

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 9 DECEMBER 1896

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LEGISLATIVE COUNCIL.

WEDNESDAY, 9 DECEMBER, 1896.

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

REVISION OF STANDING ORDERS.

The POSTMASTER-GENERAL, in moving—

That it be referred to the Standing Orders Committee to consider the desirability of revising the Standing Rules and Orders of this House; and, if necessary, to frame a new code for submission to the Council—

said: Our present Standing Orders have been so long in use and are so defective in various points of practice and procedure that I think they should be revised as far as possible. To enable that to be done, the correct course is to pass such a motion as this, requesting the Standing Orders Committee to bring up for the consideration of the House, either this session or next session, their ideas on a code of Standing Orders for our use.

The HON. C. H. BUZACOTT: I understood the hon. gentleman to say that a new code might be brought up for our consideration either this session or next session, but I believe that any resolution passed in either House of Parliament only has effect until the end of the session in which it is passed.

The POSTMASTER-GENERAL: I think that point is met by the 108th Standing Order, which says that "a committee consisting of five members, to be called the Standing Orders Committee, shall be appointed at the commencement of each session, and the functions of such committee shall not cease until their successors may be appointed."

The HON. A. NORTON: I agree that the Standing Orders badly want revision; but if an attempt is made to deal with them this session they will necessarily be brought up in a very imperfect state. When I occupied a seat in another place the Standing Orders there were dealt with, and a great many hours were occupied over the work.

The HON. A. C. GREGORY: I think it is very desirable that this matter should be referred to the Standing Orders Committee now, because they will have ample time, after the close of the session, to deal with the work of revision, which will require very careful consideration.

Question put and passed.

**BRISBANE TRAFFIC ACT AMENDMENT
BILL—STATISTICAL RETURNS
BILL.**

THIRD READING.

These Bills were read a third time, passed, and ordered to be returned to the Legislative Assembly.

GOLD MINES DRAINAGE BILL.

SECOND READING.

The POSTMASTER-GENERAL: In moving the second reading of this Bill I may say that the Gold Mines Drainage Act has been availed of only on the Gympie Gold Field, and it has been found that the authority constituted by the Act had not sufficient power to enforce effectively the closing of mines and the exclusion of flood water in flood times, and the consequence has been that a large number of mines have been flooded and the whole working of the Act neutralised. This Bill provides for regulations empowering the board, amongst other things, to compel the shutting of doors and gates for the purpose of preventing the flooding of mines in the drainage area. That power is required to make the board an effective authority, also to prevent mine-owners who are willing to do their duty suffering from the action of other owners who are unwilling to do their duty. I move that the Bill be now read a second time.

The HON. P. PERKINS: Such a Bill as this is necessary, but I am afraid it does not cover all the ground. I have seen many mine-owners who are willing that others should drain their ground; and there is no way of getting at them except by going to law. I think it will be necessary to add something to the Bill to make it effective.

The HON. A. NORTON: When the last flood took place at Gympie I was in the neighbourhood, and I was informed that a great deal of damage took place, not because of the want of doors, but because the doors were not shut. Therefore I think that power should be given to compel people to see that the doors are shut.

The HON. J. T. SMITH: The want of such regulations as are provided for in the Bill has been a fruitful cause of trouble in years past, and it is highly desirable to give the boards power to get at the persons who try to evade what ought to be their share of the expense in connection with the protection of mines from flood water.

The HON. A. C. GREGORY: It is very desirable that some alteration should be made in the existing law, and this Bill seems to meet the case. The term "drainage" of mines only touches one small feature of the case. The fact of the matter is that in Gympie there are long reefs which have been worked out from one mine to another, and they terminate very close to the river. They are working 600 or 700 feet below the level of the water, and rise not more than 150 to 200 feet above the water. If the water gets into any mine it naturally goes through the rest. According to old rule mine-owners were not allowed to make a cut through from one mine to the next, but it has been found highly important that passages should be made through, and the question of doors referred to relates to the proper mode of closing connections between mines in time of flood. The important question is the flooding of mines when water flows in and blocks work for months at a time. An alteration of the law is absolutely indispensable, and it is not proper that any one person should be allowed to do that which imperils the property and lives of others. I heartily approve of the Bill.

