Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 17 NOVEMBER 1898

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

QUESTION.

HIDES AND CATTLE.

Mr. MOORE asked the Secretary for Agriculture—

1. The number of hides exported from Queensland from 1st July, 1897, to 30th June, 1898?
2. Number of cattle killed by the different meatworks during that period?
3. Number killed by the different butchers?

The SECRETARY FOR AGRICULTURE replied—

1. 460,080 hides.
2. Returns are not available to June, 1898. The latest returns are those for the year ending 31st December, 1897, when the number of cattle killed by the different meatworks was 286,595.
3. Information not available. The number of cattle slaughtered for consumption in some (seventeen) of the principal towns of Queensland during the year ending 31st December, 1897, was 94,949.

EVIDENCE AMENDMENT BILL.

FIRST READING.

On the motion of Mr. DRAKE, this Bill was read a first time, and its second reading made an Order of the Day for Thursday, 8th December.

INTEREST ON LOANS TO LOCAL AUTHORITIES.

Mr. CASTLING, in moving—

That, in the opinion of this House, it is desirable that the rate of interest on all loans to local authorities approved since 9th December, 1897, and on all future loans, be reduced from 5 per cent. to 4 per cent.—

said: I am sure this motion will commend itself to everyone in the House. Some hon. members think it does not go far enough, but as far as I can see it goes quite far enough; at any rate I do not wish to shift my ground. If anybody wants a still further reduced rate of interest, it is open to them to move an amendment to that effect or to proceed in some other way. I would point out that the Government loans from 1884 to 1894 were floated at 3½ per cent., and that the last loan, in 1896, was floated at 3 per cent. Considering that the local authorities are paying 5 per cent., it would seem as if the Government are making a good sound profit out of the transaction, which I do not think they should do. I hold that money should be loaned to local authorities—to divisional boards in particular—at such a rate as would just pay expenses and nothing more. Money borrowed at 3 per cent. and relent at 5 per cent. to those bodies must yield a greater profit than the Government have any right to get from the transaction. My reason for mentioning the 9th December, 1897, is that on that date a very large amount of money was granted to the Victoria Bridge Board, and the interest charged was only 4 per cent. The same thing occurred with regard to the Lamington Bridge, at Maryborough. I contend that in matters of this kind there should be no distinction made between local authorities, that there should be no differential rate of interest, that they should be all placed on an equal footing. Considering that Brisbane is a wealthy community, why should the poor miserable outside divisional boards, which have a hard struggle to make ends meet, be made to pay 1 per cent. more for Government money than Brisbane and other places around the capital? I do not agree with it; I cannot see where the fairness comes in. I do not think I need say more on the matter, because every hon. member of the House must see that what I am moving for is a fair and equitable thing, and one which ought to be carried out straight away. I move the motion on these grounds: First, that it will be no loss to the Treasury; secondly, that it will be a great relief to the local authorities; and thirdly, that—as all will admit—it is an act of simple justice.

The PREMIER: I congratulate the hon. member who has introduced this motion upon his brevity, and I hope his excellent example will be followed by all subsequent speakers, so that no unnecessary delay may occur in dealing with the question. I ask this more particularly in the interests of hon. members who have private business on the paper for this afternoon, so that an opportunity of discussing it may be accorded them. There is no doubt it would be a very desirable thing, and one which would be greatly welcomed by the local authorities—indeed, by all private individuals—if money could be obtained as cheaply as possible, and undoubtedly, when we read the ruling quotations for money, and see the low price at which it can now be obtained, it does seem that 5 per cent. is a much higher rate than should be paid for the use of money. At the same time I must join issue with the hon. member to the extent of saying that a fixed rate of interest should be paid by local authorities who obtain the use of money under the Government endorsement, or in fact who obtain the use of money at all. We know that money is a commodity the price of which rises and falls. While to-day money may be obtained at considerably less interest than 5 per cent., we have seen times in the colony—and possibly some of us will see them again—when money has been difficult to obtain even at 5 per cent. Now, if local authorities borrow under the endorsement of the Government, I cannot see why they should obtain money at a lower rate than the State obtained it for—that is to say, the actual price at which the State obtains such funds. I do not think that the general taxpayers of the colony should be called upon to pay a portion of the loss which would be sustained in borrowing money and then lending it to local authorities. If local authorities can get what money they require from the Government at the same price as the Government pays for it—that is to say the full cost to the State—that is all they can ask. If local authorities were entrusted—as we have seen the municipality of Brisbane entrusted—with the right of borrowing on debentures, they must submit to the vicissitudes of the money market. The hon. member referred to the low price at which we have lately been able to dispose of our loans—namely, 3 per cent.—but that is really no criterion of the actual cost to the State. The hon. member will see that the total amount of our Government loans has resulted in an actual deficiency of over £2,000,000 in the disposal of those loans to the public creditor. The loan of 1896 for £1,500,000 produced only £1,434,000, leaving a deficiency for discount and charges of £66,000, so that it must not be assumed that 3 per cent. has been the cost of that money to the State; and my contention is that if assistance is asked for by

local authorities, they cannot expect to obtain money from the State at a lower rate than the State has to pay for the money. If the motion were framed under these elastic conditions, it would be more acceptable than it is, inasmuch as it insists that on all loans approved since 9th December, 1897, and on all future loans, the rate of interest be reduced from 5 to 4 per cent. The interest we have to pay on our loans at the present time—representing a total indebtedness of £33,498,414—averages £4 0s. 9¼d. per cent., so that the State is paying more than the 4 per cent. to which the hon. member desires the interest on loans to local authorities should be reduced. I do not believe that the hon. member desires that the State should be a loser by these transactions, and, while I am quite at one with him that it would be desirable that local authorities should not be loaded with any additional cost than what the State itself has to pay, before he can expect the House to approve of his motion he will have to frame it in such a form that if the local authorities are provided with money at a rate representing the price at which the State at the time sells its loans, that is all that can be expected on their behalf.

Mr. KIDSTON: Does that £4 0s. 9¼d. represent the average rate of interest from the beginning?

