYS said he quite agreed with the hon. member for Bundanba, but he thought that they might insure against accident. He certainly thought the commissioners should be responsible for the company in which the insurance was effected, and they might inaugurate some scheme, by which they would be held responsible for the accuracy of the actuarial calculations, upon which the insurances might be based, so that if the fund should not be able to pay the claims that might arise, the commissioners would be responsible for the amount. In that case it was entirely for the benefit of the persons who entered the service, as thus they provided an annuity for themselves when they retired, so that they would not become a charge upon the colony as a whole. It was to their interest, therefore, that they should insure only in a good and solvent company.

Mr. GOLDRING said in the 1st paragraph t said:—

"No probationer's appointment shall be confirmed until he has effected, in some life insurance company carrying on business and having a permanent office in Queensland."

There were men who, doubtless, would make application for appointment, but who would be unable to pay the premium. Would they be allowed to draw in advance on their salaries? Premiums were usually payable quarterly, half-yearly, or yearly, and there were plenty of men who would be able to fill positions in the railway service, but who would be prevented by their inability to pay the premiums on the insurance.

Mr. DRAKE said there was one point which seemed to have been overlooked—that was that there was no stated sum of money set down as the amount of insurance required. The clause said that some insurance should be made. Was it to be left to the discretion of the commissioners? They might fix it at an absurdly high figure or at so low a figure that it would be no insurance at all.

The MINISTER FOR RAILWAYS said that was prescribed by the 6th section of clause 67, by which the commissioners were empowered to fix the amount, and increase it from time to time in the prescribed manner.

Clause put and passed.

Clause 56—"Commissioners to take security from officers entrusted with money"—put and passed.

On clause 57, as follows:—

"When any vacancy occurs in any branch of the railway service not open for competitive examination as hereinafter provided, it shall be filled, if possible, by the promotion of some officer next in rank, position, or grade, to the vacant office; and no such officer shall be passed over unless the head of his branch, in writing, so advise the commissioners. No officer shall be passed over without being allowed to show cause, in the prescribed manner, to the commissioners, whose decision upon the matter shall be final."

The HON. SIR S. W. GRIFFITH asked what was the competitive examination referred to in the clause?

The MINISTER FOR RAILWAYS: The examination for the higher grades.

The HON. SIR S. W. GRIFFITH said that the higher grades were not defined. Many of the officers, in what he supposed were the higher grades of the service, required qualifications which could not be determined by competitive examinations. They would not subject a traffic manager or a locomotive engineer, for instance, to examination in order to ascertain his qualifications.

The MINISTER FOR RAILWAYS said that, as a rule, unless there were more than one candidate in a lower grade eligible for promotion, there would be no examination, but the promotion would be made in the ordinary way. Under clause 67 the commissioners would have power to regulate the relative rank, position, or grade in the duties and conduct of the employés in each of the various branches of the service, and for determining which of such grades should be deemed the higher and lower grades respectively.

The HON. SIR S. W. GRIFFITH said he would take the case of the resident engineer on an important line, who would, he supposed, be an officer in a higher grade. In the event of a vacancy it would not, according to the clause, be filled by the promotion of the officer next in seniority, but by an examination in which anyone who liked might compete; and the one who got most marks would get the billet. Competitive examinations were good things for candidates entering the service, but they were not applicable beyond a certain stage. The clause provided for filling up vacancies by promotions, and that was a good thing when there were men of experience and tried capacity to appoint. But, if promotions depended upon competitive examinations, a chief clerk might get over the head of the under secretary, or a corresponding clerk over the head of the chief clerk.

Mr. HODGKINSON said he had had experience of the competitive system in Great Britain, and he had known serious injustice to result from it. At the time it was introduced it was rather run to death. Appointments to the second class were open by competitive examination to officers of the third class; and the consequence was that young men, with all their scholastic lore at first hand, were appointed over the heads of their seniors who had been in the service for more than a dozen years, and who were worth half-a-dozen of the juniors as practical men, but had forgotten the technical details in which examiners loved to revel. As a rule, examiners set questions to show their own acquaintance with minutiæ rather than to draw forth the practical knowledge of the candidate as to the duties he had to perform.

Mr. O'SULLIVAN said he would ask what was to be done with the old hands in the service of the department? Some of them—not very many—had been in the service over twenty years, and he thought something should be done for them.

The MINISTER FOR RAILWAYS said he was sorry to say that no provision was made in the Bill for the old servants of the Department; but provision ought to be made for them in some way; and it ought not to be too late yet to do so. There was no provision except that the commissioners had power to determine the ages at which men might retire from the service.

Mr. O'SULLIVAN said he was glad to hear that it was not too late yet. The number of persons to whom he referred was very small, and it was scarcely worth while to throw them into Dunwich. It would not take long to introduce a clause providing for them.

The COLONIAL SECRETARY said he hardly followed the hon. member for Stanley, who said that in order to prevent certain employés being thrown into Dunwich they should be kept in employment for which occupants of Dunwich were not fit, or else they should be pensioned. He did not think those persons should get any more from the State than any other employé, and he did not think provision should be made for them in the Bill.

Mr. O'SULLIVAN said he did not advocate those persons being kept on at all; he simply said that some provision should be made for them. He happened to know one man, over eighty years of age, who had been in the service of the department more than twenty-five years.

The COLONIAL SECRETARY said he certainly thought that no person over the age of eighty years should be kept in the employment of the Railway Department, and he did not think that, in passing a general Bill of that sort, they should be called upon to consider such extreme cases as those mentioned by the hon. member for Stanley.

Mr. GROOM said he knew the officer referred to by the hon. member for Stanley, and knew him many years ago, when he was an exceptionally active man. He was not at all an inactive man now, notwithstanding his advanced age, and he did not think he should be turned out of the service after so many years good work without some provision being made for him. That man was an exceptionally valuable officer, but there were others besides him who deserved consideration. There was a good deal in the contention of the hon. member for Stanley.

The COLONIAL SECRETARY said he would like to know up to what age some members of the Committee thought the rights of public servants should be preserved. They should remember that in dealing with such a subject as the management of railways, they were dealing with a matter which involved the lives of the travelling public, and it was right they should know at what age persons who had been engaged in that department should retire. He should feel very uncomfortable—not, perhaps, on his own account—but on account of those near and dear to him if he thought an old gentleman of over eighty years of age had anything to do, say, with the turning of the points at Toowoomba, or at any place where the turning of the points was a matter of great importance. When a man reached the age of eighty years it was certainly time he retired from the service of the Railway Department. They knew that under the old Civil Service Act sixty years was the age fixed at which ordinary Civil servants should retire. It could hardly be expected that they should keep men of eighty years of age in the Railway Department, where especially young and competent men were required for the executive part of the work.

Mr. GROOM said that for fear there might be some thought of danger to the travelling public through that aged officer being employed, he might state that he had not the handling of any of the points at all. He was employed in opening and shutting gates.

The COLONIAL SECRETARY: There is a big risk there.

Mr. GROOM said he was quite aware there was a big risk under almost any circumstances in connection with that department; but he could assure the hon. gentleman that the officer who had been referred to knew the risk, and was not at all insensible to it. It was because that man did his duty with a fidelity and zeal that was worthy of all credit that he did not wish to see him dismissed.

Mr. O'SULLIVAN said the Colonial Secretary asked why that poor man did not go if he was over eighty; but where would the hon. gentleman have him go if he had nothing to eat? Where could such a man go to earn a living? Did the hon. gentleman think that those men earned such immense salaries that they could retire when they pleased? He could bear out what the hon. member for Toowoomba said as to that officer's activity. He believed he was now about as active as any man in the service of the department, and a complaint had never been made against him. He was not speaking of that man in particular, as there were others, though they were very few, who would be affected by a clause of that kind. He might add something to what had been said of the officer to whom he had referred, and that was that he understood that man had been robbed of £10 of his salary for fifteen years.

Mr. BARLOW said the remarks of the hon. member for Stanley did great credit to his kindness of heart. He believed the fixed age for retirement at sixty years only applied to Civil servants under the old Act, and he would draw the atttention of the Committee to the fact that the 67th clause introduced a new element, inasmuch as it empowered the commissioners to make regulations fixing compulsorily the ages at which persons employed should retire in the different branches of the service. That made it very essential that something should be done for those old people so kindly referred to by the hon. member for Stanley.

The MINISTER FOR RAILWAYS said the Bill would leave the employés in much the same position as they were in now. To provide a retiring fund would require a special Act, and he did not see how it could be done without a large appropriation from the Treasury. A special Bill would have to be passed, and there would have to be a good many regulations and restrictions considered before the matter could be worked up to an effective point.

Mr. O'SULLIVAN: The meaning of which is that these poor old fellows will be left in the lurch.

Mr. LUYA said: Why should they not except the present officers of the department? If brought under that Bill, those over sixty years of age would have to retire. One of the most efficient officers of the department, who was in charge of the permanent way, was, to his own knowledge, over seventy years of age, though one would not take him to be sixty. That man was a man of exceptional ability in the line in which he was employed, but he would have to retire under the Bill.

The MINISTER FOR RAILWAYS said he did not see anything compulsory in that direction in the Bill. The clause they were now discussing was clause 57, and that might be made to apply to appointments made after the commissioners came into the work. It did not say in the Bill, nor was it at all likely, that as soon as the commissioners took over the management of the railways

they were going to discharge every official over sixty years of age. Hon. members he thought were raising an imaginary difficulty.

Mr. GLASSEY said, did not clause 70 protect the employés at present in the railway service? If it did not there was something in what the hon. member for Stanley had said.

The HON. SIR S. W. GRIFFITH said he would strongly recommend the Government to modify the next clause with regard to competitive examinations. The rule laid down there was a very good general rule, but it was not applicable to the higher grades of the service—he did not say only the highest grades, but the higher grades which men looked forward to obtaining for long service. That reward was specially taken away by that provision, and an officer of long service would not be able to get promotion unless he could gain in a competitive examination. He would, therefore, suggest that, instead of allowing the clause to pass as it was, it should be amended so as to read "the commissioners may, with the approval of the Governor in Council, direct that appointments or promotions to any offices in the railway service shall be made after competitive examinations." The reference to higher grades should be omitted. Competitive examinations were very good for certain things, but not all round. If the modification he suggested were adopted the clause now under consideration would do very well as it stood.

Mr. MACFARLANE said that before the clause passed he would point out that a person entitled to promotion by reason of seniority might be passed over on the head of the department, in writing, so advising the commissioners. The clause stated that "no such officer shall be passed over unless the head of his branch, in writing, so advise the commissioners." That placed the head of the department in a very invidious position. If he were the head of a branch of the service he would not care to have to make a report derogatory to an employé in the department, and he thought the provision to which he had referred might very well be omitted without in any way interfering with the working of the clause.

