

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**TUESDAY, 23 OCTOBER 1888**

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## LEGISLATIVE COUNCIL.

*Tuesday, 23 October, 1888.*

Messages from the Administrator of the Government—  
Injuries to Property Act of 1865 Amendment Bill—  
Employers' Liability Act Extension Bill (Seamen).—  
Messages from the Legislative Assembly—Day  
Dawn Block and Wyndham Gold Mining Company's  
Railway Bill—Chinese Immigration Restriction  
Bill—Maryborough-Gayndah Railway Extension—  
Cairns-Herberton Railway Extension—Cooktown  
Railway Extension—Croydon Branch Railway—  
Queensland Permanent Trustee, Executor, and  
Finance Agency Company's Bill.—Reply to Address  
of Condolence to the Widow of the late Hon. W.  
H. Walsh.—Customs Duties Bill—third reading.—  
Railways Bill—second reading.—Companies Act of  
1883 Amendment Bill—committee.—Adjournment.

The PRESIDING CHAIRMAN (Hon. T. L.  
Murray-Prior) took the chair at 4 o'clock.

### MESSAGES FROM THE ADMINIS- TRATOR OF THE GOVERNMENT.

#### INJURIES TO PROPERTY ACT OF 1865 AMEND- MENT BILL.

The PRESIDING CHAIRMAN announced  
the receipt of a message from the Administrator  
of the Government, conveying His Excellency's  
assent, on behalf of Her Majesty, to a Bill  
entitled a Bill to explain certain provisions of  
the Injuries to Property Act.

#### EMPLOYERS' LIABILITY ACT EXTENSION BILL (SEAMEN).

The PRESIDING CHAIRMAN announced  
the receipt of a message from the Administrator  
of the Government, conveying His Excellency's  
assent, on behalf of Her Majesty, to a Bill  
entitled a Bill to extend the provisions of the  
Employers' Liability Act of 1886 to seamen.

### MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

#### DAY DAWN BLOCK AND WYNDHAM GOLD MINING COMPANY'S RAILWAY BILL.

The PRESIDING CHAIRMAN announced  
that he had received a message from the Legis-  
lative Assembly, forwarding, for the concurrence

of the Council, a Bill to authorise the Day Dawn  
Block and Wyndham Gold Mining Company,  
Limited, Charters Towers, to construct and  
maintain a branch line of railway to be con-  
nected with the Northern Railway.

On the motion of the MINISTER OF  
JUSTICE (Hon. A. J. Thynne), the Bill was  
read a first time, and the second reading made  
an Order of the Day for Thursday next.

#### CHINESE IMMIGRATION RESTRICTION BILL.

The PRESIDING CHAIRMAN announced  
that he had received a message from the Legisla-  
tive Assembly, forwarding, for the concurrence  
of the Council, a Bill for the further restriction  
of Chinese immigration.

On the motion of the MINISTER OF  
JUSTICE, the Bill was read a first time, and  
the second reading made an Order of the Day  
for Thursday next.

#### MARYBOROUGH-GAYNDAH RAILWAY EXTENSION.

The PRESIDING CHAIRMAN announced  
that he had received a message from the Legisla-  
tive Assembly, inviting the Council's approval of  
the plan, section, and book of reference of the  
proposed extension of the Maryborough-Gayndah  
Railway from 25 miles 27 chains 50 links to 45  
miles 60 chains, in length 20 miles 32 chains 50  
links.

#### CAIRNS-HERBERTON RAILWAY EXTENSION.

The PRESIDING CHAIRMAN announced  
the receipt of a message from the Legislative  
Assembly, inviting the Council's approval of the  
plan, section, and book of reference of the pro-  
posed extension of the Cairns-Herberton Rail-  
way from 24 miles to 42 miles, in length 18 miles.

#### COOKTOWN RAILWAY EXTENSION.

The PRESIDING CHAIRMAN announced  
the receipt of a message from the Legislative  
Assembly, inviting the Council's approval of the  
plan, section, and book of reference of the pro-  
posed extension of the Cooktown Railway from  
67½ miles to 97½ miles, in length 30 miles.

#### CROYDON BRANCH RAILWAY.

The PRESIDING CHAIRMAN announced  
the receipt of a message from the Legislative  
Assembly, inviting the Council's approval of the  
plan, section, and book of reference of the first  
section of the proposed Croydon branch railway  
from 13 miles to 42 miles from Normanton, in  
length 29 miles.

#### QUEENSLAND PERMANENT TRUSTEE, EXECUTOR, AND FINANCE AGENCY COMPANY'S BILL.

The PRESIDING CHAIRMAN announced  
the receipt of a message from the Legislative  
Assembly, forwarding, for the concurrence of  
the Council, a Bill to confer powers on the Queensland  
Permanent Trustee, Executor, and Finance  
Agency Company, Limited.

On the motion of the Hon. A. C. GREGORY,  
the Bill was read a first time, and the second  
reading made an Order of the Day for Thursday  
next.

### REPLY TO ADDRESS OF CONDOLENCE TO THE WIDOW OF THE LATE HON. W. H. WALSH

The PRESIDING CHAIRMAN said: Hon.  
gentlemen,—I have to inform the House that  
the President of the Legislative Council has

presented to Mrs. W. H. Walsh the Address of Condolence passed by this House on the 29th August last, and that Mrs. Walsh has made thereto the following reply:—

"To the President of the Legislative Council.

"DEAR SIR,

"Will you kindly convey to the hon. members of the Legislative Council my most sincere thanks for the kind words of sympathy and condolence they have expressed to me and my family on the great sorrow that has befallen us by the death of my beloved husband.

"On behalf of my family I also beg the hon. members to accept our heartfelt thanks for the kind and tender feelings evinced towards their late friend and colleague, and their high appreciation of his character—words read by us with mingled feelings of pride and sadness.

"I have the honour to be,

"Dear sir,

"Yours sincerely,

"E. WALSH.

