

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**TUESDAY, 1 DECEMBER 1896**

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## LEGISLATIVE COUNCIL.

TUESDAY, 1 DECEMBER, 1896.

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

## KABRA TO MOUNT MORGAN RAILWAY.

The HON. A. H. BARLOW, in moving—

That the report of the select committee on the proposed branch railway from Kabra to Mount Morgan, Central Railway, be now adopted—

said : The leading feature of this railway is the adoption of what is known as the Abt system of carrying railways up steep inclines. That system is fully and exhaustively explained by Mr. Pagan, the acting engineer-in-chief, in his evidence before the select committee. The financial part of the question will be found in the report of the Railway Commissioner, which is also before hon. members. This guaranteed railway passes through a part of the division of Gogango, which has nothing to do with it, and terminates in the municipality of Mount Morgan, which is itself the benefited area. Appended to the report of the Railway Commissioner is the joint guarantee of the municipality of Mount Morgan and the Mount Morgan Gold-mining Company ; and I am given to understand that the gold-mining company has executed an indemnity to the municipality of Mount Morgan for any liability they may be involved in under these covenants. It appears to me that no person who has any knowledge of the subject has the slightest doubt of the permanence of the goldfield of Mount Morgan. I have not the slightest doubt of it myself. With regard to that we are justified by the evidence of Mr. Callan, the member for Fitzroy, and also a director of the Mount Morgan Gold-mining Company, who gives some very valuable information as to the permanence of that field. But taking the worst possible view of the case, and supposing Mount Morgan were to suddenly disappear, the company is constituted in 1,000,000 shares paid up to 17s. 6d., so that there is a reserve uncalled capital of £125,000 to fall back upon, for I presume that this very wealthy company has no debts. However, such a contingency as that is not at all likely to arise. Although this is a short line to a goldfield, the evidence given before the select committee shows that it is not absolutely necessary that it should stop there. There is other valuable country in the immediate neighbourhood to which it might be hereafter extended. However, it would be only taking up time needlessly if, after the very exhaustive information before us, I were to do anything more than move the adoption of this particular report, which I beg to do.

The HON. A. C. GREGORY : Although this line may not open up any country which is not at present accessible by railway, it leads to a point where a good deal of payable traffic may be expected. The traffic from Mount Morgan may not be large, but the amount taken up must necessarily be extensive, because of the large population to be supplied. It is possible that the present dividends of the Mount Morgan mine may not be maintained for many years, on account of a probable diminution of the out-turn. But the work to be done will be increased ; it will be deep mining, and therefore more labour will be required in order to produce the gold in payable quantities. That labour must obtain the bulk of its supplies by railway. I therefore consider that a line of this kind, under the guarantee system, is one which may fairly be undertaken. Perhaps I might have been a little doubtful in supporting a recommendation that the line should be undertaken wholly by the Government. One great advantage, I

think, will accrue from the construction of this railway—that is, the introduction of the Abt system of ascending from one level to another in short distances by means of cog-wheels placed alongside the rails. Of course, it is only an experiment as far as this colony is concerned, but if it is proved to be a success on this particular line, it may hereafter be introduced with advantage into other portions of our railway system. In this case, there is a fairly level line for a certain distance, and then a steep range which would be utterly impracticable by our ordinary form of railway. If successful here, the new system might well be applied, for instance, on the ascent of the range on the Cairns Railway. For although we have a line which goes up that range now on the ordinary system, it will cost a great deal more to maintain than to construct a new railway on the Abt system. I intend to support the motion.

The HON. P. PERKINS: I happen to know a little about railway making and about mining, and I heartily approve of the proposal to make this railway to Mount Morgan. I have been at Mount Morgan; I have stood on the top of it and looked down, and I believe discoveries will be made there in the course of a few years that will astonish everybody. There is no doubt that Mount Morgan is not the only spot there which contains gold. Indeed, I am so satisfied with the resources of the district that I confidently predict that in a very short time, if this railway is made, we shall simply be astonished at the developments which will accrue from it. In all cases it is cheaper and better in the end to make a railway than a road, whether the industry to be promoted is mining or agriculture; the cost of repairs is so much less than on ordinary metalled roads.

