Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 11 DECEMBER 1896

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

MEAT EXPORTATION.

REPORT OF SELECT COMMITTEE.

Mr. BELL presented the report of joint committee on the subject of meat exportation, and moved that it be printed.

Question put and passed.

MACKAY HARBOUR BOARD BILL.

SECOND READING.

The TREASURER: We have already established three harbour boards in the colony—at Bundaberg, Rockhampton, and Townsville—and this is a Bill to establish a board for the harbour of Mackay. There is some small difference of detail between this and the other Bills, but on the whole it is almost entirely a transcript of the Bills which have already received the sanction of the House. The board is to consist of nine members, eight of whom will be elected and one appointed by the Governor in Council. The borrowing powers are limited to £50,000, and we propose to endow the board at once with the land on which the wharf at Mackay stands. The wharf is at present leased at £210 a year, and this Bill will vest the land and wharf in the board. It is also provided here, as in the other Bills, that further grants of land may be made in future as improvements are required in connection with harbour works. The income that has been derived from harbour dues at the port amounts to about £3,500 a year. There was a loan raised for the construction of this harbour many years ago amounting to £104,250, which was appropriated; and £65,190 has been spent, leaving a credit balance of £39,060. This Bill does not deal with that money, which remains in the Treasury until a Bill is passed for its appropriation in the usual way. I move that the Bill be now read a second time.

Mr. GLASSEY: I do not see any objectionable features in this Bill; but it has always struck me that Mackay is not very well situated for a harbour; and while every facility should be given to enable the authorities to provide a decent harbour for that important district, I believe it will always be very expensive. With regard to the provision enabling the harbour trust to acquire land, it strikes me that if the land required for the purpose of increasing shipping facilities is very costly it will act as a handicap on shippers; and I think Parliament should make some provision whereby such land should be surrendered on fair and equitable terms. I do not know whether there is any provision by which disputes between landed proprietors and the harbour trust can be amicably adjusted.

The TREASURER: The principal Act provides for the resumption of land.

Mr. GLASSEY: I have not a single word to say against the people and district of Mackay. My only regret is that their shipping facilities are not so good as I should like to see them. Whether they will ever be able to make that port what it ought to be for such an important district I do not know. That is a matter which the harbour trust will be able to deal with much more effectively than myself. I shall assist as far as possible in placing this measure on the statute-book, notwithstanding the late period of the session at which it has been introduced, so that the harbour trust may have the opportunity of getting to work and making their harbour as good as their means and circumstances will permit.

Mr. DRAKE: I believe the people of Mackay are very anxious to have a harbour board, and I am very glad the Government have brought in this Bill, though it is somewhat late in the session. One point to which I wish to direct attention is with regard to the qualification for voters for the four elective members of the proposed board, a subject that was discussed when the Bundaberg Harbour Board Bill was before us. According to the Act at present the lowest qualification for a vote is the payment of £5 in dues, and if that high qualification is maintained the number of voters will be very small. The returns up to 31st December, 1895, of Custom dues show that those paying dues amounting to £1 and under £5 was 51; £5 and under £50, 25; £50 and under £100, 6; and over £100, 12. The result will be that, under the high qualification provided for under the 11th

clause, the total number of persons who will be entitled to vote will be 43, exercising 73 votes, whereas with the lower qualification of £1 the number would be increased to 94, exercising 124 votes. That could not be considered an excesive number, and I am informed that the reduction of the minimum qualification for a vote to the payment of £1 in dues would give great satisfaction to a number of persons in Mackay. The proposal seems to me a reasonable one, and I ask the hon, gentleman to give it consideration before the Bill goes into committee.

The HON. G. THORN: I shall not vote against the Bill, but I do not think it will do any good, because it is utterly impossible that Mackay will ever make a port. £1,000,000 spent on that port would only be money thrown away, as the parts of the river that have been cleared silt up again immediately. I would like to know from the hon. members for Mackay whether an excellent port for the district does not exist just a little to the north of Mackay? I believe such a port does exist, and it would be better to give that attention and construct a little tramline from Mackay to that place than to go to the expense of trying to make a port of a place that can never be made a port.

Mr. CHATAWAY: The hon. member's information with respect to suitable ports for the Mackay district does not bear on the question. This Bill, unfortunately, does not make a port of Mackay, but it is asked for because the people of Mackay have a sum of money collected by themselves and amounting to £11,000 or £12,000, which is at present being spent by a non-elective body. It is highly desirable that this money, if it is to be spent, should be spent by a board elected by the people, and it is for this reason that the Bill is brought on even at this late period of the session.

Mr. STEWART: There is one very vicious feature in this Bill which is common to all the Harbour Board Bills that have been introduced, and that is the constituency which elects the members of the boards. The four elective members are to be elected by the payers of dues, but I fail to see what special right they have to be represented on the board, when it is really the people living in the locality who pay the dues. Take the case of the Rockhampton Harbour Board, for instance: The majority of the persons on the voters' lists there are merely agents who collect the dues from the public and pay them into the Harbour Board. Why those men should have votes, except as ordinary ratepayers, is more than I can understand. It would be just as reasonable to give a special vote for the election of members of Parliament to tradesmen who collect the duties on tea from the public. This system has been found in Rockhampton to work very much to the prejudice of the people of the district, because the result is that the vast majority of the electors of the district are disfranchised, and the control of the harbour is vested in the hands of a few. The fairest basis upon which it could be put is to make the constituency for a harbour board the same as for Parliament, because every man in the colony directly or indirectly pays these harbour dues; and on the principle that there should be no taxation without representation, I claim that the method proposed for the election of members of the harbour boards should be altered.

Mr. CURTIS: I think the hon. member has lost sight of the fact that the ratepayers of the municipality have a certain amount of voting power. In the case of Rockhampton the complaint is that they are not represented by a sufficient number of members on the board. The difficulty is that persons outside the municipality elect a larger proportion of the members than they are strictly entitled to. Payers of dues in Rockhampton are of course owners or tenants of property in the municipality; and if the ratepayers were permitted to elect a sufficient number of members to represent them on the board, I think that would meet the case.

The HON. J. R. DICKSON: It is to be hoped that the administration of the port of Mackay under the new *régime* will be more successful than the management has been hitherto, even with the aid of the engineering ability provided by the Government. I see no reason why this Bill should be objected to. At the same time, although the borrowing powers of the board are not very large, yet the Government would do well to exercise vigilance in seeing that what amount is borrowed is spent upon plans of approved engineering and nautical authorities. There is no more deceptive port on our coast in regard to enlarged and permanent harbour improvements than the Pioneer River. From the reports of Sir John Coode and others, even £50,000 would go a very small way towards making the Pioneer River a good tidal port for shipping. I do not speak in this manner with the view of deprecating the action of the people of Mackay in asking for a harbour board, but if application is made for a loan I think it would be wise for the Central Government to see that the money applied for is expended upon such lines as competent engineering authorities consider likely to be successful. But I rose chiefly to ask whether the board is to receive some preliminary endowment in the shape of any plant to keep the channel clear and proceed immediately with operations. No doubt it would be a benefit to them to receive some of the surplus plant the Government may possess, and it would encourage them to maintain the channel of the river clear before they go into any large expenditure. I shall support the Bill.

The TREASURER, in reply: With regard to the hon. member's question, there is no plant belonging to the harbour at Mackay. I did make an offer to them of one small suction dredge, but they did not consider it was good enough, and would not accept it. If, however, they require further assistance I have no doubt that Parliament will provide it, if it is necessary. What I am doing for them in the meantime is getting them the very best advice obtainable. An expert —Mr. Napier Bell—has been employed, who is at present doing work for the Government of Western Australia, and who has been working for some time for the Government of New Zealand in connection with harbour engineering. I have secured his services, and he will shortly examine the port of Mackay, go fully into all the various schemes which have already been proposed, give his opinion as to the practicability of any one of them, and recommend which one he considers worthy of entertaining. The harbour has an income of about £3,500 a year, and we must trust the board to spend it to the best advantage. I have no great opinion as to the practicability of making a good harbour at Mackay, but a good deal might be done to improve the navigation of the port. They may establish a branch port at Flat-top or somewhere or other, and provide communication between it and Mackay. The matter is carried on at present by a board of advice who are simply the nominees of the Treasurer, and so far that system of working the harbour is not satisfactory. I expect that better results will accrue from the appointment of a harbour board, more especially as I find that the people desire to have a harbour board.

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

RAILWAYS ACT AMENDMENT BILL.

COMMITTEE.

Clauses 1 to 5, inclusive, put and passed.

On clause 6—"Appointment of Commissioner"—

Mr. GLASSEY said it was desirable to make the clause a little more complete. The clause dealt with the appointment of a Commissioner, and made his tenure of office three years. He wished to add after "three years" the words "from the date of his appointment."

The SECRETARY FOR RAILWAYS thought it would be more convenient to raise the question on clause 10, which made the date of the passing of the Act the date of appointment.

Mr. BROWNE: In the light of past events, some provision ought to be made whereby the Commissioner should be compelled to give a certain amount of notice, say, six months, if he intended to resign his office before the expiration of his full term of office, or forfeit a portion of his salary.

The SECRETARY FOR RAILWAYS would never think of retaining any officer if he was dissatisfied with his position and desired to leave. There was nothing to prevent Mr. Gray leaving at the end of twelve months if he wished to; at the same time there was no reason to fear that he would do so.

