

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 15 DECEMBER 1896

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LEGISLATIVE COUNCIL.

TUESDAY, 15 DECEMBER, 1896.

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

MEAT EXPORTATION.

REPORT OF SELECT COMMITTEE.

The HON. W. FORREST laid on the table the report of the joint select committee on the industry of meat exportation, and moved that it be printed.

Question put and passed.

QUEENSLAND NATIONAL BANK,
LIMITED (AGREEMENT), BILL.

SECOND READING.

The HON. A. H. BARLOW: The object of this Bill is to authorise the Treasurer to enter into an agreement or agreements with reference to any moneys due and owing, or to become due and owing, by the Queensland National Bank, Limited, to the Government, and for other purposes in connection therewith. I do not think it will be necessary for me to enter upon the history

of the Queensland National Bank, or to review in detail all the matters that have led up to the introduction of this Bill. I should like to say, however, with regard to any statement I made in 1893, and which has since been touched upon by members in another place, that I entirely adhere to the statement I then made. I do not retract one word of what I said on that occasion, and I believe the Treasurer and myself were fully justified in what we said; and we can afford to treat with a certain amount of contempt the attacks made upon us with respect to those statements. I believe that at the time those statements were made they were strictly accurate. I therefore need do no more than ask the House to consider for a few moments the scope of this Bill. The first two clauses are of a formal nature. The 3rd makes it lawful for the Treasurer to enter into any agreement or agreements on behalf of the Government whereby moneys due and owing, or to become due and owing, by the bank to the Government under the terms of the original agreement shall be repayable only at such time or times, and in such manner, and until repayment shall bear interest only at such rate or rates as are hereinafter provided. Then the 1st paragraph of clause 4 provides that any agreement entered into under the authority of the Act may provide that the repayment of any such moneys may be deferred so that the final repayment thereof shall be made not later than the first day of July, 1921. Under the agreement of 1893 the money was to be paid in twelve half-yearly instalments, the first of which has already been paid by the bank to the Government. The actual first instalment, as matters stand at present, is on the 1st January, 1900. This, therefore, is a postponement for twenty-one years and six months from the time the first instalment becomes due and payable. The 2nd paragraph provides that the Treasurer shall accept interest, at an amount calculated at a rate not less than 2½ per cent. per annum. I take it that, from the wording of that paragraph, the Treasurer may accept interest at a higher rate for a part of the money; it certainly gives him power to enter into a very elastic agreement. The 3rd paragraph provides that, in the event of a new company being formed for the acquisition and undertaking of all or any of the assets and liabilities of the bank, the Treasurer shall accept the liability of such company in satisfaction and discharge of any claims or demands against the bank. It is then provided that every such agreement shall contain such provisions as are necessary to secure, first, that the interest shall never be less than the maximum rate at which interest is for the time being paid to any other person in respect to any moneys owing to the bank on the 15th day of May, 1893; secondly, that nobody shall be paid in priority to the Treasurer; that all the repayments of moneys owing on that date shall be paid *pari passu*; and, thirdly, that so long as any moneys remain unpaid to the Treasurer the accounts of the bank shall be examined by the Auditor-General once at least in every half-year, and that for this purpose he shall have access at all reasonable times to the books and accounts of the bank, with power to examine the directors or any other officers of the bank. The 5th clause provides that the Auditor-General shall send in a report on his examination of the accounts; such report to be laid at an early period thereafter before both Houses of Parliament. It is then provided that if the Treasurer accepts the liability of any new company formed or to be formed, and new articles of association are inserted to give effect to the agreement, those articles of association shall not be rescinded or altered except by consent of the Governor in Council. It is then provided that if any

agreement is entered into under the authority of this Act sections 5, 6, and 7 of the Act of 1893 shall be read and construed as if they had been inserted in this Act. Those sections enable the Treasurer to demand information and get it within seven days, to obtain extracts from documents and records, and to inflict a penalty of £100 a day in certain contingencies. The 8th clause of the Bill saves the rights of the Crown as regards priority. The Bill is very simple; and as all hon. members are acquainted with its contents, I need do no more at present than move that the Bill be now read a second time.

