Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 14 AUGUST 1889

Mr. PALMER asked the Minister for Lands—

If any precautions are taken, and of what nature, to prevent the introduction of the disease known as anthrax, or Cumberland disease, across the borders of Queensland from New South Wales, where the disease is now prevalent?

The MINISTER FOR LANDS (Hon. M. H. Black) replied—

No; none being deemed necessary.

PETITION.

Warwick Gas Company Bill.

Mr. MORGAN presented a petition from the Warwick Gas Company, praying for leave to introduce a Bill to confer certain powers on the company. The Standing Orders had been complied with; and he moved that the petition be received.

Question put and passed.

RABBIT ACT AMENDMENT BILL.

Committee.

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

Mr. MURPHY said that before clause 6 was put to the Committee, he wished to move the following new clause, of which he had given notice, to follow clause 4 as passed:—

The Governor in Council may from time to time, by proclamation, declare any animal within such district as shall be defined in such proclamation, to be a natural enemy of the rabbit, and prohibit the killing or capturing of any such animal without a special permit from such person or persons as may be authorised by the Governor in Council to grant such permits.

Any person capturing or selling, or disposing of, or killing any animal so declared to be a natural enemy of the rabbit, without a permit signed by a person authorised to grant such permit, shall be liable to a penalty of not less than five nor more than twenty pounds, and in default of payment shall be liable to be imprisoned for any term not exceeding six months.

All offences against the last two preceding sections may be prosecuted in a summary way before any two justices of the peace.

The object of inserting that clause was, as distinctly stated in the clause, to protect the natural enemies of the rabbit. He thought there could be no possible objection to the clause.

Mr. DRAKE said it seemed to him that the new clause gave very large powers to the Governor in Council. He did not mean to suggest that the present or any future Government would not use very careful discretion in protecting any animal under the provisions of the clause, but it must be borne in mind that a great many animals that were natural enemies of rabbits were also enemies of a number of creatures that it might be desirable to protect. The hon. member for Barcoo, when the Bill was last before the Committee, referred to cats that had gone wild as enemies of the rabbit; but supposing that the Governor in Council proclaimed in any district that tame cats having gone wild were natural enemies of rabbits, and therefore must not be captured or killed, a very strange state of things would arise. A man then might kill a tame domestic cat, but if the cat went wild he would not be allowed to kill it. It was well known that cats of that kind—not the ordinary wild cat, but domestic cats gone wild — were very great enemies to chickens and poultry of all kinds. It would be very hard if in any district an animal like that should be declared a sacred animal that must not be killed. The leader of the Opposition the other night had referred to eagles as inimical to rabbits; but surely the hon. member for Barcoo would not go so far as to say that they should be protected. They were very dangerous also to young lambs. No doubt it was a difficult matter to interfere with the course

LEGISLATIVE ASSEMBLY.

Wednesday, 14 *August*, 1889.

Questions.—Petition—Warwick Gas Company Bill.—Rabbit Act Amendment Bill—committee.—Companies Act Amendment Bill—committee.—Adjournment.

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

QUESTIONS.

Mr. STEVENS asked the Minister for Mines and Works—

If it is the intention of the Government to introduce a measure this session to extend the endowment to divisional boards of £2 to £1?

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) replied—

No.

of nature. The hon. member for Barcoo would bear him out when he said that almost as much harm as good had resulted in a great many parts of the country from the destruction of the dingo. The dingo was, of course, destroyed as being an enemy of the sheep, and the consequence was to enable the marsupials to spread enormously. That was one case in which they interfered with the course of nature.

Mr. MURPHY: That is a reason why we should pass the clause.

Mr. DRAKE said they interfered with the course of nature, and the result was harm. If they gave an artificial protection to a thing, it was just as much an interference with the course of nature as if they used artificial means to destroy it. Every animal was continually preying on another, and if they interfered to protect one particular class of animal they were doing the same as if they interfered to promote the destruction of any class. There was another point he would mention: It would be a very difficult thing in outside districts for the proclamation of the Governor in Council to become known. How was it to be made known to the people of a district that the Governor in Council had proclaimed that a certain animal was to be the natural enemy of the rabbit, and, therefore, must not be touched. The notice would appear in the *Government Gazette*; but surely the hon. member would not contend that the notice should be stuck up on every tree in a pastoral district. Supposing after the Governor in Council had proclaimed that cats gone wild must not be touched, how were they going to prove that an offender knew of the proclamation? It would not be necessary to prove that; but surely it would be a great hardship to punish a man for having done an act which he had no means of knowing was unlawful. He did not see how they could make it known that the Governor in Council regarded as natural enemies of the rabbit certain animals, especially where the population was scattered, and if they could not prove that a man knew that a particular animal had been proclaimed, it was not in consonance with ordinary justice that he should be penalised. He would point out also that the penalty was not less than £5, or more than £20, or six months' imprisonment. That was very heavy punishment, especially in cases where men had merely committed technical offences against the Act. He mentioned on the second reading that he did not wish to throw any obstacle in the way of the Bill passing, because he admitted that the rabbits were a great pest, and almost any means within reason might be justly used to get rid of them and prevent them growing into the evil they had become elsewhere; but at the same time it was worthy of consideration whether in passing a clause like that justice was being done to all parties. It was a very heavy penalty, and justices with the ordinary sense of justice would be very reluctant to enforce it in cases where there was much doubt as to the guilt of the person accused. He could not understand how any two justices could be expected to fine a man the maximum of £20 for killing one of the animals that happened to be proclaimed. If it were possible to prove that the man knew of the proclamation, and deliberately killed the animal in order to increase the spread of the rabbit pest, it would be perfectly right that he should be punished, and even the maximum penalty imposed, but it would be extremely difficult to prove that. In another case a man might act perfectly innocently in killing an animal that he had been accustomed to kill for years as being the enemy of another class that he wished to protect.

Mr. MURPHY said the arguments of the hon. member for Enoggera might be used against any penal clause affecting any crime. The proclamation would, of course, appear in the country papers at once. It would be inserted by the Government, and especially in a district where the people were fighting the rabbit pest. They would be on the lookout for the Government proclaiming certain animals as the natural enemies of the rabbit. The clause was adapted from a similar clause in the New Zealand Act, and it had worked very well indeed there. With regard to tame cats gone wild, it had been proved over and over again in Victoria that they were the very best auxiliary that the farmers and landowners had for the destruction of the rabbit.

Mr. DRAKE: Wait until the cats have overrun the place.

Mr. MURPHY said that was like everything else. The cat only flourished so long as there was sufficient food for it. Before the drought on the Darling perfect armies of cats, iguanas, and carpet snakes followed the rabbits. They appeared to increase almost as fast as the rabbits, but when the cause for their coming there disappeared they died out again. It was a very well-known law of nature that those things would happen if they would only let them. If they let the natural enemies of the rabbit have fair play, they would do more towards destroying them than all the men, machines, or engines that they were at present aware of for their destruction. So far as the hon. member's argument was concerned, that the destruction of the dingo had done more harm than good, that was a question that would stand a very great deal of argument. Some men were still in favour of sparing the dingo, but those were only cattle men. They never heard a sheep man who argued in favour of sparing the dingo, and as he was a sheep man the hon. gentleman would know at once which side he took. He was right in saying that by destroying the dingo they allowed the marsupials to increase until they became a pest. That was because they did not study the balance of nature, and they had to adopt artificial means to get rid of the marsupial plague. They had to shoot, trap, and fence round the marsupials, and they then succeeded in restoring the balance of nature and got the marsupial plague under control. He wished to allow the natural enemies of the rabbit to increase. Certainly cats might kill a few chickens, but that was no argument. If the hon. member would look at the magnitude of the plague, and the tremendous sums it had cost in the adjoining colonies, he would not look at it from that petty point of view. The plague had cost millions of money, and had entirely depopulated some districts in New South Wales and Victoria, and they should consider whether it was not better that they should have no rabbits than to spare the chickens and be overrun by the rabbits. If they were to protect the natural enemies of the rabbit in infested districts no harm would be done, and either that must be done, or they must abandon those districts to the rabbits.

Mr. HODGKINSON: Are you going to protect snakes?

Mr. MURPHY said that there was no reason why the carpet snake should not be protected. They were perfectly harmless, and in his district they existed in thousands. Hon. gentlemen on the other side might laugh, but it was a laugh of pure ignorance. The hon. member for Carnarvon laughed at him (Mr. Murphy) because he spoke about matters that he thoroughly understood.

Mr. FOXTON: You do not know what I am laughing at

Mr. MURPHY said that he did not care either. He knew what the hon. member was laughing from, if he did not know what he was laughing at. He would assure the hon. gentleman that the carpet snake was perfectly harmless, and he was willing to handle them at any time.

Mr. DRAKE: Everybody does not know that they are harmless.

Mr. MURPHY said that the carpet snake was one of the enemies of the rabbits which should be protected. His object in that clause really was to prevent the use of traps in snaring rabbits, as that was the very worst thing that could be done. If a trap was set at the mouth of a rabbit burrow the first things destroyed by the trap were the enemies of the rabbits. He wanted to prohibit the use of traps altogether, and make it penal for any man to use a trap. One of the natural enemies of the rabbits—one cat or one iguana—could do more in the way of destroying rabbits than half-a-dozen men. The arguments of the hon. member for Enoggera could be applied against any penal law being passed quite as much as to the Rabbit Bill.

Mr. FOXTON said that no one would deny the very great importance of the question, and the hon. member for Barcoo might have spared himself the assumption that hon. members either on that side of the Committee or on the other side did not realise its importance; but whether the hon. gentleman's method of dealing with it deserved the serious consideration of the Committee, was another matter altogether. There were several very weighty objections to the clause under discussion, and not the least important of those objections was that it was proposed to pass a law which would render that criminal in one district which in another was perfectly allowable. It was not a question—as the hon. member for Barcoo delighted to speak of it—of a few chickens. He would not say for a moment that the hon. member for Enoggera had any personal feeling in the matter of poultry, but in dealing with the case of chickens, the hon. gentleman had only used that as an illustration; and the hon. member for Barcoo appeared to imagine that the reason the hon. member objected to the clause was that it would have the effect of sparing a few of the enemies, not only of the rabbits, but also of domestic and useful animals and birds. But the question was that men would become liable, under certain circumstances, to very heavy penalties for doing that on one side of an imaginary line—not even a marked tree line—which on the other side of the line they might do with perfect impunity. The hon. member for Burke had interjected, "Are snakes to be protected?" and the hon. member for Barcoo had replied that carpet snakes were to be protected; and because he (Mr. Foxton) had laughed, the hon. gentleman had assumed that he did not know that carpet snakes were not venomous. If the hon. member for Barcoo would take hold of a carpet snake by one end—he did not care whether it was the head or the tail—he (Mr. Foxton) would take the other end. He had done that many times, and the hon. member should not have assumed that, because a man could not control his risibility when the hon. gentleman was speaking, that therefore he was ignorant of the fact that carpet snakes were not venomous. If that clause were passed, then it would be criminal for anyone to do any harm to any of the enemies of the rabbit; then the hon. member for Barcoo would be able to go through the length of the land under the protection of that clause. It was not quite clear whether a bird or a snake was an animal within the meaning of that section, and that was a matter for the hon. gentleman to take into consideration. Had he considered whether an eaglehawk was an animal within the meaning of the clause? He (Mr. Foxton) was of opinion that, even if a bird were an animal within the meaning of the clause, iguanas and snakes were not. Then the hon. gentleman would protect carpet snakes only, but it was not everyone who knew a carpet snake from a venomous snake. That was what he had been laughing at when the hon. member for Barcoo was speaking. The hon. member proposed that carpet snakes should be protected, and a man would be liable to a penalty for killing a carpet snake, though he might kill a black snake or a tiger snake, or any other venomous snake; and who was going to see whether the snake was venomous or not? Then as to the cat, it was a mere question of fact in any prosecution to decide as to whether a cat was or was not a wild cat, and in the clause there was nothing said about wild cats—only cats. It might be contended that if a man drowned half-a-dozen kittens, he had rendered himself liable to a prosecution. The thing was too absurd altogether. If they put the words "wild cats" in the clause, that raised the question of fact as to whether the cats were wild or not; and again, as to whether the men knew they were wild. There was a great deal to be considered before that clause became law.

Mr. MACFARLANE said he thought the clause was of quite too stringent a nature for the Committee to entertain. They must remember that wild cats and dogs were enemies of more than rabbits. To the farmer it was a very serious matter when wild cats and dogs came into his yard and carried away his geese and poultry, and he would not dare to kill them, because, being the natural enemies of the rabbit, he would be liable to a penalty of £5 for so doing. As an illustration, he would mention a case which occurred only two months ago. A farmer in the Stanley electorate, who had retired from actual farming, thought he would go in for breeding fowls. He bought a number of a very superior quality to begin with. During the first week eleven of them were carried off in one night, and within two weeks the whole of them had been carried off, presumably by wild cats or dogs, Why, in a case like that, should not a man be allowed to shoot the natural enemies of his fowls? The thing was most ridiculous. The farmers were just as much interested in their properties as the squatters were in theirs, and to pass such a clause as that would be simply to set class against class—the squatter against the farmer—and the best thing the Committee could do would be to negative it. He was quite opposed to the clause, and intended, if it went to a division, to vote against it.

Mr. COWLEY said a great deal might be urged in favour of the proposed new clause, and it would quite meet with his assent if the hon. member for Barcoo would amend it by making the penalty a penalty not exceeding £20. He considered that a minimum penalty of £5 was far too large. The first part of the clause was very necessary. He would give an instance. Some years ago the planters in the North suffered very much from rats destroying the cane, and at a great expense—something like £300—they introduced animals to destroy the rats, with the result that 70 per cent. of the cane crop was saved. If any evil-disposed persons had killed those natural enemies of the rat the planters would have suffered far more severely than they did. The same with locusts; at a heavy cost the planters introduced some thousands of birds to eat up the locusts, and those birds were

protected. The same thing applied to the squatters and the rabbit pest. They had just as much right to have the natural enemies of the rabbit protected in infested districts.

Mr. STEVENS said the suggestion of the hon. member for Herbert was one which ought to receive consideration from the hon. member for Barcoo. He would go as far as anyone to assist in keeping rabbits out of the colony, or to extirpate them when they came into it, and that was pretty well known to hon. members; but he agreed with the hon. member for Herbert that the proposed minimum penalty was too great. Its effect would be to defeat the object of the clause, for magistrates would hesitate before convicting a man under it, who might prove conclusively that he had not the slightest intention to break the law, if the conviction meant a fine of not less than £5. With regard to what the hon. member for Ipswich said, that the clause would set class against class, he might say that if ever rabbits got sufficiently far into Queensland as to reach farming districts, the farmers would be very glad to run the risk of losing a few chickens to save their crops. There was no doubt that if the rabbits became sufficiently numerous, they would do as much harm to the farmer as to the squatter. In Victoria, the farmers had suffered more than the squatters; in some districts farmers had been absolutely driven away, and what were once rich agricultural districts were now entirely abandoned. Hon. members who had spoken against the clause would do well in the interests of the colony generally to accept it, if amended according to the suggestion of the hon. member for Herbert.