The HON. G. W. GRAY: I understand there is one weak spot in the Bill—the difficulty of enforcing the assessment on some of the mines on Gympie. I refer to the mines that are mortgaged. I would like to hear whether this Bill will provide for such a case?

The POSTMASTER-GENERAL: Sub-clause 2 provides for that.

The HON. F. CLEWETT: I quite approve of the principle of this Bill. It is very much re-

quired, and the proposed regulations seem to deal with the matter very thoroughly. I should like, however, to know how the penalties are to be imposed? There is nothing which indicates what court will deal with the matter.

The POSTMASTER-GENERAL: The police court. Question put and passed; and the committal of the Bill made an Order of the Day for Tuesday next.

COMPANIES BILL.

SECOND READING.

The POSTMASTER-GENERAL: The object of this Bill is to adopt the amendments which have been made elsewhere on the Companies Acts of 1889 and 1893. At present a company that desires to confer with its creditors is required to go into liquidation. There is really no great virtue in liquidation proceedings in order to give compromise proceedings validity. If an arrangement can be made without liquidation, why should it be necessary for a company to go into the expensive process of liquidation? A company that goes into liquidation has its business arrangements so upset that it suffers very great loss. Those are the reasons why it is desirable to adopt the principle now embodied in the law of Victoria. I trust the principle of the Bill will meet with the approval of the House. I move that the Bill be now read a second time.

The HON. W. FORREST: While admitting that I do not quite understand the bearing of the whole of the clauses of the Bill, I desire to point out that in clause 3 it says, "A company shall be deemed to be in course of being wound up when a petition for the winding-up of the company has been presented." I think it should be stated that the petition must come from the creditors. That point should be looked into, because the petition might come from dissatisfied shareholders.

Question put and passed; and the committal of the Bill made an Order of the Day for Tuesday next.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

QUEENSLAND NATIONAL BANK (AGREEMENT) BILL.

This Bill was received from the Legislative Assembly, read a first time, and the second reading made an Order of the Day for Tuesday next.

CIVIL SERVICE ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, intimating that that House had agreed to the amendments of the Council in the Bill.

FACTORIES AND SHOPS BILL.

SECOND READING.

The POSTMASTER-GENERAL: This is a measure which is based almost entirely upon the existing English statute; but in many respects it does not go so far as the English law. The modifications introduced are only such as are absolutely necessitated by the application of the principles of the English Act to our local circumstances. The Bill is a most elastic one, giving to the Governor in Council very considerable discretion as to its application. On the whole it is a measure which is really one of the most conservative that could be found in any of the British dominions. I think in introducing legislation of this kind it is always well to go slowly. The subject has received consideration for several years, and the extreme advocates of factory legislation have been obliged by the moderation of other people to limit the demands which they were inclined to make. The result is that the measure before us is very moderate in its provisions, and I think there is very little in it to which any reasonable man can take exception.