"La Chute,

"October 19th."

### CUSTOMS DUTIES BILL.

#### THIRD READING.

On the motion of the MINISTER OF JUSTICE, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

### RAILWAYS BILL.

#### SECOND READING.

The MINISTER OF JUSTICE said: Hon. gentlemen,—In moving the second reading of this Bill, I have to ask your support to a measure of considerable importance, inasmuch as it affects the administration of a very important branch of our public service. The railway systems of this colony have grown so much of late years that it has been obviously far beyond the powers of any Minister to combine with the work of the railways the ordinary Department of Works. We have found, during past years, that the railways have been attached, not merely to the general works of the colony, but also to some other department, such as the Mines Department; and it has been quite evident, for a long time, that no Minister could possibly devote to the details of the work of the railways that large amount of close attention which their importance deserves. Changes have been made from time to time, and we have now one Minister charged solely with the Department of Railways. But the systems have grown so much that it is impossible for even one Minister, charged with the administration of that department exclusively, to give to the business of the railways of the colony that amount of attention which, in the interests of the colony, they require, and which ought to be given to so important a service. These difficulties, of course, show themselves in many ways—in the difficulties of administration, and of construction; and in many other forms questions arise which are really far too great, far too extensive and complicated, for any one man to thoroughly master, apprehend, and manage. The same difficulty has been felt in other colonies besides Queensland, and both in Victoria and New South Wales they have been casting about for a considerable time for some means of improving the administration of their railways. In Victoria they have now had the system in force for some time, and every inquiry made in connection with the working of that system seems to recommend it to favourable consideration. It is conceded that the railways in Victoria are better and more economically worked, and produce a better revenue under the system of management which

they have adopted there than was the case under the old régime. In New South Wales they have followed, to a certain extent, in the footsteps of Victoria; and, although in New South Wales the system is not yet in practical operation—it is only just in its very first stages—yet it is to us some recommendation that a system which has been adopted in a progressive colony like Victoria, has been copied by New South Wales. The Bill which has been introduced deals chiefly with the administrative work of the railway—with management and construction. Questions of policy are still reserved to both Houses of Parliament. There is no attempt at making any alteration in that respect; in fact, no such attempt would commend itself to any party in the State. But, for a long time, both Ministers of the Crown and members of Parliament have felt that, in the administration of the railways, there have been a great many disturbing influences which ought not to exist. Candidates for employment without number have become almost an intolerable source of trouble, not merely to Ministers, but also to individual members of Parliament. The supposed political patronage has become a positive drag on public life, and one which, I think, every member of this House will be glad to see removed from any connection with the administration of the whole of the Government service, let alone the Railway Department. To do this in connection with the Railway Department it is thought that the best system is to obtain the services of the very best and most capable men for the management of our railways that we can get, to offer them a liberal remuneration, and to give them such an amount of control and independence in the administration of the work of the Railway Department as to relieve them from the trouble or annoyance of political interference in small matters as well as in the more important administrative matters. The scheme of the Bill is to provide for the administration of the railways by the appointment of three commissioners, one of whom is to be called the chief commissioner. They are not allowed to be members of the Executive Council or either House of Parliament, nor to act as directors or auditors, or in any other capacity, take part in the management of any bank, joint stock company, or other financial institution, or of any trade or business; the intention being to exclude them from those disturbing elements which might be supposed to influence them in the management of the railways. For the security of tenure of their office, they are to hold office for a term of seven years. This portion of the Act is to come into force at once, for the purpose of enabling the Government immediately to set about the selection of suitable commissioners. There are throughout this Bill a number of what I may call technical or formal clauses, such as No. 3—"the commissioners to be a corporate body"—but I do not intend to detain the House by referring to these. The remainder of the Bill is to take effect on the notification by the Governor in Council of the appointment of the first two commissioners under the Bill. The present system will continue until the Government are prepared to put the Bill into practical operation by the appointment of new commissioners. There are provisions for the appointment to a vacancy in the office of commissioner, and these will be found in section 9, which provides that the person so appointed shall hold office for the unexpired term of his predecessor. That will ensure the working of this Bill for a term of seven years, and it will leave Parliament at liberty to make such other improvements at the end of that time as it may think desirable without being hampered by vested interests or by highly paid

commissioners. This Bill is comparatively a new measure. As I said before, it has been in force in Victoria for some time. I am not aware at the present moment that we have many precedents or many examples to follow outside of Victoria and New South Wales in any part of the British dominions. In fact, the Government railways are more an Australian institution than a public institution in any other part of the world. It is, therefore, to a certain extent, a tentative measure in all these colonies, and it has been considered wise to provide for a fair term of practical experience of its working, and then provide, if any defects should arise, that we should be at liberty to make such changes as experience might suggest. The salaries of the commissioners are, for the chief commissioner £3,000 a year, and for each of the other commissioners £1,500 a year. These salaries are to be a charge upon the Consolidated Revenue, and therefore the commissioners will be in an exceptional state of security as regards their incomes. It places them independent of individual politicians or individual Ministers. They will receive their salaries unless such steps are taken as will deprive them of their offices. The 11th section provides that a commissioner may be suspended from his office by the Governor in Council, but he is not to be removed from his office except under subsection (a):—

“If any commissioner shall be so suspended the Minister shall cause to be laid before the Legislative Assembly a full statement of the grounds of such suspension within seven days thereafter if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting.”

Then the 2nd subsection provides:—

“A commissioner suspended under this section shall be restored to office unless the Legislative Assembly, within twenty-one days from the time when such statement shall have been laid before it, declares by resolution that the said commissioner ought to be removed from office, and if within the said time the Legislative Assembly so declares, the said commissioner shall be removed by the Governor in Council accordingly.”