The PREMIER: The present outstanding loans necessitate the payment of £4 0s. 9¼d. per cent., notwithstanding that some of our stockholders are receiving only 3 per cent. Of late years our loans have been what are called "discount stocks." They have all been sold at discounts—that being the more acceptable form in which Government loans are placed on the London market—and the rate of interest that is being paid upon those stocks is no criterion in itself as to what the money actually cost the State. With the general spirit of the resolution I concur, because when I was a member of the Victoria Bridge Board I repeatedly represented to the Treasurer that while the board had to pay 5 per cent., the money was actually costing less. I think the concession given to the Victoria Bridge Board and also to the Lamington Bridge Board were fair and equitable, because at the time the money for those works was borrowed by the State, prices were much cheaper than in former years. But it must be remembered that for loans to local authorities which were granted in former years, the State had to pay the public creditor the same amount of interest which the motion proposes the local authorities should now pay. What would be thought if the Government were to go to the public creditors in London and say to them: "The value of money is considerably reduced. We are paying you 4½ and 4 per cent. for the loans we contracted in former years, and we now desire that you should make us a concession." Such an application would be treated with scorn by the public creditors. They would insist on the letter of their bargain being adhered to, and under those circumstances I cannot see that the local authorities which borrowed in those earlier days when money was dear can now claim any exemption from the conditions of the contracts they entered into, seeing the State itself has got no relief. Certainly, with regard to loans incurred now, or to be incurred in the future, I am quite at one with the hon. member—that is to say, if he will modify his proposition so far that the rate of interest charged to the local authorities shall not exceed the exact cost to the State. That concession is all that can reasonably be demanded at the present time.

Mr. FRASER: The hon. member for Townsville said that he could not see why the outside divisional boards should not be allowed to get money from the Government as cheaply as Brisbane. I may tell the hon. member that Brisbane gets no money from the Government. They raise loans of their own. They have raised loans at 5 per cent., 4 per cent., and 3½ per cent., so that they are getting no money now from the Government. I do not wish the hon. member to run away with the impression that we are getting money cheaper from the Government than outside boards.

Mr. CROSS: With the spirit of this motion I cordially agree, but at the same time I recognise the difficulty pointed out by the leader of the House. It would be a vicious principle for this House to sanction the charging of a rate of interest on loans below the actual cost of such money to the State. I believe that the colony generally would rise up against such a proposition. The suggestion made by the Premier is a very fair one, and if the hon. member for Townsville will alter his motion by leaving out the words "since 9th December, 1897, and," and inserting the following, "shall not exceed the actual cost per cent. to the State," he may carry it. Certainly I would vote for it in that form, but I could not support the motion if—as stated by the leader of the House—it binds the Government to reduce the interest on loans absolutely from 5 to 4 per cent. It might happen that the cost of a loan in any one year might not be 4 per cent., and in that case the local authorities would get the benefit. But if a loan cost more than that it would be a vicious principle indeed to make a bargain of the kind proposed in the motion. I admit that local authorities in this colony, especially local authorities having large territories with a small population and not very large ratable property, are working under very serious difficulties. Probably if you increased the rating powers of these local authorities that would overcome most of the difficulty; but there are local authorities where that would not overcome the difficulty, and they ought to be relieved by the State in the shape of endowment or subsidy. As they get more populated and settlement increases, their rating powers might be increased, and the difficulty got over in that way, but in the meantime something should be done to lessen the rate of interest. The Government have, during the last few years, reduced the subsidies to local authorities by very large sums, and have left some local authorities in a very unfortunate position.

Mr. MORGAN: The Government also take possession of more than half of the endowment.

Mr. CROSS: The question of endowment is a very big one. I know that in some portions of Queensland the local authorities have been working for years under very great difficulties. I have for two or three years drawn the attention of the Treasurer to the fact that in a place like Clermont, although the population has increased considerably—from about 400 miners to about 5,000 miners—and nine-tenths of those persons have been for two years or so living within the municipality, yet they could not be taxed. They use the streets of the municipality, and yet the local authority is utterly helpless as far as getting any rates from them is concerned. No doubt there are other places in a similar position, and the Government would do well to accept the principle of this motion and give such local authorities some reduction in the rate of interest. The Government should really have dealt with this matter and the question of endowment to local authorities in the Local Government Bill. However, if the hon. member for Townsville will accept the suggestion of the leader of the House, and amend his motion to that effect, I have no doubt that it will be carried unanimously.

Mr. SMITH: I congratulate the junior member for Townsville on bringing this motion before the House. It is a very necessary

motion, and the proof of that is quite evident. Hitherto the general borrowing of the Government has been supplemented to a greater extent than it should have been by the interest paid by local authorities. The local authorities have paid more to the Government for loans than the interest paid by the Government for the money, and that state of affairs should not exist. The local authorities in the outside districts, where money is scarce and ratepayers are few, should have the greatest possible concession made to them in this matter that can be made without the Government suffering any loss. The difficulty of obtaining money in the more remote parts of the colony is very great, and it is only right that the local authorities in those places should have all the advantages the Government can possibly bestow. They should at any rate be placed in such a position that they should be allowed any money the Government choose to lend them at a rate which, while it would not entail a loss, would not mean a profit to the Government. I am glad to see that the Premier has so far fallen in with the view expressed in the motion as to say that he is willing to accept it if the hon. member will modify it so as to read that the Government may grant money at the same rate of interest as they pay themselves. That is a very fair concession to make, and I think it is all that the local authorities would demand. The local authorities of late years have not been treated as fairly as they should have been by the Government. Coming from an outside district, and having been intimately connected with a local authority for some years, I perhaps feel this state of affairs considerably more than those who are not intimately acquainted with divisional board work. The pill was well gilded at first, when the colony was divided into divisions and local authorities were established. They were established to undertake works upon which the Government had previously spent large sums of money, such as making roads and bridges and other local improvements. The Divisional Boards Act was one of the best pieces of legislation ever passed by this House, but in order to get the people to accept the position the pill had to be well gilded, and the Government offered an endowment of £2 for every £1 collected as rates. That lasted for five years, I believe, and the local authorities did very well while that was in vogue. Some of them saw the point, and collected as much rates as possible in order to secure this very large endowment, with the result that they had actually fixed deposits in the banks.

The SPEAKER: Order! The hon. member is wandering away from the question. It is a question of the reduction of interest, and I ask him to confine himself to that.