Mr. BROWNE: With a private employer a mutual agreement would be made that a certain notice should be given on either side. When Commissioner Johnston left, the country had to pay him his salary for the full term of his appointment, although it had dispensed with his services. Under the clause as it stood the Commissioner was protected, but the country had no hold of him whatever. It was all very well to say that if Mr. Gray wanted to leave he would be allowed to go; but supposing he wanted to leave in a great hurry, the country might be put to much expense and inconvenience before his successor could be appointed.

The SECRETARY FOR RAILWAYS: The term of office was three years. If Mr. Gray wished to leave before that time, it was open to the Government to insist on his fulfilling his agreement by refusing to accept the notice. At the same time, he did not advocate keeping any man who wanted to get away.

Mr. DANIELS: When it came to a Commissioner or any high-class servant, it appeared they could leave when they liked without notice, or if they proved incapable, and the country did not want to retain their services, they got paid for the full term of their agreement. Contrast that with the treatment served out to labourers. A labourer was not allowed to leave without notice. If he did, he would be put in gaol for six months for absconding from hired service. If for any reason they wanted to get rid of the Commissioner before the three years had expired, they could not do it.

The SECRETARY FOR RAILWAYS: We can.

Mr. DANIELS: By paying him his full three years' salary.

The SECRETARY FOR RAILWAYS: By a vote of Parliament.

Mr. DANIELS: They had had a vote of Parliament before, and the result was that one commissioner was transferred to another position where he was paid £1,500 a year for doing work for which the highest salary previously paid was £800 a year; and another commissioner who was sent away got full pay up to the end of his agreement. If that was all they could do by a vote of Parliament it was not enough.

Clause put and passed.

Clauses 7, 8, and 9 put and passed.

On clause 10—"Date of appointment of the Commissioner to be date of the passing of this Act"—

Mr. GLASSEY did not feel very strongly in the matter; but still he thought that the period from which this appointment should take effect should be fixed in the clause. The Bill would no doubt be passed in a few days; but Parliament did not generally sit as late as December, and it might be well to make the appointment date from, say, July, when Parliament was nearly sure to be sitting, and would be therefore in a better position to discuss the matter when a fresh arrangement had to be made.

The SECRETARY FOR RAILWAYS: It was hardly worth altering the Bill for such a small matter; but he thought Parliament would have a better opportunity of discussing any reappointment under the clause as it stood.

Mr. STEWART: If the clause were passed as it was the appointment would date from the passing of this Act, but the Commissioner had been holding office for several months already, and he would like to know at what rate he would be paid for the time which had gone past?

The SECRETARY FOR RAILWAYS: £1,500 a year.

Clause put and passed.

On clause 11—"Appointment of a deputy commissioner"—

Mr. BROWNE: This clause provided that the salary of the deputy commissioner should be such as might be decided by Parliament from time to time, and he supposed it would have appeared on the Estimates if this Bill had been passed earlier. He saw that the salary of the Traffic Manager had been raised to £1,000 a year, and would like to know whether Mr. Thallon was to be deputy commissioner and do the Traffic Manager's work as well for the salary voted?

The SECRETARY FOR RAILWAYS: Mr. Thallon would be appointed deputy commissioner, but there would be no other Traffic Manager appointed. It would simply be a change of title.

Mr. GLASSEY was at a loss to know how the railways were to get on if they did not pay the enormous salaries they did before, and the Secretary for Railways had given them no satisfactory information upon the point. If by paying these small salaries they were to sustain the loss which they were told not long ago would necessarily follow, it would be as well to face the difficulty, and if the Minister still held his old opinion that the railways could not be made to pay unless they paid these large salaries, he ought to say so, because this was the time to make provision to prevent such a disaster. He was anxious to economise, and thought there were competent men who would do the work efficiently for even less than they were asked to pay now; but notwithstanding his desire to economise, he did not want to save in one direction by losing a great deal more in another.

The SECRETARY FOR RAILWAYS: When they thought it desirable to alter their system of railway management they only followed the lead of the other colonies, South Australia, Victoria, New South Wales, and New Zealand, which managed their railways by commissioners at large salaries, and in each case engaged experts from the other side of the world. He thought the late Queensland commissioners had done good service for the colony, and that the men who were now in their positions would carry on their railways with general satisfaction. Times were improving, and they had more land under cultivation, and there were more people here who seemed to have money to spend, so that he did not anticipate any disaster

Mr. GLASSEY wished to mention one of the first actions of the Commissioners after taking office in 1889; and he believed the present head of the Government, who was then Secretary for Railways, had been largely responsible for what he was about to refer to. The Commissioners at that time made a large purchase of rails at a cost of £60,000 or £70,000, and those rails had been lying unused in the North until recently. According to information he had received from South Australia and New Zealand as to the price of steel rails last year, the difference between the price paid for those rails and the price for which they could have been purchased last year was something like £30,000 or £40,000. He had hitherto refrained from referring to the matter, but it was one of the greatest bungles he had ever heard of. Since he had come to the colony the rolling-stock had never been in such a bad condition as under the late Commissioners, and the permanent way had suffered considerably, particularly on the Central Railway, where lengths had been increased to about seven miles per gang. They were only now beginning to absorb those rails which had been lying idle in the North, and had had to be scraped and oiled once or twice to keep them from rusting in that climate. It did not speak well for the capacity of the commissioners to order rails seven or eight years ahead of their requirements. Of course the Secretary for Railways might say that the rails had not been used on account of the sudden stoppage in railway construction, but it showed a want of foresight on the part of the Minister at the time that he had not been able to look a little ahead. An ordinary business man would have known that it was unwise to order in that way.

The SECRETARY FOR RAILWAYS: The Commissioner was not responsible for the purchase of material outside the colony. The principal Act provided that all material purchased outside the colony had to receive the sanction of the Governor in Council. At the time the hon. member referred to a number of lines were projected, surveys were going on, and Parliament had sanctioned the construction of railways; but the Government of the day had been turned out of office on their proposal to introduce a property tax as a means of raising additional revenue. The new Ministry had thought it advisable to alter the policy of the country with reference to public works, with the result that the expenditure on account of public works was reduced from about £2,000,000 in one year to £200,000 or £300,000 the following year. He thought it was a mistake to stop public works so suddenly, but still it had been done, and the rails which had been ordered by the previous Government were not used. The Ministry which had ordered the rails was not responsible for the change of policy, and had they remained in office those rails would all have been used long ago.

The HON. G. THORN said that not only had railways been projected but Parliament had approved of the plans of such railways as the Bundaberg-Gladstone line—for which the rails mentioned had been purchased—the *via recta*, and the Drayton deviation, and the Government had been authorised to raise money for the construction of the lines. He did not remember the price which had been paid for the rails, but he knew that the country had made a good bargain. A prudent Government would no more think of putting off buying railway material until it was required than they would of delaying floating a loan until they wanted to use the money. He did not blame the then Secretary for Railways for buying the rails. At the same time he wanted to know what the discussion had to do with clause 11.

The CHAIRMAN: I would remind hon. members that this discussion is entirely out of order on this clause.

Mr. BELL certainly thought that the hon. member for Bundaberg had found a weak joint in the Government armour when he pointed to the incongruity existing between the salary now proposed to be paid to the Commissioner and the amount paid to the late Commissioner. He remembered speaking strongly against the enormous salary it was proposed last year to pay the late Commissioner, and he was glad to think the Government had recognised the necessity of being more moderate. The time was not far distant when the era of enormous salaries for permanent officials would be a thing of the past. He expected that even New South Wales, where perhaps there was more justification for paying the commissioners highly, would not always adhere to abnormally high remuneration. He was glad to think that this colony was pioneering the way towards a reasonable rate of remuneration.

Mr. MACDONALD-PATERSON said South Australia had pioneered the way towards smaller salaries with great advantage. He regretted to hear the Minister say that they had had to follow the lead in high salaries set by the other colonies. That follow-my-leader business had been very detrimental to all the colonies, and it was the less excusable in this colony because they were the last to come in, and they had the experience of the other colonies to guide them. He thought the present arrangement was a very wise one. Mr. Gray had undoubted capacity, and no man could have had the advantage of associating with the late Commissioner, Mr. Commissioner Johnston, and the Chief Engineer without absorbing a large amount of technical knowledge which would fit him for the position of railway manager. Mr. Thallon was a gentleman of very great experience. He had left this colony, and was absorbed by New South Wales, but after he had been away for a few years the colony was glad to make a fresh proposal to him by which he returned here to a better position. He and Mr. Gray certainly deserved a reasonable trial for a few years and he believed there were not half a dozen dissentients in that House to the policy proposed by the Government of putting those two gentlemen in charge of the railways. He felt sure they were the right men in the right place.

Clause put and passed.

Clause 12 put and passed.

On clause 13—"Deputy commissioner may act as commissioner"—

Mr. DANIELS believed the present Commissioner would try to give satisfaction, but they had to think of certain events which might happen. The late Commissioner, although receiving £3,000 a year, found time to go away to Victoria to try and get another billet. He went twice to his knowledge.

The SECRETARY FOR RAILWAYS and Mr. MCMASTER: Only once.

Mr. DANIELS: He went twice, and was away for three weeks and five weeks trying to get a billet.

Mr. MCMASTER: He never went after the billet.

Mr. DANIELS: He did.

The CHAIRMAN: Under this Bill provision is made for another commissioner. I do not see what this has to do with the old commissioner.