The HON. F. CLEWETT: We have not been told whether this Bill is to be considered in the light of a Bill which may not be amended by this Chamber. It certainly in some respects has the complexion of a money Bill; in others it seems a Bill which we ought to be able to alter and amend if we think fit to do so. In any case, whatever agreement is entered into, time is an important element of consideration. In another place it was urged that delay in the matter would bring about undesirable results to the bank, but not a word has been said either in the other House or elsewhere as to when we may expect negotiations with the depositors and shareholders to be entered into. If the element of time is so serious a matter, some indication of that kind ought to have been given. It has occurred to me that in order to expedite the business, and to enable all the parties to meet on a common ground to consider it, it would be desirable, if practicable, that the creditors in England should send some delegate to the colony to inquire into the actual position of the bank. We, here, have every reason to believe that the investigation which has been made has been full, accurate, and pretty severe. At the same time it does not follow that the people in the old country whose interests are involved should be similarly disposed to receive it. We are acquainted with the gentlemen who made that examination, and have full confidence in their ability and integrity. Another time element in the question is the fact that the full report of the inquiry can hardly yet have got into the hands of the English creditors. Although they may have been informed of its purport by cable, they cannot be so fully informed of the details as we are, and even when they get the full report they may not understand the actual position so well as we do. That they can only do, it seems to me, by sending out a special representative to make the same investigation that we have done. Of course, if they accept the report of the committee of investigation it will be all right, but I doubt whether they will be disposed to accept it in its entirety as we have done. If, on the other hand, they were to appoint representatives to come here and investigate the affairs of the institution, they would have more confidence in the report of those representatives than in the report which has been submitted. It seems to me that one of the first things which should have occurred to the authorities of the bank was to invite the people at a distance who are interested in the institution to send representatives here to get the fullest information; and time would have been saved by taking such a course. The Treasurer takes authority by this Bill to agree to something, but he has not to take the initiative in any of these matters; so that nothing can be done until the agreement adopted by the English creditors is here to submit to the Treasurer, because the creditors here are in the minority. That being so, it seems to me that somebody must go from here to submit something to the creditors in England, or else they must send somebody here; and I think it would be better that they should send

somebody here. With regard to the management of the business, I think that if practicable there should be on the board here a representative of the colonial creditors, because it would show a disposition on the part of the bank authorities to conserve the interests of those creditors. If the creditors on the other side are to continue to hold the controlling position here and they refuse to submit anything to which the Treasurer can agree, all our work will be so much waste time. If, on the other hand, the Treasurer had been given a wider scope in regard to the agreement in the direction I have indicated, we should have had a better opportunity of arriving at definiteness and keeping up the institution in the interests of the country than appears practicable under the limitations contained in this Bill. It has been stated, and the figures bear out the assertion, that the institution does nearly half the financial business of the colony; therefore it would seem desirable that its business should not be allowed to drift away in consequence of any unnecessary delay in coming to an agreement. I have no desire to interrupt the course of the Bill through the House, and if the powers taken enable the matter to be dealt with satisfactorily, nobody will be better pleased than myself.

The HON. P. PERKINS: No doubt it was a great calamity to the country when the Queensland National Bank, which did so much to build up our local industries, closed its doors. I think the best thing that could have happened to the bank at that time would have been to wind her up, and put her on her legs in some other form. As to getting her on her legs now I think the bank has been a great deal too much talked about for that to be done. At the same time, I could name three or four banks that are in as rotten a condition as the Queensland National Bank. Her rivals in business wanted to knock her down from the time she started until the time she put up her shutters; and after all that has been said and written on the matter I do not see any chance of anybody doing business with the bank again. I may be wrong, but that is my opinion; and it is the opinion of a hundred others to whom I have spoken.

The HON. A. C. GREGORY: This Bill is not a Bill to direct the Queensland National Bank what it is to do, but one to enable the Treasurer to enter into such agreements with the shareholders and directors of that bank as may be most to the advantage of the interests he represents; and I do not think that its provisions can be improved. I do not think we can do anything better than pass the Bill as it stands, so as to facilitate matters, and enable the parties to enter into negotiations without delay.

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

STATISTICAL RETURNS BILL.

MESSAGE FROM ASSEMBLY.

The PRESIDING CHAIRMAN announced the receipt of a message intimating that the Assembly had agreed to the Council's amendments in this Bill.

BRISBANE TRAFFIC ACT AMENDMENT BILL.

MESSAGE FROM ASSEMBLY.

The PRESIDING CHAIRMAN announced the receipt of a message intimating that the Assembly had agreed to the Council's amendments in this Bill with an amendment to the amendment in clause 6, subsection 9.

Consideration of the message was made an Order of the Day for to-morrow.

GOVERNMENT LOAN BILL—RAILWAYS ACT AMENDMENT BILL—DEFENCE ACT AMENDMENT BILL—NAVIGATION ACT AMENDMENT BILL—PEARL-SHELL AND BECHE-DE-MER FISHERY ACT AMENDMENT BILL.

FIRST READING.

These Bills, received by message from the Assembly, were read a first time, and their second reading made an Order of the Day for to-morrow.

GOLD MINES DRAINAGE BILL.

COMMITTEE.

Clause 1 put and passed.

On clause 2—"Drainage works to be a first charge upon mines"—

The HON. P. PERKINS observed that provision was made "that such charge may be enforced by order of the warden's court for the sale of the mine." Why not make it a charge on the owner? A mine might be of no value, while the owner might be a very rich man.