Mr. SMITH: I am showing that the divisional boards of to-day are in a very much worse position than they were in former years, and therefore require all the assistance which the Government can legitimately give them to enable them to carry on. I am very glad this motion has been brought on, and I am sure it will receive the sympathy of the House generally.

Mr. KIDSTON: I think the hon. member for Townsville is to be commended for calling the attention of the Government to a way in which they can offer a benefit to local authorities, which, though small, will be very much appreciated by them. If the hon. member is wise he will accept the suggestion of the leader of the House, because it carries the motion somewhat further along the same lines than the hon. member intended. In the meantime, it would mean not 4 per cent., but something under 4 per cent. to local authorities borrowing money from the Government. The motion does not propose to reduce the interest paid by local bodies of any money borrowed previous to the 9th December, 1897. It gives no relief in such a case at all. The Premier seemed to think it did, because the hon. gentleman pointed out that it would be unfair to ask the Government to reduce the rate of interest to 4 per cent. on borrowed money which had cost the Government £4 0s. 9½d. per cent., which, as the hon. gentleman said, was the average rate paid on all money borrowed by Queensland from the beginning.

The PREMIER: On present outstanding loans.

Mr. KIDSTON: Just so. The local bodies that have already borrowed money from the Government have had part of those outstanding loans, and they are paying 5 per cent. upon what they have got, which is 19s. 2¾d. profit to the Government. The hon. member for Townsville did not propose to take away that profit from the Government on loans already contracted. The hon. member only proposes in this motion to deal with future loans. The Premier justified the reduction of the interest charged to the local authorities contributing to the Victoria Bridge on the ground that immediately preceding that reduction the Government was borrowing money at less than 4 per cent. If the hon. member for Townsville accepts the suggestion of the Premier, the result will be that loans contracted since the 9th December last, and in the immediate future, or until the rate of interest paid by the Government rises, will pay something less than 4 per cent. I do not know whether the Premier wishes to go further than the hon. member for Townsville, but he certainly indicated an amendment which will have that effect. I think it is quite in accordance with the principle which ought to underlie the thing that this should be done. The idea of local bodies borrowing from the Government is that they may reap the full advantage of the greater credit and security of the Government which enable it to borrow money more cheaply in the open market than these local authorities could borrow for themselves. It has not been advocated, and is not likely to be advocated, that the Government should try to make a profit out of local authorities in loaning them money. The desire is to give the local authority the advantage of the greater security of the central Government which enables it to borrow money more cheaply. I have much pleasure in supporting the motion, but I trust that the hon. member for Townsville will accept the suggestion of the Premier and amend his motion in the direction indicated, because that would mean that on all loans to local authorities, approved from the 9th December, 1897, and on all loans in the immediate future, the rate of interest would be something like 3½ or 3¾ per cent. instead of 4 per cent.

Mr. MORGAN: Why make an exception in the case of future borrowers.

Mr. KIDSTON: Because the Government should not seek to make a profit out of the local authorities who borrow money from them; they should simply seek to give those local authorities the full benefit of the greater borrowing power, the greater security, the central Government has. On the other hand the central Government can hardly afford, in loaning money to the local authorities, to give it them at such a rate as to be out of pocket.

Mr. MCMASTER: I do not think any of them want that.

Mr. KIDSTON: No, I do not think so. All that is asked by the local authorities is that the Government should not make money out of them.

Mr. ARMSTRONG: Are they doing so?

Mr. KIDSTON: They are doing so now I think. They are doing it to the extent of 19s. 2¾d. per cent.

Mr. ARMSTRONG: Are there no expenses connected with the Government loans?

Mr. KIDSTON: It is not likely, but it is possible, that in the future the price of money may rise and the Government may have to pay a higher rate of interest for loans, and if the rate was fixed it might happen that local bodies would get it at a lower price from the Government than it could be got in the market. But if the price rises in the future, and the Government has to pay a higher price for the money it wants, then it is quite proper that the local authorities who borrow from the Government should also have to pay the higher price; just as it is quite proper that the local authorities who have already borrowed money which has cost the Government more than 4 per cent. should have to pay more than 4 per cent. for it. The principle seems to be that the full cost of the money to the Government, and the cost of managing the fund, should be charged in the rate of interest payable by the local authorities. I hope the hon. member for Townsville will accept the suggestion of the Premier for that reason

Mr. GROOM: When first I heard the hon. gentleman give notice of his motion I thought it was of a much more comprehensive character than it appears on the business-paper now. I understood that the hon. gentleman, representing a large local authority, and other local authorities also, would have made a proposal that the reduction of interest from 5 to 4 per cent. should extend to all loans affecting local bodies at the present time.

Mr. KIDSTON: Whatever the money cost the Government?

Mr. GROOM: Whatever the money cost the Government.

Mr. KIDSTON: That is not good enough.

Mr. GROOM: The hon. gentleman need not smile. If he looks at the report of the Royal Commission on local government he will find that there was scarcely one witness but advocated that course, and they represented seventy-two divisional boards throughout Queensland; so the hon. gentleman will see how widely that opinion was held.

Mr. KIDSTON: They represent the borrowers, and it is only natural that they should want the interest reduced.

Mr. GROOM: They represent the borrowers. I find that the total amount of the loans advanced to the local authorities on the 31st December, 1897, was £2,028,950, and the motion of the hon. gentleman would not affect one penny of that amount. It only applies to loans advanced since the 9th December, 1897, and any future loans. The motion is hardly worth considering in one way. Neither the hon. gentleman who moved the motion nor the Premier has informed the House how many local authorities have already borrowed money since the 9th December, 1897, to whom this will apply.

Mr. CASTLING: Future borrowers.

Mr. GROOM: Let me say that I know some divisional boards that have never borrowed, and do not intend to borrow—all the more credit to them—but intend to fight their way with their own resources, because they know the consequences of borrowing. But most of the local authorities in the list I have here have already gone to the length of their borrowing powers. The majority of the municipalities which have borrowed money have gone in for waterworks, and in a return furnished to hon. members this morning by the Hydraulic Engineer, it is stated what these waterworks have cost, what is the annual expense for maintenance and working expenses, what is the interest they have to pay to the Government, and what is the profit on the construction of these works. In one particular case in which the works cost between £50,000 and £60,000, after paying all expenses, there was a profit of between £4,000 and £5,000, and that money was taken from the pockets of those who paid water rates, and spent upon general improvements.