Mr. DANIELS: It had a lot to do with him. If the Commissioner liked to go away on his own business or for pleasure he should not receive pay for the time he was away any more than a working man.

Mr. McDONALD asked whether the deputy commissioner was under the 1863 Act, and whether the increase in his salary would affect his pension?

The SECRETARY FOR RAILWAYS: The deputy commissioner would get no pension at all. He only knew of the late commissioner going once to Melbourne. That was after he had taken the appointment and before his time had expired. Mr. Mathieson went with his permission.

Mr. DANIELS: When in Sydney two years ago he was informed on very good authority that Mr. Mathieson had been in Melbourne trying to get the billet of Railway Commissioner; and there was a gentleman high in the railway service of New South Wales—not Mr. Eddy—also trying to get that billet.

Mr. McMASTER: It would not be fair to let a statement like that go unchallenged, because it was well known that the Victorian Government first approached Mr. Mathieson.

Clause put and passed.

On clause 14—"Monthly conference of Commissioner, deputy commissioner, and heads of branches"—

Mr. BROWNE: It was rather a good idea that these gentlemen should meet in conference every month, but the matter seemed to be left very open after all. It said that "the proceedings shall be conducted in such manner as to the Commissioner shall seem most convenient for the speedy and effectual despatch of business. Minutes of the proceedings thereat shall be kept in such manner and form as the Commissioner may direct." At the inquiry held in 1894 into the dispute between Mr. Johnston and the other commissioners, exception was taken as to the manner in which the so-called minutes had been kept. Documents containing suggestions were initialled at various times by the gentlemen to whom they were presented for consideration; and so-called minutes were entered into a book without any meeting having been held at all. It seemed to him that the same thing might happen under this clause.

The SECRETARY FOR RAILWAYS: They were now working under a new system. These meetings were now held regularly and the minutes were forwarded to him.

The HON. G. THORN saw no necessity for the clause, because it was an understood thing that these officials should meet in conference.

Clause put and passed.

Clause 15 put and negatived.

The SECRETARY FOR RAILWAYS moved a new clause, to be substituted for clause 15, providing that before any survey was entered upon for the purpose of railway construction the Commissioner should prepare a statement setting forth the route, estimated cost, including land resumptions, additional rolling-stock required, probable working expenses, probable revenue, and any other special advantages, together with his opinion, and his reasons therefor, as to the desirableness or otherwise of undertaking the work by the proposed route or any other route.

The HON. G. THORN did not think the new clause an improvement upon the one in the Bill, and if it was carried there would be no chance of getting any more agricultural lines passed. How was the Commissioner to decide the probable revenue, immediate and prospective, of a proposed line? A line that was unremunerative to-day might be remunerative to-morrow, and *vice versâ*. Mr. Gray could manage railways with anyone, but those things should not be left to the Commissioner but to a board of works consisting of members of that House, who should be appointed to decide what railways should be constructed. He thought subsection 6 ought to be left out There were some branch lines set down in the Commissioner's reports as non-paying lines, and he questioned that very much, as he knew they did pay. Though some might not pay much directly, they paid indirectly as feeders to the main lines, and they did not get the credit they ought to get.

The SECRETARY FOR RAILWAYS: The hon. member was not justified in saying they would have no more farming lines. He hoped they would have very many more. The House had been informed some time ago that Mr. Stanley had been sent to Europe and America to find out some cheaper means of constructing such lines, as they could not go on constructing lines to farming centres unless they could be constructed more cheaply than they had been in the past. He believed they could build such lines for one-third or one-fourth of the present cost. The big trouble now was that the enormous amount of money put into a few miles of railway made it almost impossible for any traffic on it to pay.

Mr. BROWNE believed that to be a very good clause, but from the wording of it he did not see how it was going to be carried out. How were the particulars set forth to be given before any survey was entered upon as provided by the clause?

The SECRETARY FOR RAILWAYS: They had lately adopted a system of getting reports from surveyors before they surveyed a line at all. At one time immediately a line was projected it was surveyed, and then a claim was made for its immediate construction. They now made a lot of inquiries and got all the information suggested, approximately of course, before they commenced a survey at all.

Mr. BELL: Did the hon. gentleman propose that that clause should apply to surveys asked for by local authorities contemplating the construction of a guarantee line?

The SECRETARY FOR RAILWAYS: The Bill provided that if a local authority guaranteed the cost of a survey they could make any survey they liked.

Mr. BELL: And the Commissioner then made a report upon the line, which was sent to the Minister?

The SECRETARY FOR RAILWAYS: Yes.

Mr. BELL thought there ought to be something else in the clause. Possibly his remarks would be more in order upon an amendment of the Railways Guarantee Act, but the great obstacle to the construction of guarantee lines was the fact that it was not known how much credit was going to be given to the guarantee line for the traffic which it brought to the main line. Under the circumstances he thought the Commissioner in his report should state the amount of credit which would be given in the departmental books to the branch line. If the credit given to such lines was to be estimated merely upon a mileage basis, they would have very few guarantee lines built at all, as the risk would appear too great.

The SECRETARY FOR RAILWAYS: The Railways Guarantee Act provided for that; before arrangements were made with the Commissioner the guarantors could ascertain what proportion of the through freight would be allowed to the branch line.

The HON. G. THORN still held that, whether intended or not, the subsection to which he had referred would be used as a pretext for shelving branch lines in populous centres, as there would always be considerable dissension in such places with regard to the route of a proposed railway.

Mr. GLASSEY: If he thought that the Government would shield themselves behind the provision the hon. member referred to in order to prevent the construction of lines in farming districts, he should make a strong stand against

it, but he did not believe that. If the agricultural industry was to prosper, facilities must be given to farmers to get their produce to market; but in recommending the building of railways the Commissioner should be guided by the probable revenue to be derived from a line, and the other considerations specified in the clause. It was owing to the want of such information that blunders had been committed in the past in the construction of railways. When lines were constructed in the past they were told that the country to be traversed was good, that it contained large timber, etc., and that settlement would follow the building of a railway. That was so with the Bowen line, which in 1892 yielded a revenue of £120 which cost £5,000 to earn. The revenue from that railway might be a little more now, but he only mentioned the matter by way of illustration.

Mr. SMITH: The Bowen line, to which the hon. member had referred, would be well served by a report from the Commissioner and his experts. He was very happy to say that, with only a very small development of the trade with the Western country, the earnings of that railway were improving, and that improvement was only just the dawn of what they would see when the completion of the railway was a matter of fact. The revenue from the line, although it extended for only a few miles, was £600 for one month.

The CHAIRMAN: I would draw the attention of the hon. member to the fact that he cannot discuss constructed lines on this clause.

Mr. SMITH would content himself with saying that he did not think there would be a better paying line in the colony than the Bowen Railway.

The HON. G. THORN did not object to the subsection, but to any railway commissioner telling Parliament what lines were likely to pay and what lines were not. The experts of the House, sitting as a select committee, could determine that question far better than any Commissioner or deputy commissioner.

New clause put and passed.

Clause 16 negatived.

The SECRETARY FOR RAILWAYS moved the insertion of a new clause providing that before the plans of any proposed railway are laid before Parliament the Commissioner shall transmit to the Minister a statement showing the estimated value of private lands required to be resumed, the estimated cost of the line when completed, rolling-stock required, working expenses, probable revenue, and other special advantages likely to accrue to the Railway Department from the construction of the line.

Mr. HARDACRE wished to emphasise the suggestion of the hon. member for Fassifern about submitting plans of proposed railways to a committee of Parliament. That system had been adopted in New South Wales with excellent results.

The SECRETARY FOR RAILWAYS: It was always competent for the House, when a proposed line was submitted, to refer it to a select committee for inquiry and report. That was done on several occasions last year, and much valuable information was elicited.

New clause put and passed.

Clauses 17 to 23, inclusive, put and passed.

On clause 24—"Commissioner may take an easement over lands for railway purposes"—

Mr. HARDACRE did not understand from the clause whether the Commissioner could compel an easement, and whether the matter would have to be submitted to arbitration. He agreed with the principle, but thought it should go a great deal further. There ought to be some estimate of the increased value given by the railway to lands in the vicinity, similar to that provided by the Railways Guarantee Act, so that if necessary, a rate might be levied on properties in the benefited area to relieve the country of the cost of the working of the line. The betterment principle had been before the New Zealand Parliament; he was not sure that it had been adopted, but certainly the principle ought to be introduced into our railway legislation. There ought to be a power, as had been suggested in Victoria, to compel such landowners to contribute something towards the construction and working expenses of the railway which benefited them so materially.

The SECRETARY FOR RAILWAYS: The object of the clause was to clear up a doubt which previously existed. He would like to hand over some of the railways, such as that represented by the hon. member for Bowen, to the local authorities.

Mr. HARDACRE: I dare say you would.

The SECRETARY FOR RAILWAYS: They would be much more likely to make them pay than the Government. He did not think they could do anything at the present time, but the country could not go on making contributions to keep lines going that would not pay working expenses.

Clause put and passed.

Clauses 25 and 26 put and passed.

On clause 27—"Mining under railways, etc."—

The HON. G. THORN: This was a very important clause, and he was surprised that the mining members had not called attention to it. He believed the law in the old country was that when a coal proprietor wished to mine under a railway he had to put up brick archways.

Mr. GLASSEY: That is not the law.