I have no doubt this subsection will receive considerable attention from hon. members, and it is deserving of such attention. At first sight it may appear that this House is not put in the position which it ought to occupy, in not having an equal voice in the retention or dismissal of a railway commissioner, with the Legislative Assembly. That, I say, would be the first impression; but I think, upon further consideration, it will be seen that in the first instance it will be sufficient protection if one House of Parliament deals with them; and in the next place we might consider what would be the position supposing a difference occurred between the Legislative Assembly and the Legislative Council on the subject. We have always recognised this principle in similar matters, such as the removal of an Under Secretary or any other subordinate servant of the Government. The Government is undoubtedly as responsible to this House as well as to the other; but practically the Legislative Assembly is the House of Parliament which has taken upon itself the complete control of the details of the Government service—the salaries, dismissals, and movements of the Government servants—and I do not think, when hon. members come to consider the subject they will see any difference between the commissioners and other public servants. Assuming that a difference arose between the two Houses of Parliament in regard to the commissioners, there would be rather an awkward position of affairs did the Bill provide otherwise. It might be said that there should be a resolution of both Houses of Parliament,

but if that were so, and the Legislative Council did not agree in opinion with the Legislative Assembly, the latter would at once say they were having servants imposed upon them by the Legislative Council, who had not to find the money, and they would practically strike, and Ministers for the time being would find great difficulty in proceeding with public business. The 12th section provides for the vacation of his office by a commissioner upon his engaging upon any duties outside of that office, or becoming insolvent, or absenting himself from duty, or for being concerned in any contracts with the commissioners. There is a penal clause making it a misdemeanour for a commissioner to participate in the profits of any agreement or contract in connection with the railways, and the 14th clause deals with the conduct of business. That is rather an important clause, inasmuch as it defines, more than any other portion of the Bill, the relative positions of the commissioners with each other. The first subsection provides that they are to sit at such times and conduct proceedings in such a manner as may seem to them most convenient for the speedy despatch of business. The chief commissioner is to preside as chairman, and two commissioners shall be a quorum, and, subject to the next provision, should have all the powers and authorities vested in the commissioners. The 4th and 5th subsections provide for the procedure when differences of opinion amongst the commissioners occur. The chairman is, in case of a division of opinion, to have a second or casting vote; and where there are all the commissioners present and the chief commissioner differs in opinion from the other two, the matter is to be adjourned for twenty-four hours. If the commissioners do not then come to any agreement upon the subject, upon the chief commissioner is imposed the responsibility of deciding the matter. In such an event he has to enter upon the minutes his reasons for deciding against the opinions of the other two, and he has to forward to the Minister, for presentation to the Legislative Assembly, a true copy of such minute certified under his hand. This is a matter which caused a good deal of deep consideration. On the one hand it was pointed out that if the chief commissioner—who, we hope, will be one of the best men obtainable for the position—finds himself liable to be over-riden by two local commissioners, or minor commissioners, if he were a man of any high standing as a railway manager, he would naturally be unwilling to trust his reputation to an undertaking in which he would not be at liberty to carry out his ideas; and at the same time, that would tend to deprive us of a large selection of the best men. We want to get the best man available for the position, and it would be a pity to throw any difficulty in the way of getting him. On the other hand, the other two commissioners—the junior commissioners, as I may call them—if they differ from the chief commissioner, have a means of lodging a protest and compelling a greater amount of further consideration and attention being given to the matter in dispute, and ultimately referring it to Parliament, as a final means of getting an opinion as to who is right and who is wrong. I think hon. gentlemen will agree with the way in which the 14th clause is framed, and that the most practical scheme has been embodied in the Bill. The 16th clause provides for the vesting of railway property in the commissioners, and the 17th for the exemption of railways from rates. The 18th provides for the substitution of the commissioners for the present Commissioner for Railways in all rights and liabilities. The 19th provides for the continuance of any action impending, and the enforcement

of any judgments that have been given for or against the Commissioner. Clause 20 provides—

"All moneys appropriated by Parliament for the construction, maintenance, or management of the railways by this Act vested in the commissioners, and for all purposes in connection therewith, shall be expended under the direction and control of the commissioners."

The commissioners are therefore made responsible for the administration of funds placed at their disposal by the Parliament. By the 21st clause, the Audit Act is made to apply to the commissioners. Clauses 22 and 23 provide for the duties and powers of the railway commissioners. They shall be in addition to, and not in substitution of the powers now held by the Commissioner for Railways. Those duties include the maintenance, inspection, alteration and repair, and construction and support of temporary roadways during alterations. The 24th clause states that the commissioners are not to give any undue preference to any particular person in any respect whatever, and they are not to subject any person to any undue prejudice or disadvantage. The next clause provides for the issue of free passes. The 1st and 2nd subsections and paragraphs (a) and (b) practically represent the present usage. The last paragraph provides that members of the Legislatures of any British colony may travel free upon our railways, provided that the colony in question is one which reciprocates the courtesy proposed to be shown to them. The 26th clause states the powers of the commissioners over lines under construction, and the 27th is a very important and useful one, which states that the commissioners are to prepare and submit to the Minister a statement showing their estimate of the cost of any proposed line, including the value of land which it would be necessary to resume, and the amount of the returns likely to be derived therefrom. This return is to be transmitted to the Minister before the plans, sections, and book of reference are laid before Parliament, and no resolution approving of such plans is to be adopted until such statement has been so laid before Parliament. This will secure to Parliament information for its assistance, and the results of the inquiries and investigations by the commissioners, as to the usefulness and probable returns of the proposed railway, will be available before the plans are taken into consideration. The 28th clause is also an important one. It empowers the commissioners to establish depôts for the delivery of goods in different parts of the colony, at any distance from a railway, and to contract for the loading and unloading of goods from the depôt. The object of the clause is to enable the commissioners from time to time to undertake contracts for the conveyance of goods from different parts of Queensland to other parts, to railway stations, on such terms as will secure for the railway system of this colony the traffic which properly belongs to it. Hon. gentlemen who are aware of the circumstances of some portions of the colony, where traffic which naturally belongs to our railway system is diverted from it, will agree that it is high time that some steps were taken by which that traffic should be secured to the railway system of this colony. I think this clause, which has received a great deal of careful consideration, will fully meet the circumstances of the case, especially when followed by clause 29, which is one which is not in existence in the Victorian and New South Wales enactments. But it is one which the circumstances of this colony render it highly desirable to introduce:—

"The commissioners may make special contracts to carry any goods and merchandise from any place within or without to any place within or without Queensland."