Mr. MORGAN: That is illegal.

Mr. GROOM: I know it is, but it has been done in a great many cases. The Act of Parliament—which states that all such surplusses over expenditure, including interest, shall be placed to a separate account for the liquidation of the principal sum—is set at defiance. There is another thing I should like to learn from the hon. member who introduced this motion. He uses the term "local authorities." But what local authorities does he refer to? In this return, which is published officially as "Loans to Local Authorities," there are other local authorities than municipalities and divisional boards, and does the hon. member wish the interest to be reduced in their favour in the same way? The local authorities specified here are such as the Victoria Bridge Board, the Lamington Bridge Board, the meat and dairy fund, the rabbit boards, and the Sugar Works Guarantee Act. These are all local authorities, and does the hon. member propose that there shall be a reduction of interest in cases where large profits may be made? If so, it will be impossible to do justice to those municipalities and divisional boards which have borrowed money, not to make a profit out of it, but for making improvements, the preservation of public health, and the maintenance of good government. I do not know whether the Premier is going to endorse the hon. member's motion when it may be applied to such local authorities. Hon. members will observe that moneys advanced to a great many of these local authorities, except those advanced under the Sugar Works Guarantee Act, have been advanced under the Local Works Loans Act, but if this motion passes in its present form they will all in future have to pay interest at a lower rate—although they may be making large profits—than the municipalities and divisional boards which borrowed money to carry on local works. I think there is a great deal in what the Premier said—that all these bodies have made contracts with the Government—and it is to their credit that most of them are carrying their contracts into effect. But this question of interest is certainly one that they have been looking forward to as a measure of relief, in the event of their not receiving greater endowments. I should like the hon. member to state, for the information of the House, how many local authorities since the 9th December, 1897, will this motion apply to. I think the amount is a mere bagatelle, hardly worth the time we are spending discussing the matter. It would not amount to more than £700,000 out of a total indebtedness of over £2,000,000, and then he proposes to extend this consideration to a number of local authorities which ought not to be allowed any reduction of interest whatever, because they have borrowed the money for the purpose of making a profit, and ought to pay the interest prescribed in the Local Works Loans Act. You will observe, Mr. Speaker, that there are some local bodies that have not borrowed any money at all from the Government. Only in this morning's *Courier* we see that there was a loan floated in Melbourne yesterday of £250,000 at 3 per cent., and £292,750 was offered, the average price being £100 5s. And there is no doubt that if local authorities here, instead of being compelled to borrow through the Government, were allowed to go into the open market and borrow where they pleased, they would do a great deal better. That

was the opinion long entertained by Sir Thomas Mellwraith when Treasurer. He strongly opposed the provisions of the Local Government Act of 1876 which compelled municipalities to go to the Government, and thought they should all be allowed to go into the open market. However, I do not wish to prolong the debate in any way. I only suggest to the hon. member that the motion as worded is really of such a small character, and will affect such a small number of persons, that I really think he should consider the propriety of withdrawing it, and bringing in another of a more comprehensive nature, and in such a form as to exclude from its benefits those local authorities which have borrowed money for the purposes of profit.

Mr. BARTHOLOMEW: I am very pleased that the junior member for Townsville has brought this motion before the House, as it has afforded hon. members an opportunity of getting an expression of opinion from the Premier and the Treasurer with regard to the rate of interest charged upon loans. I am one of those who consider that all future loans raised by local authorities should be raised in our own colony. Money can be borrowed through the savings bank and flotation charges avoided, which would mean a great saving. Of course I know that the tendency of local authorities at present is to get power from the Government to borrow in the open market; but I disagree with that, because I think it is a pernicious habit. Members of municipal councils, for instance, are always changing, and, not being well up in the finances, start by piling up a debt to the bank, but when the lending is in the hands of the Government they ascertain the status of the local authority, which constitutes a curb that ought to be retained by Parliament. I cannot see how we can bind the Government down and say that they shall charge a fixed rate of interest upon loans in future, because a war may break out, there may be a famine, or many other things that raise the price of money, so that if we make a fixed rate we may embarrass the Treasurer. On the other hand, the price of money may fall, and the Treasurer might see his way to borrow at, say, 2½ per cent. in the open market. We find that in Victoria money is being borrowed through the savings bank and lent out to farmers, and why should we not borrow money here through the savings bank and lend it to local authorities? My reason for suggesting that is that I consider we should borrow money for local authorities separately, so that they can get any benefit that may be derived from it. It is a very hard thing for the Treasurer to know what rate of interest to fix, because the cost of the money to the Government ranges from 6 to 3 per cent., and the rate for money is constantly changing. My opinion is that the Treasurer should be allowed at least ½ per cent. above the cost of the money to provide for losses. I presume this matter will come up next year when the Local Government Bill is brought forward, and hon. members will then have a full opportunity of discussing it.

Mr. ARMSTRONG: The hon. member who has just resumed his seat has instanced the case of Victoria borrowing money for another purpose altogether in the local market. We are borrowing money in Queensland at present at a much lower rate of interest than Victoria is borrowing for the purpose he speaks of. We get it from the savings bank, and lend it to the local authorities. I rose more particularly to reply to some remarks of the hon. member for Drayton and Toowoomba. He asked whether, if this resolution was carried, it would embrace the whole of the local authorities? It must be manifest to everyone that it would be perfectly absurd for the Government to lend money at one rate of interest to one set of local authorities and at a different rate to another set of local authorities. So that if any reduction of interest takes place we must consider the question in its broadest sense, and make the reduction to all local authorities. Government money has been lent to harbour boards, waterworks boards, grammar schools, rabbit boards, meat and dairy boards, for sugar-mills, and all the other ordinary local authorities. If we apply the reduction of interest to one of those we must apply it to all What would it amount to after all? The total amount lent is about £2,000,000, and if there is a reduction of 1 per cent. it would only amount to a loss of interest by the State of £20,000 a year. What the local authorities require most of all is a more equitable basis of dividing the endowment. If that were accomplished there would be no need to reduce the rate of interest. At the present time the municipalities are getting a very large amount of endowment while the divisional boards——

The SPEAKER: Order! I think the hon. member is going beyond the question.