The POSTMASTER-GENERAL said the clause was an addition to the 7th section of the principal Act, which took care that the owner of the mine, if he was in the colony, should not escape.

Clause put and passed.

On clause 3—"Repeal of section 5 of 55 Vic. No. 26"—

The HON. J. COWLISHAW asked against whom the penalties were to be enforced—against the board of directors, or the manager, or men employed in the mine?

The POSTMASTER-GENERAL: The penalties would be enforced against the individual who disobeyed the regulations; it might be a miner working in the mine, or the manager, or the owner.

The HON. P. PERKINS thought it would be better to say so in the clause so as not to leave it in a state of ambiguity, which would only provide work for the lawyers.

The HON. W. F. TAYLOR was of opinion that a fine of £100 or six months' imprisonment was rather severe. That was something new in mining legislation, and some reason for the departure ought to be given.

The POSTMASTER-GENERAL: A breach of the regulations might involve sacrifice of life; it was almost certain to involve sacrifice of property. When in 1893 the mines at Gympie were allowed to be flooded on account of disobedience of instructions given by the board hundreds of pounds were lost and hundreds of men were thrown out of employment for months.

The HON. A. C. GREGORY: There was this advantage in the ambiguous form in which the clause stood, that it would reach not only persons who worked in the mine but outside persons who might come in and commit a trespass. It would even reach the board if it committed a breach of its own regulations.

Clause passed with a verbal amendment.

The House resumed; the ACTING CHAIRMAN reported the Bill with an amendment.

The third reading of the Bill was made an Order of the Day for to-morrow.

COMPANIES BILL.

COMMITTEE.

This Bill was passed through committee without discussion, and the third reading made an order for to-morrow.

FACTORIES AND SHOPS BILL.

COMMITTEE.

Clause 1 put and passed.

On clause 2—"Interpretation"—

The HON. E. B. FORREST asked whether the word "office" had any distinctive meaning, or whether it was to be read in conjunction with the words that followed. According to the clause, "factory" meant "any office, building, or place in which four or more persons are engaged directly or indirectly in working at any handicraft, or in preparing or manufacturing articles for trade or sale." It seemed as if it might be taken to mean a building or room used for office work.

The POSTMASTER-GENERAL explained that the word "office" was controlled by the subsequent words. It could not apply to a merchant's counting-house, where even more than four persons were employed; nor could it apply to any other office so long as the persons employed there were not engaged in working at any handicraft, or in preparing or manufacturing articles for trade or sale.

The HON. W. FORREST did not agree with the Postmaster-General. He thought the word "office" ought to be struck out.

The HON. A. NORTON drew attention to the word "child," which was defined as "any person under the age of fourteen years." Our marriage laws allowed a girl to be married at the age of fourteen, and it seemed inconsistent to call a girl of that age a child when an existing law said she was old enough to be married. Girls matured very rapidly in this country, and girls matured more quickly than boys; so that he thought it would be wiser to define a child to be any boy under the age of fourteen years or any girl under the age of twelve years.

The POSTMASTER-GENERAL thought the hon. gentleman had given strong reasons why in this colony the age should be fixed at fourteen. If girls matured so rapidly here, that was all the more reason why they should be protected from conditions which would injuriously affect their health. It was not only a matter concerning individuals, but one affecting the interests of the country, that those on whom the country had to depend for future generations should not be exposed to deteriorating influences. He failed to see why girls should not be protected beyond the age of twelve, while boys were protected up to the age of fourteen years.

The HON. A. NORTON pointed out that children under those ages going to school had to work longer hours at harder work than the children who were protected by the Bill.

The POSTMASTER-GENERAL did not consider that was any reason why children should be exposed to overwork in factories and shops. He would like to hear what the medical members had to say on the question of age. For his part he had noticed half-grown boys and girls engaged in factories bearing upon them the evidence of being stunted and prevented from developing properly; and he thought that the sooner they were afforded the protection given by this Bill the better it would be for them and for the country generally. Children, especially girls, should not be put to unsuitable work at a critical period of their lives.

The HON. G. W. GRAY asked the Postmaster-General to erase the word "office" from the definition of "factory." The word was unnecessary, as an office was included in "any building or place"; and he was sure it was the wish of most hon. members that it should be struck out.

The HON. W. F. TAYLOR did not see any reason for making any distinction between boys

and girls as to ages. It was true that girls arrived at maturity in many cases much more rapidly than boys, but that was a reason why they should not be overtaxed by being allowed to work in factories at an earlier age than fourteen. The fact that they matured so rapidly was the main reason why they should be protected as much as possible. Many girls of fourteen years were women to all intents and purposes, while other girls of the same age had no more physical or mental development than might be expected in the case of girls ten years old. There was no doubt that fourteen years was as early an age as female children should go to work in factories; and he would extend the same remark to boys.