They should be able to make special contracts for the carriage of wool from the stations at a distance from the railway line to the station market. That clause will be a great public benefit, and it is one that will conserve the interests of the railways, and secure to the country more return for the expenditure upon the railways than it would otherwise obtain. It will be necessary, of course, before the commissioners make such contracts, to ascertain the proportion of carriage which may be done upon Queensland railways. It is necessary for the railway commissioners to have some jurisdiction by having the goods carried part of the way upon our own lines. The first subsection of clause 29 briefly explains the object of the whole section, and the subsequent subsections are matters of detail in regard to the powers of the contract, the rates, and the liabilities of the commissioners under such contracts. Clauses 30 and 31 are formal clauses, empowering the commissioners to requisition for rolling-stock, and to lease refreshment rooms, and so on. A quarterly report is to be provided by the commissioners, and an annual report up to the 30th of June in each year, which shall show separately, and in detail, the earnings and expenditure upon the respective lines, or sections of lines, lists of officers admitted or left the service, or dismissed, with full particulars. This report is to be laid before Parliament within seven days after the 1st August, if the House be then sitting, or within seven days after the commencement of the next session. They have also to prepare and transmit to the Minister an estimate of receipts and expenditure for each year. Clauses 34 and 35 provide for the working of telegraphs and the conveyance of mails, etc., in connection with railways. The next clause gives power to make contracts in connection with fuel, material, locomotive power, and so on, and provides that these contracts shall be in writing, and for certain restrictions to be placed upon the power to enter into these contracts, such as their requiring the sanction of the Governor in Council. Clause 37 gives power to compound for breaches of contracts, for claims made against, or claims due to the commissioners in respect of any penalties contained in such contracts. Part III. of the Bill contains a very long clause, 38, containing some 40 subsections, giving different powers as regards by-laws. At present the by-laws are rather few and narrow, and this section includes, I think, nearly every object to which by-laws can be made to apply. At any rate a great deal of ingenuity has been applied in preparing this long and complete list. Clauses 39, 40, and 41 are formal clauses in connection with the by-laws, and clause 42 requires the rates to be published at all stations, and in other places. Part IV. of the Bill provides for the investigation of accidents. I need only say that this part is almost verbatim, the same as has been adopted in New South Wales and Victoria, and was originally adopted by them from the Imperial Railway Acts, and has, no doubt, stood the test of considerable experience. It provides in certain cases that, whenever an accident happens, an inquiry is to be made, and if the inquiry is one of a very important nature, then a more formal and full inquiry is to be carried out. It provides for the employés to be represented at such inquiries, and provides for the attendance of witnesses. Part V. of the Bill relates, as hon. gentlemen will see, to matters connected with appointments to and promotions in the railway staff. Examiners are to be appointed, and notice of examination has to be given. Successful candidates are to receive certificates, and may remain on the list for a certain period as eligible for appointments. Provision is also made for making appointments to the lowest grade in each

of the various branches, such appointment to be on probation only for a period of six months. After that term a man may be appointed to the ordinary staff. Clause 54 is an important one, and requires that the person appointed is to effect an insurance upon his life. Such a provision is more necessary in the Railway Department than in any other branch of the Government service. I hope it is only the commencement of a sort of personal provision made against death or misfortune by persons in the Government service. The next clause authorises the commissioners to take security from officers entrusted with money, and clauses 56 and 57 define the mode of making promotions, and deals with gratuities and overtime payments. Clause 58 gives power to the officer at the head of any branch of the railway service, to suspend any employé in his department who is guilty of misconduct by breaches of the regulations, or to fine him in a small sum or to reduce his rank. Any officer in charge of a railway station may temporarily suspend an employé; but provision is made for appeals against such decisions by employés. I do not think I need further discuss these sections relating to the railway staff. They are very long and very fully set out in the Bill. Part VI. contains a few general provisions in regard to weights, and the punishment of any person employed by the commissioners guilty of extortion. Clause 71 provides a term of limitation of action against the commissioners for damages, or for compensation for personal injury, to the term of one year, and notice of action is required. Clause 72 provides that in cases of personal injury, the commissioners have the right of having the injured person examined by a medical witness. This Bill does not pretend to be a complete railway law. It is, as I stated at first, a Bill to provide for the better administration of railways. The consolidation of the railway laws would require a very long Bill, and would be a very serious undertaking; one which I think it would be very injudicious to mix up with the principles which this Bill proposes to introduce. Hon. gentlemen, therefore, in considering any question that may occur to them in connection with this Bill, will bear in mind that we have already a long Act dealing with railways, which provides for the resumption of land and other matters which are not touched upon in this Bill. The object and scope of this measure is to provide for the management of railways by commissioners, and to define their powers and duties. I trust I have been able to place the Bill fairly before the House, and that it will receive that fair consideration which hon. gentlemen have always given to other measures I have had the honour of introducing to this Chamber.