The HON. G. THORN: It ought to be. If mining were to be carried on under railways some day or other there would be an accident. It was also a question whether fifty feet was sufficient distance from a line to allow mining, because he had seen land falling in at greater distances than that. As it was possible that there might be very valuable minerals within that distance of a railway the clause ought simply to provide that the line should be protected by brick or stone arches. At Charters Towers they were mining very close to the line, and he was afraid that accidents would happen.

Mr. CALLAN thought the clause was too stringent. It provided that no owner, lessee, or occupier of mines lying under or near a railway line should make any excavation within fifty feet in a horizontal direction or sixty feet in a vertical direction, but he thought the Secretary for Railways would agree that those distances were altogether too great. The clause also left too much in the hands of the Chief Engineer, as it provided that it was for him to decide whether the excavations might render the line unsafe.

Mr. GLASSEY did not see that there was any earthly necessity for the clause, because in the case of coal mines all that was required was that solid pillars of a certain size should be left every few yards. It was perfectly preposterous to talk about building arches of brick or stone; no such thing was known in the British Islands. He had worked in coal mines under the sea in the North of England, and had had many years of experience in the matter. Instead of using brick or stone arches for protective purposes, they conducted their mining upon scientific principles, and had found there was no danger from water or railroads or anything else. It was possible that there might be valuable minerals within the limit proposed by the clause, and the country would not be able to benefit by them simply because a Railway Bill made a stupid provision. He hoped an amendment would be introduced upon common-sense lines.

At half-past 5 o'clock,

The CHAIRMAN called upon Mr. William Stephens, the hon. member for Brisbane South, to relieve him in the chair.

Mr. STEPHENS thereupon took the chair.

The HON. G. THORN: There was a difference between coal-mining here and in the old country, where mines were over 3,000 feet in depth, whilst in Queensland the mining was comparatively near the surface. He had seen subsidences take place forty or fifty yards from where the men were working. Of course there was a difference between coal-mining and gold-mining. As a rule, coal-bearing strata were horizontal, but that was not the case with gold, and there was therefore more danger to be feared from coal-mining than from gold-mining. He hoped there would be no accidents, but it was wise to adopt precautions.

Mr. GRIMES: The provision was a rather unusual one in a Bill of that kind, and there was no provision made for compensation. The most valuable portion of some of the land in the West Moreton district was the coal below the surface, and if they prevented a man from turning the most valuable portion of his property to account at least some compensation should be given.

The SECRETARY FOR RAILWAYS: The land within the distances specified in the clause was nearly all the property of the Railway Department, but some of the land had been leased for coal-mining, and the Commissioner should have power to regulate the working of that land so that there would be no danger to the railway.

Mr. GRIMES did not see that the clause drew any distinction between leased lands and freeholds. The provision appeared unfair.

Mr. DAWSON: It would have been much better if the clause had been so worded as to empower the Engineer-in-Chief to interfere with mining operations when they were likely to make a railway unsafe, but the clause gave no option. As a general rule the surface of a coalfield was not durable, and that it did not take a very large excavation to make it dangerous for any heavy body to pass over it; but in most cases the surface of gold-mining country was absolutely indestructible when the excavation was a few feet beneath the surface. The Secretary for Railways might have had coal country in his mind, but the clause would affect gold-bearing country as well.

Mr. CALLAN: Fifty feet on either side of the line meant a total width of over one and a-half chains. What the hon. member for Fassifern had said referred to coal-mining, but to prevent men from going within fifty feet of a railway line in rich gold-bearing country was perfectly absurd. He trusted the hon. gentleman would see that some alteration in the clause was absolutely necessary.

Mr. BROWNE: The clause would be operative largely on Croydon, where the railway ran along the main line of reef. Not only fifty feet on each side of the line would be involved. Many of the reefs there ran more or less flat, and in some cases, in order to get fifty feet in a vertical direction, they would have to go 150 feet along the ground. That meant that the persons owning those mines would not be able to touch anything within 150 feet of the line. In one case that he knew of it would practically mean locking up not a chain and a-half of country, but three or four chains. The clause referred to all land used for railway purposes, and as there was a large railway reserve right in the centre of Croydon, he supposed that would be reckoned as railway land. Some alteration should be made in the clause.

The SECRETARY FOR RAILWAYS thought he could meet the views of the mining members by omitting all the words in the clause from "and excavation" down to "which" on line 17. He would move that amendment.

Amendment agreed to.

The HON. G. THORN thought that would be a great improvement on the clause, but he desired to point out that there was a great difference between fifty feet distance from a railway line in slate country and fifty feet in granite country. Subsidences frequently took place in slate country.

Clause, as amended, put and passed.

Clauses 29 and 30 put and passed.

On clause 31—"Commissioner may appoint examiners"—

Mr. GLASSEY: On the Public Service Bill he had pointed out how the regulations of the Railway Department operated adversely to those desirous of entering the service. The regulations provided that boys should be admitted within the limits of certain ages, and in some cases the candidates who passed were more numerous than the vacancies. The way in which the department worked the examinations made it possible for a fresh examination to be held before the old list of candidates who had passed had been exhausted. He knew of several cases of considerable hardship. One youth who had passed at the age of sixteen had not obtained admission to the service although he had waited for three years, and he was now over the prescribed limit of eighteen years.

Mr. NEWELL: Is there no other work in the colony besides the Railway Service?

Mr. GLASSEY: If the hon. member lived in the South he would know that it was a very difficult problem how to find work for boys who were growing up. He trusted that in framing regulations under this Bill regard would be had to the difficulty he had mentioned.

The SECRETARY FOR RAILWAYS: Mistakes had been made in years past in examining many more candidates than were required; but the system now followed was to make an estimate of the number likely to be required, and put on the list the names of the candidates who obtained most marks. There might be fifteen, twenty, or twenty-five put on the list according to the number likely to be required; but he did not think other boys coming on should be kept out until all those on the list had received appointments. He was very glad to be able to state that boys were very much in demand at present in the different offices in town.

The HON. G. THORN thought that those who passed the examination but did not receive appointments in any year should go up for examination again instead of being allowed to stand in the way of younger and better boys coming on. In the month of January this year there was an examination for admission into the Railway Department, and the two boys who passed with the highest number of marks had not been taken on yet. The second boy was getting £2 10s. a week at the meat works. There was a great deal of discontent in connection with these examinations and appointments.

The ATTORNEY-GENERAL: What the hon. member for Bundaberg suggested might appear to be reasonable at the first blush; but nearly all examining bodies all over the world made it a rule that candidates, like racehorses, must run in their own year, and take the chances of that year. It was unfair that a more brilliant boy coming on should be deprived of a chance of getting employment because a lot of those who passed in a previous year had not been appointed; at the same time, he did not believe in holding examinations unless there was a reasonable prospect of finding employment for the successful candidates.

Clause put and passed.

The remaining clauses and the schedule were passed without discussion.

The House resumed; the ACTING CHAIRMAN reported the Bill with amendments, and the third reading was made an order for Monday next.

DEFENCE ACT AMENDMENT BILL.

COMMITTEE.

Clause 1 to 3 put and passed.

On clause 4—"Repeal of section 46 of principal Act"—

Mr. McDONNELL asked if the volunteers were included in the "Active Force" as referred to in the clause?

The PREMIER: So far as he was aware the volunteers were not compelled to go to camp and were not paid like the ordinary men of the Defence Force; but they were always welcome in camp, and the Commandant and all concerned were most anxious to see them there. So far as he knew it did not follow from that clause that there would be any compulsion upon them to go.

Mr. McDONNELL asked the question because there was some doubt on the point amongst the volunteers. Regulation 261 provided that volunteer corps should be called out for active military service in the same way as the corps of the Defence Force, and when they were so called out they should be, for the time being, entitled to the same pay and subject to the same laws as the active Land Force. Subsection 2 of the clause said that the Governor might order the active force, or any corps thereof, to assemble in camp, fort, or other place, and when that was done it provided that the force should be considered to be on active service during the whole period for which they were called out, and all ranks should receive rations and shelter in addition to their prescribed pay. It appeared from the regulations that volunteers were to receive pay while in camp, and he called attention to the matter because numbers of them could not go to camp, though they were anxious to do so, because, owing to their occupation, they could not afford the loss of time, and the number of cases in which employers allowed their men their wages while in camp was very few. According to his reading of the clause, it would appear that the volunteers would receive pay the same as the men of the Defence Force while in camp. If that were so it would be a great encouragement to a number of volunteers. The matter was one which should be distinctly cleared up.

The PREMIER: His own opinion was that the regulation the hon. member referred to dealt with a case in which the volunteers would be called out for actual warfare. In that case they would, of course, be entitled to the same pay as any other men received. The radical distinction, as he understood it, between the volunteers and the ordinary militia was that the militia received pay, and the volunteers surrendered any claim they might have to pay, though they got some privileges provided for them. One of the peculiarities of a Volunteer Force was that they did not demand pay; but so far as he was concerned, he thought it would be much better to have the whole of their forces amalgamated into one. He sympathised with the volunteers as men who, though they were not so much restricted so far as drill and other things were concerned as the regular force, yet came forward and did good service for the country, and they ought to be encouraged in every way. If they had any claim for pay while in camp or otherwise they should represent it to him, and he would look into the matter; but he had heard no complaints on the subject.