Mr. O'SULLIVAN said that, in his opinion, the minimum and the maximum penalty were both too high. The killing of the natural enemies of rabbits was not a crime in itself; it was a crime made by an Act of Parliament, and the smallest punishment possible would satisfy the ends of justice. As stated by the hon. member for Logan, when penalties were too severe in proportion to the offence, magistrates would hesitate to convict; and with respect to that particular offence men might easily commit it without knowing they were breaking the law. He agreed with the hon. member for Barcoo in protecting iguanas and other animals that would destroy rabbits; but he failed to see why snakes should be protected. He had never heard before that the carpet snake was not venomous. Not very long ago he saw a dog bitten by a carpet snake, and it died at sundown.

Mr. MURPHY: Not by a carpet snake.

Mr. O'SULLIVAN said he had been in the colony a long time, and he believed he knew as much about carpet snakes as the hon. member. He was positive that he had seen more carpet snakes than that hon. gentleman; and he was satisfied that the carpet snake was poisonous to a certain extent. Not so poisonous as the black snake and some other poisonous reptiles; but still he would be very much afraid to trust himself to the bite of a carpet snake. He had no doubt the intention of the hon. gentleman was very good; and he would be glad to support the amendment if the fines were reduced to something reasonable.

Mr. MURPHY said he would very gladly accept the amendment of the hon. member for Herbert, Mr. Cowley. The hon. member for Carnarvon had spoken of the absurdity of protecting the cat gone wild. Of course there was no telling the difference between a wild cat and a tame one, but when the hon. member said a person might be prosecuted for drowning a kitten, he really gave the magistrates who would try those cases very little credit for ordinary common sense. The clause was intended to apply to trappers, who were in the habit of killing the natural enemies of the rabbits in order to encourage the pest, and there was no fear that the magistrates would inflict a penalty on a man for killing tame domestic kittens. They would thoroughly understand the meaning of the clause, and would not punish a man for that which was not punishable. If he proved that the cat he killed was tame, he would not be punished. It would be very easy to defeat the punishment. The object of the clause was to get at the trappers who made it a practice to kill all the natural enemies of the rabbit, as they did in New South Wales, and in that way helped the plague along.

Mr. HODGKINSON said before the discussion went any further he thought a word might be said in favour of the carpet snake. There were three kinds of serpents. The colubridæ, of which the Naja tripudians, or Indian cobra, was the most fatal example; the viperidæ, to which the asp that killed Cleopatra belonged; and the pythonidæ, or boa constrictor, of which the carpet snake was the only Australian representative. Those poisonous snakes secreted a venom which they sometimes discharged when aggravated very much, in the same way that animals of a higher order did when irritated. If the hon. gentleman wanted to know whether a snake was poisonous, of course he would not expect him to examine carefully the scales on its upper lip, because it was scarcely to be expected that on meeting one he would continue in that quiet habit of mind which usually characterised him; but unless the snake had two poison fangs, which were very distinct from the ordinary dental arrangements of the viper, and which were supplied with poison contained in two sacs at the extreme base of the maxillary nerves, it was not poisonous. One hon. gentleman said he had seen a dog bitten and destroyed by a carpet snake, and while he had too much respect for the hon. gentleman to contradict him, he should certainly like to have him in the witness-box, so as to be able to cross-examine him as to what kind of dog it was—whether it was a quadrupedal dog, or the celebrated "yellow dog," of which the hon. gentleman was so great an admirer. The manner in which the carpet snake killed its food was by constriction, and it had its prototype in that gigantic serpent or boa constrictor which delayed the march of the legions of Regulus for three days on the coast of Africa. To come back to the question—was the great pastoral interest, the great pillar and support of the Government side, to be driven from the country by a rabbit? They had fought the original blacks of the country, and exterminated them; they had fought the dingo on the dry, waterless plains of the interior; they had destroyed the marsupial by a variety of circumventions; and were the heroes of all these combats to be driven out of the country by the rabbit? Had they to rely upon the domestic cat, to place dependence upon *felis catus* or other kinds of the feline species, and to take into their bosom carpet snakes and other representatives of the serpentine family? And was it necessary to introduce a drastic clause like that? All hon. members recognised the importance of the subject, although they might have their little joke about it; and while they all admitted that the pest was a national calamity which had cost the colony of New South Wales a very large sum of money, still in legislation he thought they should be guided by something more than the extremist views of the hon. member for Barcoo. They must remember that the gentlemen who would administer that law would be magistrates appointed in the pastoral districts; they would be the exponents of pastoral feeling, and their

ideas would probably be of the same extremist character as those of the hon. member. If the penalties were diminished, and it was made clear that the killing of noxious animals that came within the domestic premises was not to be a punishable offence, he thought the clause would be supported. Did the hon. gentleman mean to tell him that if a housewife went into her fowl-house for the accustomed egg and found there a carpet snake, she should stop to investigate the matter and refer to the recognised authorities on natural history to ascertain whether it was poisonous or not. No; she would scream for her husband, kill the animal, and examine it afterwards. There must be some little common sense in that kind of legislation. But if they were going to pass an Act of Parliament in violation of the instinctive feelings of humanity, and of the Christian precept to tread on the serpent's head with their heels whenever they got the chance, all he could say was that the Act would be inoperative.

Mr. SALKELD said his objection to the clause was, that it left it to the Governor in Council to decide what were natural enemies of the rabbit. It might be said that the Governor in Council would exercise a proper discretion in proclaiming the districts in which those provisions should be enforced, but he would point out that a similar power was vested in the Governor in Council, under the Marsupials Destruction Act, and that the provisions of that Act had been proclaimed in force in localities where there were no marsupials at all. Last week he saw that several men had been summoned for not paying the marsupial tax, although they lived in a district where there were no marsupials within thirty miles of them and had not been for a long time. He spoke about that matter when the measure was before the Committee, and he thought the Government should take steps to exclude such places from the operation of the Act. In many localities people had had to fight the battle with their enemies—the wallabies and kangaroo rats—and had nearly extinguished them by paling in their farms and various other ways involving very great expense, and yet they were now taxed for keeping down marsupials notwithstanding that there were none in their districts. If they passed the clause now under consideration a similar mistake might occur, and those provisions might be applied to districts where no rabbits existed. Of course they knew the rabbit nuisance was a great one, and might become greater, and he would not like to impede any measure that would put an end to it; but he was very doubtful of the wisdom of the proposal now before the Committee. The hon. member for Barcoo laughed at the idea of anyone being fined under that clause except trappers, but trappers were not mentioned in it; and if any person was proved to have been guilty of killing a native cat after it had been declared an enemy of the rabbit, the magistrates would have no option but to inflict a fine of £5. They must either do that or let the man off, not because he was not guilty of the offence, but because the law was a bad one. The statute book of the colony should not be encumbered with a law which would be a dead letter, as those provisions would be if passed in their present form. He would suggest that the districts to which those provisions were to apply should be defined, that the minimum penalty thould be omitted, and that the maximum penalty should be reduced to £10.

Mr. MURPHY said it would perhaps save further argument on that point if he stated that he had no objection to omit the minimum penalty, and reduce the maximum penalty to £10.

Mr. CASEY said he claimed some right to be able to speak on the subject, which was one of such importance that he should like to address a few words upon it to the Committee. It had almost become a joke to mention the word rabbit in that Committee; but hon. members erred more through their want of experience of the disasters and devastations caused by the rabbits than from any wish to oppose any legislation which was earnestly desired by the pastoral and a large proportion of the agricultural inhabitants of the colony. He did not think the question should be regarded in any sense as a party question. The squatting members in that Committee, who were the prime movers in that matter, and who most earnestly desired to see some such legislation as that now proposed, or even further legislation brought forward had not shown themselves opposed to anything which would aid in the progress of the other industries of the colony. Speaking for himself and the other members representing squatting interests on the Government side of the Committee, he could say that they had shown themselves reasonable in giving way on any subjects in which they might be interested, and in dealing with the other industries of the colony. He therefore appealed to the representatives of other industries to give the pastoral tenants, and the country generally, their assistance in the earnest endeavours which were now being made to meet what threatened to be a national calamity; and he made this appeal in the firm hope that any allusion to the anti-squatter or anti-selector feeling was a thing that was dead and gone. Hon. members in that Committee, representing squatting interests, earnestly desired to live in harmony with others, and to assist the other industries of the colony. In order that the necessity for the amendments now proposed might be vividly brought before hon. members, he would venture to read extracts from a letter which appeared in the *Courier* a few days ago, signed by Andrew Crombie, of Strathdarr Station, whose personal interests were far removed from the place where the invasion of rabbits was first feared. He asked their attention to that letter, as it had been written by a gentleman well known to himself, and who had been a neighbour of his in New South Wales. That gentleman had fought the rabbits, and had had very great experience in their extirpation. He would not read the whole of his letter, as it had already appeared in the *Courier*. That gentleman wrote:—

"The system of trapping is, amongst men of experience, generally looked upon as altogether bad. If the traps are laid at the entrance to burrows some of the rabbits are no doubt caught, but at the same time their natural enemies—cats, iguanas, and snakes—are trapped, and often exterminated in attempting to enter the burrows when in pursuit of rabbits, consequently their natural enemies being out of the way the pests soon increase and run into great numbers."

Another extract was:—

"To anyone who has not made a study of the subject the destruction of such small game as cats and iguanas may appear a matter of little moment, but I can remember when in Riverina, it was estimated that a cat in the winter and an iguana during the hot weather would account for as many rabbits as a labourer, costing, say, 35s. a week for wages and rations, would destroy."

Those were the words of a gentleman who had had large experience in dealing with the matter. The question as to whether domestic cats or other animals should be included, was one for the Governor in Council to decide; but there was no danger of Ministers recommending anything inimical to the best interests of any particular industry. They were not likely to recommend that wild dogs should be protected in one district, eaglehawks in another, and venomous serpents in another district; but

would do their best to prevent animals being destroyed which were enemies to the rabbits in infested districts. In order to impress upon hon. members the magnitude of the evil which overshadowed the country, and of which the beginning had dawned, as a small cloud in the distance, he would give them a little of his own experience, and he claimed to have had considerable experience. Some eight or nine years ago he was in charge of a large station in New South Wales, situated between the Lachlan and the Darling. The rabbits did not exist in any numbers within 100 miles; they were so few that when a man came and told him he had seen a rabbit on the boundary he laughed at him, and told him he did not know a rabbit from a cat, and promised him £5 for the skin of the rabbit if he brought it in. In the morning the skin was there, and the man received the £5. He did not believe that the rabbits could have come all that distance so soon; but they increased considerably for about a year. In isolated parts of the run there were camps of rabbits, and he strongly recommended the owners of the station to get rid of the property which was fairly well developed, and would have brought a high price. It was offered to a syndicate, who sent up a man well known in New South Wales and Victoria, a man representing a farming district in the Victorian Assembly at the present moment, to inspect the run. He came from a district infested with rabbits, and he thought the danger from them so remote on that run that he drove all over it and neither asked nor looked for traces of rabbits. The property was sold for a large sum, and within seven years from the time that the sale took place the proprietors, a limited company, paid in one year £17,000 for scalps of rabbits. Of course that did not all come out of the pockets of the purchasers; a large portion came out of the general revenue of the country. That instance served to show how enormously the pest increased. That large amount was not spent in extirpating the rabbits, but simply in keeping them within bounds; the number did not decrease much. That and other facts would go to prove that the hon. member for Barcoo and other hon. members who had often, in the face of considerable ridicule and opposition from gentlemen who did not understand the immensity of the danger which was imminent, had not exaggerated the importance of the subject they were endeavouring to face. The late Government deserved the thanks of the country for the action they had taken in passing the Rabbit Act, and for constructing the border fence, which had no doubt broken the rush of the wave of the rabbit invasion; and the present Government had continued that work. There was no doubt that further legislation was necessary; but the squatters were not yet agreed as to what form that legislation should take. They did not desire it to take the form of a raid upon the Treasury, or any underhand attempt to secure any tenure for the resumed portions of their runs; they simply desired that it should be of such a form as would assist settlers, large and small, in battling with that enormous evil. He might further point out that, lately, in the Victorian House of Parliament, the Government, having already spent large sums in attempts to grapple with the rabbit pest, had brought in a Bill to provide £150,000 to assist the farmers to fence in with wire netting groups of farms, in order that they might control the rabbits in that way. That money was to be advanced for ten years without interest. Any hope for a scheme that would destroy rabbits at one blow was a mere fallacy. It was not a thing they could expect. It was only by patient industry, by digging them out, by poisoning them in their burrows, and by the protection of those animals which destroyed rabbits that they could hope for any assistance. The system of trapping had been a bad one from the start; it had given a premium to the trappers to destroy the natural enemies of the rabbits, and to leave the rabbits in such numbers as would keep up the supply, from which they made large wages. The amendment before the Committee, though it did not specially mention trapping, was an attempt to prevent a false start being made by adopting the system of trapping and payment for scalps. It was an attempt to do what had been successfully done in Victoria, where the natural enemies of the rabbits had been protected, and domestic cats had been turned loose to assist in the destruction of rabbits. It was well known that several runs in Victoria had been almost absolutely cleared of rabbits by fencing them in with wire netting and stocking them plentifully with cats. There could be no doubt of the threatened danger; and when it came the disaster would be greater to the agricultural and grazing selectors than to the larger squatters. Droughts were to be sincerely deplored, but he would rather experience three droughts than have the rabbits on any property with which he was connected. The marsupial pest was a mere fleabite compared with the incursion of rabbits, because it could be controlled at a cost that could be estimated; but the rabbit pest could not be controlled absolutely by any means at present known, and no idea could be formed of the cost of extirpating it. He again appealed to hon. members not to make the matter a party question, but to be guided by the facts in their possession. For his part he intended to give the amendment his earnest support.

Mr. HUNTER said the hon. member spoke of the willingness of the squatters to assist other industries when any legislation affecting them was brought forward, and then went on to speak of the opposition to the measure under consideration. He (Mr. Hunter) did not think there had been the slightest opposition to the amendment. There had been certain suggestions, which the introducer of the clause must admit were improvements, but nothing had been said to justify the accusation that hon. members were opposing the clause. As to the assistance given to mining members in the interests of the mining community, he did not think that one of them had yet given his vote against the Government with the mining representatives. The mining members, however, would not take that stand, but would assist the representatives of the pastoral industry in getting what they now asked. He hoped that in future, when mining matters were under consideration, those hon. members would consider more which way the mining members voted, and not so much which way the Ministry voted.