The Hon. A. C. GREGORY said: Hon. gentlemen,—It is not always we have a Bill of so much importance before us as this is which we have now in our hands. It touches upon very important questions which have hitherto been discussed, and upon which various opinions have been expressed, but without any practical result. There is no doubt that the administration of railways, when they were first commenced, was best conducted in the manner in which it was conducted. The railway department was then a small one, and it was quite unnecessary to establish for its management the elaborate machinery proposed by this Bill. Nevertheless it has now grown to such magnitude, and we see so many difficulties likely to arise under the present system, that it is better for us to provide for them. Therefore I approve of this measure as a whole, though there are certain points to which I will draw attention, on which I think it will require amendment. The various provisions of the Bill have been so amply dealt with by the

Minister of Justice that I shall not further refer to them, but will confine myself to those matters to which I wish to invite special attention. Clause 11 provides that—

“1. A commissioner may be suspended from his office by the Governor in Council, but shall not be removed from office except as hereinafter provided:—

- (a) If any commissioner shall be so suspended the Minister shall cause to be laid before the Legislative Assembly a full statement of the grounds of such suspension within seven days thereafter, if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting.
- (b) A commissioner suspended under this section shall be restored to office unless the Legislative Assembly, within twenty-one days from the time when such statement shall have been laid before it, declares by resolution that the said commissioner ought to be removed from office, and if within the said time the Legislative Assembly so declares, the said commissioner shall be removed by the Governor in Council accordingly.”

That is a very wide departure from our previous practice. At present the Commissioner for Railways is removable by the Governor in Council, and I should be quite content to see it so remain. But if the matter is to be referred to Parliament for its consideration, I think we ought to follow the precedent that is set before us in the removal of members of the Land Board appointed under the Crown Lands Act of 1884. Section 13 of that statute enacts that—

“The members of the Board shall hold office during good behaviour, and shall not be removed therefrom unless an address praying for such removal shall be presented to the Governor in Council by the Legislative Council and Legislative Assembly respectively in the same session of Parliament.”

If we look at the Victorian Act we find that it contains a somewhat similar provision requiring the consent of both Houses of Parliament, though there is a certain amount of relaxation, inasmuch as if the Legislative Council there does not agree on the first occasion to any proposed removal, the Legislative Assembly may, by a second resolution passed within a certain period, advise the Governor to remove the commissioner or commissioners. I do not know of any laws in the adjacent colonies, or any collateral laws in Queensland, which provide for the Legislative Council, which is certainly a part of the legislature, being ignored in the manner proposed in this Bill. I, therefore, think this clause will require the very serious consideration of the Committee, with a view to its amendment. In clause 14 we find another similar provision with regard to the procedure to be observed in case of a difference of opinion occurring between the commissioners; that clause only requires copies of the minutes of the commissioners to be presented to the Legislative Assembly. I think it is also desirable that we should carefully examine clause 25 and see whether, as it now stands, it does not restrict the commissioners from issuing passes to their employés passing from one part of a railway line to another. As a matter of course, an employé on the line is necessarily entitled to a pass while travelling in the performance of his duty, but what I specially refer to are those cases in which employés are removed from one district to another. The clause should be very explicit on this point, so that there should be no difficulty in the way of commissioners granting passes under such circumstances. Clause 28, which allows the commissioners to appoint places at any distance from a railway as depôts for the receipt and delivery of goods, certainly confers very wide powers on the commissioners. At the same time, it is not by any means a new idea to give them authority to contract for the

conveyance of goods beyond the railway line. Some years ago there was a contract entered into between the Commissioner and certain carters to convey wool from the railway station in the metropolis to the wharves, and, I believe, goods from the wharves to the railway station. I have never heard of any great inconvenience or maladministration having arisen, or any complaint having been made in connection with that arrangement, and I do not think there can be any objection to this clause. Clause 36 empowers the commissioners to make contracts for furnishing fuel, materials, or labour, or providing locomotive engines. The proviso in this clause will require amendment. It reads as follows:—

“Provided that no contract for the supply of fuel, or materials, or labour, or for providing locomotive engines or other motive or tractive power for places outside Queensland, shall be made without the previous sanction of the Governor in Council.”

I think there must be some mistake in the wording of that provision. As it now stands it simply restricts the commissioners from making contracts for providing locomotives for use outside Queensland without the previous sanction of the Governor in Council. But I believe the real intention of those who framed the clause was to provide that all important contracts should be let in Queensland, unless the commissioners are able to show the Governor in Council that there are sound reasons for calling for tenders and accepting contracts from parties outside the boundaries of the colony. If that is so, there must be some clerical error in the clause, and it will be necessary to correct it. Part V. of the Bill deals with “the staff, appointment, promotion, and discipline in and regulation of the railway service.” I am glad to see these provisions in the measure, because hitherto there have been great complaints—whether with reason or without I will not just now inquire—that appointments of employes in railway workshops have been made for purely political reasons. At any rate, many employes are said to be under that impression, and further, that when an individual has by some chance got in contrary to the peculiar views of the person supposed to control such appointments, he is denied promotion. These provisions, therefore, will serve to correct a defect which is said to exist. Clause 51 provides that employes shall effect an insurance on their lives before their appointment is confirmed. That, I think, is an excellent provision, and I only hope that such arrangements will be carried out in all departments of the public service. The fact of the matter is that, although we had a Civil Service Act in the earlier times, which to some extent provided for such insurance, yet that Act has been repealed, and we now constantly find Civil servants, when they die, leaving their families in a state of indigence, and some provision has to be made for them, either by their former employers or the public. And we often find that when a Civil servant arrives at a certain age and he leaves office he is left destitute, and some provision has to be made for him. A very small sum contributed from the salaries of Civil servants would make a very good provision for their old age. Clause 58, which empowers officers at the head of each branch of the railway service—as, for instance, an officer in charge of a railway station or workshop—to suspend employes under him, is an absolutely necessary provision. I have had a very fair opportunity of judging of the necessity of such a provision, and I am sure that without this discipline cannot be maintained. Taken as a whole, I think the Bill is a very desirable one, but when we deal with it in Committee I shall certainly take exception to that part of it which reserves to the Legislative Assembly alone the right to decide questions in

regard to the removal of the railway commissioners. I shall support the second reading of the Bill.