Mr. FITZGERALD was glad to hear the hon. gentleman express his sympathy with the Volunteer Force. The great difficulty in connection with volunteers going into camp was that as they were generally working men they could not afford to lose a couple of days' pay, and run the risk of losing their billets. A volunteer who was efficient received a grant of £2 10s. a year, and if he was extra efficient—that was, attended a certain number of drills and four days in camp—he got an additional £1, which made £3 10s. The whole of that sum was paid to the corps, and went towards the uniform and general expenses. If a man who was extra efficient were allowed the money paid for extra efficiency, which was only 5s. a day, and hardly sufficient to cover the expenses he incurred in attending camp, that would be some recompense for his loss, and the result would be that there would be a good attendance at the camp. The one objection to the adoption of that suggestion was that the £1 for extra efficiency would be no longer available to the corps for uniform and general expenses, but he understood that though in the old days officers of volunteer corps had great trouble and worry in raising enough money for that purpose, a better system now prevailed, and uniforms could be obtained at a much cheaper rate. Officers and non-commissioned officers of the Volunteer Force were subject to the Defence Act the same as officers of the Defence Force, but while provision was made in that clause for defraying the cost of uniforms for Defence Force officers, no such provision was made in regard to volunteer officers, who would have to pay for their own uniforms. If they did not, and the money had to come out of the capitation grant, it would mean that half a dozen or ten members of the company of which a man was captain or lieutenant would have to make provision for the payment for his uniform, as it cost about £20. He hoped that provision would be made for those officers as well as for Defence Force officers. He trusted also that the hon. gentleman would favourably consider the suggestion he had made with regard to volunteers attending camp, so that they would not be called upon to spend money out of their own pockets to meet expenses; but that was a matter more for the regulations than for legislation.

The PREMIER: The relations between the present Commandant and the volunteers were, he was happy to say, of the most cordial nature. He (the Premier) took a very great interest in the Volunteer Force, and as the hon. member said the matter he referred to was purely one of regulation, and was not connected with the Bill, he should take the first opportunity he had of bringing it before the Commandant.

Clause put and passed.

Clauses 5 and 6 put and passed.

The House resumed; the CHAIRMAN reported the Bill without amendment, and the third reading of the Bill was made an Order of the Day for Monday next.

NAVIGATION ACT AMENDMENT BILL.

COMMITTEE.

On clause 1—"Short title and construction"—

The HON. J. R. DICKSON asked whether the Bill was one of those which it was necessary to reserve for Her Majesty's assent before it could be placed on the statute-book of the colony.

The TREASURER was not aware that it was. The Bill was not an alteration of the navigation laws, but an attempt to make the navigation laws of the colony conform in certain respects with the Imperial Navigation Act of 1894.

Clause 2 put and passed.

The TREASURER: He had made a note of what the hon. member for South Brisbane, Mr. Turley, said last night with regard to section 46 of the principal Act. He thought the hon.

member was right, and that it would be necessary to make that section agree with the clause just passed. He therefore moved the insertion of the following new clause :—

In section forty-six of the principal Act the word "twelve" shall be substituted for the word "six."

Question put and passed.

On clause 3—"Repeal of section 7 of the principal Act"—

The HON. J. R. DICKSON said he was sorry to see that the charges for surveys were being considerably increased.

The TREASURER : That is not so.

The HON. J. R. DICKSON : It was at any rate the case with regard to vessels under 100 tons, the charge having been increased from £2 to £3 per annum. He deeply regretted to see anything done that would load vessels coming to Queensland with additional charges; in fact, that no effort had been made during the session to relieve shipping from some of those charges which had latterly been a common source of complaint. He was aware that nothing in that direction could be done at this late period of the session, but he was jealous of any additional charges being imposed, especially in view of the freedom from charges which had been made a prominent feature with regard to vessels at the great ports of Sydney and Melbourne. He hoped that next session the Treasurer would lay before them some measure which would relieve the mercantile shipping to a considerable extent.

The TREASURER : He hoped to lay a comprehensive measure before Parliament next year. The hon. member was not present when he explained to the House that £613 a year was paid for surveying vessels, and the small increase in the fees from one or two classes of vessels would not make much difference in the receipts. In Brisbane there were two officers on the surveying staff who received salaries which were voted by Parliament, but in the other ports where the payments were by fees, the fees received did not cover by a long way the fees paid to the surveyors.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6 was amended to make the minimum size of vessel to which the clause would apply fifty tons instead of fifteen tons, and, as amended, put and passed.

Clause 7 was passed with a consequential amendment, and the remaining clauses were put and passed.

The House resumed; the CHAIRMAN reported the Bill with amendments, and the third reading was made an Order of the Day for Monday next.

PEARL-SHELL AND BECHE-DE-MER FISHERY ACT AMENDMENT BILL.

COMMITTEE.

On clause 1—"Short title"—

Mr. McDONALD asked whether the Secretary for Mines had any evidence to bring forward in contradiction of that read the previous evening from the report of Mr. Saville-Kent. If it was true that the pearl oyster did not produce spat until after it had attained the size of six inches, then it was criminal on the part of anyone to propose that shell should be removed below that size.

The SECRETARY FOR MINES : As far as he understood, the present limit had been fixed at a meeting of shellers and traders before the Act was passed, and it had not been in operation more than one year when petitions were sent in to the Government to have the size reduced. The hon. member for Brisbane South had said that the agitation had only commenced some four or six months ago, but on 5th February, 1893, a petition had been sent in to Mr. Hennessy, the inspector of fisheries at Thursday Island, pointing out that in consequence of the restrictions as to the size of the shell the catch had decreased during the previous year by 20 per cent., although there had been additional discoveries of beds; and further pointing out that the most valuable pearls were found in the small shell, and asking that the limit be reduced to five inches, which would enable the beds to be replenished, and would provide for cultivation and the production of spawn. That petition was signed by nearly all the shellers on Thursday Island.

Mr. BROWNE : There was a strong agitation got up just after which blocked that.

The SECRETARY FOR MINES : Anyway, Mr. Hennessy had reported against any alteration. The next agitation was on 8th November, 1893, when Sir Thomas McIlwraith was in the Straits. That was about the cultivation of shell. The shellers met Sir Thomas McIlwraith, and presented three resolutions—one, that no shell should be removed from the fishing grounds known as the Old Grounds, except for cultivation purposes; the second, that the size of shell for cultivation purposes should be fixed at three inches over all—that was, that no shell below that size should be removed; and the third, that an inspector should be appointed. He thought that the firm of James Clark and Co. had only carried on the removal of shell for cultivation purposes for one year, but he could not say whether it had been successful or not. On 24th April, 1894, a deputation had waited upon the Premier, the Attorney-General, and himself. The shellers at that deputation asked that the minimum size for marketable shell should be reduced from six to five inches, and asking that the law should prohibit the raising of shell for cultivation purposes below five inches, which was equivalent to six and a-half inches over all. The Premier replied to the deputation that the request that the size of marketable shell should be reduced from six to five inches was worthy of consideration, and that he was opposed to small shell being raised for cultivation purposes unless some other form of cultivation was suggested. He was prepared to admit that it would be far better if shell could be left at the bottom of the sea till it was nine or ten inches across, but it was quite impossible to propose such a thing. Enormous shell weighing 10 and 12 lb. was sometimes to be found on the beach at low water, but all such shell had been removed from the shallow beds; and since the passing of the Act the fishing had been confined to the deep sea beds. He believed that it was the traders who were in favour of the six-inch limit, and that the shellers were opposed to that limit. The better plan would be to prevent certain beds from being worked for a time, and open new beds, doing away with the restriction. That was done over twenty years ago. The shell was discovered in 1868 or 1869, and they went on fishing until 1891. Shell in course of time became scarce and the beds exhausted, but after a time the shell came back again to the exhausted beds. During the last four years one of the biggest catches was in 1892, but he was informed that lately the catches had been very poor—hardly large enough to pay expenses. The price of shell varied a great deal; the price in 1894 and 1895 was very much lower than formerly, and the increased catch was simply owing to more boats being employed. Under ordinary circumstances shellers could hardly make both ends meet because of the restrictions. It was Mr. Kent's opinion that shell would not propagate under six inches, but he did not think sufficient was known on the subject to form a definite opinion. Mr. Kent was only two years in the colony; he certainly

made a lot of inquiry and tried several experiments at Thursday Island in the cultivation of shell, and it was a great pity that those experiments had not been carried on. It was under the consideration of the Government to get an expert who would live at Thursday Island and try and cultivate the shell. At the present time a number of experts were under the impression that the six-inch limit would not stop the destruction of the shell, and only one gentleman had consistently advocated the six-inch limit. In practice the six-inch limit was not found workable. Not one or half a dozen inspectors could prevent the destruction of the shell under the legal size. The only safe plan was to prevent the boats from fishing over certain ground for a certain time. Fortunately that was accomplished to a certain extent because for six months out of the twelve the sea was so high and the water so thick that fishing did not go on. At other times there was a very heavy growth of weeds at the bottom of the water which prevented fishing. It had been said last night that there was good shell at Cooktown. He knew that three years ago there were 120 boats fishing there, but on account of the low quality and the low price it had to be abandoned. He was told now that if the limit was reduced to five-inch shell very likely all those boats would go to work again.