The HON. F. CLEWETT: As a general rule it was undesirable that children should be required to go to work before they were old enough, but it often happened that the earnings of the children were of material consequence to the home. A mother might be left with a lot of small children to provide for. If she went out to work there was no one to take care of the children. If some of those children could be put to light work at a small remuneration it would be an assistance to the mother and a desirable thing for the children.

The HON. C. F. MARKS: The whole effect of the Bill for good or bad would depend on the competency of the inspectors appointed. If the inspectors were competent they would see that children would be provided with only such work as they could do.

The POSTMASTER-GENERAL would call attention to clause 35, which provided that "a child shall not be employed in any factory." With regard to the word "office," to which so much objection had been taken, there was no special reason for retaining it. Any word that would include premises would suit him just as well. Hon. members need be under no apprehension that inspectors would consider a merchant's counting-house as an office liable to inspection. He proposed to omit the word "office."

The HON. A. NORTON: Whatever injury was done to children employed in factories would also be done to children employed in shops. If the age was fixed at fourteen, a number of young girls, whose mothers must find some employment for them to keep the pot boiling, would be sent out to domestic service, where they would be subjected to worse treatment than in factories, and the work would be worse for them physically and mentally.

The HON. P. PERKINS objected to a room being called a factory and subjected to the visitations of inspectors because four persons happened to work in it.

The HON. J. S. TURNER: Under the Bill as it stood, if four persons were engaged in a private dwelling making jams for sale the place would be liable to visitation by the inspectors at any time.

The HON. W. D. BOX: As the word "office" occurred only in the interpretation clause, and not in any other part of the Bill, it might just as well be eliminated.

The POSTMASTER-GENERAL admitted that the lettering of the clause was rather confusing. A factory was any place in which four or more persons were engaged in working at any handicraft, etc.; also any place in which Chinese or other Asiatics were so engaged; also any place where mechanical power was used in manufacturing goods or packing them for transit. The exemptions were laundries, in which the only persons employed were the inmates of the institutions mentioned; also any place used for the manufacture of dairy produce, any ship, and so on. With regard to the word "office" he had no

objection to its omission with the view of inserting the word "premises" He moved the omission of the words "office, building," with the view of inserting the words "building, premises."

Amendment agreed to; and clause passed with consequential amendments.

Clauses 3, 4, and 5 passed, with verbal amendments.

On clause 6—"Registration of new factories"—

The HON. W. D. BOX thought fourteen days was too long a notice to be given before any building could be used as a factory which might only employ four persons. Seven days' notice would be quite sufficient.

The HON. G. W. GRAY: There were several large buildings in Brisbane now only awaiting occupation for factory purposes. To say that those expensive buildings should remain in occupation but unutilised for fourteen days was absurd.

The HON. W. G. POWER held that fourteen days was short enough notice, for it would take several days for the inspector to thoroughly satisfy himself that a large building was suitable in all respects for factory purposes.

The HON. F. T. BRENTNALL: The clause had evidently been drafted to apply to large buildings only; but as it applied to all buildings alike, it might work harshly in certain cases. Supposing a dressmaker wanted to take a room and commence business next Monday; she would lose her Christmas trade entirely because she had to give fourteen days' notice before she could employ four persons in that room.

The HON. W. D. BOX moved the omission of the words "not less than fourteen days before going into occupation, and."

The POSTMASTER-GENERAL: The object of fixing the limit was to give an opportunity for proper inspection of the premises before the certificate was issued. In some cases fourteen days, or even seven days, might be too long. He had no objection to making the period seven days; but whether it was seven days or a month, in no case would the inspector be permitted, or would the Minister be inclined, to encourage irritating proceedings against persons entering upon any legitimate business.

The HON. W. D. BOX, with the permission of the Committee, would withdraw his amendment.

Amendment withdrawn.

The HON. W. F. TAYLOR: They ought to be very careful about amending the clause. Cases might occur where the inspector could not possibly inspect in fourteen days. That being so, the individual applying to have a building registered might have to wait for an indefinite period. And as alterations would have to be made in accordance with the inspector's directions, fourteen days was by no means too long a time.

The HON. W. FORREST thought seven days were ample. He had a little knowledge on the subject of the inspection of drainage, and he protested that no man could tell by merely going on premises whether the drainage was right or wrong. He would have to accept the plan of the property.

The HON. F. T. BRENTNALL thought the person who drafted the clause had in view some huge building in which a large number of people would be employed. The clause as it stood would be the correct thing for large factories, and the difficulty arose from the fact that it was intended to deal with small places as well. He thought it would be well to limit its application to factories where not less than ten persons were employed.