The HON. A. NORTON: The proposal to make this line to Mount Morgan is one of which I heartily approve. In fact, it is one I think the Government might have carried out without a guarantee, because it has been conclusively shown that the Mount Morgan mine is likely to last long enough to justify the Government in making a railway to the field. But having got the guarantee, it would be inexcusable for the Government to refuse to construct the line. Like the Hon. Mr. Perkins, I have been on the top of that gap a good many times, and have looked both up and down the mountain, and I must say it is a hill I should not care to walk up in hot weather. The scheme which has been adopted is one which, apparently, if we can be guided by the reports before us, can be carried out without any great difficulty. To those of us who have been accustomed to lines where 1 in 50 is the ruling grade, a grade of 1 in 16½ seems particularly steep; yet we are told in the evidence that it is a grade that there will be no particular difficulty in surmounting. But there is one thing in connection with the inquiry that is not quite satisfactory to me. The Commissioner, of course, has been guided by his experts, and has adopted the Abt system on their recommendation. Mr. Pagan, who apparently made the recommendation, I have known for many years to be an engineer of great capabilities, but from his evidence it appears that he had fallen into two errors, which shows that the system may have been recommended without the fullest consideration. In his report to Mr. Gray he estimates the cost of an Abt engine to be £2,500. In his evidence he says he under-estimated the amount by £1,000. Then he discovers that an engine of a certain weight will draw seventy-five tons up the incline, instead of fifty tons as previously stated. One mistake may be said to compensate for the other, but if mistakes have been made in matters of that kind, there may be other and more serious mistakes that we know

nothing about. It seems to me that further evidence ought to have been given to show why the system had been adopted. Mr. Pagan also stated in his evidence that he knew of an incline in Scotland of 1 in 10 which was regularly worked by a tank engine. What I would like to have seen shown in the evidence is this: If the tank engine, which is less costly, would serve the purpose, why was it not adopted instead of the Abt system, which is more costly? Mr. Pagan says that—

“As far as the grade of 1 in 16½ is concerned, it is not absolutely necessary to have the Abt system, although it is probably preferable, because an ordinary tank engine—that is to say, an engine without a tender, and with all its wheels coupled—could take up very nearly half as much again as its own weight.”

Reference is made to the Abt system being employed in Tasmania; but though it has acted well enough so far, it has not been in operation there long enough to justify its adoption here simply on that evidence.

Question put and passed.

The HON. A. H. BARLOW then moved—

1. That this House approve of the plan, section, and book of reference of the proposed branch line of railway from Kabra to Mount Morgan, Central Railway, in length 13 miles 60 chains, to be constructed under the provisions of the Railways Guarantee Act of 1895, as received by message from the Legislative Assembly on the 4th November.

2. That such approval be notified to the Legislative Assembly by message in the usual form.

Question put and passed.

## PUBLIC SERVICE BILL.

### SECOND READING.

The HON. A. H. BARLOW: This Bill is to a large extent a consolidation of existing Acts. The first subject in the way of novelty is the creation of a sixth class in the public service, consisting of officers receiving a salary less than £120 a year and not being probationers. Then the Bill perpetuates the present Civil Service Board—here called the Public Service Board—for another three years, and reappoints the present members at their present salaries. A very salutary provision appears in the 17th section, which provides that at the end of each month the permanent head of each department shall furnish to the board a return showing every change which has occurred during the month in the officers or in their emoluments, allowances, duties, or classification. This will keep the board in touch with what is going on in each department. The 32nd section contains an important change. Hon. gentlemen are aware that all persons in the service of the Government at the time the Act of 1889 came into operation were entitled to be classified, and became in fact Civil servants; but that did not apply to officers of the Post and Telegraph Department. If this clause passes they will be entitled, on obtaining the certificate of the board as to their fitness, to be admitted into the classified divisions of the service according to their respective salaries without examination. The most important innovation in the Bill—and one which may appear to strike at the foundation of the present Civil Service system and regulations—is in the 36th section, which states that if in any special case it appears expedient in the interests of the public service to appoint some person who is not then in the service, and to place such person in any class, such person may be appointed by the Governor in Council without examination. But no such appointment can be made, except to the office of a warden, police magistrate, or mineral lands commissioner, unless the board has previously certified that there is no person in the service available and qualified for the position. And it is provided that no appointment shall be made to the office

of warden, police magistrate, or mineral lands commissioner until the board has reported whether there is any person in the service available and qualified to fill the position. I believe the Home Secretary has found extreme difficulty in filling these positions, which require a certain amount of legal training and a large amount of experience. In one case there was a police magistrate wanted—in a very undesirable part of the country, I admit—and the Home Secretary was some weeks in getting any person in the Civil Service to accept the position. To meet such cases it has been found necessary to depart from the principle of the present Act—namely, promotion by gradation; and in my opinion the clause is a reasonable one. The 45th section provides that if an officer becomes insolvent he shall vacate his office, and that before he can be readmitted he must prove to the satisfaction of the board that his pecuniary embarrassment was not caused by fraud, and that he has obtained a certificate of discharge. I believe cases have occurred where Civil servants have agreed to pay compositions out of their salaries, and have in that way been reduced to great embarrassment. It must be apparent to every hon. gentleman that a man should not be allowed to discharge important duties in the public service with a load of debt hanging over him, and this clause provides against cases of that kind. There have also been cases where men of very good attainments have voluntarily retired from the service, and have subsequently desired to come back into the service. This clause provides also that any competent person who has voluntarily retired may be readmitted and appointed to some position in the same or in a lower class than the one to which he belonged when he retired. There have been cases in which men of very good attainments have desired to return to the service, but have been barred by the present state of the law. I do not think, as a general principle, that it is a good thing to re-admit persons who have retired from the service—if they choose to throw away dirty water before they get clean water they should suffer for it—but there are exceptional cases, and I trust that the House will not object to the provision. The remaining portions of the Bill are mere recapitulations of the present law, and I trust that the House will pass the second reading.