Mr. ARMSTRONG: I quite admit that I was transgressing. I am in favour of the motion of the junior member for Townsville, but should like him to accept the suggestion of the Premier. If the House expresses the opinion that there should be a reduction of the rate of interest, then all future loans would be made at the actual cost to the Government.

Mr. DRAKE: It seems to me that the adoption of the suggestion of the hon. gentleman at the head of the Government would involve us in an amount of difficulty in exactly assessing the rate of interest to be charged to a local authority. To carry out the idea of the hon. gentleman it would be necessary, when an application for a loan was made, to ascertain exactly out of which of the Queensland loans the money was coming. It seems to me a legitimate thing in making these advances that the rate of interest should be slightly more than that paid by the Government in order to cover necessary expenses and possible losses. There have been cases in the past where money has been advanced to local authorities which will probably never be repaid. I am reminded of the National Association as a case in point. I hope the association will be able to pay its way by-and-by. Then there are other advances which have been made for works which may or may not turn out good investments. Some provision should, I think, be made for those cases. Taking the figures which have been quoted by the hon. member, the cost to Queensland of the money lent having been over 4 per cent., I do not think the charge of 5 per cent. is unreasonable, and if there is to be any difference made I think it should depend upon the nature of the works that are undertaken. Where the money is being advanced for works which are of such a character as to absolutely ensure the repayment of the money, the Government might cut the rate of interest very fine—only charge a rate which would be slightly in excess of what they themselves pay. But in other cases, where advances of a risky character are made, it is quite legitimate to charge 5 per cent.

The TREASURER: I think it was in 1880 that an Act was passed fixing the rate of interest at 5 per cent. At that time £413,000 had been borrowed by municipalities and for waterworks. Since then we have advanced about £1,600,000. It was in 1884 or 1885 when we first floated 3½ per cent. debentures, and the year before last we floated some at 3 per cent. I think we might fairly have a carefully tabulated statement made out to see how much the money that has been loaned out has cost us.

HONOURABLE MEMBERS: Hear, hear!

The TREASURER: It would never do to have anything but one rate of interest to all local authorities. It would not do to have the municipality of South Brisbane paying 5 per cent., and the Booroodabin Divisional Board paying 4 per cent. We could easily tell from a tabulated statement how much the money lent has really cost us. The Government might not be able to lend the money at 4 per cent., but at a little over 4 per cent. I maintain that everybody should be treated alike. They all borrowed money knowing that they would have to pay 5 per cent., and if we make a reduction, we must make the reduction all round. The poorest boards in the outskirts of the colony have just as much right to a reduction as those near the metropolis. I am not in favour of allowing local authorities to borrow money on their own account, although Parliament has permitted it in the cases of North Brisbane, South Brisbane, and Townsville. It would be much better if all the money borrowed by local authorities was borrowed through the Government.

Mr. McMASTER: Hear, hear!

The TREASURER: We should know then what the actual debt of the colony was. It would prevent indiscriminate borrowing; it would be surrounded with safeguards; and it would lead to a lighter hand being kept on the purse-strings. I will promise the House to have a carefully tabulated statement made out; possibly I shall be able to lay it on the table this session. The average of our loans has been a trifle over 4 per cent., though all the money borrowed by the local authorities has not cost so much, the bulk of it having been borrowed in recent years when money was cheaper. Something ought certainly to be allowed for a little risk. There is another matter. I think we ought to try and make all local bodies pay up their arrears of interest and redemption money. We have given them six years, but some of them make no attempt to pay up. I will not particularise them, but I see on this list the names of some boards that are well able to pay. It is not a nice thing for the Treasurer to put in a bailiff, but certainly I think that some of the boards now in arrears, if they made an effort, could pay up what they owe the Government. Their remissions in that respect is not fair to other boards that are paying their way.

HONOURABLE MEMBERS: Hear, hear!

The TREASURER: And we do not charge compound interest. If that was charged it would amount to a very much larger sum to the defaulters. As I said, I will bring forward a tabulated report this session, if possible, and early next session we can bring in a Local Works Loans Act Amendment Bill, making a reduction of interest on all the money now owing. Of course, if money should afterwards rise in value we should have to make an increase in the rate; but as to the money now owing, we know exactly how much it has cost, and can fix to a nicety how much we ought to charge. I think it will meet the wishes of the House if I move, by way of amendment, to omit all the words after "authorities," and to add the words "and others should be reduced." If that is accepted the motion will read—

That in the opinion of this House it is desirable that the rate of interest on all loans to local authorities and others should be reduced.

I move that as an amendment.

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

ATTACHMENT OF WAGES ABOLITION BILL.

RESUMPTION OF COMMITTEE.

Question stated—That clause 1, as amended, stand part of the Bill.

Mr. CRIBB: On the second reading the hon. member for Clermont agreed to make an alteration in the principle of the Bill, whereby in every case a certain percentage of a person's wages should be liable for his debts. No person should be able to plead his entire immunity from responsibility for his debts. Was the hon. member willing to accept an amendment in that direction?

On the motion of Mr. DRAKE, further amendments, of a consequential character, were agreed to.

The SECRETARY FOR PUBLIC INSTRUCTION thought there should be another addition to the clause. The object of the hon. member in charge of the Bill, and of those hon. members who were making amendments in it, was to protect in all cases men with incomes of £3 per week and under, but there were other cases which should be considered. Only last week a member of the House came to him to endeavour to obtain redress in a case where a teacher, whose income was £3 a week and over, had contracted a debt for board and lodging to a widow woman whose income was probably not more than £1 per week. It seemed to him that if a person who had an income of £3 per week owed a lodging-house keeper money for his bread and butter he was better able to pay something out of that £3 per week than the lodging house keeper, whose income was perhaps only £1 or £2 a week, was able to lose the amount owing to him. Why should they not protect the poorer person who might have only £2 per week against the richer person whose wages or salary was £3 a week? He therefore moved that the following words be added at the end of the clause: "except at the instance of persons whose income does not exceed £3 per week."

Mr. DRAKE had an amendment to move before that, and would be glad if the hon. gentleman would postpone his amendment so as to allow him to move his amendment.