Mr. McDONALD had asked the hon. gentleman a simple question, but he had gone all round it without giving an answer. No doubt there had been an agitation, but it was from the people interested. The fact was that the beds had been so depleted that shellers now demanded a lower limit, because they found the fishing not so profitable as it used to be. The hon. gentleman asserted that in any case people would open the five-inch shell, but was it not reasonable to assume that when the five-inch shell was worked out a demand would be made to be allowed to take four-inch shell, and so on down to one inch or half an inch? Either Mr. Saville-Kent was correct or incorrect, and his evidence on the six and a-half inch shell was perfectly plain. He understood that there was a firm that wanted to float a company in London; if they could get the limit reduced it would be very profitable to them, and hence the agitation. He did not know whether that was true or not, but that was his information. The Government had imported a man to give them advice, and having acted upon it by introducing legislation, they now came down within a couple of years and introduced fresh legislation in an entirely opposite direction.

The HON. J. R. DICKSON did not want to express a dogmatic opinion either one way or the other, because he had no practical knowledge of the subject; but he wished to read a telegram he recently received from men at Thursday Island, who advised him, on the 23rd of last month, as follows:—

"Strongly urge you support appointment commission inquiry working shelling before passing fresh legislation or reducing limit as best means procure successful legislation and prevent existing abuses which will be increased by reducing limit without inspectors controlling industry outside. Hurried legislation unnecessary and injurious. Government authorities here reported."

That was signed by Aplin, Brown, and Crawshaw, Limited, and H. Bowden and other well-known residents. He asked whether it would not be wiser to accept their recommendation and appoint a commission to make inquiries before proceeding with legislation?

The SECRETARY FOR MINES did not think the Government could be accused of hurried legislation in connection with this matter. He pointed out that the gentlemen who signed that telegram signed the petition he had read.

Mr. McDONALD: But that was in 1893, and the telegram was last month.

The SECRETARY FOR MINES did not see how a commission could get any better evidence than they had already; and the shellers themselves wanted the limit reduced.

Mr. McDONALD: That is no reason why they should be allowed to destroy beds of spat worth £1,000,000.

The SECRETARY FOR MINES: Perhaps the best plan would be to close the beds for a time.

Mr. McDONALD: You do not propose anything like that in the Bill.

The SECRETARY FOR MINES: One bed had been closed already. Mr. Douglas, in his last report, pointed out that the closing of certain areas had been regarded as a specific for ground that had been too closely gleaned, and said that the ground so closed would have to be closely watched. The only area that had been closed under the authority of the 13th section of the Act had been frequently violated. It was closed originally not for the purpose of preservation but because the water was too deep for safe exploration. The ground was called Calico Reef, in the vicinity of Darnley Island. Mr. Douglas said he had received a recommendation from one of the leading firms on Thursday Island that it should again be thrown open on the ground that the perils of deep-diving were now so thoroughly understood that they were not likely to be incurred; but he expressed the opinion that this assumption would scarcely be sustained by the results, and that if Calico Reef were opened it would inevitably result in the death of some inexperienced and too greedy divers. Mr. Douglas proposed to recommend, as an experiment, the closing of an area extending from Cape York to the western entrance of Endeavour Strait. There was no deep water in that area, and it was sometimes resorted to in bad weather by boats contented with small earnings. If closed for three or four years it would probably become productive again. The Government Resident also expressed the opinion that it would be a great thing to introduce the principle of self-government amongst the shellers, adding that any recommendation made by him could scarcely be expected to carry the same weight as if it emanated from the shellers themselves. This Bill was the result of recommendations made by the shellers themselves.

Mr. BROWNE: There was such a conflict of opinion that legislation should be delayed in order to see what was really wanted. Last year they heard of a number of deaths amongst the divers, and the difficulty the Government had in dealing with that. That was a matter that required attention. Then, as to the appointment of an expert, what was the use of appointing an expert after they had passed a patchwork Bill which his report might condemn, as the report of the last expert did? Whether the present legislation was good or bad they had stood the present limit for five years, and the industry was not going to die out if they had to wait for three or four months longer. It looked as if there was something behind that sudden rush that was being made at the tail end of the session.

Mr. HAMILTON: It was said that the Bill was in the interests of the large shellers; but the persons who had wired to the hon. member for Bulimba to support delay were amongst the largest shellers there. One hundred and thirty-five boat-owners, large and small men, petitioned for immediate legislation for reducing the limit to five inches, and they were supported by the residents of Thursday Island, in whom it would be suicidal to do anything that would be likely to destroy the industry. Surely those people knew their own business. They were told by

the hon. member for South Brisbane that the present agitation only started six months ago, and in order to prove how much truth there was in that statement he would refer to a few of the petitions which had been presented on the subject. In January, 1893, a petition was forwarded from Thursday Island to Brisbane, accompanied by a letter to the Treasurer, stating that the signatories had at heart the welfare of the industry, without which that thickly populated island would be little more than a signal and pilot station. Those persons held that if the limit was not reduced the industry would be destroyed. The petition mentioned that the existing regulations reduced the market value of the shell considerably, and that the most valuable pearls were found in shells under the six-inch measurement. It further stated that the reduction of the limit would not unduly interfere with the replenishing of the beds or the throwing of spat. Nearly every man on the ground signed that petition. In November, 1893, Sir T. McIlwraith visited the place and a deputation of shellers interviewed him, and objection was taken to the fact that no limit was put upon the size of shell that could be taken for cultivation purposes. Clarke and Co. and the large syndicates spoken of could rake up three-inch and two-inch shell and put it in their beds, but the shellers could only take six-inch shell.

Mr. TURLEY: There is nothing in this Bill that touches that.

Mr. HAMILTON: The Bill did touch it. If the Bill did not pass, James Clarke and Co. could remove shell of any size to their beds, and the Bill placed large and small shellers on an equality by providing that no person should take shell under five inches. He had the experience of practical men in the Straits, and they told him that when they used to find a five-inch shell they left it, but when they found that the cultivators were robbing the public beds they opened those shells for pearls, as they knew that if they left them until the next year to grow to six-inch shell Clarke and Co. would come along in the meantime and remove them to their beds. When Sir Hugh Nelson visited Thursday Island in 1894, a petition was presented to him in which it was urged that the minimum size fixed by law for marketable shell should be reduced from six inches to five inches, that the raising of any shell below five inches for cultivation or other purposes should be prohibited, and that an over-all measurement should be adopted. Subsequently that petition was forwarded to Brisbane by Mr. Hodel, the editor of the *Torres Straits Pilot*, with a cutting from his own paper to the effect that the views expressed by Mr. Saville-Kent on that subject were not founded on long-established data, but on an investigation carried on privately by himself, and that there was sufficient possibility of his being wrong in some of his conclusions to warrant caution. The same article stated that it must strike the single-boat sheller that no legislation could have been passed better calculated than the present law to push him entirely out of the business. Every small white sheller who had given his opinion had, with the exception of two, advocated the five-inch limit. An hon. member had said that there was a large company being formed by Mr. Clarke at home, and that the Bill was being passed for the benefit of that company. He had spoken to one of the partners of Clarke and Co. the previous night, and that gentleman informed him that there was not an atom of truth in the statement that such a company was being formed. A good deal had been said about having an expert and a commission appointed before legislating on the matter, but hon. members knew very well that the present measure contained practically only one clause. The Bill that was previously proposed to be passed contained seventy or eighty clauses, but it was found practically impossible to put that measure through this session, and it was then considered desirable to enact that provision which was so much desired by pearl-shellers. There would be no harm in getting information on other matters on which it was not now proposed to legislate. It had been said that the opinions of the shellers should not be taken, because they were interested. In reply to that he would remind hon. members that the opinion of the residents, who had made Thursday Island their own, and who were not likely to cut their own throats merely to temporarily benefit the shellers, was that, if the industry was allowed to be injured as it was being injured by the present law, Thursday Island would in a short time be reduced to nothing more than a signal and pilot station. In Cooktown the feeling was also unanimous on the subject.

Mr. DAWSON was astonished at the state of affairs which the hon. member for Cook said existed at Thursday Island. If he correctly understood the hon. member, there was not one of the pearl-shellers who observed the present law, but that one and all, large and small, wealthy and poor, black, white, and yellow, were absolutely lawless, and that their lawless proceedings had been going on for some time without the Government having taken any steps to stop them. When there was a great outcry that a number of lawless men were destroying property in the bush, energetic action was taken at once; but when lawless men roamed the seas, and scandalously destroyed Government property, no action was taken. It was high time that those responsible for that lawless conduct were brought to justice. As the hon. member for Croydon interjected, when the matter was reported to the Government by the inspector he got snubbed for his pains. It was evident that no energetic action had been taken to enforce the law and protect the interests of the country. With regard to the question itself hon. members were in a maze. Every day the papers were filled with contradictory letters and telegrams, and it was utterly impossible to grasp the situation. Such being the case, there was every reason for delaying legislation until accurate and decisive information was obtained.

Mr. HAMILTON: The hon. member for Charters Towers was inconsistent. He had often said that if a law was bad it was perfectly right to break it. Under the circumstances the divers at Thursday Island were quite right in breaking the law. When a man found it was the universal custom to take five-inch shells he would be a fool if he did not go and do likewise. As to punishing people for breaking the law, who was to find them out? The only way would be to employ sharks as detectives.