The HON. P. PERKINS: Has this country been made for the Civil Service and the Civil Service Board? It seems that half the legislation that takes place here is for them. I do not see the necessity for any change in the law. I think the Civil Service is very well provided for; yet every session finds some hon. member espouse the cause of the Civil servants, and say they are badly treated. There is no other section of the community so well looked after as the Civil servants. They had better annex the whole colony, and let us clear out and go somewhere else. They do not do as much work in a week as a merchant's clerk does, and they get far better paid; and they give themselves airs and appearances that other people cannot afford to do, and it is quite time this state of things should stop. As to giving them any further opportunities or encouragement, I for one object. They are the most comfortable people in the community. No matter what misfortunes happen to other people they are protected. Why are we to be badgered and talked to about the Civil servants? Surely we know how little they do, some of them, and we know the gloves they wear, and other things that should be exposed; and I, as a member of the community who has had to work hard in my time, object to any more of this parading of their virtues.

The HON. C. H. BUZACOTT: I have not a great deal to say on the Bill before the House. I have examined it with some care, and I think on the whole it is a very creditable piece of work. The draftsman has done his work so well that I may safely say it is one of the most satisfactory Bills we have had before us this session. No doubt, as the Hon. Mr. Perkins has said, Civil servants sometimes exhibit towards unfortunate taxpayers an amount of superciliousness which is not warranted by their relative positions, but as a body I think they are highly creditable to the colony. There are many who are not everything that could be desired, but we cannot work a public service like ours, where the officials are spread over an enormous area of territory, and are often away from any supervision, in so effective a manner as we could if the service was more under immediate central control. There is an initial difficulty in connection with this matter, which the Bill has endeavoured to provide for. We wish to deprive Ministers of patronage, and yet, if we deprive a Minister of all influence in appointments in his department, how can he be held responsible for its efficiency? Unless a Minister has something to say in the selection of the officers under him to carry out his instructions he cannot be expected to be held responsible. Therefore, what we have to avoid is giving so much power to the Public Service Board as will destroy responsibility on the part of Ministers. A Public Service Board might be inclined to recommend its friends. The members of the board are only human beings, and if left to deal with the service uncontrolled, we might have a bureaucratic influence which is worse than political influence. We must see that neither party exceeds its legitimate functions. The present board has been rather a disappointment to myself. I expected a great deal more from it when it was appointed seven or eight years ago. Still they have had enormous difficulties to contend with. The reorganisation of a public service like ours is a work which requires immense care, and cannot be done without occupying a long time. If the board had gone in for wholesale dismissals and sudden reorganisation I am not satisfied that in the end there would have been any great advantage conferred on the country. We have an example in New South Wales, where, under a most drastic Act, they have dismissed men by hundreds, and made hurried changes often, I fancy, without consulting the heads of departments; but I am not at all sanguine that the anticipations that have been created by the appointment and the administration of the board will be realised. They may make a temporary saving of £300,000 a year, but let us wait seven years and see whether the efficiency of the service will be maintained without again increasing the expenditure. On the whole, although our Civil Service Act has not done all that might be desired, we may be proud that, without any reorganisation or drastic measures, it has improved the *personnel* and efficiency of the service, and at the same time brought its working within more economical lines. For that the present board are entitled to a certain amount of congratulation, and their reappointment for the short term the Bill provides is a recognition of their past services. Still I think the country will require more from them in the future with the increased powers given to them by this Bill. It is well known that there are certain persons in the public service who are not only inefficient in themselves but who stand in the way of the well-earned promotion of men under them, who are thus deprived of the stimulus to do the best they can for the public. But we must take things as we find them, and on the whole Queensland