Mr. GRIMES said he thought the lengthened remarks of the hon. member for Warrego were hardly necessary to impress upon the Committee the importance of dealing with the rabbit pest. While they were anxious to do all they could to prevent the scourge from spreading, they wished at the same time to prevent injustice to any other section of the community. If they passed the clause as it stood, they would be doing an injustice to a large section of the community who were perhaps not so much interested in squatting; but if the hon. member for Barcoo would accept an amendment preventing the clause from applying to any private property, he would be prepared to give it his support. They had no right to pass a clause to prevent any person killing on his private property any animal that proved a nuisance to him, whether it might be of advantage to any other section of the community or not.

Mr. FOXTON said that no notice had been taken by the hon. member for Barcoo or by the Minister for Lands of the objection he raised when he first spoke—namely, that the clause, if carried, would render criminal an act performed in one district, which might be done with impunity in the immediately adjoining district.

Mr HAMILTON: That is just the advantage of it.

Mr. FOXTON said he congratulated the hon. member on the view he took. In his opinion it was a very serious matter, and he was not aware of any similar provision in the laws of the colony at the present time. There was nothing of the sort in the Marsupials Destruction Act. Under that Act it was not possible for a man to find himself at liberty to kill a carpet snake in one paddock and render himself liable to a heavy fine for killing one in the next paddock.

Mr. COWLEY: The game laws.

Mr. DALRYMPLE: Oysters.

Mr. FOXTON said those instances did not apply at all.

Mr. CASEY: The Polynesian Act.

Mr. FOXTON said those were not instances of limitation to any one district. He defied any hon. member to point out in any of those Acts a limitation to any particular district. They dealt with offences common to the whole colony. Whatever was laid down as an offence under those Acts was an offence punishable with the same penalties, no matter in what part of the colony it was committed. One hon. member talked about "oysters," as if they found oysters on the Barcoo. Of course that Act was local in that respect, because oysters were not found in the interior. With regard to all the other statutes, hon. members would find that what he had said was correct. The clause if passed would establish a very dangerous precedent, and would be an entire innovation on the criminal law of the colony. When the hon. member for Barcoo was about to propose an amendment respecting the minimum penalty, he had interjected that he desired to move a previous amendment. He thought two amendments would be absolutely necessary if the clause was to become law as it at present stood. The amendments would be consequential upon that already made in the clause particularising the proclaimed districts. The 2nd paragraph should read: "Any person capturing or selling, or disposing of, or killing within any such district, any animal so declared to be a natural enemy of the rabbit within that district," and so on. Those amendments were necessary if the clause was to be accepted as a whole by the Committee, because certain animals declared to be enemies of the rabbit in one district might not be so declared in another district. He thought there should also be some form of permit stated. The clause was a penal clause, and before a man proceeded to kill any animals declared to be natural enemies of the rabbit, he should know what form of permit it was necessary he should be provided with. It might be sufficient to have a letter from the Minister saying that the Governor in Council granted him permission, but in most cases of that sort a form of permit was stated in the Act. Naturally, one of the first animals that would be proclaimed would be the dingo, and they would then have the strange anomaly of the Government holding out a premium in the Marsupials Destruction Act for the destruction of the dingo, while at the same time by another Act, the destruction of a dingo in certain districts would be declared to be a criminal offence. That was where the danger of the clause lay. Many of the districts would be so bounded that no one but a surveyor could decide where the boundary was, and a man, without knowing it, might go from an unproclaimed into a proclaimed district, and by killing a dingo render himself liable to a heavy penalty, whilst under the impression that he was doing something for which he might claim a premium. It was a very serious matter, and so far as his lights went, the clause would be an innovation upon the criminal law of Queensland.

The MINISTER FOR LANDS said that he thought the first objection raised by the hon. member for Carnarvon was met by the amendment proposed by the hon. member for Barcoo in the insertion of the words "within such district as shall be defined in such proclamation."

Mr. FOXTON: Not at all. That creates my objection.

The MINISTER FOR LANDS said then he understood the hon. member that it should apply to the whole colony, but that would be unreasonable.

Mr. FOXTON: Certainly!

The MINISTER FOR LANDS said that the previous Government and the present Government had energetically done their best to prevent the incursion of rabbits by the expenditure of a large sum of money in fencing. That had been done before the danger became very great. The present proposal was another step which the Government desired to take to anticipate the plague. In Victoria, one of the most successful attempts made to eradicate rabbits was made by a gentleman named Arnold, who, at very considerable expense, had proved the efficiency of the destruction of rabbits by cats turned loose in large numbers. No doubt that gentleman was an enthusiast, but he had spent a great deal of money and devoted a considerable amount of time to the experiments, and with very great success. That gentleman had interviewed him when he was in Melbourne, and had described the whole process. He had had the disadvantage of tackling that very difficult question after the rabbits had overrun his property and rendered it almost valueless. The Government, knowing that the protection of the natural enemies of the rabbit was one means of checking the increase of rabbits, might surely consider that the Committee would only be doing what was reasonable in giving them the powers asked for in the clause submitted by the hon. member for Barcoo. The Governor in Council would have to proclaim certain districts, and would have to state what animals were to be protected, and the Government were not at all likely to proclaim the protection of animals there was no necessity to protect. In the event of its becoming necessary, owing perhaps to their not having taken sufficient means already for the destruction of rabbits, they might exercise the powers of the clause before the next session. It was not a clause introduced for the purpose of harassing anyone, and it might perhaps be improved by inserting the word "wilfully" after the word "person" in the 2nd paragraph, and they might leave the interpretation of the term to the local bench dealing with a case. There was a very similar clause in the New Zealand Act. It had been thought advisable to introduce such a clause there, and he believed its introduction had been there attended with very good results. The hon. member for Barcoo, he understood, had agreed to reduce the penalties under the clause by fixing no minimum, and reducing the maximum penalty to £10; and with those amendments he thought the Committee might safely allow the clause to pass. The hon. member for Enoggera, he thought, had asked how people in proclaimed districts would

know that the clause was in force. Well, where it was likely to be proclaimed was along the border where the rabbit fence was; and they had there a rabbit inspector, Mr. Donaldson, three patrolling overseers constantly patrolling from one end of the fence to the other, and they had also boundary riders stationed at intervals all along the fence. Of course placards would be posted at the office of the inspector. At all townships the necessary notice would be posted, and the local bench would also disseminate the news. There was not the least doubt that it would very soon be known that such a clause was to be put in force. At all events if it was clearly proved to the bench that the destruction of a protected animal had taken place inadvertently, no bench would ever convict.

Mr. HAMILTON said the objection of the hon. member for Carnarvon was that the clause was to apply to particular districts, and he stated there was no precedent where an offence was criminal in one district and not so in another. He (Mr. Hamilton) thought there was——

Mr. FOXTON: What is it?

Mr. HAMILTON said swearing in a public place was punishable, but one might swear as much as he pleased in his own room. So also with gambling. A man could gamble as much as he pleased in his own house. Those were parallel cases. At any rate he thought it very desirable that the clause should apply to certain districts. The member for Ipswich, Mr. Macfarlane, objected to the clause on the ground that a farmer could not kill a dog that destroyed his poultry. At present it would be illegal to kill a dog without cause, but if it were to destroy property it would be perfectly justifiable to kill it. But even if he were not justified in killing a dog under such circumstances, a farmer would certainly prefer losing a few chickens to being eaten out of his farm by rabbits. They must also recollect that it was not intended to apply the clause to farming districts, but chiefly to portions of the colony far removed from farming districts; and if they considered the incalculable losses which had occurred in other colonies through the rabbit invasion, and that experts informed them that the encouragement of the natural enemies of the rabbit was a great protection against the pest, then it was desirable that they should attend to their suggestions. The hon. member for Barcoo had stated, in reference to the fines, that the minimum was too small and the maximum too great; but while he (Mr. Hamilton) believed that the minimum was too small he thought there should be no specified maximum. He did not think it desirable that the maximum should be decreased, because it had been said truly that the magistrates who were appointed would be appointed by persons in those districts where the Act was put in force, and they would be appointed for the purpose of carrying out the views of those individuals. The views of those individuals would be to encourage the destruction of rabbits, and consequently there would not be the slightest fear of those men punishing a man for, say, drowning kittens, because in doing so they would not be carrying out the views of those who had appointed them. Their object was to come down heavily on individuals who, for the sake of gain, would decimate those noxious animals that kept down the plague.

Mr. BUCKLAND said he took it that if the amendment passed it would be impossible, without a penalty, to adopt the ordinary means of trapping rabbits. When he was a boy he was somewhat of a poacher, and was in the habit of frequently setting rabbit traps, and frequently catching cats also. That might be the case here, and if a cat was caught the person setting the trap would be liable to a penalty. He hoped the hon. member in charge of the amendment would alter it by describing the limits of the districts in which the clause was to have effect. Since he had lived in this district he had killed scores of native cats, and almost as many carpet snakes, which had come about the premises to kill and destroy poultry. It would be most unreasonable if the farmer was not empowered to kill and destroy vermin, such as snakes or native cats.

Mr. PALMER said the complaint of the hon. member for Bulimba was one that the hon. member for Barcoo had explained was not applicable, although the clause did not define the limits; that was the weak point. He thought it should clearly define that a person who wilfully obstructed the operation of the Act was the person to get at, not the farmer, who innocently cleared his farm of noxious animals. He hoped the latter part of the clause would be satisfactorily explained. With regard to the fine, he was quite certain that it was too excessive, and he hoped the Committee would not allow such an excessive fine for such an offence. If the maximum was £5, it would be quite sufficient. If one man assaulted another and half killed him, the fine was only £5.

Mr. REES R. JONES: Or six months' imprisonment.

Mr. PALMER said he thought that £5 would be a quite sufficient fine. There was no doubt that if anyone would be to blame for the Act being brought into ridicule, it would be the Governor in Council, and he thought that they would take care not to prohibit the killing of animals unless there was really some reason for it. Although he thought the clause was a little excessive, and that it was a little over-legislation, possibly it might do some good. But he did not see that it could do much harm, unless in the case of dingoes. They might be doing a great deal of harm in one district, and they would be prohibited in another. Some of the marsupial boards had quite recently included the dingo amongst those animals to be exterminated, and they would thus have legislation setting in two opposite directions in different districts.

The HON. SIR S. W. GRIFFITH said it was very absurd, as the hon. member said, that the dingo in one district should be protected by law, and should be destroyed by the same law in an adjoining district. There was no reason why such a plan should be adopted. He would point out that the clause in the form moved by the hon. member was rather absurd. As he understood, it was taken from the New Zealand Act, where it was intended to apply to the whole of the country. It was rather absurd to declare an animal to be in one district a natural enemy of the rabbit, and in another district not an enemy. The nature of the animal was quite irrespective of the district in which it happened to be. The limitation was therefore not required there. What was required was a prohibition against killing them in a particular district.

Mr. MURPHY said that, with the permission of the Committee, he would withdraw the clause, and he would divide it into three clauses.

Clause, by leave, withdrawn.

Mr. MURPHY said he would now move the following new clause, to follow clause 4:—

The Governor in Council may from time to time, by proclamation, declare any animal to be a natural enemy of the rabbit, and prohibit the killing or capturing of any such animal within such districts as shall be defined in such proclamation, without a special permit from such person or persons as may be authorised by the Governor in Council to grant such permits.

Mr. DRAKE said he would ask whether the hon. member for Barcoo was going to move the other subsections as separate clauses?

Mr. MURPHY: Yes.

Mr. DRAKE said that, in that case, he would point out that as the clause stood it would not carry out the hon. gentleman's intention. The hon. members for Barcoo and Warrego had said that the intention was to stop trapping, but if the clause passed as it stood, the magistrates who administered the Act would not know that they were to punish that as an offence, and they would require special instructions that they were to stop trapping under that clause. As the clause read, trapping would remain perfectly legal. Would a bench of magistrates be expected to punish a man for trapping a snake, supposing snakes were proclaimed as protected, because a snake got into a trap which was put down to catch a rabbit? Surely it would be much better to prohibit trapping in certain districts, and then they would understand what they were doing; but he was sure that the hon. gentleman would find that no magistrate, unless he had special instructions to interpret that clause to mean that a man was liable to a penalty for catching certain animals in a trap, would read it in that way. Then it would be necessary to prove that a man had set the trap with the object of catching that particular animal. If the magistrates convicted any man for setting a trap under the clause, he was sure that the conviction would be upset. The hon. member for Herbert had mentioned that on some of the sugar plantations, where they had been troubled very much with rats which destroyed the cane, the planters had gone to considerable expense in order to destroy the rats. He presumed they introduced dogs.

The MINISTER FOR LANDS: Ferrets.

Mr. DRAKE said that they had introduced those animals to destroy the rats, but he would not be surprised if the Governor in Council at some time or other were to proclaim the rat as being a natural enemy of the rabbit. He knew that rats were fearful enemies of the rabbits in a tame state — he did not know what they were in a wild state, but he could suppose the two conflicting interests in one district. A sugar-growing district might be invaded by rabbits, and one interest might want to destroy a particular animal, while the other interest wanted to preserve it as being a natural enemy of the rabbit. He could not help thinking that the legislature should decide what animals should be protected. In previous legislation of that kind it had always been held to be the duty of Parliament to decide what particular animals might be destroyed. When the Native Dog Bill was under discussion, it was proposed by certain members to include, among other things, cockatoos, and pay a bounty for their destruction, but that had been strongly opposed. Now, why should the Committee not define what animals should be preserved as the natural enemies of the rabbit, instead of leaving it to the Governor in Council? The Committee were just as well qualified to decide whether any animal was a natural enemy of the rabbit as the Governor in Council. If the clause was going to pass in its present form, there should be a list of animals given which might be proclaimed the natural enemies of the rabbit, and the Governor in Council might at any time, by proclamation, cause the provisions of the Bill to apply to any particular district.

The MINISTER FOR LANDS said that he would point out to the hon. member for Enoggera that in order to give effect to the clause it would be necessary to frame certain regulations, stating that certain animals should be protected, prohibiting trapping in certain districts, and stopping the putting down of poison —as the enemies of the rabbits were often found in the burrows with the rabbits. All that would have to be done by proclamation, and he thought the Governor in Council might be safely left to exercise sufficient intelligence to know what animals might be included as the natural enemies of the rabbits.