Mr. BROWNE: It was amusing to hear the hon. member advocating the cause of the poor sheller, and to say that no detectives were watching him. Not so very long ago a big company, largely interested in the Bill, were caught red-handed with a vast amount of undersized shell in their possession; and it was on record that when the inspector who laid the information wired to Brisbane for instructions he was told to take no further action. On the other hand, scores of poor shellers, for breaking the same law, had been brought up and religiously fined; there was no trouble in sheeting the charge home to them. It was no party question with him. He had had many wires from Thursday Island, where he was known both personally and as the secretary of the parliamentary Labour party, some asking him to support the Bill, and others going as strongly against it. He had in his pocket letters

from officers of the department protesting against the proposed legislation. Everything counselled delay and further inquiry.

Mr. HAMILTON: What the hon. member had just said was all fireworks. They all knew the facts of the case referred to, and the facts were not as the hon. member had stated. When the inspector wrote asking for information as to whether he should take action he was informed that he should not have asked the question, but that as he had sent the details down they would be put before the Crown Law Department. That was done, and instructions were sent to the Collector of Customs to take action. Just about that time another case had occurred in which a man named S. Clark was concerned. One man was mistaken for the other, and, through an oversight on the part of the Collector of Customs, no action was taken until lately.

Mr. BROWNE: It is the same firm.

Mr. HAMILTON: It is not. They had been told that the Labour men were dead against this alteration.

Mr. BROWNE denied that he had said they were against it. What he said was that the Labour party was distinctly divided, and he had had wires from Labour men urging him to support the Bill, just as strong as from those who wished him to oppose it.

Mr. HAMILTON: Cooktown deserved some consideration, seeing that it had beds stretching from the port 200 miles north, and there were once 120 boats employed there, and, if this Bill passed, many would be employed again. The *Endeavour Beacon*, the Labour organ there, said that if Cooktown had a chamber of commerce such important matters to the town as the reduction in the limit would be attended to, but it was pleased to announce that in the absence of such a body the mayor had sent telegrams to members of Parliament requesting them to support the Bill about to be introduced. The paper also said the Labour members were opposed to the reduction; but the mayor had obtained fifty signatures to a petition in favour of the reduction, which had been sent to the Home Secretary.

Mr. TURLEY had no doubt that the editor of the Cooktown paper would be much obliged for the free advertisement the hon. member had given him, and it was surprising what weight hon. members opposite attached to the opinions of the *Endeavour Beacon* since this Bill had been before them. Only last week they were told that persons who contributed to the Melbourne *Argus* knew absolutely nothing of what they were writing about; and on another occasion when an hon. member on his side quoted from what was termed the foremost paper in Australia in support of his view, he was asked who took the opinion of that paper: it was only one man's opinion at the best, and very likely an ignorant man who knew nothing of the circumstances. This Cooktown paper had suddenly assumed great importance, and the writer of this article was acquainted with all the circumstances, and his opinion should weigh with hon. members. The hon. member also said that if the law was inconsistent with justice he would break it.

Mr. HAMILTON: I distinctly deny that I made that statement.

Mr. TURLEY said he had taken down the words at the time; but, according to the rules of Parliament, he must accept the hon. member's denial. In 1891 the then Treasurer said the present Act was based upon a report by Mr. Saville-Kent, who had been imported to supply information concerning fisheries and oyster culture, and he added that the then existing system of allowing pearl oysters to be taken by the shellers wherever they liked would ultimately lead to the total extinction of the fish. Then when the Act was in committee the then Chief Secretary said the information which had led to that particular measurement being adopted was supplied by Mr. Saville-Kent, who was perhaps the greatest living authority in the world upon the subject, and he believed the size mentioned was the minimum at which the shell should be taken. Mr. Saville-Kent stated that in his opinion, and in that of practical men with whom he had conversed, this was the correct size. How many members of the Committee had taken any interest in the question? Besides that, the opinions of those engaged in the industry were so diverse that hon. members were inundated with conflicting telegrams, letters, and newspaper articles, and those they received one day completely contradicted those they had received the day before. If there had been only a few dissentients to the Bill, there might have been something in the contention of hon. members opposite, but it was known that the people of Cooktown and Thursday Island were divided on the question, and it was only fair that the Government should make inquiries before they passed any Bill. It was absurd to pass legislation and then hold an inquiry which might necessitate further legislation on the whole question.

The PREMIER thought it a matter of regret that so much had been said about the Press. The Press had its function, which was entirely different from that of members of Parliament. They all looked to the Press as the ordinary channel of information, and if any hon. member quoted the Press, and any other member knew that the deductions of the Press were founded on insufficient data—that the figures quoted were incorrect—it was his duty to make a correction. He still maintained that on a question of figures—and arithmetic was an exact science— the *Argus* had been wrong, and the figures had been corrected. With regard to the Bill, the history of the case was very simple. It was just a matter of discrimination between the opinions of scientific and practical men. Scientific men had given their verdict in favour of allowing no shell to be exported under six inches—inside measurement. That had been the law for a considerable time, but when they came to the men who made a living from the business the case was quite different. The sole object of fixing a limit was to preserve the industry and prevent the beds from being exhausted; but it was contended by practical men that the six-inch limit had not effected the object for which it had been enacted. Over two years ago, when he visited Thursday Island with the Secretary for Mines, they were told by all the men engaged in the industry that if the size of the marketable shell was not reduced they would have to give up the business. Seeing that the scientific opinion was that shell did not arrive at maturity until it was six inches across, the Government had been very loth to make an alteration in the law. But when they found that the whole of the men practically engaged in the industry believed that the six-inch limit did not effect the object they had in view, what was the use of adhering to that particular size merely because Mr. Saville-Kent said at one time that that was the proper size? If six-inch shell was mature, and if they wished to conserve the industry still further, they might raise the limit to seven or eight inches. Practical men told them that so far as the six-inch limit conserving the industry it did the very reverse. There was always a remote chance of about one in 10,000 that five-inch shell or under might contain a pearl. The consequence was that large numbers of that size were opened, and if there was no pearl to be found the shell was thrown overboard, and was no further use. All the men engaged in the industry assured the Government that the trade

was in a very precarious condition. Since 1890 there had been a shrinkage of at least 40 per cent. in the value of shell, and if shellers were restricted to the six-inch shell they assured the Government that they would not be able to make a living. It was solely on that account that the Bill had been brought in. Although two years ago he gave the shellers no hope of having the size reduced, yet he saw now that the practical men with whom he had had many interviews were all unanimous that by reducing the limit to five inches the industry would continue to be a profitable one.

Mr. BROWNE: The hon. gentleman said because the price had gone down they should reduce the limit. The high limit was given as the cause of all the troubles, just as the misfortunes of the country were all attributed to the advent of the Labour party and the Brisbane floods. The exports for the last eleven months were 175 tons more than for the preceding eleven months, and the value was £20,000 more, in addition to which the "Banffshire" took away seventy-five tons valued at £6,600, which were not included in the returns. He was not attributing those figures to the size fixed for the shell; that was not the cause. As Mr. Douglas pointed out, the reason for falling off in other years was the muddy state of the water. This year they had had fine weather and clear water. However, those figures did not show that the industry was falling off to any great extent. He was opposing the Bill simply on account of there being such a great difference of opinion on the subject. He had only last night received a letter enclosing a copy of an interview which the *Townsville Bulletin* had with Captain Reid, who was for many years engaged in the industry, and who stated that he did not consider it advisable to reduce the limit to five inches, and that the six-inch limit was unanimously approved by the shellers some years ago. He went on further to say that in his opinion shell under five inches did not spat, and that he had carried out experiments under Mr. Kent for two years which proved that. He did not say that Captain Reid and others were correct in saying that the limit should not be reduced below five inches; but he maintained that there should be further inquiry into the matter. Even if the shellers were unanimous in wanting the limit reduced, it did not follow that the reduction would lead to beneficial results. No doubt 1,000 timber-getters could easily be got to sign a petition urging the reduction of the limit in regard to the size of trees which they might cut down; but it would be said at once that to allow a reduction would lead to the destruction of our forests. He sympathised with the shellers, and he was not fighting against them; but he wanted to see some good legislation passed for their benefit.

The SECRETARY FOR MINES pointed out that under the Bill the removal of shell under five inches would not be allowed, but without this amendment anybody could remove shell from one to five inches for cultivation. Mr. Douglas, in his last report, stated that he had requested some of those most interested to give their opinion with regard to the limit, and they almost unanimously declared against the six-inch limit, and the majority were in favour of a five-inch limit. They were also strongly of opinion that the limit should be enforced by close inspection, and that more stringent penalties should be rigorously enforced. Mr. Douglas entertained the opinion that the objections to the six-inch limit, if valid, applied with equal force to the five-inch limit, and he agreed with that opinion. He believed that no limit would prevent destruction; but it would prevent exportation, and thus the shell would be wasted. Pearl-shelling was very different from timber-getting, which could be easily looked after. He had no wish to destroy the pearl-shelling industry; he had every desire to see it prosper; and if he thought a five-inch or a six-inch limit would injure the industry, he would try and make the limit seven inches. There was a lot of money invested in the industry. The people of Thursday Island were living on the shellers, and the shellers should be first considered. Every boat of any size engaged in pearl-shelling was worth £400 or £500, and that was often a man's all. Mr. Douglas recommended the closing of the beds for a certain time, but that would require more assistants to carry out the Act than they had at present. The deep beds were closed now, but he was informed that they were fished, and that when the shellers saw the smoke of the "Albatross" they cleared out and returned as soon as the "Albatross" was gone.