has cause to be satisfied with the way in which its public service is conducted. No doubt it is necessary to give power to transfer officers from one department to another where the interests of the service require it. But we have seen transfers and other changes made which were not quite justified. Some influence has come in, whether political or official I do not profess to say. I make no accusations against anybody, but I know the influences to which Ministers are subjected, and they are only frail mortals like ourselves, and we must not be too harsh with them. I think the exception of police magistrates, to which the Hon. Mr. Barlow has referred, is unavoidable. For those positions we want men of experience and men of the world. On the whole, they are the most valuable of our public servants, and it would be absurd to say that no man should be appointed to that position until he had undergone an examination like other Civil servants. It has been argued that police magistrates ought to be lawyers. To make that a hard-and-fast rule would be a mistake. We want men of education, position, experience, and intelligence, with sufficient knowledge of the law they have to administer to enable them to discharge their duties efficiently. I shall have great pleasure, on the whole, in supporting this measure, and so far as I can discover there will not be much reason to amend it in committee.

The HON. A. NORTON: I do not know whether the country is proud of its Civil servants, but I am quite sure it cannot get on without them; and the least we can do is to protect those who cannot protect themselves. In dealing with a measure of this kind we have to remember that Civil servants have no opportunity of defending themselves in public. Amongst all classes of people there are black sheep, and one object of the Bill is to enable the board or the Government to get rid of those who are not fit for the appointments they hold. The Bill, in that respect, is a very proper one, and on the whole it is a good one. There are some minor defects in it which I will point out to the hon. gentleman when we get into committee. I would remind him now that the board may be spoken of in the singular or in the plural, but not in both; and when I find carelessness in small matters I am inclined to suspect there may be carelessness in much larger matters. Another minor complaint I have to make is that the word "Department" is sometimes spelt with a capital "D" and sometimes with a small "d," without any reason for the change. Those little inconsistencies, as I said, make one suspicious of larger errors. I have not had much time to devote to the Bill; having been away from home, I did not receive it till last night, but I have gone through it pretty carefully notwithstanding. I am quite prepared to admit that the board have tried to do conscientiously what they believed to be right, but difficulties must have arisen in certain cases, and it is quite possible that Ministers may have taken the law a little too much into their own hands. I do not know whether that is so or not, but it is what the Hon. Mr. Buzacott seemed to suggest. We must remember that Ministers have a certain amount of responsibility as to the efficiency of their department, and so long as they have that responsibility they ought to have some say in the appointment of the officers by whom the work is to be done; and I should object to the board taking a responsibility from the Ministers which they ought to bear. One object of the Bill is to prevent what we sometimes hear called "hankeypankey"—in other words, to prevent nepotism; but it certainly ought not to relieve Ministers of a responsibility which they ought to share more than the board. The 36th clause I think is a

very good one. It provides that the Minister shall take responsibility in certain cases. But I do not see why clerks of petty sessions should have been omitted. They require a certain amount of legal training, and it is from their ranks that police magistrates are often appointed. If there are not such men in the service, why should not the Minister have the power to go outside and appoint qualified men, whose advice will have weight with the police magistrates in the cases of very great importance which occasionally come before them? The 49th clause provides that every officer who has attained the full age of sixty-five years shall retire from the service. He may be kept on if the board recommend that he be requested to continue to perform his duties; but I would ask hon. gentlemen, with their grey hairs, whether it is a fair thing to fix the age of sixty-five as the time at which members of the Civil Service must necessarily retire? It would be rather inconsistent for hon. gentlemen, the larger majority of whom are pretty near sixty-five years of age, if not over, to pass a clause requiring Civil servants to retire after having spent forty years or more gaining experience in their special departments, though they may be more capable than ever of performing their duties. I take it that the object is to avoid the unpleasant duty of telling a man to go; but if a man is unfit to be in the service by reason of advanced age, or ill-health, or any other reason, the honest way is to tell him to go. I have had a good deal to do with Civil servants from under secretaries downwards, and I do not hesitate to say that 90 per cent., or more than that, are uniformly civil and obliging in connection with work they are asked to perform. I have very great pleasure in saying that, because I often hear them abused by men who have infinitely less experience of Civil servants than myself, as a man of business having to go to them for information.

The HON. A. C. GREGORY: This Bill is apparently a consolidation of the Acts now in force relating to the Civil Service, but it does not modify the present law to any great extent. The question has been discussed as to whether it is expedient that the control of the Civil Service should be in the hands of a board, or in the hands of Ministers or the permanent heads of departments. There are some advantages in Ministers having the power to exercise patronage, but there are also disadvantages. Where political patronage is exercised to its fullest extent, as in America, it becomes almost indispensable to hunt out the existing Civil servants to make room for a new Civil Service as soon as there is a change in the Administration. That is not what we desire. One difficulty in dealing with a large body of persons like the Civil servants is that of classifying them and locating them in such a way as to secure the greatest amount of efficiency at the least cost; and it is absolutely necessary that there should be some central body like the Civil Service Board to do this work. The board will be less likely than Ministers to exercise patronage, because they are appointed for a particular purpose and do not hold political office. The Bill places the board in a position of responsibility, so that Parliament can require them to account for any action they may take. That is far better than having the responsibility divided between the board and the Ministers. On the whole I congratulate the Government on the manner in which the Bill has been framed, though there may be some minor matters which will have to be considered in committee. One point I intended to refer to was the objection taken to an officer being required to retire at the age of sixty-five. So far from that being an objection it is an improve-