The Hon. W. D. BOX said: Hon. gentlemen,—I am very glad to see the Government following the example of Victoria in removing from the management of the railways, what I hear is a source of great trouble—namely, political patronage. I think it is a step in the right direction. Judging from the experience of the past the proposed system has been a great success in Victoria. I see that this measure is mainly copied from the Victorian statute, and I believe the change it will effect is most desirable, and that it will greatly improve the management of the railway system of this colony, and be a great benefit to the revenue. I cannot, however, understand why the Council should be left out in the clause referring to the removal of any commissioner in the event of his doing what he ought not to do. Why should the Legislative Assembly alone be appealed to? As the Hon. A. C. Gregory has intimated, I have no doubt that an effort will be made, in Committee, to place this Chamber in the Bill as one of the Houses of Parliament, and not leave such a decision entirely to the Legislative Assembly. I am particularly pleased to see that a clause is introduced requiring the commissioners to report to Parliament their opinion as to the probable future of new railways—the probable traffic thereon, and other matters, which will be a very valuable guide to hon. members in considering any railways proposed to the House. I cannot find such a clause in the Victorian Act, but I regard it as a very valuable provision. I trust the Bill will be passed by the House.

The Hon. W. FORREST said: Hon. gentlemen,—It is with unmixed satisfaction that I rise to support the measure now before the House, subject to the amendment that has been suggested by the Hon. A. C. Gregory. I think the Bill deserves to be supported by every member of the House. At all events it will receive from me the most cordial support. I have seen the working of a similar measure in Victoria, and I can say from personal experience that it has been an unqualified success in that colony. But I warn hon. gentlemen not to expect the same success here, because the circumstances of the two colonies are very different. There they have a large, thickly-settled population and short lines, while on the other hand we have a sparse population and very long lines, and the result will be that we shall not obtain the same measure of success as they have achieved by putting the railways under commissioners in Victoria. But I trust we shall obtain many benefits, and that among them will be that of preventing the construction of political railways—that great curse and drawback to the colony which has drained our resources to the very utmost. I venture to assert, and, if there was any necessity for it, I would bring forward figures to prove it, that the whole of our financial troubles have arisen from the making of political railways. This measure will also relieve the Ministry of what must be a great annoyance, the continual application to them for the exercise of political patronage. Whether they suffer most from their friends or their enemies in this respect I do not know, but I think they suffer more from what the Scotch call “back clawing”—“I have clawed your back, you must claw me;” that is to say, I have given you a vote, and you must give me an appointment. I look upon that system as a very great curse. It is impossible to administer the railway department or to conduct any other business in a satisfactory way so long as that state of things is allowed to prevail. But to

refer to what has fallen from the Minister of Justice in regard to the dismissal of commissioners, I cannot in any way agree with him that, in leaving the appeal of a commissioner against dismissal to be decided by the Legislative Assembly, we shall be meeting every demand that is necessary. We know perfectly well that the Assembly simply means the Government of the day, and I should like to know what chance a commissioner would have in appealing from the Government to the Legislative Assembly. Suppose the late Government had determined to dismiss any commissioner, is it reasonable to imagine for one moment that the Assembly would not have endorsed their action? And suppose the present Ministry determined to dismiss a commissioner, is it reasonable to suppose that they would not carry their measure through the Assembly? We have only to look at what takes place every day to see that the Ministry of the day is really the Assembly. The great object in appointing commissioners is to create officers who will be entirely non-political, and be placed in such a position that they will be able to carry on the management of the railways in a sensible business-like manner, quite free from all political restraint. I do not for one moment say that there should not be some means of getting rid of them if they fail in any way in performing their duty, but I cannot see why this House could not look upon such a question as the removal of a commissioner in quite as sensible a manner, and arrive at quite as sound a conclusion as the Legislative Assembly. Why should we allow ourselves to be politically extinguished by a side wind? That is what the clause practically amounts to, for, if we pass it in its present form, we shall exclude ourselves as a branch of the legislature from expressing any opinion as to the removal or otherwise of the commissioners who will be appointed under this Bill. The measure is certainly a very important one, and I will take this opportunity of saying that it has been carefully drafted, and I must compliment whoever drafted it for the manner in which he has done his work; but, seeing that so much has been copied from the Victorian statute, I do not see why he should have overlooked the section dealing with this very question. I have read that Act very carefully. I tried to get it just now; but I could not, as some one seems to have taken it out of the library. I will, however, endeavour to get it before this clause 11 is dealt with in committee to-morrow. Whether I shall support putting both Houses in the same position, or whether I shall favour the insertion of a clause similar to that in the Victorian Act, I am not prepared to say at present, but I most emphatically disagree with clause 11 as it stands in the Bill. With this exception I think the measure is, on the whole, a very fair one. There are one or two other points I had intended to mention, but as they have been already referred to by the Hon. A. C. Gregory I shall not further allude to them. I will, however, briefly refer to clause 71, which deals with the limitation of actions. The only limitation placed on actions is as to the time within which they must be brought. It is provided that they "shall be commenced within one year after the act complained of was committed." I should like to see this clause also limit the amount which any person could claim from the Government. Those who have seen how the Victorian Government have been fleeced in this respect—I use the term advisedly—will see the necessity for such a provision. The profits from the railways for a whole year were taken away by one accident in that colony, and the Government were compelled to pass a measure to limit the amount for which they could be sued by any individual. I should like

to have seen this clause framed in that way. I do not propose to move any amendment on the clause, because in discussing the matter with some of my friends, they expressed the opinion that it would be difficult to carry it out in this Bill. I hope, however, that the Government will see their way to bring in a measure dealing with the question next session. Everybody in going on a journey, no matter how he travels, whether he rides or drives, runs a certain amount of risk. If I ride or drive on a journey and meet with an accident and am hurt, I could not sue anybody for damages. And if a man travels on a railway he should take the ordinary risk of a traveller; and if an accident arises from something which could not be helped or foreseen, if there is no culpable or criminal negligence, he should not be in a position to obtain very heavy damages against the State. Of course, if there is culpable negligence he should have the right to sue the Government by every process allowed by law; but where there is no such negligence the country ought not to suffer to the extent it does. I do not see any other clauses that require special attention. With the exceptions I have indicated, I shall give the Bill my most hearty support.