Mr. DRAKE said that he understood that clause 5 had been negatived, and there was no provision in that clause giving power to frame regulations.

The MINISTER FOR MINES AND WORKS: The next clause will give that power. The Bill has to be re-committed, and a clause will be included giving that power.

Mr. DRAKE said he would like to understand whether it was proposed under that Bill to frame regulations imposing other penalties and making other offences.

The MINISTER FOR LANDS: No.

Mr. DRAKE said that as the Bill now stood, even with the amendment of the hon. member for Barcoo, trapping was not an offence, and there was no penalty imposed for trapping. Did he understand the hon. gentleman to say that the Governor in Council would frame regulations making trapping an offence, and prescribing a penalty for it?

The HON. SIR S. W. GRIFFITH: He cannot do that.

The MINISTER FOR LANDS said that he had not stated anything of the sort. Regulations would be framed to give effect to the clause now being discussed. In particular districts, although trapping might be prohibited by the regulations, it would not necessarily make it a penal offence; and it might also be necessary to stop the poisoning of burrows. But there would be very few districts that would care about being proclaimed under the clause; it would be advertising them as infested districts, and would affect the value of properties there. The clause would certainly not be applied to agricultural districts.

Mr. BUCKLAND said that even if trapping was prohibited in certain districts, rabbits could be caught by setting snares on the runs. If trapping was to be prohibited, so also should the setting of snares for rabbits.

Mr. MURPHY said the men who used traps for rabbits did so for the sake of their scalps. The very worst thing a person could do who wished to destroy rabbits was to put a price on their scalps. That system had been an utter failure in New South Wales and Victoria, and he trusted the Government would not allow any trapping to be done by the men now employed in destroying rabbits. He was sure that none of the station holders who had the misfortune to have rabbits on their runs would now allow trapping on their properties. Trapping destroyed the rabbits' natural enemies, and spread the pest more and more. What was wanted was to prevent persons employed to destroy rabbits from wilfully destroying their natural enemies in order to perpetuate the nuisance.

Mr. MORGAN said he should like to know to whom the duty of administering the Act, if it became law, would be relegated—whether it would be administered in the Brisbane Lands Office, or with the assistance of the local authorities in the districts infested. If some such power as the hon. member for Barcoo was trying to obtain was inserted in the Bill, and the action could be initiated either by the divisional board of the district or by the marsupial board, the Minister could then take action in the direction contemplated without any danger to

the interests of adjoining districts. It was highly desirable that infested districts should have the right to say that certain animals should be protected, being the natural enemies of rabbits; but he did not think the Committee could define what those animals were or were likely to be. No one was so capable of pronouncing upon a question of that sort as the local or marsupial authorities of the particular district to be protected. If authority was given in the Bill to the Minister to protect the natural enemies of the rabbit, he looking for guidance to those local authorities, protection could safely be given to infested districts without endangering the interests of the squatters or farmers in the adjoining district.

Mr. FOXTON said the clause ought to state that eaglehawks, iguanas, and carpet snakes were animals.

Mr. MURPHY: That will be for the Governor in Council to decide.

Mr. FOXTON said the Governor in Council could not travel beyond the limits of the clause, whether they desired it or not. If the hon. member wished to include those birds and reptiles amongst animals, he ought to insert them in the clause; and at the same time he might insert scorpions and centipedes, because it was quite possible that a scorpion might sting a rabbit and kill it. But it should not be forgotten that they were dealing with the liberty of the subject, and were treading on dangerous ground. It was not the rabbit who would have to pay the £10 penalty, but the unfortunate man who happened to kill a carpet snake, not knowing it from any other species of snake, in a district where it was impossible for him to ascertain whether he was at liberty to kill carpet snakes or not.

Mr. MURPHY: I do not desire to protect snakes of any kind.

Mr. FOXTON said he was relying on the information given by the hon. member himself, who was an authority on rabbits, and knew how many rabbits a snake could kill. He was simply pointing out the absurdities into which the hon. member's attempt at legislation was leading him, and possibly the Committee also. Amongst the things they should endeavour to avoid was unnecessary interference with the liberty of the subject, and they should make the committal of the offence as clear as possible to the person committing it. Many a man would commit an offence under the Act without knowing that he was committing an offence, and the onus would be thrown upon him of knowing that he was committing the offence within that particular district. Ignorance that he was committing it would not be a sufficient excuse.

Mr. DRAKE said perhaps the hon. member for Barcoo had been misled by the Cruelty to Animals Act, under which a canary bird had been held to be an animal, but that was in consequence of a very broad interpretation clause, which brought a great number of creatures under the designation of animals. He thought the suggestion of the hon. member for Carnarvon was a very good one.

Mr. MURPHY said he did not wish snakes to be protected, because many people would not know the difference between a carpet snake, a diamond snake, and any other snake, and might innocently kill one for the other, and justifiably so, too. He did not think the Governor in Council was likely to proclaim snakes as animals that should be protected. And so far as birds were concerned, the eaglehawk was, no doubt, a great enemy of rabbits, and marsupials as well, but it was a great enemy of sheep, so that the arguments in reference to it cut both ways. Personally he did not want to protect the dingo, because it would drive his sheep off the country as well as the rabbits.

The HON. SIR S. W. GRIFFITH: What animal is there in the country now to which the clause would apply?

Mr. MURPHY said it would apply to cats. He had introduced the clause especially in defence of those animals, and had been advocating their claims all night. To strengthen his position he would read an extract from a letter which appeared in the *Australasian* of August 10th, to show how the farmers in Victoria appreciated the services of the cat in assisting to keep down rabbits. Referring to the Rabbit Bill, the writer said:—

"Put in plain English, the Bill says if there are rabbits in your land you must destroy the cats—for that is what the clauses relating to the destruction of log-fences mean, because there is no better home for a wild domestic cat than a good log-fence, and if they are burnt the cats would be burnt, but the rabbits can burrow in the ground. I have many times in your columns read about the way cats keep down the rabbit pest, and my own experience is that they are the very best thing, as they work while we sleep; and I know pet cats, well-fed, go off to kill rabbits if there are any near."

It had been proved conclusively in Victoria, in New South Wales, and elsewhere, that the domestic cat gone wild was really the very best defender that they could possibly have against the rabbits. Those cats were already very numerous in the western parts of Queensland. Riding up and down the banks of rivers and waterholes, hundreds of them were to be found in the long sedgy grass, and, as he had said before, the moment the supply of food of any animal was increased, the animal itself would increase. Nature always provided for that. For example, the great plague of rats in the Western districts some years ago was followed by a plague of cats, which followed up the rats in thousands, and when the rats died off the cats disappeared, because there was no food for them. It would be exactly the same with the rabbits. If the clause would only have the effect of protecting the domestic cat gone wild; that would meet his views, and he was sure that it would meet the wishes of others who were more immediately interested in the question.

The HON. SIR S. W. GRIFFITH said the clause admittedly did not apply to any animal now alive in the colony, except cats, and to legislate for their protection was absurd. Who wanted to kill a cat, or to go cat hunting? The idea was too absurd for serious argument.

Mr. FOXTON said he had pointed out before to the hon. member for Barcoo, that under the clause a man would not be safe if he killed two or three kittens, unless he had a permit from the Governor in Council, because he would have to prove whether the cat was wild or tame. It would be utterly absurd for the Governor in Council to proclaim that wild cats were protected and that tame cats were not—it must apply to all cats. As he had heard an hon. member suggest, no man would be safe in throwing a boot at a cat. As long as the hon. member for Barcoo kept to dingoes and carpet snakes and eaglehawks, he was on safe ground, but he had abandoned dingoes and hawks because they destroyed sheep, and snakes because a man would not know one kind from another, and had fallen back on cats. In fact the clause might very well be described as cats' clause. It was neither more nor less, and the hon. gentleman might as well put in "cats" as the word "animals." He thought the hon. member would do well to withdraw the clause.

Mr. MURPHY said hon. members on the opposite side of the Committee might laugh about the matter, but they would laugh on the wrong side of their mouths some day. Every man who had ever dealt with that question had been laughed at by the fools in the House who did not understand it—fools who laughed at their own folly. It was astonishing to him that such a man as the hon. member for Carnarvon—a man representing a mining constituency—could not see beyond the door of his miserable pettifogging attorney's office. He was astonished that a man of the stamp of the hon. member could get a country constituency to send him into the House. It only showed that country constituencies should be careful to elect men who understood the requirements of the districts they represented, and the dangers to which those districts were liable. It showed that a Brisbane solicitor, was not the stamp of man to represent them, and that they should return local representatives who understood the wants and requirements of their districts. The hon. member made fun of the rabbit question, but it was a serious matter. It was a matter he (Mr. Murphy) had never ceased to agitate since he had been in the House, because experience had shown him what had happened in other colonies through that plague. He knew that hon. members on the opposite side of the Committee representing town constituencies could not see the matter in the light in which he had over and over again tried to make them understand it, and appreciate the danger that was hanging over the colony from the rabbit invasion. His efforts had been in vain. Even the leader of the Opposition had always treated the matter as a joke, and so had the supporters of the hon. gentleman. He (Mr. Murphy) never could get hon. members to see the matter in what he considered was a proper light. He was not going to withdraw the clause, but would go to a division, and if he was beaten he would accept his defeat, knowing that he had done his duty.

Mr. FOXTON said he stated when he first rose to speak on that question that in his opinion there was no member of the Committee who did not realise the gravity of the rabbit question. He had also told the hon. member that he must not confuse that with their lightly viewing the amendment now proposed to meet the difficulty. He (Mr. Foxton) had always endeavoured to treat every member with the courtesy and respect that was due to him as a gentleman who was sent there by a certain constituency. His constituents were quite able to judge of his action in that Committee without any assistance from the hon. member for Barcoo. With regard to the remarks which the hon. member had made concerning him he could only say—well he might fairly treat them with the contempt they deserved; they were not called for by anything he had said. The hon member was too thin-skinned and could not stand a little ridicule. If the hon. member brought in such amendments as those now under consideration he must expect to get them laughed at. The hon. member was confusing the rabbit question with the cat question, and thought he (Mr. Foxton) did not realise the gravity of the cat question. It was perfectly ridiculous. If the hon. member would bring in a measure which would grapple, in an intelligent manner, with the rabbit question he should have his (Mr. Foxton's) support, and, he was quite certain, the support also of every member on that side of the Committee, whether they had anything to do with squatting or not. The hon. member said the leader of the Opposition and his following had always treated that question with ridicule. Was it not the Government of which the leader of the Opposition was Premier that introduced the measure for the construction of the rabbit fence at a great cost to the colony, and at the cost of his influence in many districts which were violently opposed to that scheme? That was purely a recognition of the claims of the pastoral tenants in particular, and of the colony at large. Was that not so? Could the hon. member for Barcoo deny that? Was that a measure of ridicule? He left the hon. member to reply, but let him distinctly understand that there was no confusion in his (Mr. Foxton's) mind between the rabbit question and the cat question.

Mr. GLASSEY said he must at once disclaim any intention, as a member sitting on that side of the Committee, to laugh at the hon. member in the laudable efforts he was making to suppress the rabbit pest. It did not follow that because certain members attempted to make a joke about cats or kittens, that they desired in the slightest degree to ridicule the efforts of the hon. member. He (Mr. Glassey) must say that the hon. member for Barcoo provoked a considerable amount of that ridicule and hostility himself. When a question came before the Committee which that hon. member could not see with the same vision as those who advocated the matter or supported it, no hon. member was more liable to laugh the proposals to scorn than the hon. member for Barcoo. He (Mr. Glassey) had experienced a little of that sort of thing himself when the Mines Regulation Bill was going through Committee. He spoke then on subjects with which he was conversant, and had often met with a sneer from the hon. member for Barcoo. The rabbit question was too serious a matter to laugh and sneer at; it was a very serious question, and nothing could demonstrate more clearly the gravity of the situation than the large sum of money which had been expended by the previous Government in trying to suppress that very serious and growing evil. He believed that there was no hon. member on his side of the Committee who had the slightest desire to thwart or impede the effort that was now being made by the Minister for Lands and the Government, and which was justly supported by the hon. member for Barcoo, to pass such legislation as would still further prevent the increase of rabbits in this colony. As far as he was concerned, representing as he did a mining constituency, no reasonable effort would be wanting on his part to assist in guarding against so serious a danger as they were threatened with in the rabbit invasion. The southern colonies had had bitter experience of the evil they wished to avert. It was not fair of the hon. member for Barcoo to indulge in the personalities he was in the habit of using, and particularly the very serious ones with respect to the hon. member for Carnarvon. It was unreasonable to speak of any member as a Brisbane solicitor. One might just as well speak of a Barcoo squatter. The use of such terms only proved that some hon. members had never got away from their school-boy days, but continued to use the little epithets they might have indulged in at school. He hoped that hon. members would take a more manly and dignified stand, and address one another with that respect which was due to them and the constituencies which they represented.

The HON. SIR S. W. GRIFFITH said he thought that the hon. member for Barcoo should really consider the matter seriously. It was admitted now that the amendment would apply to no animals except cats; that seemed to be too absurd.

Mr. MURPHY: There may be imported animals.

The HON. SIR S. W. GRIFFITH said that if it was the intention that the clause should apply to imported animals, there was already an

Act on the statute book sufficient for that purpose; that was, "an Act to provide for the protection of imported game." That Act made it unlawful to kill imported game. Game was defined to mean "all birds, and other animals mentioned in the schedule to the Act," and the schedule included "all other animals and birds not indigenous to Australia, and their produce."

Mr. MURPHY: It may be necessary to protect indigenous animals.

The HON. SIR S. W. GRIFFITH said they could not get at what those animals were, and the animals to which the amendment would apply were now reduced down to cats. He scarcely thought it necessary to reply to the statement that he had always shown a want of sympathy on the rabbit question. He certainly had done as much as any member of that Committee to assist the advocates for the destruction of rabbits in this colony, and for their exclusion, and with very little assistance sometimes from the side of the Committee on which the hon. member sat.

Mr. MURPHY said he was sorry he had made the remarks he had in reference to the attitude of the leader of the Opposition regarding the rabbit pest. That hon. gentleman had done for the squatters what had not been done by any preceding administration, and he was willing to withdraw the statements he had made. In regard to what the hon. member for Bundanba had said, he was sorry he had laughed at him; but his laugh did not convey anything like contempt for him, or for any amendment he might propose. He had simply laughed because he dissented from his amendment. That hon. member, representing, as he did, a mining constituency, and a working man's constituency more especially, was entitled to all respect. The question, he thought, had been thoroughly discussed, and he hoped it would now be allowed to go to a division.