ment on what has been the law heretofore—namely, the retirement at the age of sixty. But power is given to retain any officer who is specially efficient in his work. As a rule, however, when men reach the age of sixty-five they prefer to retire and let others do the work.

The POSTMASTER-GENERAL: The question that has been discussed chiefly has been the question as to whether it is desirable to continue the present system of administration; and I do not think anyone who recalls the condition of affairs existing before the constitution of the Civil Service Board would for a moment advocate a return to the old unsatisfactory system. I was once in the Civil Service, and on that account have perhaps paid more attention to the internal working of the departments than the general run of people who have not been in the service; and I have no hesitation in stating that at present the departments are in a very much better condition than at any previous period of the history of the colony. I left the service because I found that men were put over my head without rhyme or reason other than political influence. I had no political influence to use—I would not have used it if I had any—and I retired. One of the first things I brought under the notice of my colleagues when I joined the Ministry in 1888 was the necessity of making a radical reform in the management of the Civil Service. I am proud that the change has been brought about, and I am glad to say that to-day any young man entering the service under the system of examination has protection against unfair treatment, and has before him an honourable career if he shows capacity and industry. With regard to the general demeanour of Civil servants towards the public, complaints are happily very rare. Before the Public Service Board was created in New South Wales a member of Parliament of that colony had occasion to visit one of the Government departments here to make some inquiry, and I offered to accompany him, but he said he was anxious to go as a complete stranger, so as to compare the working of our Civil Service with that of New South Wales. When I saw him again he said to me, "I assure you that in half an hour I have got more attention, courtesy, and information than I would have got in my own colony in several days. I congratulate you on the service you have, and I hope your steps will be followed before long in New South Wales." They have done so, but the evil they had to contend against there was probably greater than it was with us, and a more drastic remedy has been required; but I believe it is very important that we should continue—with such improvements as may be found necessary—our present system of protecting the public from an undue increase in the number of officers, and protecting the officers themselves from unfair treatment at the hands of their superior officers, whether permanent or Ministerial. That is what this Bill provides, and I hope the second reading will be affirmed.

Question put and passed; and the committal of the Bill made an order for to-morrow.

#### INEBRIATES INSTITUTIONS BILL.

##### SECOND READING.

The POSTMASTER-GENERAL: This is a Bill which has been before the House on several previous occasions. In fact this House initiated and passed it, and sent it to the other House in three separate sessions of Parliament. After last session pressure was brought to bear with regard to the initiation of this measure again; and I then expressed my opinion distinctly that I did not think the Council ought to be asked to give

its attention to the measure again until it had been taken up and passed by the Assembly. I am glad to say the Assembly have taken the matter up, and, realising the necessity for legislation in this direction, have adopted the Bill and sent it to us. As the Bill is in practically the same form as it was when we sent it to the Assembly last session, it would be out of place for me to detain the House by entering into a discussion on principles which the House has affirmed on so many occasions. I therefore move that the Bill be now read a second time

The HON. C. H. BUZACOTT: This Bill is not a friend to be desired, like some other old friends who fasten themselves upon us during our career. Last session I spoke very strongly about this Bill, and I still feel a good deal of repugnance to a measure drawn as it is. It is a discredit to the Government that, having had the opportunity during the recess, they have not had it thoroughly recast. It is not creditable in any shape or form. At the same time I do not intend to offer any opposition to it. I agree that the establishment of these institutions is a desirable experiment, although I have not a great deal of faith in them myself. Still, as both Houses have pronounced repeatedly in favour of them, it would be presumption on my part to continue my opposition. At the same time I would point out that nobody can make head or tail of clause 8, and that the objections I offered on the previous occasion to clauses 15 and 27 still hold good.

The HON. W. G. POWER: This Bill is very much wanted, and if we attempt to amend it in committee so late in the session, and the Bill should be lost in consequence, it will be a great misfortune. It would be very desirable that it should be passed without any attempt to amend it.