I will not go into the Bill very much in detail; in fact, I think it will be better not to do so now, because I hope it will be considered in committee on Tuesday, by which time hon. members will have had an opportunity of going carefully through the measure. In the meantime I may explain that the term "factory" includes any office, building, or place in which four or more persons are engaged directly or indirectly in working at any handicraft, or in preparing or manufacturing articles for trade or sale, including bakehouses and laundries; also any place in which Chinese or other Asiatics are so engaged; also any place where steam or other mechanical power or appliance is used in manufacturing or packing goods; but it does not include any building or place used for the manufacture of dairy produce, or any ship, or any place used exclusively for *bona fide* pastoral or agricultural purposes and situated upon a run or farm. There are also other exceptions, and it is provided that the word "laundries" shall not include any place in which the only persons employed are the inmates of any institution subject to inspection under any other Acts, or the inmates of any institution conducted for religious or charitable purposes. Part I. provides for the appointment of inspectors, the registration and inspection of factories, and the inspection of shops. No more power is given to inspectors than is absolutely necessary to enable the Act to be worked with reasonable success. There are provisions for keeping certain records; then there are necessary provisions regarding sanitary arrangements. These matters are already attended to by humane employers, but there are some factory and shop-owners who do not make proper sanitary arrangements in connection with their premises. Then comes the portion of the Bill providing for the fencing of machinery and protection from fires—precautions that ought to be taken by any man engaged in business. Then we come to the limitation of the ages of persons employed in factories, and of the number of hours that may be worked in certain cases. Then we come to Part VII., which deals with miscellaneous matters, and gives power to make regulations. The provisions limiting the hours of work in shops do not apply to chemists' shops, coffee-houses, confectioners, eating-houses, fish and oyster shops, fruit and vegetable shops, restaurants, newsagents' shops, tobacconists' shops, hotels, hairdressers' or butchers' shops—which all require to be kept open longer than ordinary mercantile establishments for the convenience of the public. I ask the House to consider the Bill favourably, and to pass the second reading.

The HON. A. C. GREGORY: I must say that I have not been able to thoroughly master the questions dealt with in this Bill; but I have a strong impression that it is a species of labour Bill, more for the protection of a section of workmen than for the protection of industries generally. Industries consist not merely of the men who work with their hands but also of those who work with their heads; and if we throw obstacles in the way of those who direct undertakings we thereby throw difficulties in the way of those who get their living by manual operations. A great deal has been done to provide for working according to the conditions of climate that exist in the old country, but there is no provision dealing with the question of working early and late with a break between—a most important matter in a climate like ours. I once had to carry out a certain work, and a score or two of the men would have been in the hospital if I had not persuaded them to work very early in the morning and later in the evening than they would be permitted to work under this Bill.

The POSTMASTER-GENERAL: There is nothing to prevent that in this Bill.

The HON. A. C. GREGORY: We are hardly in a position to deal with the Bill at present. We ought to have an opportunity of comparing it with other legislation on the subject, and of considering its provisions in relation to our climate, our society, and the character of our buildings; and with that object in view I formally move that the debate be now adjourned.

The HON. P. PERKINS: It seems to me that if any industry is on the eve of prospering there is an attempt made to stifle it. This is another piece of over-legislation. As to any girl or boy working overtime, I have never seen them willing to do so.

The PRESIDING CHAIRMAN: The hon. gentleman must not discuss the Bill on this motion; the question is the adjournment of the debate.

The HON. C. H. BUZACOTT: I exceedingly regret that the hon. member has moved the adjournment of the debate, because I am an advocate of factory legislation; at the same time, there is a great deal to justify the action taken by the Hon. Mr. Gregory.

The HON. F. CLEWETT: I am in entire sympathy with the objects of the Bill, but I do not think such an important measure should be introduced when we have so little time to give to its consideration. Seeing, however, that the matter has been so long before the country, and that it is necessary to do something, I think it would be better to allow the Bill to pass, and see what effect it will have. If it is found in the working of the measure that amendments are necessary, those amendments can be made in a future session. On this occasion I am willing to relax my opposition to hurried legislation in order to get a practical test of the working of factory legislation in Queensland. If the Bill is found to work satisfactorily and any amendments are required afterwards, they would come to us with a better opportunity of being put in a practicable shape. I do not like to express an opinion in a hurried manner on the Bill, but rather than let it be lost I would prefer the House to deal with it as it stands. Some clauses require modification, but as it is necessary that something should be done, I should prefer that the consideration of the measure should not be postponed.

The HON. A. H. BARLOW: From a knowledge of the Bill I may say it is not nearly so formidable as it looks. I am quite certain that the hon. gentleman has not moved the motion with any intention of defeating the Bill, and therefore I think he will perhaps consider the advisableness of withdrawing his amendment, and allow the second reading to proceed.