The CHAIRMAN: The Minister has replied, and I now draw the attention of hon. members to the fact that many second-reading speeches have been delivered, and that we are now in committee. I ask hon. members to confine their remarks to the clause.

Mr. McDONALD wanted to know the reason why the Government were proposing to go against the decision of the scientific man who was employed to report upon the matter—that if six-inch shell was allowed to be fished, spatting would be prevented and the beds would be denuded? If that question had been answered at first, the Bill might have been through by this time.

The SECRETARY FOR MINES: He could find no evidence that Mr. Saville-Kent had ever said so.

Mr. McDONALD: Then why restrict it to five inches?

The SECRETARY FOR MINES: Because it was the wish of the shellers. He thought himself that it would be better to take away all restrictions, and to preserve the beds by closing them for a time.

Question put and passed.

Clause 2 put and passed.

On clause 3—"Minimum size of pearl-shell that may be taken"—

Mr. BROWNE would not delay the Committee further, but protested against the Bill being pressed through, because of the division of opinion upon it amongst the pearl-shellers themselves. He would not carry his protest further, as he did not want it to be thought that the opposition to the Bill was in any sense a party matter. He had letters on both sides of the question from men supporting both sides of the House.

Mr. GLASSEY hoped the Bill would be withdrawn, as the letters, telegrams, and petitions he had received during the last three years convinced him that more information was required on the subject. If the Minister was determined to press the Bill through, they could not help it; but they would not allow it to go without a vote. He preferred that a small commission should be appointed to report upon the subject next year, that they might have some guidance in their deliberations on the subject.

The SECRETARY FOR MINES could assure the Committee that if he thought they could get more information by next year he would not press the Bill.

Mr. McDONALD: But you are going to get an expert.

The SECRETARY FOR MINES: It might take the expert three or four years, or even ten years to give a report, as they wanted him to advise them upon cultivation, and men who had been in the trade for fifteen or twenty years

knew little or nothing of the habit of the pearl-shell oyster. Some members had said that there was nothing in the Bill to prevent the removal of shell under five inches for cultivation, but that was not so, as the exception of shell removed for cultivation purposes provided for in the original Act had been omitted from this Bill.

Question—That clause 3, as read, stand part of the Bill—put; and the Committee divided:—

AYES, 22.

Sir H. M. Nelson, Messrs. Philp, Dalrymple, Stephens, Grimes, Bell, McCord, Story, Finney, Fraser, Battersby, Stodart, Newell, Bridges, Cribb, Stephenson, Hamilton, Callan, McMaster, Collins, Chataway, and Corfield.

NOES, 19.

Messrs. Turley, Smith, Glassey, Dunsford, King, Sim, Dickson, Hardacre, Jackson, Drake, Fitzgerald, Dibley, McDonald, Browne, Dawson, McDonnell, Kerr, Stewart, and Cross.

Resolved in the affirmative.

Mr. BROWNE had a new clause to propose which carried out a principle that had been consistently advocated by members on that side of the Committee—a principle that was very applicable to the industry under consideration. A good deal had been said during this discussion about the number of small white men there used to be engaged pearl-shelling a few years ago, and the reduction in their number had been put down to the restriction in the size of the shell allowed to be taken. He did not think that was the cause, but that it was due to the advent of coloured labour in the industry. The clause was in consonance with a motion he had advocated in the House two or three years ago in another connection, and read as follows:—

From and after the thirty-first day of December, one thousand eight hundred and ninety-six, no licenses for boats under the Pearl-shell and Bêche-de-mer Fishery Act shall be issued to any Asiatic or African alien.

This was no new proposal. A similar provision already existed in their mining legislation, and last year the Premier of South Australia sent a communication to the Premier of Japan requesting him to warn Japanese against going to that colony to engage in the pearl-shelling industry—that if they did go they would do so at their own risk, as there was no guarantee that they would receive licenses. He would not say anything further, but would simply move the insertion of the new clause after clause 3.

The CHAIRMAN: I should like to have the opinions of hon. members as to whether the new clause is in order. At present I am of opinion that it is not relevant to the Bill, and in "May" it is laid down at page 458 that—

"Amendments are out of order that are—irrelevant to the Bill; governed by amendments already negatived; inconsistent with, or contradictory to, the Bill as agreed to by the committee."

The PREMIER: The question was a delicate one, he admitted, and one on which they had had several previous discussions. Seeing that the Bill was simply to further amend an existing Act, there was no doubt that as far as the Bill was concerned the proposed new clause was outside its scope. Everyone would admit that there was nothing in the Bill as it was introduced, and as it passed its second reading, that affected even indirectly the question now proposed. It was entirely a new subject. He had always impressed on the House that the second reading was the most important event in a Bill. If it was intended to introduce an amendment of that sort, notice ought to have been given on the second reading, so that the House might have coincided with or adopted it. That had not been done. However, he had no objection, if not much time was spent over the proposition, to take a division upon it. At the same time, he must advise the Chairman that, in his opinion, the amendment went beyond the scope of the Bill.

Mr. GLASSEY: The Bill was a Bill to amend an existing Act, and surely in doing that it was not contrary to practice to introduce such amendments as to hon. members seemed reasonable and desirable. He believed the amendment to be a necessary one, and having said so he was prepared to go to a division upon it.

The PREMIER: The hon. member did not seem to have quite comprehended what he said. The House approved of the Bill by reading it a second time; and when the second reading was carried, no intimation whatever had been given that that new subject should be introduced into it. Consequently, the House did not approve of that on the second reading. The Committee, as he had often had occasion to mention, was a mere subsidiary thing. Although the Committee and the House consisted of the same members, the Committee was quite subsidiary to the House. The House referred the Bill to the Committee for the purpose of considering it in detail, and the Committee had now considered the details which the House referred to it.

Mr. DAWSON: New clauses were inserted in the Queensland National Bank Bill.

The PREMIER: The new clauses inserted in that Bill were merely an amplification of what was passed on the second reading. No new subject was introduced. But then the present amendment was entirely outside the scope of the Bill as it passed the second reading.

The CHAIRMAN: It appears to be the wish of the Committee that I should put the clause.

New clause put.

The SECRETARY FOR MINES: Even if the clause was passed it would have no effect. Plenty of white men would be found to take out the licenses. If it was considered desirable to abolish coloured labour altogether at Thursday Island there might be some reason for the amendment, but he believed it impossible to work the business without it.

Mr. HAMILTON was also of opinion that the clause, if passed, would be inoperative. He believed there was no one more anxious than the Secretary for Mines to encourage white shellers as against black or coloured; and there were provisions in the complete measure, not yet introduced, which would be far more effective in that direction than the proposition now before the Committee. He knew that the hon. member was in earnest, but the clause would not have the effect he desired, and for that reason he could not support it.

Mr. SIM: If the abolition of coloured labour could be brought about by any vote of his, he should be only too glad to give it. That labour was prejudicial in every way to the interests of white men, and he should support the clause because it would have the effect of restricting it, and making it, at any rate, less dangerous than it was at present. Another reason why it should be restricted was that these aliens were becoming the capitalists of North Queensland and a labour bureau for the purpose of supplying labour throughout the whole of that portion of the colony. This proposed clause would certainly restrict their powers. These men were acquiring responsibilities in connection with this industry; they were acquiring large property in boats, and in various other ways; and if the industry could not be carried on without giving them undue powers it had better go.

The SECRETARY FOR PUBLIC INSTRUCTION pointed out that the clause would be inoperative if it were passed, because boats, instead of being registered in the names of aliens, would be registered in those of white people. Queensland had not jurisdiction over the greater part of the fishing grounds, and therefore there was no particular necessity for these people

taking out licenses at all, except that it was convenient for them to make Queensland their headquarters. If the Japanese sent a ship here and made a depôt of her, they need take out no licenses. They could take all the shell they chose without restriction. As Queensland could exercise no dominion over the greater part of the fishing grounds, they had better let things remain as they were, so that they might secure a little benefit from the trade.

Mr. CALLAN: No one had a stronger objection to the employment of coloured labour—especially Japanese labour—than he; but he did not think this Bill was the proper place to attempt to deal with the matter.

Mr. SIM: It was a very dangerous argument, especially for a Minister of the Crown to use—to say that any clause passed could be evaded. Laws had been passed to prevent dummying, and those laws had been evaded; but those provisions still remained in existence, and were a check upon evasions of the law. In the same way, assuming that this clause would be evaded, that was not saying that it was not just and politic. He objected to such an argument being used by the Secretary for Public Instruction. He had also been too patrictic to refer to the question of the three-mile limit, because he knew that that was a question upon which the less said in that House, especially by Ministers of the Crown, the better.

Question—That the new clause stand part of the Bill—put; and the Committee divided :—

AYES, 17.

Messrs. Dickson, Glassey, Jackson, Bridges, Browne, Turley, Drake, Dawson, McDonald, Dibley, Sim, King, Fitzgerald, Hardacre, Dunsford, Cross, and Stewart.

NOES, 25.

Sir H. M. Nelson, Messrs. Philp, Hamilton, Dalrymple, McMaster, McCord, Stephenson, Grimes, Story, Newell, Finney, Bell, Cribb, Chataway, Smith, Lord, Corfield, Battersby, Collins, Curtis, Callan, Fraser, Stodart, Stephens, and Macdonald-Paterson.

Resolved in the negative.

The House resumed; the CHAIRMAN reported the Bill without amendment, and the third reading was made an Order of the Day for Monday next.

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