The HON. A. NORTON: That is one of the most extraordinary propositions I have ever heard. There are defects in the Bill which are evident to anybody; and though I am not going to condemn it in the terms of the Hon. Mr. Buzacott, everyone must admit that he is quite right with regard to the clauses he mentioned. So far as the object of the Bill is concerned I give it my hearty support. There are some who say we ought not to interfere in these matters. I am not one of those. I have been consulted on many occasions by persons who have had some unfortunate family connection with inebriates, and have not known what on earth to do to protect themselves from those useless animals. When they have lost control over themselves they become useless animals, and prey upon society, and particularly on the members of their own families. Two years ago I had a most distressing letter from an old friend in the country, referring to one of his relatives who managed to get drunk in spite of all the precautions taken by his family. They prevented his getting served by publicans; that was no use. He always managed to get it somehow or other, and they did not know what to do. My friend wrote to me to ask if I could suggest any means by which they could legally interfere with him so as to prevent him from making himself an abominable nuisance and wasting the means his family would have to depend upon when he was dead. Of course nothing of the kind could be done; but I said then that if ever I had the opportunity of supporting a Bill of this kind I would most gladly do so, if only for that one particular case. I have seen scores of cases of that kind, and I do think it would be a most grievous mistake for the House to throw out the Bill. That I do not suppose we shall do after having passed it so often; and if we see defects

in particular clauses, I think we can remove them without imperilling the fate of the measure. I heartily support the second reading.

The HON. P. PERKINS: Where is this sort of business going to end? The gaols are all full. We have a greater percentage of people in gaol than any other place in the world.

The POSTMASTER-GENERAL: That is not so.

The HON. P. PERKINS: I read a statement to that effect some time ago. We have lunatic asylums, and now we are to have inebriate asylums, and the sober portion of the community are to pay for them. It is another burden we shall have to bear. I do not like it. I feel pity for the unfortunate people, and I admit that they should be taken care of, but that should be done by their friends or relations. Why should everybody be called upon to contribute towards the support of these institutions? Possibly some people may think it is the duty of the State to interfere, but I do not think it is. The State is quite burdened enough already, and I for one object to any institutions being created and supported by the State for this purpose.

The HON. W. F. TAYLOR: I am glad to have this Bill coming to us this time from another place. We have carefully considered it on three previous occasions, and it now appears in almost exactly the form it left us last session. The principle having been affirmed and the details adopted by this Chamber, there is nothing further to discuss at present. The same objections to the same clauses were taken last year, but they did not meet with favour. I have always been impressed with the necessity for a measure of this sort, and lapse of years has simply tended to strengthen my conviction that it would be a practical benefit to the community. It will have the effect of inducing many people, who have not sufficient moral restraint, to adopt a sober course; and that, I think, will be the chief effect it will have. I know of my own knowledge some individuals who, when this Bill becomes law, will alter the course they have been pursuing for years past. The dread of being put away for twelve months will have the effect of making them take better care of themselves. The effect in that direction will be greater than any curative effect which may be produced by putting people under restraint for any length of time. I sincerely hope the Bill will pass, and I do not myself see any necessity for amendments. Although it may be our duty to remove imperfections, I hope nothing will be done to risk its becoming law as speedily as possible.

The HON. A. C. GREGORY: I have always concurred in the desirability of passing a Bill of this nature. There is no question that in this matter we are dealing with a class of individuals who are temporarily insane; that is, they are not in a condition to guide their own actions properly and keep within the limits that our social relations demand. Therefore, if we have asylums for those who are permanently insane it is equally necessary that we should have places where we can remit those who have become temporarily unable to conduct their own affairs and actions so as to conform to the rules of society. I shall, therefore, support the Bill. Whatever trifling differences we may have with regard to details, we shall have opportunity to deal with them in committee; but, taking it as a whole, I do not think any material alteration will be necessary to render it a good workable measure, with the prospect of its becoming law this session.

Question put and passed; and the committal of the Bill made an Order of the Day for to-morrow.