The HON. W. FORREST: It may be a matter for regret that the motion has been moved, but it would be a matter for deeper regret if a Bill of such far-reaching effect were passed too hurriedly. The approaching end of the session is no reason for hurrying any Bill, and the postponement until Tuesday does not necessarily mean shelving the Bill.

The HON. W. G. POWER: I think we ought to allow this Bill to be read a second time. I do not know the contents of the Bill, but I believe some such legislation is necessary, and it is no use putting it off any longer.

The HON. A. C. GREGORY: I may say that my motion does not necessarily mean shelving the Bill. I would be quite satisfied if the second reading were taken on Tuesday.

The HON. J. T. SMITH: Most people have been anxious that a Bill of this character should be passed, and I think if we read it a second time now we will have ample time between this and Tuesday next to consider its provisions. I

shall be glad to assist in getting the Bill through and shall vote against the motion for adjournment of the debate.

The HON. G. W. GRAY: I intend to support the motion for adjournment. We have a mere handful of industries established here, and this Bill is an attack upon them. It is all very well to say it is on the lines of the English enactment, but the circumstances are entirely different here.

The HON. J. LALOR: I see nothing against passing the second reading of the Bill to-day, I believe the legislation is required, and there is nothing to be gained by adjourning the debate until Tuesday.

The HON. A. NORTON: I am not surprised at the motion for adjournment, but I believe the majority of hon. members made up their minds one way or the other. If the majority is prepared to support the general principle, then there is nothing to be gained by postponing the second reading. My own impression is that there is a disposition to pass the second reading and give fair consideration to the Bill in committee. It seems to me a pity to postpone the second reading.

The POSTMASTER-GENERAL: I should be very sorry to press any Bill upon the House without members having full opportunity of considering it, and I should much regret if this Bill were shelved. I am prepared to meet hon. gentlemen who are opposed to the second reading being carried to-day, and will agree to the postponement until Tuesday on the understanding that hon. gentlemen who are anxious for the postponement will assist in giving the subject fair consideration, and in passing the Bill through in one form or another. I am very anxious that the Bill should pass into law this year.

Question—That the debate be adjourned—put; and the House divided:—

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Resolved in the negative.

The HON. C. H. BUZACOTT: I believe from a cursory examination of the Bill when it was introduced into the other House that it is very much the same as the Bill passed by that House about a year ago. Legislation of this kind is urgently required; and though this House has always shown itself anxious to pass legislation affecting stock, cattle, and sheep, it has not shown the same alacrity in passing measures affecting workmen. I went into a factory a few days ago, and was ashamed to see a number of people employed in a place that was in such an insanitary condition. Though this Bill may be imperfect, we shall be fairly safe in passing it this year, because it can be amended next year if necessary.

The HON. A. NORTON: The difficulty I see in regard to this Bill is that it cannot be made a Bill of general application. One thing I would like to know is whether the clauses relating to the fencing of machinery and protection from fire apply to printing offices. I think an amendment of the 49th clause will be necessary. The clause relates to the proof of age of employees, and I think provision should be made for taking the evidence of a medical man as to whether he believes the employee is of the age stated or not.

The HON. P. PERKINS: There are many useful provisions in this Bill, but the definition of "factory" should be taken out and a broader definition substituted. As to inspectors, we know that when they go to work there will be nothing but police court prosecutions and perse-

cutions. It is quite right that employees should be protected from danger in connection with machinery and fire, also that there should be proper sanitary arrangements where people work, and I am in accord with the provisions relating to the protection of youths, but I object to every place where four persons happen to be at work being called a factory.

Question—That the Bill be now read a second time—put and passed; and the committal of the Bill made an order for Tuesday next.

FEDERAL COUNCIL REFERRING BILL.

SECOND READING.