The SECRETARY FOR PUBLIC INSTRUCTION: Very well, he would postpone his amendment for the present.

Mr. DRAKE: As the clause now stood it provided that where wages were more than £3 a week an order might be made for the attachment of the whole of the wages in excess of £3 per week, and he proposed to move that only 25 per cent. should be attachable. He moved that the words "amounts of the" be omitted with the view of inserting "an amount equal to twenty-five per cent. of such."

Mr. FINNEY: If that amendment was carried a man might have a salary of £1,000 or £1,500 a year, and he would only have to pay 25 per cent. of his debts.

Mr. DRAKE: No, you can only attach 25 per cent. of the salary, but he will be liable for the whole of his debts.

Mr. FINNEY: All a man need do was to contract big debts, and he would only have to pay up to the extent of 25 per cent. of his salary.

Mr. CROSS: If he has property it can be seized.

Mr. FINNEY: He might not have property. It would be better to reject the Bill altogether than to pass such an amendment. With regard to what the Secretary for Public Instruction had said, how could they tell what the income of a lodging-house keeper was? They would have to take her word for it. He thought that an absurd idea, but at the same time he endorsed the hon. gentleman's sympathy for lodging-house keepers, as no class in the community was harder worked or more often swindled than they were. They should be careful before they enacted laws that would only create complications, and discomfort, and inconvenience to people who required credit—and to business people as well. They knew how

storekeepers carried people on until they got work, but under this Bill in hard times storekeepers would, in justice to themselves and their own families, be compelled to refuse credit. It would be better for the hon. member for Enoggera to provide for some limit of salary, but he did not see why such a law should be enacted at all. What was the use of swindling one class in the community to benefit another?

Mr. CROSS: The hon. member had been too long away from Queensland or he would not have talked as he did. He was evidently unaware of the fact that the late Premier had this session submitted a Bill in which there was a clause which prevented the attachment of the wages of any man.

Mr. McMASTER: And he was defeated by an amendment.

Mr. JENKINSON: That does not make it any the more justifiable.

Mr. CROSS: No doubt the hon. member for Wide Bay would pit his sense of honour and justice against that of the late Premier and other members who voted for that measure. The hon. member for Toowong should not forget that a law protecting a man's salary up to £3 a week was passed by the House of Commons and has been in operation in England since 1870, and when the hon. member spoke of swindling people to benefit others he should teach morality and honesty of purpose to the House of Commons. The late Premier's high character was what made him pre-eminent amongst the public men of the colony, and he had been far above swindling and dishonesty in making a proposition to protect wages. He had said such an Act had been in operation in England since 1870.

Mr. FINNEY: It is not the same as this Bill.

Mr. CROSS: He had copied the words of the clause exactly from the Imperial Act.

Mr. FINNEY: But there is the amendment of the hon. member for Enoggera.

Mr. CROSS: The principle was the same, and the amendment would cover less than the Bill which was submitted by the late Premier. The hon. member for Toowong did not know that the amendment would only protect wages from being garnisheed, and that a man's liability for his debts would remain. The principle of the amendment and of the Bill was to secure to people clothing and shelter and the bare necessaries of life.

Mr. FINNEY: It would if it was limited to a certain sum, but it is not.

Mr. CROSS begged the hon. member's pardon. This Bill was far from being as comprehensive in its operation as the Bill introduced by the late Premier.

HONOURABLE MEMBERS: No, no!

Mr. CROSS: To hear the remarks of hon. members opposed to the Bill one would think we had a most dishonest community—that the working classes were most dishonest.

Mr. FINNEY: You have no experience as a business man; you only look at it from one standpoint.

Mr. CROSS: Surely the members of the House of Commons who passed the law in England had some business experience. Though he did not agree with the previous amendment of the hon. member for Enoggera, it had been adopted by the Committee, and he was desirous of seeing the Bill go through. The model he followed was a model everyone in Queensland might follow—the example of the late Premier. The proposal of that hon. gentleman was more comprehensive than what he (Mr. Cross) had proposed, but not one of those who opposed this Bill was game to get up and manifest the same feeling when the proposal of the late Premier was under consideration. Such a change of front was discreditable alike to the colleagues and the followers of the late hon. gentleman.

Mr. FINNEY: I was not here.

Mr. CROSS: The hon. gentleman was not; but there was not a single one of them game to tell the late Premier that he was encouraging dishonesty and conniving at swindling. He would now leave the Bill in the hands of the Committee, and let the electors deal with those hon. gentlemen who had gone back on their principles.

The PREMIER: I must say, in reply to the hon. gentleman who has spoken so warmly, that this Bill is not by any means a counterpart of the Bill brought in by the late Premier. That Bill was dropped on the insertion of the same amendment as had been introduced into this Bill, and if the late Premier were here now this Bill would meet with his condemnation. He understood that the hon. gentleman himself was opposed to the amendment introduced by the hon. member for Enoggera, but he appeared to have complacently accepted it, and now the hon. member for Enoggera was attempting to foist another amendment on the Committee. Were they to swallow both those amendments, which were so much opposed to the spirit of the Bill so warmly approved by the late Premier? It was just as well to clear the ground of any misconception in the matter. This Bill, with the extended provision introduced by the hon. member for Enoggera, instead of being confined to servants, labourers, and workmen, was now extended to any male or female engaged in manual or clerical labour, and that was opposed by the late Premier. The spirit of the Bill as originally introduced commanded their sympathy, the intention being that the wage-earner should have his means of subsistence safeguarded against attachment, but it was never intended to relieve men of means—whether those means were derived from salary or real estate, or were inherited—of a just liability for the payment of his debts. Under the Bill as amended, £3 a week would be exempt from attachment in the case of all those persons, even in the case of a person drawing a salary of £2,000 a year; and now the hon. member for Enoggera intended to propose that only 25 per cent. of their income above £3 a week should be liable to be attached for the payment of just and lawful debts. The proposition was a most monstrous one, and he was surprised that the hon. member for Clermont should represent that the Bill was one that the late Premier would have endorsed. He repeated that the Bill was not by any means the Bill which the late Premier recommended for acceptance. It had been transformed by the amendment of the hon. member for Enoggera, and it was open for every hon. member opposed to the Bill—notwithstanding any opinion he might have expressed on the late Premier's Bill—to express his feelings in connection with this, and that could only be by decided reprobation of the amendment introduced by the hon. member for Enoggera.