## BRISBANE TRAFFIC ACT AMENDMENT BILL.

### SECOND READING.

The POSTMASTER-GENERAL: At a very late period of last session the Brisbane Traffic Bill passed through Parliament. In this House amendments were made in the measure which had a wider effect than was contemplated at the time. The practical effect has been to deprive the board of a very large portion of what it might legitimately expect as a source of revenue for carrying on its operations. The clause providing for the licensing of vehicles was struck out altogether, and a portion of the Bill that was left in provided for a license from the owners of vehicles. The result has been that one license has been found sufficient to legally cover any number of vehicles that one owner may possess—twenty or thirty or more—and one license fee paid for the whole lot. That was not fair to the other contributors to the revenue of the board who owned one vehicle each, and for which they had to take out a license. In addition to the defect I have mentioned, there are one or two other points in which it has been found desirable to elaborate the provisions of the Act passed last year. Power is given to the chairman to hold inquiries from time to time into complaints against licensees so as to have as little delay as possible, and practically he will be in attendance daily at the office of the commissioners for that purpose. Then provision is made for certain matters which are necessary for the smooth working of the operations of the traffic authority; and the police are authorised to exercise all the powers conferred upon traffic inspectors. The most important portion of the Bill is the clause relating to the framing of by-laws, which contains several modifications and additions compared with the existing provisions. Paragraph 7 is a new one providing for the making of a by-law requiring the owners of vehicles ordinarily used, kept, or let for the conveyance of passengers for hire, not being cars used on tramways, to obtain a license in respect of every such vehicle. That is intended to meet the difficulty I indicated as having been found under the present Act. Drivers and conductors also will have to obtain licenses, so that the traffic authority will have control not only over every owner but also over the individuals employed by him. Then we come to paragraph 9 providing for a by-law

"Requiring the owners of vehicles ordinarily used, kept, or let, for the conveyance of goods, chattels, merchandise, or materials to obtain from the commissioners a license in respect of every such vehicle, excepting vehicles ordinarily used for conveying fish, fruit, water, fuel, milk, vegetables, bread, meat, ice, agricultural produce, or groceries or other merchandise from retail shops."

That is designed to meet what has been an injustice to many licensed draymen or carters. It has been the habit for some years of a number of wholesale firms to allow the owners of horses and drays to work them under the name of the firm, thereby enabling them to escape the payment of any license fee. That is not fair to the men who pay their license fees and go on the stands; and the idea is to license every vehicle used for carting goods except those used in the retail business. There is something new in the paragraph relating to the setting up and use of coffee-stalls or stands for the sale of goods. That is a subject on which there was danger of a collision between the municipality and the Traffic Board, and it is provided here that the traffic authority shall have power to make a by-law prohibiting or regulating these things so that they may be consulted as to the localities where coffee-stalls and stands for the sale of

goods should be set up. Clause 7 is a new one, providing that notwithstanding anything in any statute to the contrary the by-laws may impose fees in respect of licenses issued to drivers, conductors, and other persons employed on cars used on tramways. Not long ago at the election of members of the board it was found that the employees of the tramway company, who are licensed by the board, voted for the election of a representative on the traffic board; and the votes of these men, though they do not contribute anything to the funds of the board, outnumbered the votes of the men who do contribute. Naturally the latter were disappointed, and it is now proposed that some reasonable fee may be imposed upon the tramway employees so that if they are to exercise the franchise they will not do so under the same circumstances as on the occasion to which I have referred. I beg to move that the Bill be now read a second time.

The HON. A. C. GREGORY: Though this Bill, generally speaking, is a good one, some parts of it will require careful attention in committee. The first point to which I wish to direct attention is paragraph 9 of clause 6, which was quoted by the Postmaster-General. In consequence of the exception in the latter portion that paragraph will really make every person using or being the owner of a vehicle within the city of Brisbane legally liable to be brought under its operation. Some other paragraphs of this clause are open to a similar objection. With regard to the grievance that has arisen in regard to the conveyance of goods, it is possible that in some cases these goods are not *bona fide* the property of the individuals to whom the vehicles are supposed to belong. If a large firm engaged draymen permanently for a year the owners of those drays did not require to take out a license, and that firm might occasionally accommodate friendly firms with the use of the drays when they were not fully occupied. No doubt it would be desirable to do something which would prevent that practice. With regard to bringing the drivers and conductors of tramcars under the operation of the Traffic Board, if some control can be judiciously exercised, well and good; but there seems to be some very serious difficulty, and I have not yet heard anyone suggest any system that would be free from serious objection. The 33rd paragraph of the 6th clause is an excellent provision. It enables the traffic authority to make a by-law providing for the prevention of accidents arising from the improper use of vehicles, including bicycles and tricycles. We have rules to prevent anybody driving a vehicle drawn by a horse at more than a certain speed, and to prevent a man from driving a steam-engine along the street; but a bicycle is allowed to rush along at the rate of twelve miles an hour without interference. It is time something was done to prevent people from racing on bicycles at such a speed that a collision would result in serious accident. I think we may fairly pass the second reading of this Bill, leaving the details to be considered in committee.