Mr. GRIMES said, before they went to a division, he should like to know whether the hon. member for Barcoo was willing to accept the following proviso:—

Provided that the provisions of this section shall not apply to any person killing such animals on any land in his occupation, being freehold land, or a conditional or homestead selection.

That would protect a farmer from being overrun with those animals which would be no use to him, and which would affect him in carrying out his business. If the hon. member was willing to accept that amendment, he would vote with him; but if not he would vote against him.

Mr. MURPHY said that if the hon. member would propose the amendment in its proper place he would not oppose it. He thought it would come in better in the next clause. He only wished the Bill to apply to the extreme south-western portion of the colony where the rabbits existed at present—the bulk of which was known as waste lands—where the trapping was carried on. There was no purchased land there; it was all Crown land, and more than half of it was waste land. He did not suppose any Government would try and make the clause apply in any way to the settled districts. The amendment did not seem to him to be of any value; but if the hon. member attached any value to it, in order to facilitate the passage of the clause, he would accept it.

Mr. FOXTON said he would suggest that the hon. member who proposed the clause should make some provision for the form which the permit granted by the Governor in Council should take. It might be a letter from the Minister for Lands, saying that the Governor in Council had granted permission to kill those animals—which might or might not be deemed sufficient by the bench trying the case—and he thought that provision should be made for a form of permit or license. It seemed to be a case in which a man should be provided with an authoritative document, so that magistrates could compare it with the schedule, and satisfy themselves whether the person concerned was authorised to do certain things in the manner described.

New clause put and passed.

Mr. MURPHY moved the insertion of the following new clause, to follow the clause last passed:—

Any person capturing, or selling, or disposing of, or killing, within any such district, any animal so declared to be a natural enemy of the rabbit, without a permit signed by a person authorised to grant such permit, shall be liable to a penalty of not more than ten pounds.

Mr. HODGKINSON said he thought the hon. gentleman would see that the effect of the clause would be contrary to what he was aiming at. Suppose he entered into business as a cat merchant. He would look for most of his patronage amongst people interested in killing rabbits; but if he received an order from an infested district for a consignment of cats, he would not be able to dispose of them if the clause passed as it stood, though he would be actually aiding the hon. gentleman as a cat merchant in his great campaign against the rabbits. Why should he not be at liberty to sell cats in any rabbit-infested district? Why should he not be allowed to sell his own cat, for instance?

Mr. FOXTON said he thought the words "selling or disposing of" ought to be omitted. In dealing with animals declared to be the natural enemy of the rabbit, it seemed to him that they should encourage the increase of animals included within that category; but if they could not be sold, they could not be bought.

Mr. HODGKINSON said hon. members did not know to what point the cat might be developed, and he would ask what encouragement would be given under the clause to the development of a high-class cat. The hon. member for Barcoo knew very well that the extent of his income was largely dependent on the quality of the wool shorn from his sheep, and that the quality of the wool depended on the state of perfection which the sheep attained. In the same way, the income of a cat merchant would be dependent on the development of the rabbit-killing propensities of his cats.

Mr. MURPHY said he had no objection to taking out those words.

The HON. SIR S. W. GRIFFITH: Why should you not capture a cat?

Mr. MURPHY said he would move the omission of the words "capturing or selling or disposing of, or."

The HON. SIR S. W. GRIFFITH said the words used in the Game Act were: "If any person shall wilfully kill or destroy any game at any time, or shall use any gun, net, snare, instrument, or any other means whatever for the purpose of killing or destroying any game, and so on." He thought that was a better form to use. He would move an amendment to that effect if the hon. member would withdraw his amendment.

Mr. MURPHY said that, with the permission of the Committee, he would withdraw his amendment.

Amendment, by leave, withdrawn.

On the motion of the HON. SIR S. W. GRIFFITH, the clause was amended so as to read:—

"Any person who within any such district wilfully kills, or uses any gun, nets, snare, instruments, or any other means for the purpose of killing any animal so

declared to be a natural enemy of the rabbit, without a permit signed by a person authorised to grant such permit, shall be liable to a penalty of not more than ten pounds."

Mr. HODGKINSON said the clause was still very unsatisfactory, as he thought the words "or annoys" should be inserted. It was very annoying to a cat to put its feet into walnut shells, and if any person wilfully annoyed a cat by putting its feet into walnut shells, how could they expect it to catch rabbits?

Mr. GRIMES said he thought his proposed amendment would fit in better as an addition to the clause than as a new clause, and he would, therefore, move the addition of the following proviso to the clause:—

Provided that the provisions of this section shall not apply to any person killing such animal on any land in his occupation, being freehold land, or conditional, or homestead selection.

Mr. FOXTON said he thought a clause such as was to be found, he thought, in the Native Birds Protection Act Amendment Act, would be better as being more comprehensive. It should be to the effect: That nothing contained in this Act shall apply to any person killing such animal upon his own land for *bonâ fide* protection of his own property, or to any servant killing such animal upon the land of his master by direction of such master, for the *bonâ fide* protection of such master's property, or to any aboriginal killing such animal for his own food. He did not see why an aboriginal should be brought within the penal clauses of the Bill. The clause should also, he thought, include any servant killing vermin—for that was what they amounted to—by direction of his master.

The MINISTER FOR LANDS said he would suggest to the hon. member for Oxley that he should alter the phraseology of his amendment. He thought the hon. member used the term "homestead selection," but there was no such term. If he altered it to "agricultural farm" that would be better and would apply to all selections taken up under the Act of 1884.

The HON. SIR S. W. GRIFFITH said the suggestion of the hon. member for Carnarvon was to adopt the words of the Native Birds Protection Act of 1877, the provisions of which did not apply to any person who killed any bird on his own land with the *bonâ fide* intention of protecting his own crops, or to any servant killing any bird upon the land of his master with the *bonâ fide* intention of protecting such master's crops, or to any aboriginal. That was a very good provision, and he thought the hon. member for Oxley might adopt it instead of the amendment he had proposed.

Mr. GRIMES said he would be very glad to withdraw his amendment in favour of the one suggested.

Amendment, by leave, withdrawn.

Mr. FOXTON moved the addition of the following new paragraph to the clause—

Nothing in this section of this Act contained shall apply to any person killing any animal on his own land with the *bonâ fide* intention of protecting himself or any member of his household, or his own property, or to any servant killing any animal upon the land of his master with the *bonâ fide* intention of protecting such master's property, or to any aboriginal.

Mr. GLASSEY said could they not substitute the word "employer" for "master." It sounded better. He liked to follow the old scriptural maxim, "Call no man master."

Mr. FOXTON said the reason for using the word "master" was that the principal Act dealing with employer and employed was known as the Masters and Servants Act. The word "master" had a legal signification.

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

Mr. MURPHY said that as the Justices Act dealt with the next section of which he had given notice, he would not move it.

Mr. HODGKINSON said the provision referred to gave power to one justice to deal with a case, and he considered that the clause of the hon. member—where a case had to be tried before two justices—was better.

Mr. FOXTON said that it would be desirable not to place that power in the hands of one justice, and under the Justices Act one justice would be able to adjudicate. For his part he agreed with the proposal of the hon. member for Barcoo that two justices should be required. The question might arise where the trapping took place on the run of the justice who was going to try the case, and he might be prejudiced.

The HON. SIR S. W. GRIFFITH: If he tried the case he would get into trouble.

On clause 6, as follows:—

"The fourth section of the principal Act is hereby repealed."

Mr. FOXTON said that he did not know whether the hon. gentleman in charge of the bill had intentionally omitted to refer to the point he wished to raise, but in the Imported Game Act of 1863 there was actually a penalty of £1 for killing a rabbit. In the schedule to that Act it provided a penalty for killing "all other animals and birds not indigenous to Australia, £1." That had never been repealed that he was aware of.

Mr. DALRYMPLE said that it seemed to him it was not necessary to repeal that provision, as rabbits were not regarded as game so far as he was aware. That provision might be considered equally to refer to bullocks, as they were imported animals, and were not indigenous to Australia.

Mr. FOXTON said he would like to know whether the hon. gentleman in charge of the Bill really proposed to allow that schedule to remain in the statute book. As it was at present, anyone who killed a rabbit was liable to a penalty of £1.

The PREMIER: There is later legislation making it illegal to keep a rabbit at all.

Clause put and passed.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

On the motion of the MINISTER FOR LANDS, the report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

COMPANIES ACT AMENDMENT BILL.

COMMITTEE.

On the motion of the POSTMASTER-GENERAL (Hon. J. Donaldson), the House went into Committee of the Whole for the purpose of considering this Bill in detail.

Clause 1—"Short title"—passed as printed.

Clause 2—"Act to be construed as one with 27 Vic. No. 4"—passed with a verbal amendment.

Clause 3—"Commencement of Act"—passed as printed.

On clause 4, as follows:—

"Any company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorised so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital, including paid up capital, whether by cancelling any lost capital or any capital unrepresented by available assets, or by paying off any capital which may be in excess of the wants of the company or otherwise.

"Paid up capital may be reduced either with or without extinguishing or reducing the liability, if any, remaining on the shares of the company, and to the extent to which such liability is not extinguished or reduced it shall be deemed to be preserved, notwithstanding anything herein contained."

Mr. UNMACK said he should like to see an addition made to the clause compelling companies to advertise their capital. They should be called upon to advertise their capital, the number of shares issued, and the amount paid up on them. That was very desirable, because there was quite a large number of companies trading now on what he might call fictitious capital. A company might be trading on a nominal capital of £50,000 or £100,000, with not more than £5,000 paid up. If the general public were made aware of the exact state of affairs, it would have a most beneficial effect upon trade, and would be an additional security to those who were doing business with companies. He would not say any more on the subject at present. Probably a special clause dealing with the matter would be inserted later on.

Clause put and passed.

Clauses 5 and 6 passed as printed.

On clause 7, as follows:—

"Where the reduction of the capital of a company does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital—

(1) The creditors of the company shall not, unless the court otherwise direct, be entitled to object or required to consent to the reduction; and

(2) It shall not be necessary before the presentation of the petition for confirming the reduction to add, and the court may, if it thinks it expedient so to do, dispense altogether with the addition of the words 'and reduced.'

"In any case that the court thinks fit so to do, it may require the company to publish in such manner as it thinks fit the reasons for the reduction of its capital or such other information in regard to the reduction of its capital as the court may think expedient, with a view to give proper information to the public in relation to the reduction of its capital by a company, and, if the court thinks fit, the causes which led to such reduction."

The HON. SIR S. W. GRIFFITH said he would suggest that that and the succeeding clause should be postponed with the view of inserting them after clause 15. All the clauses from 4 down to 15, with the exception of 7 and 8, were taken from the English Act of 1867. Clauses 7 and 8 were in the nature of an exception to those provisions and were passed in 1877, and to leave them where they were would tend to confusion. The scheme of the Bill was that a company might reduce its capital, but before doing so they were to give public notice of what they were going to do, and any creditor might object to a reduction of capital, unless his debt was paid or secured. The 13th section also dealt with the rights of creditors; then sections 7 and 8 came in providing that under certain circumstances creditors should not be entitled to object. Clause 7 might come in after clause 13, and clause 8 after 15; or both might be inserted after clause 15. He thought the best way would be to postpone them now and deal with them later on.

The POSTMASTER-GENERAL said he had not the slightest objection to postponing the clauses.

Clause 7 postponed.

The POSTMASTER-GENERAL moved that clause 8—"Power to reduce capital by the cancellation of unissued shares"—be postponed.

Mr. SMYTH said that was one of the clauses dealing with the reduction of capital, and although he had looked carefully through the Bill, he could not find any provision for increasing capital.

The POSTMASTER-GENERAL: That is in the old Act.

Mr. SMYTH said the old Act was not a good Act, and that was the time to amend it. He contended that a separate Bill should have been brought in dealing with mining companies, as distinct from other companies; that they should have two Bills instead of one. He would give an example of what was very common in the town where he lived. Supposing a gold-mining company was started with 24,000 shares at 10s. a share; they would call up £12,000, and when the capital was exhausted, in order to reconstruct the company, they had to appoint a liquidator, and go through all the forms of starting a new company again. He thought it would be a very simple matter for some of the legal talent in the Committee to draft a clause or two providing that when a company had exhausted its capital, it could increase it without going through liquidation and other forms. There were other matters that required attention in the Bill. It was a very great hardship upon companies to have to go into liquidation, and another thing was this: A company of 60,000 shares issued a prospectus on the market; 30,000 shares would be sleeping shares, and the other 30,000 paying shares. If they were 5s. a share, after 1s. a share had been called up the company would go into liquidation, and the result would be that the contributing shareholders would be called upon to pay the other 4s. per share, and the money was then divided amongst the holders of the 60,000 shares. That was an instance of hardship that he knew of, and some provision should be made in the Bill to meet such cases. He thought the Postmaster-General should withdraw the Bill for a night or two so as to give hon. members who understood the matter better than he (Mr. Smyth) could explain it an opportunity of drafting a few clauses to deal with those grievances which the mining community had been labouring under for a considerable time.

The POSTMASTER-GENERAL said the latter case to which the hon. member referred was one of fraud, and the people connected with the transaction could be prosecuted for taking money from contributing shareholders and dividing it amongst the others.

Mr. POWERS: Not in liquidation.

The POSTMASTER-GENERAL said the hon. member for Gympie had stated that the contributing shareholders had to pay up and the money was divided amongst the other shareholders who held fully paid up shares. With regard to increasing capital, it was quite competent for a company to do so under the Act of 1863. That portion of the Bill gave companies power to reduce their capital, which could not be done under the Companies Act of 1863. If, however, the hon. member would bring forward a clause on the lines indicated he would be only too glad to consider it. He agreed with the remark that it would be better if they had a Mining Companies Bill; but although that was his own opinion it was not to be taken as an announcement that the Government would probably introduce such a Bill. At the same time he thought the time was not far distant when they would have such a measure passed into law in Queensland. He did not think it possible to include such a scheme as was desired in the Bill before them, as it only dealt with public companies. In Victoria hardly any of the mining companies were worked under the Companies Act of 1863, they were worked under a Mining Companies Act. He thought it would be a pity to insert any amendments in the measure now under consideration, which would not work well with its other provisions.

Mr. PAUL said the members of the Brisbane Stock Exchange were of opinion that a Bill should be brought in regulating mining companies, because their interests were so diverse from other public companies. He mentioned that in support of the suggestion made by the hon. member for Gympie and endorsed by the Postmaster-General.