The MINISTER FOR RAILWAYS said if that were omitted the effect would be that a superior officer would allow a man, whom he knew was unfit, to receive promotion. He thought it was a very desirable provision, to prevent the head of the department exercising any partiality in the matter, and the right of appeal to the commissioners was given to the officer who was passed over. He did not think anything could be fairer.

Mr. O'SULLIVAN said he would like to see a provision of that kind in force in all the departments, because in that case some Civil servants would not be sent to the top of the tree while others were left behind, because they did not have a certain ear mark.

The COLONIAL SECRETARY said he was not a thorough believer in competitive examinations, probably not a believer at all, as he was of opinion that there might be something more in a man than could be extracted out of him by a set of questions in an examination paper. Supposing, for instance, that before any person could become a member of that Committee, he had to show that he possessed the qualifications for a ruler or legislator by answering a set of questions in an examination would the best man, or the six best men on the Committee be the ones who would pass the best examination? Probably not; unquestionably not. A man might have something in him, some divine essence, which would not be brought out by the bare answering of questions put before him in an examination, something which would bring him to the front before the mere doctrinaire who gave better answers. He thought that if they looked at the record of senior wranglers they would find that very few of them had come to the front.

The HON. SIR S. W. GRIFFITH: Yes.

The COLONIAL SECRETARY said they might have become great lawyers and good judges; he admitted that, but he could not think of any senior wranglers who had ever made their mark on the age.

An HONOURABLE MEMBER: Mr. Gladstone.

The COLONIAL SECRETARY said Mr. Gladstone was not a senior wrangler, but a first class in classics at Oxford. There were many in the second rank at such examinations who, when it really came to a knowledge of what the practical working would be with regard to the matters on which they were examined, were very much more useful than those who passed in the first rank.

The MINISTER FOR RAILWAYS said there would be different kinds of examinations. The examination for a porter would be quite different from that for an engine driver. Of course a standard examination would be passed before a person was admitted to the service, and being in the service, if a vacancy occurred and there were twelve men equally eligible, they must have some method of determining who was the most competent.

The HON. SIR S. W. GRIFFITH said the hon. gentleman did not grasp the scheme of the Bill. The arguments he used were very good in respect to the appointments which might very properly be filled by competitive examinations, but the Bill provided for the higher grades only to be filled by such examination, and the hon. gentleman's arguments were entirely inapplicable. He (Sir S. W. Griffith) hoped that the hon. gentleman would agree to modify the next clause. If he did not, it would have to be modified before it had been in operation many months.

Clause put and passed.

On clause 58, as follows:—

"Whenever promotions to the higher grades of the railway service are to be made, the commissioners shall cause competitive examinations to be held by the examiners; and the names of the candidates who have satisfied the examiners that they possess the necessary qualifications shall be registered by the commissioners, in a book kept for that purpose, in the order of their merit. And no promotions to the offices open to competitive examination shall be made except from the persons whose names are so registered, and in the order of such registration, taking the name first registered and following in regular order."

The MINISTER FOR RAILWAYS said he still thought they should give the commissioners power to make regulations with regard to the character, extent, and test of examinations, as provided by that clause. Taken in conjunction with the previous provision as to promotion in the lower grades, it was, he thought, a reasonable provision.

Mr. HODGKINSON said that supposing there were twelve candidates who satisfied the examiner that they possessed the necessary qualifications, and they were registered by the commissioners in a book kept for the purpose, and there was at that time only one appointment open, which was given to the candidate at the head of the list; then, after an uncertain interval, which might be one, two, or three years, another appointment was vacant, but in the meantime other persons had shown their fitness for that particular appointment;—was the senior of those eleven passed candidates to have the promotion? and were all the eleven to get

appointments before No. 13 had a chance of being examined? He had had a practical acquaintance with the working of the competitive system in the old country, and the results were so very different from what was anticipated that the system had to be entirely altered. A competitive examination was valuable for the initiation of anyone into a department, because it showed he had a certain amount of education, which frequently implied the possession of other physical and moral requisites which were valuable; but to attempt to put a scholastic measure on the eligibility of an officer of a department for the higher ranks of that department would be a mistake; their fitness for the promotion could not be tested by an examination. It was the ready-witted man who would come to the front in a competitive examination, not the man of practical experience. How many of the young men who had carried off the premium for prize poems at the universities would they find ranking in the list of poets? And the same rule held good in all other departments of life. No doubt many young men could pass a much better examination in the details of many of the departments than the heads of those departments, or even than the occupants of the Treasury benches. What chance in a competitive examination would they have on many subjects against the average schoolboy?

The HON. SIR S. W. GRIFFITH said competitive examinations were of no good except to young men. He had gone through many in his time, and should be very sorry to go through one now. He proposed to amend the clause by leaving out the reference to higher grades. All experience proved that it was in the higher grades that competitive examinations were out of place. Men fit for higher grades were mostly men who had lost the aptitude for examinations. He proposed to omit the following words from the clause:—

"Whenever promotions to the higher grades of the railway service are to be made"—

with the view of inserting the following:—

The commissioners may, with the approval of the Governor in Council, direct that appointments or promotions to any offices in the railway service shall be made after competitive examination. In any such case.

He trusted the hon. gentleman would see his way to accept the amendment, which would give effect to all that was good in the scheme of competitive examinations, and at the same time remove a very obvious objection to the clause.

The PREMIER said hon. members had gone somewhat astray from the principles of the Bill. They had been discussing the subject as if, by that clause, they were to put candidates aspiring to the higher grades of the service through a schoolboy examination—by means of questions and answers. That was not the scheme of the Bill. If hon. members would turn to clause 67 they would see that the test was to be something altogether different. The Bill was wide enough to allow the greatest latitude to the commissioners in deciding who were the fittest men. The 3rd subsection of that clause provided that the commissioners should make regulations for determining the nature or character and extent of examinations or tests for the higher grades of the service. It was not to be a schoolboy examination of candidates coming from all parts of the country. It might be that ten years' service as an assistant traffic manager, for instance, might go further than all the questions that could be put to him.

The HON. SIR S. W. GRIFFITH: But that is not competitive examination.

The PREMIER: Strike out "competitive examination," but stick to common sense. To adopt the amendment of the hon. member would be to depart materially from the principle of the Bill, by introducing the new principle that the Governor in Council might tell the commissioners when there were to be competitive examinations and when not. The clause was perfectly right as it stood, with the regulations the commissioners were allowed to make under clause 67. The commissioners would be men of ability, and would know the different qualifications of those who aspired to higher grades in the service, and when they began to make regulations under that clause they would consider all those matters. No doubt the examination would be such an examination as would test a man's fitness for a traffic manager, or a sub-traffic manager, or an assistant engineer. It would not be confined to simply answering questions in mathematics and algebra. There would not be all those technical questions. A great deal would depend upon the experience of the man in the department, and that would count for a great deal more than any questions he could possibly answer. He thought the principle of the Bill would be spoiled by handing the whole thing over to the Governor in Council.

The HON. SIR S. W. GRIFFITH said he believed he was contending for very much the same thing as the hon. gentleman, but he maintained that the Bill provided for the contrary. It forbade the very thing which the hon. gentleman contended was the right thing from being done. That was what he objected to. Under the clause as it stood a chief engineer could not be appointed without competitive examination, which was utterly absurd. He presumed that a chief engineer would be an officer of "higher grade."

The PREMIER: We admit that.

The HON. SIR S. W. GRIFFITH said that then it was utterly absurd to say that a chief engineer or a traffic manager could not be appointed without a competitive examination. What the Bill proposed to do was to lay down an absolute rule which the commissioners were to follow. If that was to be so, let them be sure that the rule was a right one, and not lay down a wrong rule and tell the commissioners they must follow it. There was the mistake. The amendment he had moved would not compel the commissioners to recommend the Governor in Council to authorise competitive examinations. They could do so or not, as they thought fit. They would still have absolute control. However, he had no objection to leaving out the words "Governor in Council." All he wanted to secure was that the commissioners should not be bound to hold competitive examinations in cases in which, in their opinion, they would be out of place.

The PREMIER said he believed the hon. gentleman and himself were trying to get to the same end, but he was satisfied that the hon. gentleman's way would not attain it, and that in passing the clause they would be perfectly safe. Supposing the extreme case the hon. gentleman had mentioned of the appointment of a chief engineer, what would happen? There would be a competitive examination under the regulations drawn up by the commissioners, but the qualifications of the man aspiring to the position would be taken into account; his service and the works he had carried out in this colony, or the other colonies, or elsewhere would be considered, and form an important element in arriving at a decision. In fact, they were inviting the world to compete for the position, and the commissioners could give a special number of marks to the qualifications of a man who had had experience in this or the neighbouring colonies. The Bill provided for all that. The whole qualifications and merits of the

men would be considered, so as to find out the best men, and the decision would be given accordingly.

The HON. SIR S. W. GRIFFITH said the hon. gentleman said that what was to be done was to find out the best man by inquiry into his qualifications and capacity. But that was the very opposite of competitive examination, which was putting a number of men at the same task and seeing who did it best. That was the scheme of competitive examination—that no matter how clever a man might be, unless he could show his ability in answering certain tests put to him in common with others he was out of it altogether. "Competitive examination" was a term of well-known signification, which everybody knew, and the commissioners would give it that interpretation when they came to put the Bill into operation.

The PREMIER said he did not care if the word "competitive" was put out of the Bill altogether. It was defined as clearly as possible in subclause 3 of clause 67 that the commissioners should make regulations for "determining the nature or character and extent of the examinations or tests," and, as he had said before, experience in this colony would rank for so much, in the other colonies for so much less, and so on. That was a part of the proceedings that did not come in in answer to any questions at all, still it was part of the examination.

The HON. SIR S. W. GRIFFITH said surely the hon. gentleman was not serious. He might as well say that in a comparative examination of cows, they should take into consideration their names.

The PREMIER: The name of the father would be, very likely.

The HON. SIR S. W. GRIFFITH said that then. in making a competitive examination, the hon. gentleman thought a man's pedigree should be taken into consideration, also the colour of his hair, his age, and everything else. Those were general qualifications as distinct from competitive examination. The hon. gentleman was taking the antithesis of competitive examination in saying what he meant by the term, but if he passed the Bill with the clause as it stood, it would be interpreted according to the language that was in it, and the result would probably be most disastrous. The hon. gentleman had got into his head what he meant, and did not care two straws what the Bill actually said.

The PREMIER said the hon. gentleman had given an illustration which would test the matter thoroughly. He did not think they could find a better illustration than a competitive examination between two cows.

The HON. SIR S. W. GRIFFITH: That is a comparison.