The POSTMASTER-GENERAL pointed out that one of the greatest evils aimed at by the Bill

was that of sweating. People took work from warehouses at certain prices, and sublet that work to females who worked very long hours in little places three and four together, to the great detriment of their health. It was for the protection of those people that all those places should be registered.

The HON. W. F. TAYLOR said that though the Hon. W. Forrest might have had some experience of drainage, he showed a want of practical knowledge when he asserted that an inspector would have to be satisfied with a plan. The inspector would have to test every pipe, and see that it was in good working order.

The POSTMASTER-GENERAL said that, as a general rule, small tenements in the city were held on a weekly tenancy, and that being so, he thought seven days would be a reasonable time to allow.

The HON. A. NORTON thought that provision should have been made for the registration of the plans of buildings intended to be used as factories when erected.

Amendment agreed to.

On the motion of the POSTMASTER-GENERAL, the clause was further amended by the substitution of "seven" for "fourteen," in line 29, and the insertion of the words "in Council" after the word "Governor," in line 32.

The HON. W. FORREST pointed out that, though a person who intended to occupy a building as a factory was required to give seven days' notice of such intention, there was nothing in the clause to compel the inspector to register the building within a reasonable time. He might, if he chose, wait six months before giving a certificate of registration. That was unreasonable, and some limit should be fixed as to the time when an inspector should give or refuse a certificate.

The POSTMASTER-GENERAL did not see how the suggestion of the hon. gentleman could be carried out, as some responsibility must be thrown on an inspector in deciding whether a building could be used with safety by the persons concerned; and if it was provided that he must register a building within a specified time, the giving of notice would practically be registration.

The HON. W. FORREST: The clause was very carefully drafted so as to provide that certain notice must be given to the inspector; but equal care was not taken to provide that he should give an answer within a reasonable time, and unless some provision of that kind was inserted the very object they had been struggling for in getting the period of notice reduced from fourteen to seven days would be defeated.

The HON. A. NORTON pointed out that a person could occupy a building as soon as he gave notice, and before he received his certificate of registration. He did not see how the clause could be amended in the way suggested by the Hon. Mr. Forrest.

The HON. J. COWLISHAW wished to know what was the meaning of the words "or such other person as aforesaid," seeing that under clause 4 only "inspectors" could be appointed by the Governor in Council.

The POSTMASTER-GENERAL: Clause 4 provided for the appointment of a chief inspector, and so many inspectors as might be necessary for carrying out the provisions of the Bill, and clause 5 dealt with inspectors of districts and such other persons as the Governor in Council might appoint.

The HON. F. T. BRENTNALL thought that if it was made imperative for a person who wanted to open a factory to give certain notice to the inspector of the district, it was not unfair that the inspector should make his inspection of the premises and certify whether they were suitable or unsuitable within the seven days

covered by the notice. The objection could be met by making the paragraph read, "shall within seven days after the receipt of the said notice," etc.

The POSTMASTER-GENERAL: The whole question was whether the premises were suitable for registration or not. If the inspector was satisfied that they were suitable he would register them or once, but if they were not he would refuse to register them, and it was unreasonable to ask him to do otherwise.

The HON. W. FORREST had noticed that where the Government had to do anything they wanted three months to do it, but that where a private individual had anything to do he was required to do it within a week, and he still maintained that some limit should be fixed as to the time within which an inspector should inspect a building and issue his certificate of registration.

The HON. A. NORTON did not like the clause at all, but believed that if it was amended as suggested the inspector would adopt the same mode of procedure as he would under the clause as it now stood—he would inspect the building, and if not satisfied that it was suitable for the purpose for which it was intended to be used, would refuse his certificate, or withhold it until certain alterations in the premises had been effected.

The HON. A. H. BARLOW: In practice those matters did not lead to any trouble. The very first section he had turned up in the Customs Act said that where a dispute arose in certain cases touching the withdrawal of an agent's license, the Collector should determine such dispute in such manner as he deemed fit. The provision did not say that he must take action within a reasonable time, but, if he did not, he would very soon hear of it from the Minister or the public.

The HON. W. FORREST drew attention to the fact that under the last paragraph of the clause, if a man did not get his premises registered he was liable to a penalty of £10.

The POSTMASTER-GENERAL: The hon. gentleman was mistaken in saying that. After a man had given notice there was nothing to prevent him entering into occupation of his premises; but, if the inspector afterwards found that they were unsuitable for a factory, he would have to leave them, or effect the necessary alterations.

The HON. W. FORREST moved the insertion after the word "shall" in line 35 of the words "within seven days of the receipt of the notice."

The POSTMASTER-GENERAL: The amendment only made confusion of the clause, and did not advance the hon. gentleman's ideas one iota.

The HON. E. B. FORREST: The whole question turned on the satisfaction of the inspector. Until the inspector was satisfied he would not register.

The HON. F. CLEWETT did not think the clause was wanted at all, but being there it was as good as it could be made.