The HON. F. T. BRENTNALL said: Hon. gentlemen.—We appear to be almost unanimous in our opinions that the Bill is an exceedingly good measure, and is likely very beneficially to supersede the present system of managing the railways of the colony. There are several very good features in the Bill which must commend themselves to the judgment and approval of every member of this House. It is unquestionably one of the evils of the present system that the railway department especially, among our different departments, seems to be accessible to political influence. It is a department which should be absolutely free from such influence. The liability to accidents and the dangers inseparably connected with the railway system are so numerous that no incompetent man ought to be found anywhere in that department. The almost inevitable result of political influence is the appointment of incompetent men, and whatever help I can render towards delivering the railway management of this colony from that kind of influence I shall most cordially render. It has been stated here, I think by the Minister of Justice, that candidates for appointment to our railways are so numerous as to become an almost intolerable nuisance. I think we can all commiserate the Minister for Railways in this particular regard, for I am quite sure that it is an intolerable nuisance to all members of the Legislature to be continually pestered by people wanting influence to obtain situations. It is not a very pleasant thing, certainly—as unpleasant as it is impolite—to tell a man bluntly that he is not efficient for the position he seeks, but that is what a person sometimes feels tempted to do. I am sure that the Ministerial head of this department is not the only man who is troubled by considerations of political influence in regard to appointments. The removal of political patronage, therefore, I take it, to be one very good feature of this Bill. Another good feature is the institution of competitive examinations. We shall do away with all incompetency when by competitive examinations we are able to secure the best candidates for appointment, and to follow that idea out by probation is also a very wise proposal. Linked with that is another good feature in the Bill—promotion by seniority. It is one of the chief complaints in our Civil service that men who have been long in a department are very often passed over unjustly. All of us can see that there may be cases in which men



are really incompetent to be promoted, and it would, perhaps, be doing an injustice to talent to promote men simply and solely according to seniority. You have to recognise ability as well as age in the public service, and you cannot ignore a capable man simply for the sake of another man, who is far less capable, because the latter is older in the service. I do not see how a hard-and-fast rule of that kind can be made, but it is intended to be made, so far as practicable, in the Bill. I think there is some little discretionary power left, nevertheless, which must be left as a matter of course. Still, I think that the Bill, taking it altogether, is a very good one, and I think most of us approve of a still further proposal that the department shall be protected against demands for compensation through fatal accidents, by insisting upon the life of the employé being insured. I need not dwell upon that. Almost every hon. member who has spoken upon the Bill has expressed his commendation of that clause, and another good feature in the Bill is the employé's right to appeal; I think that is a perfectly fair and just thing. No man should be dismissed arbitrarily from the public service without having the right to know why he was dismissed. Sometimes by mere caprice, or mere prejudice, an officer may remove some man he dislikes from the public service without deigning to give him the slightest reason, or assign the slightest cause for his dismissal. We all regard that as a very unjust thing. I am quite sure we shall approve of giving to any man under such circumstances the right of demanding the reason why he is dismissed. It is only a fair and British course of procedure. The clause referring to the appointment of commissioners, who must be commissioners exclusively, is also, I think, a very good feature in the Bill. These men are to mind their own business, and nobody else's business, and in business hours their attention is to be exclusively devoted to the objects for which they were appointed. I think that exclusive demand upon their time and attention as commissioners of the railways in this colony is a very proper provision. I agree with the view taken here, by some members, of clause 11, to the effect that there should not be this marked distinction, or I might use the words, marked derogation, of the Legislative Council in connection with an Act of this sort. I think there should not be this distinction between the two Chambers, by the derogation of this branch of the Legislature. But that point will manifestly be discussed at a later period, when the Bill is in committee, so I shall not say any more about it now. I should like to say a word or two upon subsection 5, of clause 14, by which the chief commissioner is practically made far more potent than the other two. I suppose all these commissioners will be men selected for their experience. If we are not going to have the board of commissioners thoroughly experienced and competent men, there will be no sound argument for altering the present system. It was stated by the Minister of Justice that a Minister of the Crown could not give the necessary attention to the duties of a department like this. I think, perhaps, it would be nearer the truth to say that a Minister of the Crown cannot be expected to have the technical knowledge and the commercial knowledge, ordinarily, to take the management or administration of so important a commercial department of the public service. Technical knowledge is required as well as exemption from political influence, and if we are to get a board of commissioners who are thoroughly competent by experience to undertake and perform the duties appertaining to their appointments, then I can scarcely

see why one of them should, under exceptional circumstances, be given a greater power than the other two. I assume there is something in the argument which has been used by the Minister of Justice in regard to this particular point, but I still think a great injustice may be done, if, after the lapse of twenty-four hours after the vote is taken, the chief commissioner is allowed to give an absolute decision which may be irrevocable until an appeal is made to the Legislative Assembly, which appeal may take place some weeks, and, possibly, some months later. Supposing that the chief commissioner, in his single judgment, were wrong, and the other two commissioners, with their dual judgment, were right, would it be a fair thing that the wrong judgment of the chief commissioner should operate for those intervening weeks or months, until he could make a report to the Legislative Assembly? I could understand the provision better if it stated that the appeal was to be made to the Governor in Council, which would provide for a prompt arbitrament being taken between the chief commissioner and his fellow commissioners. But to perpetuate for weeks and months something that might be wrong—something upon which the chief commissioner's opinion was erroneous—was scarcely a wise provision. Another feature of the Bill which I cordially approve of is the arrangement for making dépôts for receiving luggage, and also the arrangements for distributing luggage, and having the rates and fares exhibited upon piers and wharves. I hope that these proposals will not be allowed to be a dead letter. I have found in the course of my travelling, as I have no doubt many other hon. gentlemen have found, in places where railways have been managed by private companies, and where competition has made them alert in seeking business with which to feed their railway, it has been an exceedingly comfortable thing to send a memorandum by telegram or letter to a railway department saying that your luggage may be found at such an hotel in such a town, that you wish them to get it and send it on to another hotel, perhaps three or four hundred miles away. On my arrival there I would find my luggage perfectly safe and sound. I might want it conveyed in a similar way to a ship, and it would be done for me. I should have no trouble or anxiety about it. It would be sent from the place I wished it sent from and conveyed where I wished it to be conveyed. That is what I wish to be established on a tentative scale in this colony. It would save a great deal of anxiety to travellers and bring revenue to the Railway Department. It would be better for the railways, and I am quite satisfied that it is only by accommodating the public that the railways would be made to pay. I hope that this improved management, which we anticipate as the result of this Bill, will conduce to the railways being more efficiently managed for the convenience of the public, and that we shall hear less complaining about the management than we have heard. I think the Bill is drawn up with that object in view, and it seems calculated to achieve that object.