The PREMIER said: What were the things that would be taken into consideration in a case of that kind? Not merely the physical qualifications of the animals, as discovered by measurements and walking round, but also what they had done before and what their forefathers and cousins had done and were likely to do. All those matters would be considered. He did not care if they left "competitive" out altogether. Let the hon. gentleman suggest an amendment in that way, or even to leave out "examination," but let it be thoroughly understood that the competition was to be between the men according to all their qualifications and merits for the position they were to occupy. They knew very well the effect of the Act in Victoria, and it was absurd to put such a construction as the hon. gentleman contended for, upon "competitive examination."

The HON. SIR S. W. GRIFFITH said he did not wish to take up the time of the Committee, but he desired to point out that, if the clause passed as it stood, before appointing the most important officers in the service the commissioners must hold a competitive examination. The result might be that some young inexperienced man might be appointed over the heads of all the rest. That was not what was intended. No one was so insane as to make such a proposal. Competitive examination was a well-known term. It was an examination of candidates in order to choose the best for the post. It could not be supplemented by anything that they might hear outside about a man.

The PREMIER: That is where you fail.

The HON. SIR S. W. GRIFFITH said: Did anyone ever hear of anything being called a competitive examination which was simply a comparison of the pedigrees of men? That was not a part of such an examination. The Premier seemed to think that, besides the examination, other qualifications could be disclosed. That was what the hon. gentleman had on his mind—all sorts of extraneous information about men.

The PREMIER: That is only quibbling about words.

The HON. SIR S. W. GRIFFITH said they were not quibbling about words, but that clause contained a well-known expression, which provided the very opposite of what was desired by the Committee. If the hon. member said black meant white they could not help it, but if in that Bill he said "black," meaning "white," when the Bill came into operation it would mean what it said. He wanted only to get rid of the palpable absurdity in that clause.

The PREMIER said it was intended that they should take clauses 58 and 67 together, but if they followed the reading of the hon. gentleman they might find that a tenth-rate man would get the position in question. He did not think such would be the case. The scope of that clause would give the commissioners every opportunity of getting the best men.

Mr. HODGKINSON said he would point out that it was possible that a man who claimed a high position might not care to submit to a competitive examination, because if he failed it would ruin his professional reputation. That was no fancy, for he had known gentlemen holding high positions in the service in the mother country who had declined to go into any competitive examination against their juniors for the reason he had given. As to the illustration of the cow, he did not see that that applied at all. It was a perfectly different thing. In judging cattle they had to belong to some particular breed, and it had to be proved that they belonged to that breed by submitting the pedigree of their sire and dam. They did not ask for the pedigree of an engineer or a surveyor.

Mr. REES R. JONES said he would like to ask the Minister for Railways if section 58 would confine examinations only to the lower grades of the service? The clause stated:—

"Whenever promotions to the higher grades of the railway service are to be made, the commissioners shall cause examinations to be held by the examiners."

If they wanted a higher class officer, they could not go outside the service for him. That clause only provided for the promotion of the lower grade men.

The MINISTER FOR RAILWAYS said there were a variety of grades in any one department, and there were several departments. In each department there might be four or five grades, and men were examined to find if they were fit for a higher grade. There might be four

or five traffic managers, and the position of the traffic manager on the Southern and Western Railway might be considered the best of those positions. When the position of traffic manager on the Southern and Western Railway became vacant, the other traffic managers on the other railways would be examined for the purpose of finding the most competent man to occupy the post, and they would be classified in order.

The PREMIER said it would perhaps remove the difficulty if the word "competitive" were omitted. He did not stand pledged to the word; in fact he did not like it at all, as it had imported into the Bill a meaning not at all intended.

Mr. POWERS said that no amendment had been proposed, and he thought the word "competitive" should be omitted, as that could not mean an examination of the qualifications of applicants other than those passing the examination. He considered it necessary that something should be known of the other qualifications of candidates, and he would, therefore, move the omission of the word "competitive," and the insertion of the words "and inquiries to be made as to the qualifications of candidates" after the word "examiners."

The HON. SIR S. W. GRIFFITH said what the hon. gentleman proposed was exactly the same thing as leaving out the word "competitive." Competition was a very good thing in some cases. Supposing station-masters were to be appointed by promotion of porters——

The PREMIER: There is no one striving for the meaning of the word that you are talking of.

The HON. SIR S. W. GRIFFITH said he quite agreed as to the way in which the Premier wanted the clause to act. Suppose porters were to be promoted to station-masters, they could be examined as to their fitness for the position. What he objected to was the generalness of the expression, which would prevent the commissioners from appointing the best man for a post without competitive examination, and that was the very reverse of what was intended. If they provided that competitive examinations must be held, the commissioners might have to make appointments which were revolting to their better judgment. Competitive examination, in itself, was a very good thing, and he had no objection to the commissioners determining when competitive examinations should be held, as they would know thoroughly when such an examination was required.

Mr. LYONS said he thought the words "examinations and" might be inserted before the words "competitive examinations." That would meet the requirements of the case. Then the commissioners could hold such inquiries as the Premier and the leader of the Opposition desired; and if competitive examinations were thought necessary they could also be held.

The PREMIER: Do you mean to alter the word "shall" in the 2nd line to "may"?

The HON. SIR S. W. GRIFFITH said that what he objected to was the promotion of officers in the higher grades by competitive examination. It might be a very good thing up to a certain point, but beyond that it would be very bad. Suppose a Supreme Court judge had to undergo a competitive examination.

The PREMIER: There would be lots of applicants.

The HON. SIR S. W. GRIFFITH said there would no doubt be lots of applicants, but the result would not be the appointment of a good judge.

The PREMIER: How are you to get a good one

The HON. SIR S. W. GRIFFITH said it was to be done by the Government, who were responsible, looking round and finding out who was the best man, which was a very different thing from holding a competitive examination. He thought it would be better to say "the commissioners may direct that appointments or promotions to any office or grade in the railway service shall be made after competitive examination."

The PREMIER said the suggestion simply meant leaving out the clause, and allowing the commissioners to act under clause 67.

The HON. SIR S. W. GRIFFITH said the clause would be a very good one if amended, because it could be made to apply to officers in the lower grades. The competitive system might very well be applied to the promotion of firemen to the rank of engine-drivers, and to the promotion of porters to the rank of station-masters.

The PREMIER said he would ask the hon. member whether a competitive examination would bring out the best fireman, or the best porter, any more than the best engineer. All the hon. member's arguments against the examination of engineers applied equally to porters and firemen. It would be better to strike out the clause, and leave the commissioners power to act under clause 67. They could then decide on the character of the examination—whether it should be *viva voce*, or in writing, or by credentials.

The HON. SIR S. W. GRIFFITH said it would be better to strike out the clause than leave it as it stood. He had no great faith in competitive examinations except for young men, and even then they were open to objection.

Amendment, by leave, withdrawn; and clause put and negatived.

Clause 59—"Gratuities and overtime payments"—put and passed.

On clause 60—"Power to fine or reduce in rank any employé"—

The MINISTER FOR RAILWAYS said he proposed to ask the Committee to negative that and the next three clauses, with a view of inserting other clauses which had been circulated.

Clause put and negatived.

Clause 61—"Officers guilty of misconduct how dealt with"—put and negatived.

The MINISTER FOR RAILWAYS moved the insertion of the following new clause 60:—

> The officer at the head of each branch of the railway service shall, in the prescribed manner, have the power with respect to any employé in his branch who has been guilty of misconduct or of breaking any rule, by-law, or regulation of the railway service—
>
> (1) To suspend him;
>
> (2) To fine him in a sum not exceeding five pounds;
>
> (3) To reduce him in rank, position, or grade, and pay.
>
> Any officer in charge of a railway station, workshop, or section of permanent way, may temporarily suspend at such station, workshop, or section, any employé of inferior rank, position, or grade to his own, until the officer at the head of such employé's branch has dealt with the suspension of such employé.

New clause put and passed.

The MINISTER FOR RAILWAYS moved the insertion of new clause 61, as follows:—

> Every such employé shall have the right of appeal to the commissioners.
>
> Every appeal shall be lodged with the commissioners within thirty days of the date of the decision appealed against.
>
> Every such appeal shall be investigated within sixty days from the date of the appeal being lodged with the commissioners.

Mr. HYNE asked if the clause gave the employé power to employ a solicitor to appear on his behalf, because that if a man in a lower grade had to defend himself he would appear to great disadvantage.

The PREMIER: Do you think that that would better his position?

Mr. HYNE said he thought it would.

The PREMIER: I do not think so.

Mr. GLASSEY said the point to which he wished to direct attention was as to the right of a person complained against to appear himself, and not be dependent upon a written report. Could the person against whom a complaint was made appear personally, or would he simply have to send in a written statement? If a case arose in the Central or Northern district, and the inquiry was held in the South, there would be a difficulty, but where possible an officer, against whom there was a complaint, should have the right of appearing in person.

The MINISTER FOR RAILWAYS said the intention of the Bill was not that the commissioners should sit and determine every small case that occurred. A man might be stationed at Barcaldine and be fined 10s. by the station-master. He might think that an injustice and appeal, but in that case he imagined that the commissioners would appoint some responsible officer to investigate and report. The person complained against would certainly have an opportunity of appearing before that responsible officer, and on the report furnished by him the commissioners would give a decision. That was the reason why he had altered the word "hear" into "investigate."

Mr. GLASSEY said he thought that was a decided improvement. If a complaint was lodged against a person, generally an intimation was given to the person complained against to answer the complaint. The complaint was answered by letter, and then there was a rejoinder from the individual who lodged the complaint. If the person complained against could appear in person it would be a decided advantage, because the man who had the first and last word generally came off best. Of course the occupation of the employés must be considered. Take a lengthsman, for instance. That man might not be able to enter into a long rigmarole in writing, but he could say in a few words what he desired to say if allowed to appear in person, and thus, perhaps, clear up the matter.

Mr. BARLOW moved that after the word "commissioner" the following words be inserted: "and the employé shall have the right of appearing either personally or by counsel."

The HON. SIR S. W. GRIFFITH said before that amendment was put he wished to know whether he understood the Minister to substitute the word "investigate" instead of the word "hear." Why was the alteration made? "Hear" was the right word; it was always used, and was particularly applicable.

The MINISTER FOR RAILWAYS said the word "hear" appeared to him to imply that the commissioners should personally hear every appeal, and listen to evidence.

The HON. SIR S. W. GRIFFITH: It does not mean that.

The MINISTER FOR RAILWAYS said he did not think that was meant. He was quite certain that the commissioners could not personally hear all the complaints, and he thought it convenient to show what was meant when the clause was passed. The clause simply meant that the commissioners should take the necessary steps to investigate any complaint, and that could be done by sending a responsible officer to hold an inquiry.