Mr. HUNTER said that as he had stated on the second reading of the Bill they could not introduce the necessary amendments into that measure, and meet the difficulty with which the public were battling at the present time in regard to mining companies. The Mining Companies Act under which the Victorian mining companies worked was passed in 1871, and the Mining Companies Act of South Australia was passed in 1881. A similar law was in force in all the other colonies except Queensland. He would point out that gas companies were at the present time limited by Act of Parliament to paying certain dividends; but by increasing the number of their shares and taking advantage of the Bill before the Committee they would be able to increase their dividends to any percentage they liked. He thought it was necessary either not to limit the amount of dividends which those companies could pay, or to prevent them taking advantage of the provisions of that Bill.

The POSTMASTER-GENERAL said the practice to which the hon. member referred was a very common one, and was followed in many other places besides Queensland.

Mr. SAYERS said when the second reading of the Bill was under consideration many members objected to it because, like the Mines Regulation Bill, it attempted to amalgamate two very different things. It had been acknowledged that the mining industry of the colony was of such vast importance, that they should have a special law dealing with mining companies, and such a measure was of far more importance to the colony than the Bill now before the Committee, which would probably occupy them all that night and another night as well, and even then it would not meet the requirements of the country; and a fresh Bill would have to be brought in early next session. It would have been far better for the colony if a Mining Companies Bill had been introduced. He was quite certain that the Bill now under consideration would cause a lot of discussion, because hon. members were not satisfied with it, and he was very sorry after what had been said on the second reading that the Bill was being forced through Committee.

The POSTMASTER-GENERAL said the object of the Bill was to amend the Companies Act of 1863, and the experience of the old country had shown that it required amendment from time to time. Since the Act of 1863 was passed many amendments had been made in it by the Imperial Parliament, but in this colony no amendment at all had been made in that Act. It was now found necessary that some amendments should be made, and those amendments ran on almost the same lines as the Imperial Act. With the exception of clause 29, which was drafted by the leader of the Opposition, all the amendments in the Bill were taken from the Imperial Act. No attempt had been made to do anything new; all that was attempted to be done was what was really necessary. With regard to mining companies he hoped, as he had already said, to see a Bill introduced dealing with those companies; but although he was personally in favour of it he could not pledge the Government to introduce such a Bill. He thought that any amendment such as was indicated by the hon. member for Gympie, the hon. member for Burke, and the hon. member for Charters Towers would not have the effect of improving the part of the Bill they were now dealing with, and he hoped the Bill would be allowed to pass, even if it did not give the assistance to mining companies which hon. members contended was necessary.

Mr. SMYTH said that part of the Bill dealt with the reduction of the capital of a company. He only knew of one mining company in the whole of the colonies which had reduced its capital. The matter therefore was one which more particularly concerned persons engaged in commercial pursuits; but while they were dealing with that he should like to see a provision inserted giving mining companies the power to increase their capital without increasing the number of shares. At the present time if they wished to do that they had to have fresh articles of association drawn up, obtain legal advice, and go through a number of forms; so that it cost nearly £100 to reconstruct a company. A few clauses would do it. As it was he did not think the Bill went far enough.

Mr. HUNTER said the Bill as originally framed was intended to apply to large companies, and in dealing with small companies in Queensland they required different machinery. The matter referred to by the hon. member for Gympie deserved serious consideration; but instead of it costing £100 to wind up a company, it very often cost thousands. If a company was forced into liquidation the cost of winding it up was unlimited. He could give a case in point where a gentleman received notice that a company had been forced into liquidation, and its debts did not exceed £200, yet the amount of the first liquidation call was £2,500. That was not a solitary instance by any means; it was only one of many similar cases through which the people at Charters Towers, Gympie, and Croydon were made to suffer. At present the liquidator was a mere machine; the solicitor who was appointed solicitor to the company worked the whole winding-up, and, as a general thing, he told the liquidator how much it would cost so far as he was concerned, and a call was made to cover that portion of the liabilities. They had to be thoroughly satisfied that certain persons could not pay before they made a second call, and by that time another bill of costs would have been allowed, and another call would have to be made to cover that. Then more legal processes would necessitate another call. He was sorry the hon. members for Wide Bay and Cook were not present, as they would be able to bear out what he said. That system had been the means of crushing more men in the last few years in the mining district of Charters Towers than any companies they had paid into, and almost as much had been paid in liquidation calls as had been paid into the mines. When the Bill was at its second reading he mentioned an instance in which 4s. 6d. had been paid on a liquidation call; but he had since found he was mistaken, and wished to make a correction; the amount was 6s. 4d. A company at Charters Towers had been paying dividends up to a few months ago; but it went into liquidation, and was compelled to make a call of 6s. 4d. to meet the cost. He had heard a solicitor say publicly—and he was not boasting of it, because he was attacking the present law in the matter—that the solicitor who was appointed to wind up a company received an annuity. Thousands of pounds were extracted from the pockets of speculators in that way, and it placed a bar to the mining industry. He could see members in that Committee who had smarted to the extent of thousands of pounds, and who could admit it if they chose to speak. It was their duty to speak and show that they should be relieved of that burden. The duties of a judge in the far North were now left to

wardens, who were not well up in the law in that direction, and most terrible orders were made. Such cases were never investigated. In one case where a call of 2s. 6d. was made the other day, several Brisbane gentlemen never received any notice that the company was going into liquidation, and they had nothing to do but to pay up.

Question—That clause 8 be postponed—put and passed.

Clauses 9 to 15, inclusive, passed as printed.

On the motion of the POSTMASTER-GENERAL, clause 16 was postponed.

Clause 17—"Shares may be divided into shares of smaller amount"—passed as printed.

On clause 18, as follows :—

"The statement of the number and amount of the shares into which the capital of the company is divided, contained in every copy of the memorandum of association issued after the passing of any special resolution, shall be in accordance with such resolution; and any company which makes default in complying with the provisions of this section shall incur a penalty not exceeding one pound for each copy in respect of which such default is made, and every director and manager of the company who knowingly or wilfully authorises or permits such default shall incur the like penalty."

The HON. SIR S. W. GRIFFITH said the clause struck him as rather vague, and it did not sufficiently designate what was really meant. What was intended was that when any special resolution was passed by a company altering its capital or the amount of its shares, or the extent of its liability, either by increasing or diminishing its capital or its liability, it should be stated in the memorandum of association; but one would have to read the clause two or three times to find that out; and it would be far better to say what was intended.

Mr. BARLOW said the hon. member for Toowong had already referred to the difference between subscribed capital and paid-up capital; and he thought an amendment should be inserted in the clause providing that the memorandum of association should also state the amount of paid-up capital.

The HON. SIR S. W. GRIFFITH said the memorandum of association only showed the constitution of the company and the nominal capital. It could not give the paid-up capital because that was constantly varying. The amount might alter every week; and in the case of most mining companies it would certainly alter every month. He moved the insertion of the words "by which the capital of the company is increased or reduced, or by which the amount of the shares is reduced," after the words "special resolution."

Amendment agreed to.

Mr. SAYERS said he thought the word "secretary" should be substituted for the word "manager." It was the secretary who attended the meetings of the directors and wrote up the minutes. The secretary would know when a special resolution was passed, but the manager would not be present at the meeting unless he was required to give some special information.

The POSTMASTER-GENERAL: The Bill deals with other companies as well as mining companies.

Mr. HUNTER said that more than three-fourths of the companies carrying on business in the colony were mining companies; and the question was whether they were legislating for the many or for the few. The great majority of the managers to whom the clause would apply were mining managers.

Mr. SAYERS moved the insertion of the word "secretary" after the word "director."

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

On clause 19—"Reserve capital of company how provided"—

The HON. SIR S. W. GRIFFITH said he had no objection to offer to the clause, but he wished to point out that it related to clause 23 and should precede it; immediately following it should come in clauses 24 and 25 relating to the same subject. Those clauses dealt with the same matter and were separated by clauses referring to an entirely different subject.

Clause put and passed.

On clause 20, as follows :—

"Section one hundred and seventy-six of the principal Act is hereby repealed, and in place thereof it is enacted as follows :—A bank of issue registered as a limited company, either before or after the passing of this Act, shall not be entitled to limited liability in respect of its notes; and the members thereof shall continue liable in respect of its notes in the same manner as if it had been registered as an unlimited company; but in case the general assets of the company are, in the event of the company being wound up, insufficient to satisfy the claims of both the note-holders and the general creditors, then the members, after satisfying the remaining demands of the note-holders, shall be liable to contribute towards payment of the debts of the general creditors a sum equal to the amount received by the note-holders out of the general assets of the company.

"For the purposes of this section the expression 'the general assets of the company' means the funds available for payment of the general creditor as well as the note-holder.

"It shall be lawful for any bank of issue, registered as a limited company, to make a statement on its notes to the effect that the limited liability does not extend to its notes, and that the members of the company continue liable in respect of its notes in the same manner as if it had been registered as an unlimited company."

Mr. BARLOW said he had drawn attention on the second reading of the Bill to a probable preferential claim on the issue of notes. He could not see his way to draw up a clause to meet it; but if the wisdom of the legal members of the Committee enabled them to meet the difficulty it was desirable it should be done. Objection had been taken in Victoria to that clause, on the ground that a bank in difficulties might go and borrow money from other banks and deposit its notes as security—might cash their notes to a large extent, which notes would then become a preferential claim upon the assets of the bank. It had been the subject of serious discussion in banking circles.

The PREMIER (Hon. B. D. Morehead) said the clause as it stood was a very good one. The contingency spoken of by the hon. member was very unlikely to arise, because no bank would be likely to be in such a position as to have to resort to such a means of raising money without the fact being known to all the other banks in the city. The very depositing of an unusually large number of its notes with any other bank would of itself lead to such grave suspicion as would defeat the object it was intended to serve.

Mr. BARLOW said the object might be the propping up of a bank. The hon. member would, no doubt, remember the case of the Bank of Australasia *versus* Stirling. The Bank of Australia in 1843 borrowed £150,000 from the Bank of Australasia. It was an historical case and was taken before the Privy Council. It was at a time when all the banks were in trouble, and the Bank of Australia at one stroke borrowed £150,000 on the security of a promissory note. That might again happen in the case of a serious crisis. He did not say it was going to happen or that there would probably be any such necessity for the banks to help one another to that extent; but he mentioned the case as an instance of a possible danger.

Mr. REES R. JONES said he had read the report of the case, which was an action brought against Stirling, the chairman of the directors, and not against Mackenzie. The amount borrowed was £136,000, and the Bank of Australasia maintained their action, and it was maintained by the Privy Council, and they recovered their money from the Bank of Australia which afterwards paid up all its liabilities. As to the question raised by the hon. member for Ipswich, the proceeding the hon. member had mentioned would be dealt with under the insolvency laws as fraudulent preference. It was not likely ever to happen, and if it did, there was sufficient power outside of the Bill to deal with it.

Mr. BARLOW said that the hon. member for Rockhampton North had misunderstood him. The question at issue, in the case of the Bank of Australasia *v.* Stirling, was as to whether the promissory note was signed in such a manner as to bind the institution. He had merely quoted the case as an instance of one bank borrowing a large sum of money from another. As he understood the clause, it made the ordinary note, payable to bearer, an absolute first charge upon the assets of the bank, thus giving the note-holders a preferential claim to the extent of the note issues.

The POSTMASTER-GENERAL: They only rank with the ordinary creditors.

Mr. BARLOW said that the note-holders would be entitled, first of all, to receive a dividend, and the shareholders would have to pay the balance of 20s. in the pound. Then the shareholders had to pay up the amount received by note-holders, and dividend shareholders would then have to pay up, so that, practically, the note-holders would have a preferential claim upon the assets of the bank. He had no desire to create a danger, but that was a real danger, and he felt he was justified in calling attention to it.

The PREMIER said that, as he understood the hon. member's contention, it was that the clause, if passed as it stood, would give a bank pledgable security to get money from another bank. He admitted that that might be so, but it was extremely improbable that any such thing would take place. The clause as it stood, was a very good one, and really put a bank note-holder in a better position than he was in now, by giving him a preferent claim upon any banking institution that issued the notes he held. So far as he was concerned, it made the shareholders of a bank shareholders of an unlimited company, until the note-holder's claim was satisfied. He did not apprehend that the danger the hon. member referred to was ever likely to occur, nor did he know how it was to be guarded against, if it was likely to occur, unless some clause was put in by which no bank would be allowed to deposit any of its notes as security for any debt. He admitted the possibility of such a thing as the hon. member referred to occurring, but it was very remote.

The HON. SIR S. W. GRIFFITH said the clause was for the protection of creditors, and not of the shareholders. The law dealing with preference only came in when there was competition between creditors, but that clause provided for the payment of the holders of bank notes in full without competition with other creditors. In the first distribution of assets holders of bank-notes would receive dividends with other creditors, but if the assets were not enough to pay all the debts in full, an amount equal to all dividends paid to holders of bank-notes would have to be paid by the shareholders in addition to the full amount of their shares. If such a thing as was referred to by the hon. member for Ipswich was done it would certainly be to the prejudice of the shareholders, but that would be their own fault, as they should have elected proper directors. He did not think that if the directors of a bank chose to pledge the bank-notes, or the bank's credit, in any way, the shareholders had any right to object, if any difficulty arose, because the directors were their agents. It was possible that directors might defraud their shareholders in that way, but they would not be able to defraud the other creditors. The clause was not intended to deal with that branch of law—fraudulent preference. Fraudulent preference only came in when assets were made away with for the preference of one creditor over another.

Mr. BARLOW said he was sure if the banking companies of Victoria had heard the lucid explanation of the hon. gentleman, many of their objections would have been removed. With the question of the protection of the note-holder he cordially agreed, because when notes passed from hand to hand he did not think that persons should be liable to lose their money.

Clause put and passed.

On clause 21, as follows :—

"(1) Once at least in every year the accounts of every banking company registered after the passing of this Act as a limited company shall be examined by an auditor or auditors, who shall be elected annually by the company in general meeting.

"(2) A director or officer of the company shall not be capable of being elected auditor of such company.

"(3) An auditor on quitting office shall be re-eligible.

"(4) If any casual vacancy occurs in the office of any auditor, the surviving auditor or auditors (if any) may act, but if there is no surviving auditor, the directors shall forthwith call an extraordinary general meeting for the purpose of supplying the vacancy or vacancies in the auditorship.

"(5) Every auditor shall have a list delivered to him of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company; and any auditor may, in relation to such books and accounts, examine the directors or any other officer of the company: Provided that if a banking company has branch banks beyond the limit of the colony of Queensland it shall be sufficient if the auditor is allowed access to such copies of and extracts from the books and accounts of any such branch as may have been transmitted to the head office of the banking company in the said colony of Queensland.