The Hon. J. T. SMITH said: Hon. gentlemen,—It gives me very great pleasure to hear the opinions expressed in reference to the Bill. I am somewhat in the position of one who understands a little about the question, and am glad to hear hon. gentlemen acquiesce so thoroughly on something that will be substantive justice to the Railway Department. I look upon the Bill as a good one. I have hoped in times past for such a Bill as this, as there are so many circumstances which have arisen in the appointments that are past which have gone to show that the placing of the department under a Bill of this kind would have led to different

results. The system under which our railways have hitherto been managed is certainly now an antiquated system. In the other colonies they have become cognisant of the fact that the system which we have been carrying on here for the past twenty-five years has become antiquated, in the sense that we have got beyond it. The department, so to speak, is not able to reach up to the advance which the country has made in regard to commercial and monetary transactions, for example. It appears to me that if a new departure is made in the direction which this Bill proposes, it will place us in a very much more advantageous position. Of course we know one of the great evils which has arisen under the old system has been what we call political influence. The Minister in charge of the department cannot keep that influence in check, and it has now become quite overbearing, and that has probably led to the presentation of this Bill to the House. This influence has had very serious effects in past times upon the action of Ministers. I know in Victoria in the old days, thirty-five years ago, the same kind of influence was at work, and it was a most serious matter for the Minister to control the influence brought to bear upon him, especially in reference to the Railway Department, because that is a department which is so particularly administrative. If we could get clear of matters of that kind it would be a great advantage to the country. In regard to the proposal that is made, that is to say, providing for commissioners and making them a board of advice and consultation, hon. gentlemen will see that will have somewhat the effect of decentralising matters as compared with the present state of things. It appears to me that the department will be rendered diffusive. At present it is not diffusive in the sense that the proposed board will be. The present Commissioner is a man who is not at liberty to act perhaps as his own experience and sense of right might require him to act, and therefore it is that if we place the responsible and very onerous duties of this department in the hands of three gentlemen who are well proved, and will collect together under the influence of a large experience and capacity for this kind of work, the country will be benefited. I know it has been said that there will be concentration rather than division of capability in the working of the railways; but I think hon. gentlemen will see that where the commissioners can travel to and fro, and where they can act themselves and agree amongst themselves to act in one part of the colony as well as another part, and only meet for the purpose of consultation upon special questions, it will be seen that the wants of the department all through the colony will be more satisfied than at present. But, there is another advantage which may be derived from this Bill, an advantage which I should have liked to have seen many years ago, and that is this: Hon. gentlemen will know that the Civil service of the colony has been in a very unsatisfactory position in reference to the fact that it has had no Civil protection, so to speak, —not that kind of protection, that is to say, which is expected to be meted out to those persons who are servants of the Crown. In this Bill there is an approach, and a very sensible and emphatic approach, towards the advantages which may be derived from the protection of the department. The Bill provides that the staff shall be protected in many particulars, and I think that is a very substantive advantage, as it foreshadows what will very shortly be done in reference to the Civil service generally. I have been twenty-five years in the colony, and have looked forward to this kind of protection for the Civil service, which has been promised times without number, but has never been given. The Bill gives employés

a law of promotion. It establishes a proper routine to all men, according to their capacity and their age of service, and if that be the case, it will be easy to suppose that men who have experience are the best men, and men who will go step by step in advance towards the head of their respective departments. Of course there are some circumstances which the commissioners will have a right to take advantage of. That is to say, there may be a special office to fill, which it is competent for the commissioners to fill, if they find an individual specially capable of filling it. In that respect I quite agree with the Bill. Then, there is the principle of insurance, which stands prominently in the Bill, and which will have a very satisfactory influence. Of course, life insurance refers to the death of an employé, and to his having been cut off during the time he was in the service. When I saw that, I thought to myself, what would become of a man if, by age, he became incapacitated for service if he had had only his life insurance? Therefore, I was pleased to see in the Bill a provision made for that, that is to say, that a species of insurance would be established which would be made capable of being transferred into an annuity or something of that kind; so that provision will be made for the old age of the officers of the department. The Bill has one special characteristic, and that is that it proposes to give the benefit of the railways to the general public. There is one clause that provides that differential rates may be charged. That has been one of the most difficult questions that the department has had to deal with. Of course influence is brought to bear, and if a differential rate is made in one part of the colony the department will be swamped with individuals desiring to have the same principle extended to themselves. Taking the Bill all through I must say that I can give it my most hearty support. There are things which may require some further comment in committee, and there may be opportunities for improvement, but I think that is rather doubtful.

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

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

#### COMPANIES ACT OF 1863 AMENDMENT BILL.

##### COMMITTEE.

On the motion of the MINISTER OF JUSTICE, the Order of the Day was discharged from the paper.

#### ADJOURNMENT.

The MINISTER OF JUSTICE: Hon. gentlemen,—I beg to move that this House do now adjourn.

Question put and passed.

The House adjourned at 6 o'clock.