Mr. SAYERS said he thought the commissioners would never go to the North to hear any complaints that might be made, and he hoped the Minister for Railways would have a clause providing that some responsible official should hear and determine such cases, because the following clause said that the commissioners should hear and determine. That would have to be altered. He should like to see the Minister for Railways amend the clause in some way. It was easy for the commissioners down here to hear and determine a case, as the employés in the southern portion of the colony were within railway communication, but they would not see much of the commissioners in the North, and the Minister for Railways should put in a provision empowering them to appoint responsible officials to hear and determine cases. They might appoint men at Normanton, Townsville, Rockhampton, or Bundaberg, as they could not expect the commissioners themselves to hear every little case involving a fine, perhaps, of only 5s. or 10s. It would meet what was required if the commissioners were empowered to appoint some responsible official to hear and determine cases and report to them, and allow appellants or complainants to appear personally in support of their cases.

The MINISTER FOR RAILWAYS said the Bill gave the commissioners ample powers to do that. They could not say that they should go to different parts of the colony, as they must leave that to their own discretion. They hoped to get good men, and they might assume that they would work the Act to the credit of themselves and of the colony. To define the parts of the colony to which they should go would be to restrict their action too much.

Mr. SAYERS said the reason he had spoken was because he knew there had been complaints from the North, some of a serious nature, and others, perhaps, of a trivial nature, and it had taken weeks and months to have them decided. The Commissioner for Railways was only able to go to the North perhaps once in six months, and it took a long time for those cases to be heard when they were brought down to Brisbane. He believed the Minister for Railways himself agreed that they would not see much of the commissioners in the North, and it was necessary they should have the power to appoint responsible officials to hear and determine cases on their behalf.

Mr. DRAKE said the clause as it stood was unsatisfactory. The Minister for Railways had substituted the word "investigated" for the word "heard," probably with a view of meeting his idea that if a matter was not investigated by the commissioners it might be by some officer appointed by them. Would it not be as well to state by whom cases were to be determined in the clause? Because, unless that was done, the amendment proposed by the hon. member for Ipswich would hardly apply. They would not know by whom a case was to be heard if the commissioners were given the power to appoint any officer to investigate, and then where would be the use of allowing aggrieved persons to be represented by counsel?

Mr. BARLOW said that surely in common justice they would call upon persons charged to show cause at a certain time and place. Otherwise there would be no justice whatever in the proceeding.

The MINISTER FOR RAILWAYS said he did not think it necessary to lay down rules of that sort. The commissioners were not going to perpetrate injustice. They would make all the arrangements for the proper hearing of a case, and the person complained against would be given an opportunity to submit his view of the case

either personally or in some other way. The clause did not debar him from appearing by counsel.

Mr. BARLOW: Does it give the permission?

The MINISTER FOR RAILWAYS said it did, and he did not see why they should assume that it would be the object of the commissioners to do injustice. The clause as it stood would meet the whole case.

Mr. GLASSEY said he had not the slightest doubt that the hon. gentleman in charge of the Bill had every desire to protect the men, but he was satisfied that the clause as it stood would not do so. There ought to be a clause to give persons the right to appear personally before the commissioners or any official whom they might appoint to hear and determine a case. He was speaking from experience when he said it was almost impossible for working men to obtain justice by sending in written documents.

The HON. A. RUTLEDGE said he could not quite approve of the wording of the clause. He believed the idea of the Minister for Railways was that the subject matter of the appeal should be investigated by direction of the commissioners by somebody appointed by them for that purpose, and on receipt by the commissioners of the decision of that officer so appointed a further appeal to the commissioners against that decision was to be given. That might be the idea, but the clause did not say so.

Mr. REES R. JONES said they might let that clause go, and when they came to clause 67, giving the commissioners power to make regulations for the hearing and determining of appeals, they might amend that part of it by providing that such persons as they should appoint might hear and determine appeals.

Mr. BARLOW said he took it the commissioners could delegate their powers to some official to hear and determine a case just as the powers of the sovereign were delegated to a court of justice. It was not necessary to stipulate whom they should appoint. Very many of his constituents were interested in that matter, and they thought it desirable that they should have the right of appearing by counsel. He quite agreed with the hon. member for Bundanba that men who were not accustomed to the forms of a court and to putting their views in writing in a clear and distinct way would be placed at a great disadvantage, and he trusted the sense of justice of the Committee would lead to their accepting his amendment.

Mr. REES R. JONES said any person had the right of appearing by counsel or solicitor before any tribunal. So far as he knew there was no law to the contrary, and he did not see any necessity for the amendment.

Mr. BARLOW said they should make it certain, and put the matter beyond a doubt.

The HON. SIR S. W. GRIFFITH said he was not quite so sure that what the hon. member for Rockhampton stated was correct. It never was the law in the United Kingdom that a person charged with an indictable offence before a magistrate was entitled to employ counsel.

Mr. REES R. JONES said it always was the law in Ireland, though not in England.

The HON. SIR S. W. GRIFFITH said he confessed that he thought the clause meant that the matters should be investigated by the commissioners personally, but it appeared that was not so. Was it meant that there should be a real investigation? If that was what was intended, he would suggest that it should be made to read that "within sixty days from the date of the appeal being lodged with the commissioners, the matter shall be investigated by the commissioners, or one of them, or some person appointed by them for that purpose, not being the officer by whom the employé is suspended, and the employé shall be entitled to be heard upon the investigation either personally or by counsel or solicitor." He could assure hon. members that there had been lots of litigation over clauses of that kind, particularly under ecclesiastical law, where an appeal had been given from a bishop to an archbishop, all depending upon the precise wording of the statute with respect to the appeal. There was quite a number of interesting cases of that nature. They had also had questions in this colony with respect to the jurisdiction of Crown lands commissioners, all of which showed that it was better in giving an appeal to a tribunal of that kind to say exactly what they meant.

The MINISTER FOR RAILWAYS said he would suggest that hon. members confine themselves to practical considerations, instead of discussing appeals on points of law and appeals to the Privy Council. At the same time he might state that he had no objection to the clause being amended as suggested by the leader of the Opposition. There would be no harm in adopting the amendment proposed by the hon gentleman.

The HON. SIR S. W. GRIFFITH said he only suggested it, and he was not going to propose an amendment for the sake of peace.

Mr. HYNE said he knew what a disadvantage a working man was under in having to defend himself against his superior officer, and he hoped the hon. member for Ipswich would press his amendment.

Mr. BARLOW: I shall press it to a division.

Mr. REES R. JONES said he thought that if it were provided that no counsel or attorney should be allowed to appear at all it would be a saving of expense. If a man succeeded in his appeal there was no provision that he should get his costs, and the amendment proposed, though it appeared to be a boon, might prove a curse. He had not the slightest hesitation in saying that in nine cases out of ten a man would regret that he ever had counsel or attorney. His law had been questioned that evening. He knew that when a man was charged with an indictable offence before a magistrate in England he was not allowed to employ counsel or solicitor to assist him, but that was not the case in Ireland, which was under Sir John Jarvis's Act. He was glad to say that the Justices Act in this colony had remedied that anomaly here, and a man had now the right to employ counsel to appear for him before a magistrate on indictable offences. Those were matters affecting the life and liberty of the subject. But when a man was charged with an offence in respect of which the justices had summary jurisdiction, he was always entitled by Sir John Jarvis's Act, passed in 1842, to employ counsel or attorney. He believed it was a right which every man had, to appear, either by counsel or attorney, in matters which were not criminal.

Mr. BARLOW said that at one time the cruel law did not allow a man charged with treason or felony to be represented by counsel; he had to stand and battle for his life by himself. As to the introduction of the question of costs, he did not see that that had anything to do with the matter, as a man was not obliged to employ counsel unless he chose.

Mr. GLASSEY said he hoped the Minister would see his way to accept some amendment of the clause, so that a person might appear either personally or by counsel in support of his appeal.

Mr. DALRYMPLE said it seemed to him that by passing that clause they would be forming another legal tribunal. The duty of the commissioners would be to attend to the management of the railways, and probably that would give them quite enough to do, especially if they were to visit the North, as had been suggested. It was quite possible that such a thing as a strike might occur, and if every case was to be heard within sixty days from the date of the appeal being lodged with the commissioners, it appeared to him that a large amount of their time would be taken up in that way. It was scarcely reasonable to suppose that the commissioners, who were employed by the country, would have any desire to injure any person employed by them. If any hardship did occur, he presumed the ordinary legal tribunal were accessible to the employés.

Mr. HYNE: No; the decision of the commissioners will be final.

Mr. DALRYMPLE said that might be so; but it was a pity that a board of that kind, entrusted with the care of the railways, should be compelled to form itself into a legal tribunal before which members of the legal profession would appear for both sides.

The HON. SIR S. W. GRIFFITH said that as the clause was now proposed the commissioners would have to deal with the matter personally—they would be the tribunal; but if the third paragraph were left out the clause would not have that effect.

The MINISTER FOR RAILWAYS said he had no objection to leave out the last paragraph of the clause. He was quite prepared to leave that to the discretion of the commissioners.

Mr. SAYERS said he did not see what harm would be done by allowing the person appealing to employ counsel if he thought fit, although the hon. member for Rockhampton North apparently thought that, instead of being a boon, it would be a curse. But it was optional with a man whether he employed counsel or not. Only the other day an inquiry was held in the House over a Civil servant who had been wronged by the head of his department. If there had been a right of appeal the whole thing could have been settled without its being brought before the House. Hon. members on both sides admitted that a wrong had been done to that man for years, that he had suffered injury both in pocket and reputation from the head of his department, and yet he had to come to the House for a remedy. He hoped the Minister would accept the amendment. It would do no harm, and would only be called into operation in perhaps one case in fifty.

Mr. DRAKE said that, while talking about the blessing or otherwise of being represented by counsel, they were losing sight of the more important matter of allowing the man a chance to appear personally. Unless the clause was altered a man would have no right to appear personally. Some hon. members said the clause gave him that right, others that it did not. They ought to be able to understand the clause in committee before it passed, for if they could not understand it how could they expect the commissioners to understand it? He should like to see the clause altered so that the right should be given to the appellant to appear personally before the commissioners.

The HON. SIR S. W. GRIFFITH said the scheme seemed to be that the appeal should not be a hearing at all. The correspondence would be sent to the commissioners, and they would deal with it in the same way as the Minister now did. Was that so? or was a man to be entitled to be heard in his defence?

The MINISTER FOR RAILWAYS said he had already mentioned that all that would be left to the discretion of the commissioners. Clause 67 provided that they were to make regulations for hearing and determining appeals. It was the intention of the Bill that the commissioners should regulate the management of the railways, and that, of course, included the employment of the men in the service.

Mr. HUNTER said that, if the matter was left to the commissioners, they would no doubt deal with it in such a way that very few personal appeals would be heard. They would not care to be troubled with them. The hon. member for Rockhampton North said the employment of a solicitor to appear for an appellant might be a curse to him instead of a blessing. That might be the case with the solicitors with whom that hon member was acquainted, but he hoped there were some solicitors in the colony who would carry a man through at a reasonable cost. Often a man was not himself when he had to appear before his superior officers; he got nervous, and forgot all he had intended to say. The commissioners represented the Government, and the employés ought to be enabled to engage somebody to represent themselves. If the proposed amendment would do no good, it had not been shown that it would do any harm.