The HON. A. H. BARLOW: This Bill can be disposed of in a few words. The Federal Council was created by the Imperial statute 48 and 49 Vic., chap. 60, which gives the Council legislative authority in relation to certain things, including certain matters that may be referred to it by any two colonies. The Federal Council will meet on the 26th January. The statute requires that it should meet once in every two years to preserve its existence. This Bill proposes to refer to the Federal Council certain matters mentioned in the 1st section. If another colony does not refer those matters or any of them to the Federal Council, it will have no jurisdiction to deal with them; if it does, the Federal Council will have authority to deal with them.

The HON. C. H. BUZACOTT: This is a harmless measure, because it will have no effect whatever. The Minister has not told us that any other colony has passed a Bill of this sort, and if that has not been done it is hardly likely to be done this year, because nearly all the Australian Parliaments are about to close. I notice that it is not proposed in this Bill to refer the question of defence to the Federal Council. I suppose it would be considered that to refer an important question like defence, which involves a large expenditure, to the Federal Council, would, in the present state of the Council, be undesirable; but I think it is shown clearly that some reform is necessary. The Federal Council as it stands at present is neither useful nor ornamental. The debates which took place last year show that the Council is valueless and that there must be a reform which will give it wider powers than it has at present. Before the Council can have any important influence on the affairs of Australasia it will have to be elected by the constituencies. The sending down of nominees has proved a failure, and could never prove a success. However, this is a harmless Bill, and the House cannot make any mistake in passing it, except that it will add one more to the number of statutes which appear in our Acts that is unworkable and useless. Still the introduction of this Bill shows that the Government have some lingering desire to accomplish federation.

Question put and passed; and the committal of the Bill made an Order of the Day for Tuesday next.

RABBIT BOARDS BILL.

SECOND READING.

The HON. A. H. BARLOW: I have to introduce to the notice of hon. members a more important Bill than the last one, but I shall confine myself to stating the difference between the Bill now before us and the Act as it at present stands. In the first place there is no alteration made in the constitution of the central board. As regards the district boards power is given to the Governor in Council to unite, divide, or alter the boundaries of the districts, and apportion the assets and liabilities. The voting power remains the same, but there is a provision for contiguous runs being treated as one run. Another clause directs the

Registrar-General to furnish further particulars than are given under the present statute. The elections remain the same with some slight alterations. The disqualifications of existing members are amended so as to make matters more clear. Under the new Bill the board will have the support of the owners in erecting fences, and they will also have power to collect contributions which may be collected as assessment. Clause 47 meets an objection raised by the Auditor-General. He raised an objection that the votes for rabbit netting were not applicable to certain purposes for which they were used, but were only applicable to what I may term Government fences, and that the appropriation was not complete to allow the wire-netting to be used for the purpose of making individual grants to individual holders. That defect is remedied in this Bill. The charge of the wire-netting fencing is now given to the Minister instead of to the board, and the Minister receives the interest and pays it over to the board. Clause 49 is important, and enables the owner of a holding to provide himself with netting with the approval of the Minister. Clause 54 deals with the maintenance of wire-netting in respect of which a charge is executed. If the work is not done the Minister may cause a notice to be served on the owner, and if it is not executed forthwith the Minister may cause the work to be executed and charge the cost to the owner. There is a penalty in clause 55 for a disqualified person getting on the board and clause 57 provides a penalty for leaving open gates or camping cattle in close proximity to the fence. There are also some improvements in the schedule. I think on the second reading nothing more need be said. In committee no doubt every clause will be debated by itself, but I do not think it necessary to expound every clause by itself on this occasion. I need not take up the time of the House any further, but will content myself by moving that the Bill be now read a second time.

The HON. J. T. SMITH : There is one clause alone in this Bill which should lead the House to accept it—that is with regard to fencing continuous selections. It has been a serious defect that selectors have been obliged to fence their individual blocks in such a manner as to compel them to waste money. Other important points have been mentioned by the hon. gentleman which will tend to greatly improve the present legislation. I think the Bill will be a great advantage to the community, and I have much pleasure in supporting the second reading.

Question put and passed ; and the committal of the Bill made an Order of the Day for Tuesday next.

The House adjourned at twenty-one minutes past 5 o'clock until Tuesday next.