The HON. W. FORREST: With the permission of the Committee would withdraw his amendment.

Amendment withdrawn; and clause, as amended, passed.

On clause 7—"Powers of inspectors"—

The HON. E. B. FORREST said that was the only clause in the Bill which, to his mind, required serious consideration. The Bill had many imperfections, but if there was one part of it that people were more anxious about than another it was clause 7. First of all he would like to see some change made in the 5th subsection which gave an inspector power to "examine alone" any person employed in a shop

or factory. He did not believe in that. If there was any person who had a right to be present when an examination was made it was the man who ran the factory. He moved the omission of the words "alone or."

The Hon. W. D. BOX said he had a prior amendment to move in the 1st subsection, which provided that every inspector should have power to enter, inspect, and examine any factory or shop "at all reasonable hours by day or night." Surely hon. members did not intend to allow an inspector in a British colony to enter any man's premises by day or night.

The Hon. E. B. FORREST would withdraw his amendment for the time being.

The POSTMASTER-GENERAL thought it might facilitate the discussion if he were to state that both the phrases objected to occurred in the English Act, which had been in operation since 1878.

The Hon. G. W. GRAY said that our factories existed under different circumstances from those in the old country, and contended that we should not be subjected to the decisions under Acts at home.

The Hon. J. FERGUSON said it was no use passing a Factories Act unless it was made workable, and the Act could not be properly worked unless the inspector had power to inspect at all reasonable hours.

The Hon. P. PERKINS agreed with the Hon. Mr. Gray that the English Act was not applicable to this place at all. Those in power should study local requirements in framing legislation for this colony.

The Hon. W. FORREST did not believe in the argument that a thing should be adopted here because it was contained in an English Act. What would apply to a thickly populated country like England would not always apply to a new country like Queensland.

The Hon. A. NORTON: The object of giving power to inspect at all reasonable hours by day or night was to find out whether people were at work contrary to the provisions of the Act; and if that was to be found out, it was necessary that the powers proposed should be given. He never believed in slavishly following English Acts; but he thought they were justified in profiting by the experience gained in England as embodied in the statutes of that country.

The Hon. E. B. FORREST did not think there was much in the contention about examination by night, because the inspection of a factory or shop could only take place when the inspector had reasonable cause to believe that any person was employed therein.

The Hon. W. D. BOX said he would not press his objection, as he saw the majority were against him.

The Hon. E. B. FORREST: Notwithstanding all that had been said about the English practice, not the slightest reason had been given as to why an employer should be prevented from knowing what went on in his own factory. Inspectors might get as much information as they liked outside; but he could not see why they should be allowed to examine anybody inside a factory without the employer being present. They wanted none of this Star Chamber business.

The POSTMASTER-GENERAL agreed with the Hon. Mr. Norton that it was not well to slavishly follow English Acts, but thought it would be unwise not to avail themselves as far as possible of the concentrated wisdom of legislators in the old country. With regard to the amendment, what the Hon. E. B. Forrest proposed was to preclude the inspector from asking questions in a factory unless the employer was

present, and that would gag the inspector in such a way that he could not perform his duty. Suppose a man had been systematically infringing the Act, and the evidence of employees was required to prove the fact. If the inspector was not allowed to ask a question except in the presence of the employer, the whole proceeding would be a farce. If the Act was to be worked properly, the inspectors must have a free hand in getting information from employees. If the amendment were carried, they might just as well have a blindfold, deaf and dumb inspector.

The Hon. W. FORREST: If there was anything in the argument of the Postmaster-General it showed that he was a believer in anonymous letters. He looked upon a man who wrote anonymous letters as worse than an assassin.

The POSTMASTER-GENERAL hoped the Committee would look at the matter dispassionately. He would like the hon. gentleman to put himself for a moment into the position of an inspector anxious to do his duty. A report had been made to him that the Act had been infringed at a certain establishment. His duty was to collect evidence to enable him to take proceedings before a court, or to satisfy him that the report had no foundation. Where was the Star Chamber business in that?

The Hon. A. H. BARLOW: Some hon. gentlemen appeared to think that that was going to be the final process, and that the occupier was going to be condemned by the inspector, whereas it was merely a matter of collecting evidence, which would afterwards be submitted to the justices. The law had interfered in a much closer relationship than that of employer and employed—namely, that of husband and wife. If a woman wished to convey her property under the Real Property Act she was, or used to be, examined apart from her husband by a commissioner with a view to ascertain whether she did it freely and of her own consent.

The Hon. E. B. FORREST: That is all exploded now.