Mr. BARLOW said it might save the time of the Committee if he were to withdraw the amendment he had moved, and substitute for it another which had been indicated by the leader of the Opposition.

Amendment, by permission, withdrawn.

Mr. BARLOW moved the omission of the 3rd subsection of the clause, with a view of inserting the following:—

That within sixty days from the date of the appeal the matter shall be investigated by the commissioners, or one of them, or by some person appointed by them, not being the officer by whom the employé was suspended, fined, or reduced; and such employé shall be entitled to be heard personally, or by counsel, or solicitor upon the investigation.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the words proposed to be added be so added—put, and the Committee divided:—

AYES, 19.

Sir S. W. Griffith, Messrs. Hodgkinson, Rutledge, Drake, Barlow, O'Connell, Wimble, Hyne, Unmack, Isambert, Groom, Grimes, Luya, Buckland, Macfarlane, Hunter, Glassey, Sayers, and Annear.

NOES, 27.

Sir T. McIlwraith, Messrs. Macrossan, Donaldson, Nelson, Morehead, Black, Casey, Goldring, O'Sullivan, Philp, Paul, Crombie, Powers, Dalrymple, Cowley, Lyons, Battersby, Murray, Rees R. Jones, Perkins, Adams, Agnew, Hamilton, Murphy, Dunsmure, Watson, and Smith.

Question resolved in the negative.

Question—That the new clause, as amended, be inserted—put.

Mr. HUNTER said that as the last amendment had been rejected by the Government, it would be only fair if the Minister for Railways could insert a short paragraph giving the right to be represented by counsel, even if the rest of the clause were not altered. Surely the Government did not wish to deprive persons of the right to be represented by counsel? It was a very small matter, and could do no harm if it could no good. The last amendment was negatived without any objection being shown. In fact it was almost accepted by the Government. He thought the Minister for Railways said he saw his way clear to accept it.

Mr. DRAKE said it seemed to him that if the clause passed as it then stood, the last sentence had been struck out rather under false pretences, because that paragraph was struck out for the purpose of inserting other words. The amendment was certainly accepted by the Minister for Railways, and the words omitted were omitted because the Committee thoroughly intended that the other words were to be inserted. It therefore appeared to him that if the Government were not prepared to accept the words proposed to be inserted the clause should stand as it stood before.

The MINISTER FOR RAILWAYS said the hon. gentleman was totally incorrect. When the amendment was originally suggested by the leader of the Opposition, he (Mr. Nelson) said it would not make very much difference to the clause, and for the sake of peace he would accept that amendment. But that proposition was not accepted by the other side. It was then proposed that the 3rd paragraph should be omitted altogether; he said he would accept that, and that was what he did accept, and what the Committee accepted.

Mr. DRAKE said he was sorry if he had done the hon. gentleman any injustice by the interpretation he had put upon what he said. He had not heard him say "for the sake of peace," but thought he had altered his mind on the point. He now said that he had accepted the amendment omitting the 3rd paragraph, but undoubtedly the question put from the chair was that the words be omitted with a view of inserting the other words.

The PREMIER: No. The question was simply "That the words proposed to be omitted stand part of the clause."

The HON. SIR S. W. GRIFFITH said that the question was put in the usual form to omit certain words for the purpose of inserting others. He was certainly very much surprised, when the last division was called for. When he suggested the amendment some little time ago he pointed out that if the appeal was to be an open investigation some amendment would be necessary, but that if it was simply to be an appeal such as was now made, from a subordinate officer to the Minister, it would not be necessary. The hon. gentleman said he would accept the amendment, but he did so in such a manner that he (Sir S. W. Griffith) did not feel the least disposition to propose it. He was not going to propose an amendment "for the sake of peace." He offered it as an improvement on the clause, and pointed out that it made an entire difference in the scheme of the Bill, whether the appeal was to be to the commissioners, in the same way as an appeal was now made to the Minister, or an open investigation. The hon. gentleman said he would accept that, and he was therefore surprised at his subsequent action.

Mr. BARLOW said, as the question was one of principle, he would ask the Chairman's ruling whether he was in order in moving, as an amendment, that the following words be inserted:—

> Every such appeal shall be investigated within sixty-five days from the date of the appeal being lodged with the commissioners, and the appellant shall have the right of appearing either personally or by counsel.

The CHAIRMAN said the hon. member would be in order in doing so.

Mr. BARLOW said he would move that the words he had read be inserted.

Question put.

Mr. BARLOW said with the permission of the Committee——

The COLONIAL SECRETARY: No.

The HON. P. PERKINS said he had been listening for about two hours and a-half to a squabble over a couple of matters that might have been settled in ten minutes. One was over the definition of the term "competitive examination;" that had been settled, and now they had this matter of "appeals." Surely anyone who had been employed himself, or had been in the habit of employing people, could put a reasonable interpretation upon that subsection. There was no difficulty whatever about it. The only sensible remark he had heard was from the hon. member for Rockhampton, Mr. Rees R. Jones, when he said, "Do away with the lawyers;—keep the lawyer element out of the business altogether." He (Mr. Perkins) believed in that. He believed that if they let the lawyers have their way what might be done in half-an-hour might possibly be extended to two or three days. Those persons who might feel the necessity of appealing would not be prepared for the expense. He took it that the Bill was framed upon the lines of the Act in operation in Victoria, and while he did not expect that the Government would be able to secure the services of such a man as Mr. Speight, yet they might go very near it; they might get the next best man, and if they succeeded in doing so, he believed the railway employés would very soon learn a lesson and prefer trusting to him and his colleagues in such matters than surrounding themselves with lawyers. He believed they would get much more justice. Somehow they were being bamboozled with lawyers. It was lawyers in the beginning, lawyers in the middle, and lawyers at the end—lawyers in everything. He understood that the Bill was similar to that in force in Victoria, and that it was framed upon those lines, and he was satisfied that if the Government—and he had no reason to doubt it—got the best man who could be secured in the old country as chairman—he supposed the other two commissioners could be found here—they could dispense with lawyers. The characters of the commissioners would, doubtless, be such that in six months after they assumed office there would be very few appeals indeed. Men would soon know that they were being served justly and honestly, and that they were getting their deserts. They would soon know that the commissioners would not be subject to any party or political influence, and appeals would be very few and simple. Suppose a man in the North had a grievance; he would be required to come down to Brisbane; how could he have his appeal heard if he were only allowed sixty days to make it in and be heard? Would he be able to pay the expenses of the appeal? The character of the board would be the character of the chairman appointed by the Government. He had not the slightest idea who that gentleman was likely to be, nor did he want to know, as he thought that was trifling with the patience of hon. members by going on with little quibbles of that sort. It seemed that Ipswich was always to be represented by men who were constantly pretending to be doing something for the good of the colony, but who were really talking to their constituents. Others quite as able and willing to serve the country kept silence. But notwithstanding some hon. members came long distances, and made great sacrifices to come to benefit their constituents and the country generally, as they had some ideas beyond the boundaries of their own constituencies, they had been prevented from doing business by the representatives of Ipswich. Ever since he had been in Parliament he had noticed that the very worst class of men who had ever been sent into Parliament by any constituency were sent by Ipswich. They blocked legislation in every direction. Fifteen years ago they had tried to block the railway from Ipswich

to Brisbane. They thought that Ipswich was the end of the world or the end of navigation. Now they were replenishing their stores for a time with a change of horses. They were changing a leader and putting in a wheeler. He thought it quite time that the business of the country should not be stopped by the Ipswich members. He trusted other members would show that they were not going to allow the two members from Ipswich to be continually talking, and prating, and ranting, and rolling out nonsense. For his part, if he could get three or four other hon. members to join with him, he intended putting his foot down if the Government would not take any notice of it. He saw that the Opposition was in a generous mood, and why should they allow two raving, canting fellows to talk nonsense? He thought they should go to Dr. Scholes at Goodna, and have an examination made as to whether they were fit to be at large or not. Now, he would speak quite seriously. He thought that they ought to be going on with the business of the country, and not indulge in any more of those quibbles, which were only made by lawyers. He was not alluding to his hon. friend over the way—the leader of the Opposition—but they had a lawyer on the Government side who was generous enough to say that the matter under discussion would be better if there were an entire absence of the lawyer element. He approved of that sentiment, and he trusted the Minister for Railways would make a move and try to get forward a little.

Mr. BARLOW said he had listened to the hon. member for Cambooya, and he must say that as long as he was a member of Parliament, whether member for Ipswich or of any other place, he should endeavour to so act for his constituents as he would between man and man, and he believed if the Bill were passed in its present form it would have the effect of handing over the whole of the railway employés to the commissioners without appeal. He would never consent to any man having his living taken from him without the right of appeal, and the right of being represented by counsel. As to the Opposition having taken up the time of the Committee, he thought the Opposition had been remarkably forbearing. So far as he had seen, they had co-operated with members on the other side to further the business of the country, and directly they attempted to assert a principle which would commend itself to every man—the right of thinking—they were told they were canting hypocrites, or something of that sort. He did not know why that term should be applied to him. He was not aware that he had canted in that Committee, or said anything to be ashamed of; and he was not aware that he had said anything not fit to be recorded in *Hansard* and read by his grandchildren. The hon. member for Cambooya had made attacks on Ipswich before—not in that Committee—and he did not think it had done that hon. member or his party any good. To-night, again, he had attacked the members for Ipswich, and so far as he (Mr. Barlow) was concerned, he might say what he had said privately, that he believed the Minister for Railways was a thoroughly upright and fair man, but they did not know who his commissioners might be, and who might come after him. As to the charges of canting or doing anything unworthy of any respectable man, he hurled the terms back upon the hon. member for Cambooya himself.

Mr. ANNEAR said he thought the hon. member had taken rather too seriously what had fallen from the hon. member for Cambooya. They knew that hon. gentleman was very good-natured at times, but he was sure that he must have forgotten a statement he had made a few nights ago. When the hon. gentleman was speaking and the Premier had interrupted him, and said he would prefer to divide, the hon. member at once retorted that every member of the House stood on an equal footing. Now, what the hon. member liked to retain for himself he seemed to try to curb other people from using. He (Mr. Annear) did not think that anyone would suffer much if he were not able to obtain a solicitor or counsel in trying to remedy any grievance he might wish to bring before the commissioners from time to time. They had worked their railways for a long time, and there had been little said this session about the successful way in which two men, who received very small salaries, had worked the railways of the colony. He alluded to the present commissioner, Mr. Curnow, and Mr. Thallon, the present traffic manager. Those two gentlemen, he maintained, had conducted the railways of Queensland in a manner second to none in Australia. He recollected that the present Colonial Secretary the session before last complained very bitterly, and also the hon. member for Barcoo, about the management of the Queensland railways. The hon. gentleman had had a taste, when the centennial celebrations were being held in New South Wales, of how they managed the railways in that colony. When the Colonial Secretary and some of his friends had gone down to Sydney they were so disgusted after leaving what he would call the civilisation of the Queensland railway management, that they formed a deputation, waited on Mr. Goodchap, and pointed out the sufferings they had endured in going that trip, and he believed that had had a very good effect, as in a short time Mr. Goodchap had gone to work, and the management of those railways was now 50 per cent. better than when the hon. gentleman and his friends made their complaint.