The HON. W. F. TAYLOR: I think anyone who has to drive along the streets of Brisbane must admit that some regulation of the traffic is highly necessary; but whether the means now proposed will be efficient is another thing. When the present Act was before us last year, I pointed out that it contained machinery which, in my opinion, was defective and unworkable; and the working of the Act has shown that my words were practically correct. The traffic commissioners have not succeeded in satisfying the demand for the proper regulation of the traffic of Brisbane and suburbs. The very composition of the commission is sufficient to prevent any

efficient regulation of the traffic, as I pointed out last year. One member is the Commissioner of Police, one is appointed by the Government, and one is elected by the cab licensees. It is quite evident that while we have a board so constituted there will be constant friction arising. Where we have a member elected by the licensees, owing his seat to their goodwill, he will feel it incumbent upon him to protect the interests of the licensees as far as he possibly can. They have placed him there for that purpose. It seems to be considered that the other commissioners will not behave fairly towards the licensees; therefore it is necessary they should have a member of their own on the board to see that they are properly dealt with. The fact remains that very few punishments, if any, have been inflicted, and that the traffic of the city has been allowed, for the last twelve months, practically, to take care of itself. By appointing the Commissioner of Police to a seat on the board it was thought the police would aid in the work. As a matter of fact their help has hardly ever been obtained. Why? Because no policeman, certainly no sub-inspector, would take his orders from the traffic inspector. The traffic inspector is there to regulate traffic. A number of constables are about, and he requires their assistance. Is it likely the constables would obey his orders? Certainly not. Practically the assistance of the police has never been cordially given, and the small number of inspectors has been totally inadequate to supervise and control the traffic of the city. This amending Bill contemplates making the police a little more active and empowers a police officer to arrest any person whom he may find committing a breach of the by-laws—a provision which may be worked very arbitrarily. Why should not the entire regulation of the traffic be placed in the hands of the police? Why should we have commissioners costing £1,100 a year to do absolutely nothing, because they can do nothing without the assistance of the police. I noticed that recently a deputation waited on the Home Secretary and urged upon him the desirability of giving over the control of the traffic to the police, as is the case in Adelaide and Melbourne. He said he would not do so because it would not be fair to the colony at large that constables should be engaged in work of that sort. Here they are going to be engaged in work of that sort, to a great extent, if not altogether. It is certain that their assistance will be constantly applied for. Therefore the work of regulating the traffic will practically fall upon them. Why not sweep away the board altogether, and give the municipality power to make by-laws imposing upon its officers the duty of licensing and inspecting vehicles, and let the entire duty of supervising the traffic rest with the police? Otherwise the same friction will arise in the future as has arisen in the past. Either the police will utterly ignore the traffic inspectors and act on their own responsibility, or else they will not act at all. This sort of dual authority will never answer. I do not think anyone can cite an instance of the police assisting the traffic inspectors during the last twelve months. For some reason or other which I cannot understand the framer of this measure is wedded to this little fad of having six commissioners to sit as a sort of council day by day and afford the public some little amusement such as that given the other day when a cabman was brought before them and asked to retract certain statements he had made. The chairman got hot-tempered, and a very interesting scene ensued. That appears to be the only use this board will be in the future. If we are to have a board, why so many? Why should not one commissioner be enough to manage the traffic of this city when one is enough to manage all the



railways in the colony, and one manages the police? Clause 3 of the Bill provides that—

“Any licensee who considers himself aggrieved by the determination of the chairman may appeal therefrom to the board.”

That is, he appeals to a body one member of which is his own representative. We may then expect some exciting scenes, for no doubt the representative of the licensees will protect his constituents as far as his power lies. The consequence will be that in many cases where punishment ought to be inflicted it will not be awarded, or, if awarded, remitted. When the Bill gets into committee I shall move that the aggrieved licensee have the right to appeal to the police magistrate or some independent authority who will not be swayed by any consideration but that of justice. There is no doubt the Bill is a useful amendment in some directions, but the traffic of the city and suburbs will never be efficiently regulated until it is entirely controlled by the police. I wish to call attention to one clause which I think is rather too stringent. That is the clause giving a police officer power to arrest any person whom he may find infringing any of the by-laws. This places a very arbitrary power in the hands of the police, and many cases of hardship will arise. I shall move in committee the insertion of the words, “provided such person decline to give his full name and address.”

The HON. P. PERKINS: I have listened attentively to the Hon. Dr. Taylor's speech, and it is perfectly in accord with my own experience. I have spoken of it for years. I have never seen traffic so loosely and carelessly conducted as here. In fact, I prefer going in an omnibus to driving a horse through the streets. You may drive ever so carefully, and some flash blackguard with a cab will run into you, and the police look on without an idea of interfering. In fact, I have never seen one interfere yet. We have a municipal authority here. We have an excuse for a mayor and city council, and surely they should take the matter in hand. The police are to protect property, and not to interfere with traffic unless there is a special necessity for their interference. If there are inspectors they are the proper persons to look after the traffic and prosecute offenders.

Question put and passed; and committal of the Bill made an order for to-morrow.

The House adjourned at fourteen minutes to 6 o'clock.