Mr. DRAKE: The hon. gentleman at the head of the Government did not generally indulge in misrepresentation, but he had grossly misrepresented the case on this occasion. The hon. gentleman said the Bill now applied to every person engaged in manual or clerical labour, but it did nothing of the kind. The hon. gentleman went even further, and said it applied to a person who had inherited means. What the hon. gentleman had carefully avoided noticing was that this was a Bill to attach salary or wages, and a person who was in receipt of inherited means, who might be engaged in private clerical or manual labour, was not necessarily a person in receipt of a salary

or wages. The Bill referred to salary and wages solely, and it was based upon what he considered a correct principle—that the salary or wages paid to a man was a payment made to him for his services, to enable him and his wife and children to live. That was why the law contemplated salary and wages in a different way from income derived from other sources. The hon. member kept that point out of view, but it ought to be kept continually in view in connection with a Bill of this kind, because it was the only justification for it. The amendment he moved, and which was accepted by the Committee, simply extended the provisions of this Bill to persons who were in receipt of wages or salary from clerical labour, and such persons were as much entitled to protection as those who earned wages by manual labour. Any reasonable man must admit that position. He had been asked what would be the position of a man in receipt of £1,500 a year, but he might point out that if such a person became overwhelmed in debt he would seek refuge in the Insolvency Court, in which case the judge would allow him every penny of his income without any deduction whatever. This Bill was for the protection of persons who were not in a position to seek that refuge, and he considered that £3 per week wages or salary was a very small amount in this colony, and that amount should continue to be paid. The Premier said it was a monstrous proposition, but he might remind him that at present District Court judges almost invariably refused to grant orders to attach wages or salary at all.

Mr. FINNEY: I have known a judge to take part of a man's income.

Mr. DRAKE: A man might be deriving an income from property apart from payment for his personal services; but it was the money he derived from his personal services that he had a right to look to to maintain himself, and it ought to be protected. Hardly any cases of this sort ever came before the Supreme Court. It was only since the passing of the Amendment Act of 1894, which gave justices power to attach wages or salary, that this evil had arisen. They wanted to provide that a man should not be stripped of everything he had to live upon. The Premier said it was monstrous to propose that a man should not be stripped of the whole of his wages; but it was the monstrosity of doing so that had given rise to this Bill, and to the Bill introduced by the late Premier. He also thought that a man who lived by clerical labour was as much entitled to protection as a man who earned his living by manual labour, and he did not see why he should be left to starve at the instance of any creditor.

Mr. CROSS: The Premier had departed from his usual genial way of dealing with matters, and had approached this Bill in a different temperament, which he regretted. The Bill introduced by the late Premier was more sweeping than this, and when the hon. member for Enoggera wanted to alter the interpretation clause, Mr. Byrnes said that every addition of that sort would decrease the chance of the Bill passing. His objection was not to the principle of the amendment, but his only fear was that its acceptance might prevent the Bill being passed in another place. The late Premier said—

> They were only following out legislation, not merely of yesterday, but legislation that had obtained in many parts of the world for many years in the direction of giving further protection to wages. . . . . He had carefully thought out the matter, and was of opinion that the first class of persons deserving of consideration were those included in the Bill.

However, the amendment of the hon. member for Enoggera was carried, and then the late Premier said—

Mr. BRIDGES rose to a point of order. Was the hon. member in order in quoting from a debate of the present session?

The HOME SECRETARY: Decidedly out of order.

Mr. CROSS: He would not quote any more. He remembered particularly the late Premier saying that his only fear was that the Bill would not pass the other Chamber, but he said that did not prevent the hon. member for Clermont from introducing his Bill. The clause was certainly more restrictive than the garnishee clause dealt with by the late Premier. He wanted hon. members to remember that any charges and insinuations they might make against him of encouraging dishonesty was a blow and an insult to their late Premier.

Mr. FINNEY: I never said anything of that sort. It is not correct; I deny it.

Mr. CROSS: The hon. member for Toowong had accused him of introducing something which would encourage dishonesty and swindling.

Mr. FINNEY: I never accused you of encouraging swindling.

Mr. CROSS: No; but the hon. member said he was encouraging dishonesty and conniving at swindling by wanting to pass the Bill, and in saying so he made an accusation against the late Premier.

Mr. FINNEY: I do not believe you personally would be guilty of such a thing.

Mr. CROSS: At all events the hon. member concluded his remarks by talking about swindling.

The CHAIRMAN: I trust hon. members will discontinue these interjections.

Mr. FINNEY: He is misrepresenting me.

The CHAIRMAN: If the hon. member stands up and calls my attention to that, I will call upon the hon. member to desist.

Mr. CROSS: The hon. member's remarks were somewhat heated. The exact remark was that he was offering a premium to dishonesty.

The HOME SECRETARY: A good many people think that without casting any reflection upon you.

Mr. CROSS: He would point out that the late Premier distinctly said that the motion proposed by the hon. member for Enoggera would not dispose of the Bill. He did not say that he would withdraw the Bill.

The CHAIRMAN: I must call the hon. member's attention to the amendment before the Committee, which is the proposed omission of the words "amount of the" and the insertion of the words "an amount equal to 25 per cent. of such." I am sure the hon. member has forgotten the question.

Mr. CROSS would support the amendment. He could do nothing else. If he could not get what he wanted he would get what he could. The matter must be approached in a spirit of compromise, and his experience of legislation in that House was that it was better to accept a slight concession than lose all one was striving for. Let the Bill be passed so that they might bring themselves into line with the measure passed by the British House of Commons. He was quite willing to accept any reasonable compromise in order that the object of the Bill should be attained and that the good work of a good man should be perpetuated.

Mr. JENKINSON: When the question was before the Committee on a former occasion he intimated his intention of moving an amendment. The Bill had come on as a surprise, and while he was drafting his amendment the hon. member for Enoggera got in with his. He

believed what he intended to propose would meet the views of hon. members, including the hon. members for Clermont and Enoggera.

The CHAIRMAN: I am sorry to interrupt the hon. member, but he must know that there is an amendment before the Committee already. To be in order he must confine himself to that amendment.