The PREMIER: Did you say the Colonial Secretary?

Mr. ANNEAR said he meant the present Colonial Secretary. With regard to the clause: Any man in the Government service who had a complaint, however serious, to make, had to make it to the head of his department, and the result was that he was generally pronounced guilty without the opportunity of being heard. He did not think lawyers were so bad as the hon. member for North Rockhampton—who was, he believed, a solicitor of some repute in the town in which he resided—made it appear. During his experience he never found one to do a dishonest or a dishonourable act. Hon. members who were laymen had been somewhat disappointed, knowing the legal talent which surrounded the present Government, to find how little criticism had come from legal gentleman on that side when legal points cropped up; but a commencement had been made, and, no doubt, other gentlemen in the same profession would follow. He wished now to draw attention to a case which showed that heads of departments always thought men guilty. About twenty years ago a man was put under restraint in Woogaroo, and for two years, when the visiting justice came, he always used to make complaints. The doctor stood alongside—the patient's name was White—and he used to say, "He is very sane now; but he will be as mad as a hatter as soon as you leave him." The man managed to escape and settled in Ipswich, and used to write up that institution in the *Queensland Times*. He always began his letters by saying—"Under a tree, with a flock of sheep in front of me, I begin to write up the abuses of the asylum." His writings were of such a character that a commission was appointed, and most of his statements were proved to be true, and a reformation took place in that

institution. The same abuses might exist in other departments; but when men came before their superiors with complaints they were often very nervous, and almost frightened away before their cases were stated. He thought it would do no harm to accept the amendment moved by the hon. member for Ipswich; in fact, he thought, from the silence of the Minister for Railways when the proposal was first made, that he would accept it; and he was very much surprised that a division took place. Of course he accepted the explanation of the Minister for Railways, and he might say that the Premier was to be congratulated on having selected that gentleman for the position he occupied. The railways were the best revenue-producing institution in the colony.

The PREMIER: The Customs are better.

Mr. ANNEAR said the Customs might be better, but that department did not employ so many men. He took it that the commissioners were not to be appointed to legislate for themselves, but as the servants of the colony, and the Committee could not be too careful. It had been freely stated outside that two of the commissioners had been already selected, but that had been denied by the Premier and by the Minister for Railways, and every hon. member accepted the denial. The Colonial Secretary, when in Opposition, led the assault on the Government most ably in demanding the names of the gentlemen who were to be appointed as members of the Land Board. The appointment of those two gentlemen involved only £2,000 a year, but the three railway commissioners involved £6,000 a year, and matters of far more importance. It was certainly the wish of the people that the names of the commissioners should be made known before the Bill became law, and he hoped that would be done. If the present officers, who had been such faithful and competent servants, were overlooked, a great injustice would be done; but he hoped that justice would be done to all who had shown their integrity and ability in the positions they occupied. No men had conducted, or would conduct, the railways of the colony better than the two gentlemen who had managed them for years. He believed there were generally 3,000 men employed on the railways of the colony.

The COLONIAL SECRETARY said the danger of the speeches made by the hon. member who had just sat down was that they contained a certain amount of truth. The hon. member stated that he (the Colonial Secretary), amongst others, went to the Centennial Exhibition and formed part of a deputation which waited on the Commissioner for Railways in Sydney to complain about the way in which the railway in the northern portion of New South Wales, connecting that colony with Queensland, was conducted. That was to a certain extent true; but he did not go to attend the exhibition, nor did the deputation consist of persons who went to the exhibition. The hon. gentleman there showed a slight modicum of truth.

Mr. ANNEAR: I referred to the Centennial celebration, not the Centennial Exhibition.

The COLONIAL SECRETARY said it was when the line was about finished between New South Wales and Queensland. He was one of a deputation that waited on the Commissioner—he was asked by others—some of them were residents of New South Wales. The deputation complained, and properly complained, of the great delay that took place at that time in railway communication between Newcastle and Sydney, there being a delay of four hours sometimes. It had nothing to do with politics. The deputation was formed to represent to the Commissioner the actual state of affairs, and they did so. He remembered that Mr. Goodchap was a gentleman hard to approach. The deputation went at 10 o'clock in the morning, and he thought it was half-past 12 when that gentleman consented to receive them. He listened very graciously to the arguments brought forward, but matters were not mended very materially, though the hon. gentleman said they were. The hon. gentleman had, as he might put it, a great exuberance of fancy. He built a great edifice upon a very small substructure of fact. He (Mr. Morehead) had let hon. members know the facts with respect to the interview that had taken place with the Commissioner for Railways of New South Wales. It was an interview in no way sought by himself, and only when asked to join the deputation did he consent to do so, but it had nothing to do with the centennial celebration or exhibition. Now, the hon. member asked the Government why they did not name the commissioners to be appointed. He had eulogised—whether properly or improperly he (Mr. Morehead) was not going to express an opinion—certain Government officials. He fancied the names of the commissioners were not mentioned, because the members of the Government did not know them. Therefore, he thought that should be a sufficient answer to the hon. member. He should be satisfied with it, and not ask for more.

Mr. MACFARLANE said they had heard repeated that night a statement of the hon. member for Cambooya, Mr. Perkins, which he had made before in the House, in reference to the Ipswich members. It seemed to the hon. member that the Ipswich members took up the time of the House on all kinds of frivolous questions, but he could appeal to hon. members to say whether he had ever wasted time. He was very glad indeed that the Ipswich members were not the representatives of the hon. member, Mr. Perkins. He (Mr. Macfarlane) had represented Ipswich for a considerable time, and Ipswich appeared to be perfectly satisfied, but he was satisfied that if the hon. member attempted to be returned for Ipswich, he would be down very low on the poll. Ipswich had always sent members to the House who, although they might not be very highly educated, had been men of common sense. The Ipswich members had never taken up much time, and he did not know of any Ipswich member who had come to the House and not known whether he was sitting with his hat on or off. They had always known what they were doing. They had never made exhibitions of themselves in the House, and he hoped they never would. He hoped the hon. member for Cambooya would moderate his expressions with reference to Ipswich. The fact was that that town had taken such a leading part not only in politics, but in the material prosperity of the colony; not in breweries certainly, but in establishing grammar schools and manufactories, that the hon. member was jealous. He supposed it was also because Ipswich did not support breweries that the hon. member had such a down upon it. He (Mr. Macfarlane) had never attacked the hon. member in any way, except in self-defence, and he hoped the hon. member would in future conduct himself in a better way than he had done hitherto.

The HON. SIR S. W. GRIFFITH said the amendment proposed by the hon. member for Ipswich (Mr. Barlow) would not effect the object he had in view. He did not know how it would work. He did not know where the solicitors were to be heard, or where the men were to be heard, or how it would work at all. He strongly recommended the hon. gentleman to withdraw the amendment, as it would not make the clause any better, and would only cause more confusion than there was at present.

Mr. BARLOW said that on the recommendation of his hon. friend the leader of the Opposition he would, at the close of the remarks he intended to make, ask leave to withdraw the amendment. He wished the people of the colony, and the employés of the Railway Department especially, to take notice of the division which had taken place that evening, when a reasonable, temperate, and just proposal was made to conserve the rights of the working men, many of whom, from having been a considerable time in one employment, were practically unfitted for any other employment. Now that he had discharged his duty to himself and to his constituents, and, he believed, to the members on that side of the Committee, in making a proposal which was right, just, and fair between man and man, his object had been attained. The Committee had, by a party division, negatived a proposal which was not brought forward by him, or supported from that side of the Committee in anything like a factious spirit. His desire had always been to maintain a good understanding with hon. gentlemen opposite, and to forward public business. But, when he endeavoured to make a just, proper, and fair reform, he had been met by a hostile vote, and had failed in his endeavour to do what was right and proper. He having discharged his duty, he begged respectfully to ask leave of the Committee to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. HYNE said, before the clause was put he wished to make one remark. He wished it to be distinctly recorded in *Hansard* that it had been stated in that House by the hon. the Minister for Railways and the Colonial Secretary that counsel might appear at any time for any employés of the railway at any inquiry that might be held. He had taken the statement of the Minister for Railways for granted, and he had felt satisfied when that statement was made. That was the only object he had in view, that those men should be represented by counsel when they could not fairly represent themselves.

The COLONIAL SECRETARY: Will the hon. gentleman quote my words?

Mr. HYNE said he thought he had quoted the hon. gentleman's words. The hon. gentleman would find that he had done so.

Mr. GRIMES said he would suggest to the hon. member that he should trust no longer to understandings.

The COLONIAL SECRETARY: Why, some of your members on that side gave way on that particular point a little while ago.

The MINISTER FOR RAILWAYS said what he said was that there was nothing in the Bill to prevent counsel appearing; but it really did not matter what was said by hon. gentlemen; the point was, what was in the Bill when it passed, and not what was understood when it was going through.

Mr. HUNTER said: In that case, why did the hon. gentleman refuse the amendment? Surely they were deserving of the courtesy of knowing why the amendment could not be supported.

Mr. DRAKE said he did not quite understand whether it was intended that the clause should be passed without any addition. He did not see that there would be any harm in adding a clause, giving persons the right of being heard either personally or by counsel. Some members of the Committee seemed to have been talking as though the amendment, if passed, would have compelled a man to appear personally or employ a solicitor. That was not so. It was purely voluntary, but it would give a man the right of appearing in person or employing counsel if he wanted to. No harm would be done in giving a man that right, and he thought it desirable that he should have it. He knew the 67th clause gave the commissioners the power of arranging the way in which appeals might be heard and determined, but something beyond that was necessary, and the employé of the commissioners should have a statutory right to be either represented by counsel or appear himself when his appeal was to be heard.

Mr. GLASSEY said he would again respectfully urge the Minister for Railways to so amend the clause as to allow a man to appear personally before the commissioners or any person whom they might appoint to hear the case against him. He had not urged that lawyers should be heard at all. Unless some such safeguard was provided as he had asked for, great injustice might be done to large numbers of working men, though he admitted it would not be intentional on the part of the Minister for Railways, or possibly on the part of the commissioners who might be appointed. In the hurry and worry of their life working men were not prepared to write out lengthy documents defending themselves, and they ought to have the right to appear personally and state in a few words the pros and cons of the case in which they were interested. He was not asking too much, and if he did not regard the matter as of vital importance he would not urge it. Let them take the case of a lengthsman working all day with a heavy tool, with a pick or shovel, and ask themselves whether such a man would be in a fit state to write a document to go before the commissioners as a statement of his case. In nine cases out of ten a man so employed could not do that, and he claimed that he should not be at a disadvantage in consequence, but should be allowed to appear personally to state his case.