"(6) The auditor or auditors shall make a report to the members on the accounts examined by him or them, and on every balance-sheet laid before the company in general meeting during his or their tenure of office; and in every such report shall state whether, in his or their opinion, the balance-sheet referred to in the report is a full and fair balance-sheet properly drawn up, so as to exhibit a true and correct view of the state of the company's affairs, as shown by the books of the company; and such report shall be read before the company in general meeting.

"(7) The remuneration of the auditor or auditors shall be fixed by the general meeting appointing such auditor or auditors, and shall be paid by the company"

The HON. SIR S. W. GRIFFITH said he did not think the clause should apply only to banking companies formed after the passing of the Act. It should apply to all banking companies.

Mr. UNMACK said he should like to move another amendment altogether. He did not see why they should limit the clause to banking companies. He considered that all public companies under limited liability should be subject to audit. There was no doubt at all that there were grave malpractices carried on owing to the want of checking the accounts of public companies in a proper way. If he could do it, he should propose a further limitation as regarded the qualifications of auditors; but that was one of those matters that ought to be left to the discretion of public companies, because if they chose to elect incompetent men as auditors they would have to suffer. While

making provision for examining the accounts of one class of company they should extend the same privilege to every other company which was liable to the public. He proposed to move, in accordance with those views, the omission of the word "banking" in the 24th line.

Mr. REES R. JONES said that whilst agreeing generally with the hon. member for Toowong, as to the advisability of there being an audit of every company allowed to carry on with limited liability, he thought the clause applied especially to banking companies. Of course they had not only to have an audit to show the shareholders the state of their accounts, but they dealt with so many persons who deposited their money, that there should be an audit. On the other hand it would be a very inconvenient thing that audits should take place in regard to all small companies, because it might be ruinous to them. He thought the clause should stand as printed. He could not see why it should apply to every company. Many of them had nothing to do. They were small companies, and were perfectly satisfied with the auditors they appointed. He found there was a very growing feeling—and he did not admire it—to display too much curiosity as to the affairs of everybody, not only companies, but everyone else.

The POSTMASTER-GENERAL said auditing was ordinarily provided for by the articles of association, and he did not know of any company, mining or otherwise, that had not auditors. It was not compulsory under the Act of 1863 that there should be an audit, and it was quite right that it should be compulsory. He did not agree with the hon. member for Rockhampton North that all companies should not come under the same conditions, because the shareholders should be protected as well as depositors in banks. As far as banks were concerned, every safeguard should be taken to give the fullest information not only to shareholders but to people doing business with the bank, who had to depend upon the report of the auditors. He did not see any objection to every company being put in the same position.

The PREMIER said perhaps it had not struck hon. members that clauses 20, 21, and 22 seemed to apply to banking institutions only, and, therefore, if the system of auditing was to be applied to every company, it had better be dealt with in a separate clause. If the hon. member for Toowong would read the subsection of clause 21, he would see there was a provision there which would also have to be altered, and the Bill would have to be cut up very much. It must not be supposed for one moment that he was opposed to the auditing of the accounts of all companies. He did not object to the alteration which had been suggested being made, but he thought those three clauses dealing with banking companies had better be left intact. The clause might be hashed up by the amendments that must be made, and it would be better to deal with the matter in a separate clause.

Mr. UNMACK said he thought an alteration could very easily be made in the clause so as to make it suit all public companies. The hon. member for Rockhampton North had said that he did not consider it necessary that any such alteration should be made for small companies, but he would point out that at the present moment there were certain companies in the colony transacting business to a large extent under the name of banks. They had adopted the name of banks, a practice which he thought very objectionable, and those so-called banks—land banks or loan banks—had most extensive transactions with the public in the shape of receiving deposits to a large amount. Some were really receiving money which was payable at call, and there was no security of any kind that they would be at any one time in a position to pay those demands. However, that was apart from the subject. Whilst he admitted what the Postmaster-General had said, that nearly all companies in their articles of association provided for an audit, still it was not compulsory. He wanted to make it compulsory upon all public companies, for the security of the public, to have their accounts periodically examined, and that they should be published in the form laid down in the clause. He was perfectly willing, if it was thought necessary, to withdraw the amendment he had proposed, but he thought there was no difficulty in amending the clause. The only alterations required to be made in the 5th subsection were to strike out the words "banking," "banks," and "banking," again. Then the clause would apply to every public company. He would repeat that it ought to be made compulsory on every public company to provide for an auditor. He did not care how small the company was, but so long as it was a public company, trading with the public, and using the money of shareholders, they ought to be compelled to exhibit their audited accounts.

The HON. SIR S. W. GRIFFITH said that he was rather disposed to agree with the view that it was desirable that all public companies should have their accounts audited, though there were a great many small companies in the colony which perhaps it was hardly worth while forcing to have an audit. He intended to propose an amendment on a matter referred to by the hon. member for Toowong—that was, a definition of what a banking company was. The definition was to the following effect:—

> For the purposes of this section the term "banking company" means and includes any company, the name of which includes the words "bank" or "banking company," and any company which receives money on deposit, or carries on any of the usual business of banking.

The object of that definition was to protect the public against any of the institutions calling themselves banks, and it would extend to all kinds of banks.

The PREMIER: I think that is very good.

Mr. REES R. JONES said that he would call attention to the 43rd section of the Companies Act of 1863, which read as follows:—

> "Every limited banking company, and every insurance company, and deposit, provident, or benefit society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered office of the company, and in every branch office or place where the business of the company is carried on, and if default is made in compliance with the provisions of this section the company shall be liable to a penalty not exceeding five pounds for every day during which such default continues, and every director and manager of the company who shall knowingly and wilfully authorise or permit such default shall incur the like penalty. Every member and every creditor of any company mentioned in this section shall be entitled to a copy of the above-mentioned statement on payment of a sum not exceeding sixpence."

The HON. SIR S. W. GRIFFITH: There is nothing about the accounts being audited there, and that is what this clause deals with.

Mr. REES R. JONES said he did not believe that there was one ever made.

The POSTMASTER-GENERAL: Yes, there is.

Mr. REES R. JONES said that the form D referred to was as follows :—

"FORM OF STATEMENT REFERRED TO IN PART III. OF THE ACT.

"The capital of the company is divided into shares of each. The number of shares issued is . Calls to the amount of pounds per share have been made under which the sum of pounds has been received. The liabilities of the company on the 1st day of January [or July] were

"Debts owing to sundry persons by the company—on judgment £ ; on specialty £ ; on notes or bills £ ; on simple contracts £ ; on estimated liabilities £ .

"The assets of the company on that day were : Government securities (stating them) £ ; bills of exchange and promissory notes £ ; cash at the bankers £ ; other securities £ ."

Mr. HUNTER said that other public companies would be exempt from that clause, and the principal swindles and defalcations were perpetrated in connection with mining companies. He did not think anyone would deny that. There had been just lately a case of that kind discovered at Gympie where the swindling had been going on for years, and the same thing was going on on other large goldfields. He maintained that it was equally as important to have an audit in the accounts of mining companies as in any other companies. The articles of association provided that certain books should be kept by the company, but in many cases those books were not kept; and it should be the duty of the auditors to report, not only for the protection of the shareholders, but of the investing public, that those books were not kept. He had previously referred to the 25th section of the Companies Act of 1863, which provided that certain returns should be made to the Registrar of the Supreme Court annually, but that was never done; and one of the duties of an auditor should be to see that those returns were furnished. He considered that the amendment of the hon. member for Toowong was the better way of wording the clause, and he trusted the Committee would not leave mining companies out.

Mr. POWERS said that the difficulty might be got over without altering the clause materially by putting in the words "or other" after the word "banking" so that it should read "the accounts of every banking or other company." The proviso as to branch banks in subsection 5 would then still apply. There might be a special clause introduced dealing with that question, but he thought the Committee were all agreed that the accounts of every company should be audited.

Mr. GANNON said he noticed that subsection 3 provided that an auditor should on quitting office be re-eligible, but he thought that the Committee should not allow that. Auditors should have to retire annually, and not be re-eligible for election until twelve months afterwards. That would prevent the danger of fraud. They knew that it was where auditors were appointed year after year that cases of fraud happened.

Mr. BARLOW said he would like to know whether that would override the articles of association, or whether it would be in the power of a company to provide that an auditor should not be re-eligible? He agreed with what the hon. member for Toombul had said, that it was very undesirable that auditors and directors of any company should be perpetually re-elected; but would that provision have the effect of preventing it being so provided by the articles of association?

The HON. SIR S. W. GRIFFITH : It will have that effect.

Mr. ARCHER said that under the Banking Companies Act all banks were compelled to publish a quarterly statement of their accounts, showing the amount of security they held as against their liabilities. It would be an immense advantage to the public, and a check upon speculative companies, if those companies were compelled to do as the banks did, and publish quarterly or half-yearly a statement showing their assets and liabilities. He was not able to draft a clause to give effect to that suggestion, but he hoped the Postmaster-General would think it over, and see if he could not embody it in the Bill.

The HON. SIR S. W. GRIFFITH said the suggestion of the hon. member for Rockhampton was a very good one indeed. The 12th section of the Banking Companies Act of 1840 defined the banks to which the Act should apply as follows:—

"Every company, firm, or individual engaged in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand."

The reason why the institutions in question had got out of that liability was that they did not issue bills or notes, payable to the bearer at sight or demand. But the fact that they were receiving deposits was the most important part, and he did not see why they should not make that portion of the Banking Companies Act requiring a periodical publication of accounts applicable to them. But the clause they were discussing had reference to audit—a very different thing.

The PREMIER said there might be limited companies which did not call themselves banks, but which took money on deposit; there were some in Brisbane; and how was the Committee going to get at them? To limit the provision to companies calling themselves banks, requiring them to disclose their accounts periodically, might lead some of those associations to drop that title

The HON. SIR S. W. GRIFFITH: But it would be applicable to all people or companies carrying on banking business, by whatever title they might describe themselves.

Mr. BARLOW said he had before him a letter written by the Hon. James R. Dickson, a gentleman who was well known and respected, in which he advocated the very views that had been mentioned. As had been stated, the obligation imposed upon banks, of publishing returns under 4 Vic. No. 13, was only through their issuing notes, and he submitted that the only way to protect the public would be to provide that any institution whatever that took money on deposit, to be accounted for on what was called an accountable receipt, should be compelled to publish a statement in the same manner as required under 4 Vic. No. 13. Mr. Dickson's letter was a very powerful one on the subject, and he would read it to the Committee :—

"COMPANIES ACT AMENDMENT BILL.

"*(To the Editor of the Brisbane Courier.)*

"Sir,—The present bill before Parliament 'To Amend the Companies Act of 1863,' contains many useful provisions, but there is one of the utmost importance which does not appear in this amending statute. We have lately had started in our midst a considerable number of financial institutions which trade largely on the confidence of the public, and, indeed, partake somewhat of the character of banking companies. These institutions, under prudent management, have, I believe, a large and highly favourable field of operations before them. But where the continued success of such companies depends greatly on the confidence and money deposits of the public, the public have, I think a right to be made acquainted from time to time with the progress and soundness of these institutions.

"Therefore, the time seems opportune for suggesting to our legislators the desirableness of inserting in the Bill now before them a clause insisting that all institutions registered under the Companies Act of 1863, the British Companies Act of 1886, trading on money deposits received from the Queensland public, shall publish quarterly or half-yearly returns, duly audited,

of their assets and liabilities, showing the amount of moneys held on deposit, also their reserves, in a form somewhat similar to that which is required from the recognised banking companies under the Banking Companies Act of 1840. Such returns should appear in the *Gazette* and local papers.

"I need scarcely add that, apart from the individual interest of the public therein, such abstracts would be of great value to statisticians in assessing the financial progress and accumulation of the country.

"I am, sir, etc.,

"JAMES R. DICKSON.

"Toorak, 27th June."

The POSTMASTER-GENERAL said that no doubt such a provision would be a very desirable thing. There were several institutions calling themselves deposit banks and land banks in Brisbane, and the public never knew the exact position of them because they did not comply with the 43rd clause of the Act of 1863, simply because there was no one to look after the enforcement of the law. He knew that one institution in the city, the Queensland Deposit Bank, always published half-yearly an exact account of their position. Of course they did it by way of an advertisement, showing that they were a successful institution; but they were not compelled to do so, and he considered that all such institutions should be required to publish their accounts periodically. He thought every precaution should be taken to prevent a confiding or too confiding public from being victimised. With regard to the clause, all the amendment that would be necessary would be to insert "or other" after "banking," which would make it embrace all companies. He would like to hear some discussion on subsection 3. He was of opinion that it was not desirable that auditors should be eligible for re-election. It was very necessary that there should be changes from time to time, and in many of the articles of association it was provided that where there were two auditors only one should be eligible for re-election. Sometimes the same principle was applied to directors, so that when two or three retired one would not be eligible for re-election. Of course that was done under the articles of association, and was a matter for the shareholders to determine, but he thought it would be much better to regulate it by law and provide that auditors should not be eligible for re-election, because it was quite possible otherwise that the affairs of the company would not be properly disclosed. No doubt that would be a hardship in many cases where a good auditor would be kept on for years by the same company, and it would also be a hardship in places outside Brisbane, where it was difficult to get competent auditors. Even in large cities it was difficult to get really competent men, and he could not help thinking that if they laid down any stringent rules as to the qualifications of the auditors to be elected it would seriously interfere with companies at a distance from Brisbane, where they could not get properly qualified auditors. Perhaps, after all, it would be better to leave it to shareholders to do the best they could in such cases; but he thought subsection 3 should be amended so as not to allow auditors to be re-elected.

Mr. UNMACK said in accordance with the suggestion that had been made he would, with the permission of the Committee, withdraw his amendment for the purpose of inserting "or other."

Amendment, by leave, withdrawn.

On the motion of Mr. UNMACK, the clause was amended by inserting "or other" after "banking," in the 24th line, and the omission of "after the passing of this Act," in the same line.

Mr. BARLOW said he would move that subsection 3 be omitted. He understood the effect of that would be to leave it to the articles of association to say whether auditors should be eligible for re-election or not. Would that meet the views of the Minister?

The POSTMASTER-GENERAL said it would have that effect, but at the same time it would not prevent auditors from being re-elected. The question was whether they should be allowed to be re-elected or not. He had no objection to the omission of the subsection, and considering all the hardship that would arise in various parts of the country by preventing the re-election of retiring auditors, perhaps it would be better to leave the matter in the hands of the shareholders to be provided for in the articles of association. If it applied to the city or large towns only, he should certainly oppose the re-election of retiring auditors.