The Hon. A. C. GREGORY: It seemed very curious that it should be proposed to have one law for factories and another dealing with ordinary questions of right and wrong. A person accused of any crime had a right to be present and hear the whole of the evidence submitted to the jury, but under that clause it was proposed that an inspector should have power to make a secret inquiry as to whether the occupier of a factory had or had not transgressed the law, and upon his *ex parte* statement a prosecution might be instituted. The whole thing was entirely opposed to the recognised principles of British law.

The Hon. A. NORTON: If any charge was made against the occupier of a factory he would have an opportunity of replying. The inspector, however, must have the right to put questions to employees whether the employer was present or not; otherwise cases might occur where he would be unable to obtain information, as, for instance, where a number of men were at work in a quiet room, which they were allowed to use, though not employees of the occupier, but simply carrying on some sweating business.

The Hon. W. G. POWER wished to know whether an inspector would be precluded from examining an employee if the occupier refused to be present?

The Hon. E. B. FORREST: Certainly not.

The Hon. J. COWLISHAW argued that the contention of the Hon. Mr. Norton did not hold good, as all that was objected to on that side was to persons being examined "alone."

The HON. G. W. GRAY had received a letter from the Brisbane Traders' Association, in which it was stated that that clause was very arbitrary on the employer, and might be hurtful to the employee. They said that an inspector might want to examine some person who was carrying on work in concert with others, which would require to be suspended in order to allow that particular person to appear before the inspector, and that in fact the whole work of the factory might hinge upon that one person.

The POSTMASTER-GENERAL could see now from the reference made by the hon. gentleman to the Brisbane Traders' Association that that was the clause upon which the Bill had been attacked. The argument of the association that the whole work of a factory would be stopped because one man was asked a question or two was absurd in the extreme. If the association were driven to such arguments to support their objection to the measure, the sooner they held their tongues about it the better. The effect of the amendment would be to deprive inspectors of the right to ask questions of any person in a factory unless the employer was beside him, and no inspector could make an efficient inspection under such conditions. However, if hon. gentlemen were of opinion that an inspector should be deaf, dumb, and blindfolded, let them carry the amendment, and destroy the Bill.

The HON. W. FORREST: It seemed to be a crime for members of the Traders' Association, who were men of capital and enterprise, and who found occupation for other men, to object to something which would injure them, by allowing persons to go into their premises and collect evidence against them behind their backs. But he held that they had a perfect right to object to a proceeding so opposed to all principles of jurisprudence, and he knew that there was a strong feeling in England in favour of amendment of the law there in that respect.

The HON. G. W. GRAY could have understood the remarks of the Postmaster-General if they were discussing a measure passed some time ago, when it was absolutely necessary to take evidence with closed doors in reference to the burning of woolsheds; but they were altogether unjustifiable as applied to the Brisbane Traders' Association.

The POSTMASTER-GENERAL was perfectly certain that if one member of the Brisbane Traders' Association employed a boy under fourteen years or a girl under sixteen beyond the hours laid down in the Bill the majority would not be at all annoyed to see an officer go to that child or its parents and get information on which to prosecute the offender; and one of the objects of the Bill was to prevent children from being imposed upon by their employers.

The HON. J. COWLISHAW did not object to an inspector asking any employees any questions he liked outside the factory, but he did object to an inspector going into the factory and examining an employee unless the occupier was present.

The HON. P. PERKINS: It was a shameful thing to hear a Minister admit that he had brought a Bill in for nothing else than to protect boys and girls. Boys and girls, so far as his observations went, were a cunning lot, and could protect themselves very well.

The HON. W. F. LAMBERT intended to vote against the amendment. He intended to give the measure as a whole his hearty support. It would injure nobody, and would do a great deal of good to thousands of their fellow-creatures. He was sure the Government would see that only proper persons were appointed as inspectors.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided:—

CONTENTS, 12.

The Hons. A. J. THYNNE, A. H. BARLOW, J. TYSON, F. H. HOLBERTON, W. G. POWER, J. C. SMYTH, J. FERGUSON, W. F. LAMBERT, A. NORTON, C. F. MARKS, P. CLEWETT, and F. T. BRETNALL.

NOT-CONTENTS, 7.

The Hons. P. PERKINS, A. C. GREGORY, W. FORREST, W. D. BOX, G. W. GRAY, J. COWLISHAW, and E. B. FORREST.

Resolved in the affirmative.

The HON. G. W. GRAY moved that after the word "Act" in subsection 6, line 20, the words "with the consent of the Minister" be inserted.

The POSTMASTER-GENERAL could not understand what the hon. member expected the effect of his amendment would be. The very fact that an officer was appointed by the Governor in Council implied that he had the authority of the Minister to carry out the provisions of the Act.

The HON. G. W. GRAY did not want the inspectors to be the administrators of the Act.

The POSTMASTER-GENERAL: The appointment itself was evidence of the approbation of the Minister of an inspector's ability to exercise the functions conferred upon him. He hoped the amendment would not be persisted in.