Mr. DRAKE said he did not feel disposed to sit silent and be treated with contempt, and he would move, as an amendment, the addition of the following words to the new clause, as amended:—

Upon the hearing of every such appeal the employé shall be entitled to be heard personally.

The PREMIER: Why, the whole of the speeches have been to secure the right to appear by counsel

Mr. DRAKE said he thought it preferable that they should have the option of appearing personally or by counsel, but as so much objection was taken to giving the right to appear by counsel, and as an amendment to that effect had been refused, he was willing now to leave it so that a man could be heard personally.

The PREMIER said it was rather too ridiculous that after the lawyers had been fighting all that time to get the right to appear on behalf of a man, another lawyer should get up and say the man should have the right to appear on behalf of himself. Was it not plain that the 67th section gave the commissioners the right to frame regulations for the hearing and determining of appeals, and to say whether the appellant should appear personally or by counsel. There was not the slightest doubt in the world that the men would always have the right to appear for themselves, and it was absurd to put in that little finnicking amendment to the clause which would clearly be dealt with by the common sense of the commissioners.

Mr. DRAKE said that considerable doubt had been already thrown on the question whether a man would have the right to appear personally before the commissioners. As he had said, he would have preferred that they should have the right to appear by counsel also, but as two amendments to that effect had already been rejected, he thought the discussion had been levelled at the attempt to give that right, and

accepting that position, he now proposed an amendment to give a man the right to appear personally. If after what had fallen from the Premier, the Committee would permit him, he would add to his amendment the words, "or by counsel or solicitor."

The PREMIER said they had just passed a clause after debate—and on the urgent request of the other side—extending the powers of the commissioners, and giving them power to say whether competitive examinations should be held or not, but the hon. gentleman was now contending for a different thing altogether. Clause 67 gave power to the commissioners to make regulations for the purpose of hearing and determining appeals, and the first regulation they would make would be as to how the appellants should appear in certain cases. No doubt they would give every man the right to appear by counsel or by himself. The right to appear for himself no commissioners in the world would ever dream of taking away from him. It was absurd to put such a thing into an Act of that sort.

Mr. DRAKE: With the permission of the Committee, I beg to add the words "or by counsel or solicitor" to my amendment.

The COLONIAL SECRETARY said the thing was too absurd. That obstruction on the other side was unreasonable and absurd. The 7th subsection of clause 67 gave the commissioners power to make regulations for the hearing and determining of appeals. He could easily conceive a case where the appellant might have ceased to exist and could not appear, and in that case, of course, heirs, executors, or assigns would appear. It was utterly absurd for the hon. member to try to force in those words which were quite unnecessary to carry out what the member was contending for.

Mr. BARLOW said it appeared to him that the effect of clause 67 would be that the commissioners might erect a tribunal to suit themselves. They could, under that clause, say how, when, and where a man's case might be heard, and could give him the right to be heard personally or deny him that right. They might put him upon proof of his innocence by written papers or by testimony, or in any other way they pleased, and deny or allow him to be heard by counsel or solicitor at their pleasure. In point of fact, to use a common expression, they might hang him first and try him afterwards. What objection could the Government have to accept that amendment, which, if it did no good would certainly do no harm, while it would recommend the Bill as an act of justice, not only to the railway employés, but to the whole of the people of the colony. One of the greatest troubles in the old country was that certain established forms and guarantees of trials might be taken away by proclamation. He thought it was very unwise, very unfair, and very unjust that the commissioners should have the power to be perpetually remodelling their tribunals, so that one day an employé should have the right to appeal by counsel, or another to appear personally, and on another, perhaps, to appear by written documents. They were making a little Civil Service Act now that would be applicable to the whole colony. So far from obstructing the business, or indulging in what was commonly termed stonewalling, he was advocating that matter from an honest, true, and sincere conviction of the necessity of the amendment as an act of justice to about 3,000 employés, not of the Government, but of the public of Queensland. It must be remembered that those employés were not all centred at Ipswich, but were at Maryborough, Bundaberg, Cooktown, Toowoomba, and at various other places—in fact, scattered all over the colony. In the name of justice, in the name of reason, and in the name of common sense he protested against those employés being handed over to commissioners who should have power to vary their tribunal from time to time for trying offences against the discipline of the service, and probably reducing or dismissing an employé. The proposed amendment would rectify what might be a very serious wrong. He had no desire or intention to obstruct. Had he been disposed to be factious in his opposition to the measures of the Government he would have taken other points than that on which to make a stand. He did not know that it was his duty to advise the Government, but he was sure they were making a serious mistake by withholding their assent from the very simple and harmless provision proposed to be inserted by the hon. member for Enoggera. The matter should be thoroughly put before the people of the whole colony and the railway employés, so that they might know what they had to expect. As for himself, he had already borne his testimony to the character of the Minister for Railways. He did not believe the hon. gentleman would assent to any act of injustice or oppression, but they did not know what would be done by the commissioners whose names were locked up in the breasts of the Cabinet. He strongly urged upon the Government, by all that was reasonable and fair, to consent to that amendment, or to some reasonable provision for conserving the rights of men who were as good as they were, or as good as he was.

Mr. HODGKINSON said the tone of the hon. member for Ipswich was, perhaps, rather unfortunate, but at the same time that side of the Committee were perfectly within their province in trying to protect the subordinates of the Railway Department from the possibility of being subjected to unnecessary ill-usage. Clauses 60, 61, and 62 defined the mode of procedure with regard to appeals. Clause 60 conferred upon the head of each branch of the railway service certain arbitrary powers in cases of alleged offences or misconduct on the part of employés. Clause 61 gave the employé the right of appeal to the commissioners, and clause 62 defined what the commissioners' duty should be in case of an appeal being made. The question whether a person should have the right of personally defending himself was a very simple and natural one, and, of course, it was to be supposed that the commissioners would recognise that as one of the first rights which would attach to an employé making an appeal. There was also this matter that should be taken into consideration—namely, that charges might be made against subordinates of the department residing in the extreme north of the colony, where the expense of appearing face to face with the commissioners would be a serious item, and the wages paid by the department were not of that extent that would enable those employés to defray such an expense. Nor was it probable that in every case of suspension of a subordinate by the head of his department the commissioners would be present in that part of the colony where the man was employed. What objection the Government could have to place beyond the possibility of doubt that an employé had, what was an undoubted right, he could not say. If they prided themselves on one thing more than another it was that they were the ardent protectors of the working classes. It was on that footing that they obtained a great accession of popularity at the last election. He could not see why they opposed the amendment on that clause. They had nothing to do with clause 67 at present. As he had said before, those three clauses were very concise in their provisions for the punishment

of offences. The officer at the head of each branch of the railway service had power to punish an employé in his branch for misconduct by suspending him—by fining him in a sum not exceeding £5, or by reducing him in rank, position, grade, or pay. That could be done immediately. And then it was stated that in every such case the employé should have the right of appeal to the commissioners.

The PREMIER: This is pure obstruction.

Mr. HODGKINSON said he did not think the Colonial Treasurer had any right to make that remark. He (Mr. Hodgkinson) was perfectly sure that that side of the Committee had in every possible way forwarded the business of the session, and he would not for one moment allow himself to be silenced by the Colonial Treasurer terming him an obstructionist. The hon. gentleman had no right to do so, because in every possible way he had facilitated the conduct of business during that session, and in saying that he was speaking, not only for himself, but also for all the members on that side of the Committee. If he were expressing his personal opinion he might be charged with singularity, but not with obstruction. But he was speaking for all the members on that side of the Committee, and for those members who were performing a duty which should devolve on the Government.

Question—That the words proposed to be added be so added—put, and the Committee divided:—

AYES, 19.

Messrs. Hyne, Hodgkinson, Rutledge, O'Connell, Luya, Barlow, Drake, Sayers, Hunter, Annear, Macfarlane, Glassey, Stephens, Morgan, Grimes, Groom, Wimble, Isambert, and Unmack.

NOES, 24.

Sir T. McIlwraith, Messrs. Nelson, Morehead, Black, Donaldson, Macrossan, Casey, Rees R. Jones, Plunkett, Philp, Paul, Smith, Allan, Murray, Lyons, Battersby, Perkins, Adams, Watson, Crombie, Dunsmure, Murphy, Dalrymple, and Hamilton.

Question resolved in the negative.

New clause, as amended, passed.

The MINISTER FOR RAILWAYS moved that the following new clause be inserted in place of clause 63 in the Bill, which he should afterwards move be negatived:—

The commissioners shall investigate and determine any appeal made by any employé against the adoption or confirmation of the advice or decision of the officer at the head of his branch, with regard to his right to promotion, or with respect to any charge made against such employé, or with respect to any penalty imposed upon such employé; and may confirm or modify such decision, or may suspend such employé; or, if he have been already suspended, may further suspend him for a period not exceeding six months, without salary or wages, or may inflict a fine to be deducted from his pay, or may dismiss him, or make such other order as they think fit; and their decision shall be final.

Mr. ANNEAR said he supposed the clause would give the commissioners power to decide a case on documentary evidence, without hearing the men in defence at all. That seemed a very arbitrary power, a power which should not be given to any body of men.

Mr. HYNE said the clause ran that "the commissioners shall investigate." Would it not be better to make it read that "the commissioners shall investigate or cause to be investigated"? It was impossible for the commissioners to investigate every appeal that would be made. The Minister for Railways had mentioned that himself.

The HON. A. RUTLEDGE said the clause had better read as at first, "hear and determine," as then it would correspond with clause 67.

The MINISTER FOR RAILWAYS said he had no objection to moving the clause in those words.

Mr. DRAKE said the original clause 63 said that three commissioners should hear and a majority determine. He noticed that that provision was omitted from the amended clause.

The MINISTER FOR RAILWAYS said the proceedings on appeals would be determined by clause 14.

Mr. ISAMBERT asked if the investigations were to be made in public, or was it to be a sort of Star Chamber business? They ought to be very careful. A strange spirit seemed to have taken possession of the National party when they gave three men powers that no Government would appropriate to itself. The commissioners would be almost irresponsible despots. It was a very strange proceeding in a free country not to give an employé the privilege of defending himself. A most despotic spirit always grew up amongst the minor officials. There was no despot on the throne of Russia so arbitrary and despotic as those little officials "dressed in a little brief authority."