Mr. HUNTER said he would ask the Postmaster-General why the clause only applied to registered limited companies? He might state that the Melbourne Stock Exchange, which was a very powerful institution in Australia, had passed a resolution by which they excluded mining companies unless they were registered as no liability companies. A great many persons in Queensland were desirous of speculating in such companies, and why should not they be protected? A man might buy into a no liability company, thinking everything was all right, but the directors might have signed a bank overdraft for £2,000 or £3,000. He might think there was a prospect of dividends being paid, and not find out till after he had bought in that the company had an overdraft of £2,000 or £3,000.

The POSTMASTER-GENERAL said the Bill dealt with limited liability companies and not with no liability companies, and he would not care to insert an amendment in it dealing with no liability companies without knowing the full effect of it.

The HON. SIR S. W. GRIFFITH said the No Liability Companies Act was an amendment of the Companies Act of 1863. He did not see why the provisions with respect to auditing should not apply to no liability companies as well as to others. Why should they not audit the accounts of no liability companies as well as those of limited liability companies? There might be all the more reason to audit the accounts of no liability companies. It was easy enough to make provision to do that by leaving out the words "as a limited company," and inserting "under the principal Act."

The POSTMASTER-GENERAL said he would accept that suggestion. He moved that the words, "as a limited company" be omitted, with the view of inserting the words, "under the principal Act."

Amendment put and passed.

Mr. BARLOW moved that subsection 3 be omitted.

Mr. GANNON said he really could not see why auditors should be eligible for re-election. He knew of certain matters which had occurred in the city, and he was certain that if the auditors had been compelled to retire certain swindles would have been found out. Some companies had two or more auditors and some had only one. He had framed an amendment which he thought might meet both cases. With regard to the companies employing more than one auditor he proposed that it should be provided that "in all companies registered under this Act where there are two or more auditors it shall be compulsory for one to retire annually, and he shall not be eligible for re-election for twelve months,"

and then "in all companies with only one auditor that auditor shall not hold office more than one year and shall not be eligible for re-election for twelve months." That would put a stop to a lot of the things to which he had referred.

Mr. HUNTER said he did not know of any companies in small towns where there were not sufficient bank officials to audit their accounts. Auditors should not, in his opinion, be eligible for re-election. If a swindle was going on in a company and one auditor only retired it was quite likely that the remaining auditor might have been the means of causing the other who retired to overlook the matter.

The POSTMASTER-GENERAL said there were some parts of the colony where it was not possible to get two competent auditors, and it would prove a great hardship if such an amendment as was suggested were adopted. He quite agreed that an auditor might purposely overlook defalcations which had taken place, but if they made the rule too stringent it would bear harshly on some companies, and possibly prevent them getting their accounts audited. If the Bill applied only to large towns he would not have the slightest objection to inserting an amendment that the auditors of a company should not be eligible for re-election, but while he was as anxious as any hon. member to have every safeguard put in the measure, he could scarcely accept an amendment which would interfere with the auditing of companies' accounts in small places where there was perhaps only one person competent to take the position of auditor. He accepted the amendment of the hon. member for Ipswich, but he did not want to make the position so hard that it could not be filled at all.

Mr. GANNON said he knew one company in Brisbane which had only one auditor, and he did not think there was a better auditor to be found in any of the colonies than that gentleman, but still he knew from his experience that one auditor in a company was a mistake, and also that where there were two auditors it was desirable that one should retire annually. He had had to do with a number of companies, and he knew that there was a great deal in what he contended for. He was sure the hon. member in charge of the Bill knew that also; but he must say that it would be a very one-horse place in which there was only one person capable of auditing the books of a small company. He could hardly think of any place where more than one auditor could not be found, and it would be a good thing to amend the clause in the direction he had indicated.

Mr. UNMACK said he could claim considerable experience as an auditor, and he thought it would be preferable to adopt the suggestion proposed by the hon. member for Ipswich, and leave the matter in the hands of the companies themselves. He endorsed a great deal of what had fallen from the hon. member for Toombul, that it was possibly desirable in certain companies to change the auditors; but there were certain cases in which it would be a great advantage to re-elect an auditor and allow him to become familiar with the duties by constantly doing the same work. That was a great consideration where the auditor had to analyse complicated accounts. He thought the suggestion of the hon. member for Burke was impracticable altogether. If no auditors were eligible for re-election, they would soon exhaust the stock of auditors in any country town. The decision of that important matter should be left to the companies concerned.

The PREMIER said the hon. member who had just sat down knew as well as he did that the election of the auditors was left to the shareholders entirely, and that the auditors were surrounded with many restrictions. No one could be an auditor who was a customer of the bank, and therefore he did not see why auditors should not be eligible for re-election. If auditors were to be compelled to retire every year, even in the city of Brisbane they would lose the services of some of the best men. The hon. member for Burke, who evidently knew a great deal about auditing, said that in the country towns the bank managers were always available.

Mr. HUNTER said he never said a word about managers; he said bank officials.

The PREMIER said he certainly, as a bank director, should object to any official of the bank he was connected with being an auditor of a mining or any other company in a small country town. Those were just the men who should not be as much mixed up with mining matters as they had been in the past, and he hoped the rule would be established in all banks, that their officers were not to be made auditors of any companies in the towns in which they were situated. Of course, their services as auditors to charitable institutions, or institutions which were not of a speculative nature, should always be available to the public.

Mr. HUNTER said the hon. gentleman spoke with the authority of a bank director; but nearly every bank clerk outside of Brisbane, who could get a situation as an auditor, had obtained it. Nearly all the auditors on goldfields were bank clerks, and the majority of them from the bank of which the hon. gentleman was a director.

The PREMIER said he was very glad the hon. member had given him that information. The sooner that state of things was remedied the better.

Mr. TOZER said the Premier would do a great deal of harm if he prevented bank officials accepting situations as auditors. They were never appointed auditors to companies which dealt with the banks they were connected with. It had been found that, on goldfields, the most trustworthy and reliable auditors were bank officials, and they were much appreciated. He trusted the hon. gentleman would inquire, as he was sure he would find that the system which prevailed was one which was most satisfactory to the public. He did not think the hon. gentleman should refuse the services of a large number of persons who were perhaps the only persons in the district capable of auditing accounts. On most goldfields there was a great difficulty in obtaining skilled accountants, and they had to go to the banks. Even in Gympie the best accountants were to be found in the banks. In fact, it had been noticed that it was only in those companies in which bank officials had not been employed that difficulties had occurred. He thought auditors should be eligible for re-election. Of course the case was different with directors; they generally retired by rotation, because it was always advisable to have a continuity of policy. It would not do for some people to turn out all the directors, and destroy the policy of their predecessors. Of course there was a distinction between large companies which received public money and others which did not. In Queensland the number of companies which managed their own affairs was about ten to one, and why should not those companies which were managing their own affairs have freedom in their choice of auditors? Why should they be restricted? The shareholders might say it was their desire that their accounts should be audited by certain persons in whom they had confidence. Take the case of the mine in which the hon. member for Gympie was interested; when the shareholders had been

carrying on a certain system for years, why should new men be imported and those who had been there for a number of years have to go out? The effect would be that the man would have to educate himself in their ways, and instead of having to pay four or five guineas a year they would have to pay a great deal more. The fact was that a large number of companies had been rashly and unwisely included in the section, and he thought it would be advisable to leave mining companies as far as possible to manage their own affairs in their own way.

Mr. UNMACK said that another matter had been overlooked in connection with large banking companies and the re-election of their auditors. There were very many transactions of a confidential nature which passed under the notice of the auditors, and if it were provided that they should not be re-elected the business of the company would become so generally known as to have a prejudicial effect on the affairs of the company. He thought the desired object would be attained by omitting the subsection, because it would then be open to the shareholders to re-elect or not as they chose.

Mr. SMYTH said that mining companies were very glad to get the services of the young men employed in banks. They were the best men they could possibly get, and the remuneration they got went a little way towards augmenting their miserable salaries. He did not think any banks in the colony paid their young men well enough for the positions they filled. He hoped the time would come when there would be a society of accountants in the colony—men who had passed an examination. At the present time the accounts of many divisional boards and municipalities and companies were audited by men who were not able to audit accounts, but were appointed auditors merely through friendship. He knew of an auditor many years ago who used to step in and ask whether the accounts were all right, and sign his name without having gone through the books at all. He hoped that bank officials would still be allowed to act as auditors of companies, because it was only by having good auditors that they could check the secretaries.

The PREMIER said that the officials employed in the banks of the colony were as highly paid a class as any service in the world. They were not underpaid; and even if they were, they should not supplement their incomes by acting as auditors of mining companies. With regard to the argument of the hon. member for Wide Bay, that they did not audit the accounts of companies that banked with their own bank, as a matter of fact, so far as his knowledge of banks went, bank clerks were not allowed to bank in their own banks, and they might have to deal with companies that banked in the same banks as they banked themselves. He was strongly of opinion that bank clerks should not be allowed to dabble in mining business.

Mr. TOZER: Auditing is not dabbling in mining business.

The PREMIER said it was getting payment outside that which they were paid for by the bank, and he did not believe in the practice. That was his opinion, and he believed that the hon. member for Ipswich, who had had a good deal of experience in banks, would agree with him.

Mr. BARLOW said he agreed with the Premier that it was undesirable that bank officials should act as auditors for companies.

Question—That subsection 3 stand part of the clause—put and negatived.

The HON. SIR S. W. GRIFFITH said there ought to be some provision for a penalty, without which the clause would be perfectly idle. He moved the insertion of the following paragraph at the end of the clause :—

> Any company which makes default in complying with the provisions of this section shall incur a penalty not exceeding one hundred pounds, and every director, secretary, and manager of the company who knowingly or wilfully authorises or permits such default shall incur the like penalty.

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

On clause 22, as follows :—

> "Every balance-sheet submitted to the annual or other meeting of the members of every banking company registered after the passing of this Act as a limited company shall be signed by the auditor or auditors, and by the secretary or manager (if any), and by the directors of the company, or three of such directors at the least."

On the motion of the POSTMASTER-GENERAL, the clause was amended by the omission of the words "every banking company registered after the passing of this Act as a limited" and the substitution of the word "a" therefor.

The HON. SIR S. W. GRIFFITH moved the insertion of the words "chairman of directors and" before the word "secretary."

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved the omission of the words "and by the directors."

Mr. SMYTH said that with reference to the number of directors who should sign the balance-sheet, he would suggest that the clause should provide for its being signed by one-half of the directors, or by a majority. If the number of directors of a company was an even number, it might be signed by one-half, and if there were only three directors, or an odd number, the balance-sheet should be signed by a majority of them.

Mr. TOZER said he had carefully read the Bill, and considered it a wise addition to the Companies Act; but if there was going to be any innovation—that was to say, if it was to be made applicable to all individual companies—he could assure the Postmaster-General that he would make the Bill unworkable, in so far as it concerned a large portion of the community. It was a remarkably good Bill so far as banking companies were concerned, but if they were going to put in mining companies they must remember it would lead to difficulties, though it might apply to companies carrying on operations of great magnitude. They would find by-and-by that they would have to establish some system that would be applicable to mining companies alone. He did not say he would ask the Government to do that, but it would have to be done in a different Bill. If he were only to narrate to the hon. gentleman the difficulties that he was conversant with in the working of gold-mining companies under the Act of 1863, he would wonder how they got on at all. The fact was they applied their common sense and treated most of the provisions of the Act as waived. They worked outside the Act by common consent. There were many mining companies that had an office in the colony with no directors but only a general manager, but the company was registered in the colony. Take the Ravenswood Company, for instance. It was an English company, but the law required it to be registered in the colony. There were no directors and only a general manager. Then it became a question whether the balance-sheets would not have to be published in the colony and meetings held, because the company existed in the colony. Those were difficulties.

They required a measure which would take in all mining companies. Many of them were registered, not because they desired to be registered, but because there was a peculiar doubt upon the point. Persons got a small interest in a mine, and the law said when they numbered twenty, although they might have only a small amount of funds, they could not get any standing unless they registered. He had known men who had been compelled to register although they had not £50 of liability in the company. They had gone on transferring until the warden could not allow them to transfer any more, and they were therefore driven to register. None of the stringent rules in the Act would at all apply to the smaller mining companies that were carried on on all goldfields. So far as winding-up was concerned, he knew that if he started to wind-up a gold-mining company and he had £1,000 worth of shares, if he had only paid one call and knew that the company would be wound-up, he would give away his £950 sooner than be bothered with any more trouble. Between the liquidation and everyone else, the result would be that so much would be called up that it would be just as well to make up his mind to pay the whole liability. He mentioned that to show how difficult it was to assimilate the provisions of the smaller companies with the larger companies. He hoped that some Government would consider the question as applicable to mining companies, and that it would be understood that the present Bill would simply go through as applicable to the larger companies. If so he would offer no further remarks upon it.

The POSTMASTER-GENERAL said if the hon. gentleman had been present earlier he would have heard him express himself in exactly the same terms as he had expressed himself with regard to the necessity of having a Mining Companies Bill. He could not pledge the Government to bring in such a measure, but he saw the necessity of it. No amendment could be accepted in the Bill having special reference to mining companies, and those accepted, so far, had not that effect. He knew they could not make the Bill meet all requirements of small mining companies, and any attempt of that sort must be resisted. He wished hon. members would not propose amendments which would spoil the symmetry of the measure. He had heard of no cases in which the system of audit adopted would affect mining companies.

Mr. TOZER said there was no necessity in connection with mining companies which had called for any alteration in the present state of the law in regard to auditing.

The POSTMASTER-GENERAL said they had no law in regard to audits, except such provision as was made in the articles of association. The time had come when it was found necessary that they should make it compulsory to have those audits for the protection not only of the shareholders but of the public.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved, by way of further amendment, the omission of the words "or three of such directors at the least.

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

The HON. SIR S. W. GRIFFITH said he understood it was not proposed to go any further that evening, but he would now move the clause to which he had previously referred, so that it might be printed and circulated. It would read as follows:—

The provisions of the Act of the Governor and Legislative Council of New South Wales, passed in the fourth year of Her Majesty's reign, and intituled "An Act to provide for the periodical publication of the liabilities and assets of banks in New South Wales and its dependencies, and the registration of the names of the proprietors thereof," except the provisions of the fourth, fifth, sixth, seventh, eighth, and tenth sections thereof, shall extend and apply to all banking companies registered under the principal Act, which term includes any company which receives money on deposit, whether such money is repayable on demand or not, or which carries on any other usual banking business, or of the name of which the term "bank" or "banking company" or any like term, forms part.

That covered all institutions which either were banks or called themselves banks. He moved the insertion of the clause.

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

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn. The first Government business to be taken to-morrow is the re-committal of the Civil Service Bill; and after that the further consideration of the Companies Act Amendment Bill in committee.

Question put and passed.

The House adjourned at twenty minutes past 10 o'clock.