Amendment put and negatived.

On the motion of the POSTMASTER-GENERAL, the words "in Council" were inserted after the word "Governor" in subsection 6, line 23.

The HON. F. T. BRETNALL thought a little more information was necessary with regard to the last paragraph of the clause.

The HON. G. W. GRAY asked whether the paragraph was copied from the English Act?

The POSTMASTER-GENERAL said the English Act gave power to enter without authority from a magistrate. Here it was proposed that no inspector should be allowed to enter a place used as a dwelling without first obtaining authority from a magistrate, who must be satisfied that there were reasonable grounds for supposing that any provision of the Act was being infringed. Without such a provision people could evade the Act by putting up a few bunks in their factories and calling them dwellings.

The HON. A. NORTON moved an amendment to the effect that the examination provided for in the last paragraph should only be made "in the presence of an officer of health or a constable."

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

Clauses 8 to 13, inclusive, put and passed.

On clause 14—"Record of outside work"—

The HON. F. T. BRETNALL said that clause went about as near as they could go to the minimum rate of wage question, and he failed to see what that had to do with the paternal scope of the Bill. To compel an employer by statute to supply to any inspector who might demand it the full scale of wages he was paying both inside and outside his factory was an interference with the operations of capital and labour which could not very well promote the interests of either one or the other; it was much more likely to obstruct than to promote the employment of labour. The more they restricted the hours of labour, and the more encumbrances they put upon those who found the capital and the employment, the more absolutely certain was it that wages would go down, and no such provision as was contained in that clause could evade the result. The fact that they had had so much discussion on that Bill that evening showed how unwise and unfair it was to bring forward such an important measure in what they hoped was the last week of the session.

The POSTMASTER-GENERAL thought that Parliament had had the question of factory legislation a very long time before it, and that members of the Committee had been familiar for months past with the progress of that measure through the other House. He regretted that it had been kept so long in the other Chamber. But as to that Committee being in any way hurried over the matter, that was disproved by the fact that they had been about five hours passing fourteen clauses, and he hoped hon. gentlemen would disabuse their minds of that impression, as he had no desire to push the measure through with any undue haste. The object of clause 14 was to attack any system of sweating that might be carried on in the colony, and to prevent its extension. The information a factory-owner required to give under the clause was only to be furnished to the inspector under a pledge of secrecy, and if the inspector divulged that information he was liable to a penalty of £50 or imprisonment with hard labour for six months. The information was simply to enable the inspector to trace the work done outside factories, and see that the unfortunate people employed on it were not sweated by hard taskmasters, who got the work direct from the warehouses.

The HON. G. W. GRAY was glad to hear that expression of opinion from the hon. gentleman as to the object of the clause, but failed to see that such intention was expressed in the clause itself, and thought the proposal was a blot on the good legislation of the session.

The HON. F. T. BRETNALL was quite sure that every member of the Committee would deprecate to the utmost the scandalous system of sweating that was undoubtedly going on in the city and in the colony. If anything could be done to prevent that, it was the duty of the legislature to do it, but he did not see how that could be done by compelling the occupier of a factory to furnish an inspector with the rate of payment to persons employed outside a factory. Unless they could ascertain the difference between the actual wages paid to the actual worker and the amount paid to the middle person, how could they know what process of sweating was going on? He did not see how the clause was to accomplish the object it was intended to achieve.

The HON. A. C. GREGORY thought the clause went beyond the scope of the Bill. The Bill provided that factories should not be overcrowded or the employees overworked, but that clause provided for an inquisitorial examination as to the rates of wages paid by employers. If they could manage to introduce a clause into the Bill which would not allow any person carrying on a factory to employ workers outside his factory, well and good, but the clause under consideration would be absolutely inoperative to check the absurdly low prices which were undoubtedly paid. It was simply putting difficulties in the way of the poor workers without affording them any substantial relief. They were to have an examination into the prices paid by the manufacturers, not to the workmen but to certain intermediate parties who were known to be the real transgressors, and to do that to the prejudice of those whom they professed to benefit.

The POSTMASTER-GENERAL thought it would be advisable to let the matter stand over till to-morrow. He had not intended to go beyond clause 18, and as they had made very fair progress he would move that the Acting Chairman do now leave the chair, report progress, and ask leave to sit again.

Question put and passed.

The House resumed; the ACTING CHAIRMAN reported progress, and leave was given to sit again to-morrow.

FEDERAL COUNCIL REFERRING BILL
(QUEENSLAND) No. 3.

COMMITTEE.

Clause 1 passed with a verbal amendment.

Clause 2 and preamble put and passed.

The House resumed; the ACTING CHAIRMAN reported the Bill with an amendment.

The third reading of the Bill was made an Order of the Day for to-morrow.

The House adjourned at ten minutes to 10 o'clock.