The COLONIAL SECRETARY said of course the argument of the hon. member would apply very well if they did not possess parliamentary government. The despotism he complained of existed in the head of every official department in the colony. Every Minister had the power of dispensing with the services of almost any official under the Government, and the Ministry were responsible to the Parliament. Then there was an appeal to Parliament, which was, of course, a great safeguard.

Mr. GLASSEY said he did not see that there was any personal appeal to the commissioners. If an appeal reached Parliament the person appealing would be told to go to the commissioners. Would the Minister for Railways kindly tell the Committee if an individual who had a complaint to defend would be heard before the commissioners, or some person appointed by them?

The MINISTER FOR RAILWAYS: Yes.

Mr. UNMACK said powers were being conferred upon the commissioners which he considered very arbitrary. They were conferring far too much power upon them. The commissioners might suspend a man for a period not exceeding six months without a salary, or inflict a fine to be deducted from his wages, or make any other order. All that ought to be left out. The original clause, 63, seemed to be much better. He hoped the Minister for Railways would not go too far.

The MINISTER FOR RAILWAYS said all the powers given were necessary to maintain the discipline of the service. The clause would allow the commissioners to modify the original sentences. If a station-master fined a man £1 for some dereliction of duty, and the man appealed to the commissioners upon some frivolous pretext, they might fine him £2, or dismiss him altogether, and deal with him in any other way. There was not any arbitrary power there. No greater powers were given than were possessed by any other employer over his servants.

Mr. GLASSEY said he would again ask, to test the feeling of the Committee, whether a man would be heard in his own defence. It should be within the province of a man whose bread and butter were at stake to be heard in his own defence? They should have a distinct assurance upon that point. He would move that the words "provided always that the employé shall

have the right to appear personally before the commissioner to be heard in his own defence" be added.

Amendment put.

Mr. DRAKE said it seemed to him that they were rather premature in discussing the clause. The usual practice was to wait until the clause that was to be taken out came on, and then to move its omission with a view of inserting the new one. That, he believed, was the usual practice —to wait until they came to the clause proposed to be omitted, then omit it, and insert the proposed new one.

The MINISTER FOR RAILWAYS said if the hon. gentleman looked at the clause he would see that it was in close connection with the two previous ones, and, therefore, in its proper place. When they came to clause 63 it would be negatived.

Mr. ISAMBERT said he thought the provision was a very dangerous one. An employé might be suspended for six months and kept waiting all that time for a decision. If an employé did wrong he should be dealt with and dismissed, and not played with in that manner. The whole Bill had a tendency to create a race of despots.

Question—That the words proposed to be added, be so added—put and passed.

Clause, as amended, put and passed.

On clause 62, as follows:—

"No officer or employé under the commissioners shall be liable to dismissal or any disability for refusing, on conscientious grounds, to work on any Sunday except in cases of necessity, but such officer shall be subject to a proportionate reduction in his salary or wages on account of such refusal, provided always that such provision shall not apply to any officer or person employed whose duties do not require him to work on Sunday."

Mr. BARLOW said he had studied that clause, and the more he studied it the less he understood it. The fault, perhaps, lay with the draftsman. It appeared to him that the clause divided the service into two classes—one of which was to be subject to do Sunday work, and the other would do no Sunday work. The man who objected to do Sunday work would take his position in the second class. He had read the clause attentively, and it was unintelligible to him. He would also direct attention to the expression "conscientious grounds." How did they know what grounds a man had for refusing to work on Sunday? He would not ask any employé to work on Sunday whether his objections were conscientious or not — whether he went to church or for a walk. A man had a perfect right to do what he pleased with himself as long as he did not break the law. He (Mr. Barlow) should very much like to know what was the meaning of the clause, and so would many other hon. members. If it meant that a man whose duties required him to work on Sunday should not be required to work on Sunday, and that the man whose duties did not require him to work on Sunday should not be required to work on Sunday, then the clause was entirely contradictory. He should also very much like to know the meaning of the term "conscientious grounds" in an Act of Parliament.

The MINISTER FOR RAILWAYS said he could not understand the hon. gentleman's objection to the clause. "Conscientious grounds" was a term well understood by most ordinary people. They supposed, or were taught to believe, that every human being had a conscience, not to be exhibited before the public, but for his own private use; and if he stated to his superior officer when asked to work on Sunday that he objected to do so on conscientious grounds, then that officer would have no right to compel him to work.

An HONOURABLE MEMBER: He may reduce his salary.

The MINISTER FOR RAILWAYS said if the man's usual employment necessitated his working on Sunday—such as an engine-driver on a suburban train—his wages would be calculated as working seven days a week. If, on the other hand, a man refused on conscientious grounds to drive an engine, or do any other necessary work on Sunday, a proportionate reduction would be made in his salary. He would be paid for working six days in the week. That was simply a common sense arrangement.

Mr. ISAMBERT said it was a strange provision that because a man objected, on conscientious grounds, to work on Sunday, he should be fined or dismissed.

The COLONIAL SECRETARY: He is not fined at all, but he is not paid.

Mr. ISAMBERT said if a man were engaged to do certain work, he ought to do that work, and if he would not do it he ought not to be retained in that employment.

The HON. A. RUTLEDGE said he did not fear the difficulty apprehended by the hon. member for Ipswich. It seemed to him that the clause meant that if a man were employed to work in the railway service, the commissioners might say that he was to go out on a suburban train, which would require Sunday work. The man might say that he objected to go to work on that line, and he would not be compelled to engage in that service, nor to leave the service because he would not work seven days instead of six; but in the case of accident or some other great emergency, it might necessitate all hands being required to turn out on Sunday. In that case he would be required to work. He thought the clause would do as it was.

Mr. UNMACK said he wished to ask one question, and he would be satisfied if the answer were what he expected it would be. Were employés paid for seven days a week if they were not called upon to work on Sundays, or for six?

The MINISTER FOR RAILWAYS said, so far as he was aware, the present system was that the men were paid by the day. Of course there were some men, such as station-masters, whose duties required them to work on Sundays, who were paid by the year. It was sufficiently understood that if a station-master refused to work on Sunday on conscientious grounds, he would have to find a substitute on the Sunday, or he would have to be shifted to some station where he would not have to work on Sundays.

Mr. DRAKE said he thought the Minister for Railways would see that it was necessary to make an amendment. The clause commenced—"No officer or employé," and then later it made provision for "such officer shall be subject." He would suggest that it would be better to say "Any officer or employé who shall refuse work.

The COLONIAL SECRETARY asked if it would not be better to say "No officer nor employé?" That would be perfectly good English. He knew something about English himself.

Mr. DRAKE said the hon. gentleman of course would see the force of his remarks. It would be much better if they made the clause uniform, and for the same reason it would be better to substitute the word "employé" for the word "person."

Mr. BARLOW said he would suggest that the words "on conscientious grounds" be omitted. He was surprised that gentlemen, who were so often declaiming against the canting hypocrites from Ipswich, should establish a species of religious test. It was not for him to inquire the reason why any employé did not work on Sunday. It was sufficient for him that the man did not want to do so; and as the Sabbath, by religious obligation and the law of the land, was not a day for work, he should move the omission of the words "on conscientious grounds." He would further move the omission of the words "except in cases of necessity." He believed in the doctrine of common sense, that where necessary work had to be done the Sabbath was rather honoured by that necessary work being done; but, on the other hand, there were men who held opposite opinions, whose opinions were entitled to as much consideration as his own, and who believed that the whole railway system should be stopped rather than that one man should work on Sunday.

Mr. HAMILTON said he could give a case where it was only right that those words should be allowed to remain. Suppose a man had worked for two or three Sundays and then made objection, it could not be on conscientious grounds. He might refuse to work after having been on duty for two or three Sundays, because he simply wanted to get on the spree. In a case of that sort he should be dismissed.

Mr. HUNTER said he did not think there was anything in the clause that required amendment. He thought it was very necessary that they should be compelled to work on Sundays when certain work had to be done. If a man did not like the work he should find other work. For instance, an engine-driver might be required to work on Sunday. There were only two reasons to be given for not working on Sunday—the one on conscientious grounds, and the other because in a climate such as that of Queensland no man could work more than six days. He did not think that any man could work more than six days a week.

The COLONIAL SECRETARY said he would read the corresponding clause in the Victorian Act, which both sides of the Committee stated was so admirable. It had now been in operation for five years, and appeared to work well. Clause 82 read as follows:—

"No officer or employé under the commissioners shall be liable to dismissal or any disability for refusing on conscientious grounds to work on any Sunday except in cases of necessity. Such officer or employé to be subject to a proportionate reduction in his salary or wages on account of such refusal, provided always that such provision shall not apply to any officer or employé whose duties do not require him to work on Sunday."

He did not think there were any great points of divergence between the two clauses.

Mr. LYONS said the hon. member for Ipswich had stated that he wanted to assist in getting through the business, and the acting leader of the Opposition had told him to withdraw his amendment, so that there was no reason why he should continue to stonewall.

Mr. BARLOW asked whether the hon. member for Fitzroy supposed that he was sent there by the electors of Ipswich to be a puppet in the hands of any hon. member? He was not anything of the kind. He believed it was absurd to introduce anything into the Bill about conscientious grounds; at the same time he was willing, under the circumstances, to withdraw the amendment. He protested, however, against it being supposed that he was there either to register the decrees of the Government or to act as a puppet in the hands of anybody.

Amendment, by leave, withdrawn.

The MINISTER FOR RAILWAYS moved the insertion of the words "or employé" after the word "officer" on the 29th line.

Mr. MACFARLANE said he did not see the necessity for the amendment. He understood that employés and officers were paid by the week, and if they refused to work on Sunday they were not paid for the Sunday.

The MINISTER FOR RAILWAYS said he had already explained that though that might be the arrangement at present, it did not follow that it would be the arrangement for ever; and the clause was inserted to provide that no man could be compelled to work on a Sunday against his convictions. He moved the amendment simply to make the clause uniform.

Mr. MACFARLANE said that if the clause were passed as amended the Committee would be legislating for working seven days a week, and he did not think they ought to do that.

Amendment put and passed.

The MINISTER FOR RAILWAYS moved the substitution of the word "employé" for the words "person employed," on line 31.

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

On clause 63—"Commissioners to hear appeals"—

The MINISTER FOR RAILWAYS said it would be necessary to negative the clause, as one had already been passed embodying the same provision.

Clause put and negatived.

Mr. GROOM said the measure was a very important one, and it would be a matter of great convenience to hon. members if the Minister would cause the Bill to be printed showing the amendments made up to the present.

The MINISTER FOR RAILWAYS said he thought it could be supplied to hon. members to-morrow. It was already in print with the amendments made previous to that day. He moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

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

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn. To-morrow we will go on with the Railway Bill, after that the Chinese Bill, then the Day Dawn Branch Railway Bill, and then Supply.

Question put and passed.

The House adjourned at twenty-eight minutes to 12 o'clock.