Mr. JENKINSON: What he had intended to move was that where the wages did not exceed £2 a week not more than 25 per cent. of the wages should be attached; where they were over £2 and under £3, not more than 33 per cent. should be attached; and where they were over £3 not more than 50 per cent. should be attached. That would be a protection to the storekeeper as well as to the employee. He realised that it was not right or just that the whole of a man's wages should be attached; it was necessary that sufficient should be kept back to provide the bare necessaries of life. But the storekeeper also had to meet his obligations, and it was not right that a man should be allowed to run up a bill, even for the necessaries of life, and make such provision that the storekeeper could get nothing at all. He did not believe in that sort of justice, but in doing as much justice as possible to all parties. If the hon. member for Enoggera would withdraw his amendment the Committee might probably see its way to adopt the one he had suggested. It might be objected that if a man got under £2 a week it would be rather hard to take that percentage, but he had worded his proposed amendment in such a way that if there was a special case of hardship the magistrate need not give up to the full percentage, but he could not give more than the percentage proposed. It had been said that the Bill was a transcript of the English law. But the same principle with regard to wages did not obtain here as in Great Britain. There wages were paid weekly; in Queensland they were paid fortnightly or monthly, and a little more license must consequently be allowed.

Mr. FINNEY: The hon. member for Clermont had accused him of having been led by the late Premier, and of not having the manliness to stand up and object——

Mr. CROSS: I made no such charge against the hon. member.

Mr. FINNEY: That was what he understood the hon. member to say. As a matter of fact he was not in Queensland at the time, so that he could not show a want of moral courage when he was not here to show courage of any sort. He believed that working men, whether engaged in clerical or manual labour, should not be deprived of such an amount of their wages as was necessary to provide food for their wives and families; but the amendment of the hon. member for Enoggera would protect a man living at the Queensland Club with £500 or £600 a year. There was nothing he admired more than an honest man, and anyone who accused him of sympathising with swindlers, as the hon. member had done, was saying what was not the fact.

Mr. McMASTER: The hon. member for Clermont said that members on that side were not game to oppose the late Premier's Bill; but he must know very well that they did oppose it, and, by carrying the amendment of the hon. member for Enoggera, caused it to be dropped. It was evident the hon. member did not want his own Bill to pass or he would not have occupied an hour in talking about it. It was only fireworks. The hon. member could not deny that it was a Bill to enable dishonest men to evade the payment of their just debts. No honest working man had asked for the Bill, because he would know that the storekeeper would have to clap on an extra charge to make up for losses caused by sheer dishonesty.

At 7 o'clock, in accordance with the Sessional Order, the House proceeded with Government business.

MINING BILL.

RESUMPTION OF COMMITTEE.

On clause 30—"Special provision for fulfilment of labour conditions"—

Mr. BROWNE asked the Minister to explain the clause. In clause 38 the maximum area to be allowed in the event of an amalgamation of goldmining leases was the maximum area of a single lease—namely, fifty acres; but in the clause under discussion the area was to be double the maximum area of a mineral lease—or 320 acres. It was practically an amalgamation of two mineral leases with no labour conditions with respect to one of the leases. The principle was very bad, and, with a view to bringing the question properly before the Committee, he moved the omission of the words "three hundred and twenty" with the view of inserting the words "one hundred and sixty."

The SECRETARY FOR MINES proposed to negative the clause, and deal with the matter in clause 38.

Clause put and negatived.

On clause 31—"Royalty payable for gold found in combination with other metals"—

Mr. McDONALD asked if the royalty would be charged on all gold extracted from the lease?

The SECRETARY FOR MINES: Yes; 1 per cent. on the value of the gold.

Clause put and passed.

On clause 32—"Provisions applicable when gold is found on mineral leasehold"—

Mr. JACKSON directed the attention of the Minister to the 3rd subsection, which provided—

> The lessee shall be entitled in priority to any other person to apply for and obtain a goldmining lease under this Act of so much of the land as may under this Act be comprised in a goldmining lease.

It did not seem a fair thing at all to give the lessee priority where gold might be found on the mineral lease by a man prospecting for gold under the goldfields regulations. Priority should only be given when the applications were made simultaneously, but according to his reading of the subsection the lessee would have priority whether the applications were lodged simultaneously or not.

The SECRETARY FOR MINES thought that was the meaning of the clause. The lessee ought to have priority.

Mr. JACKSON: Whether he found the gold or not?

The SECRETARY FOR MINES: I think so.

Mr. JACKSON: That is outrageous.

Mr. DAWSON: He might be working fraudulently.

The SECRETARY FOR MINES: If he was found to be working fraudulently his lease would be forfeited. That was provided further on in the Bill.

Mr. BROWNE: Would you allow them to take up claims?

The SECRETARY FOR MINES: Yes; a miner could take up a claim.

Mr. JACKSON suggested that the Minister might insert after the word "person" the words "when applications are made simultaneously." If a miner went into a mineral lease to search for gold, and found gold, and then applied for a goldmining lease, he should get it.

The SECRETARY FOR MINES: Can he go into a mineral lease to search for gold?

Mr. JACKSON: Yes, he can go into a mineral lease to prospect for gold.

The SECRETARY FOR MINES: I don't think so.

Mr. JACKSON: At first he did not think that a miner had the right to prospect on a

mineral lease, but he thought the first part of the clause gave him the right to go on a mineral lease.

The SECRETARY FOR MINES: Provided the lessee gives him permission to do so.

Mr. JACKSON: This brought a mineral lease in which gold was found under the provisions of the Bill relating to mining for gold, and he took it that the regulations would provide for the entry of the miner, as was done in the existing regulations. Then, subsection 1 provided that "any person mining thereon for gold shall not interfere with the working of the lessee."

The SECRETARY FOR MINES: But he must have the permission of the lessee before he can do that.

Mr. JACKSON did not think he had to get such permission. The first part of the clause practically gave him permission. According to his reading of the clause, a mineral lessee could hold a mineral lease and a goldmining lease as well, and his contention was that a lessee had no right to object to a miner getting a goldmining lease, but that if application was made by both parties simultaneously the lessee should have priority. They would get over the difficulty by inserting after the word "person" the words "when applications are made simultaneously." He should not propose any amendment at present, but he thought the matter was worthy of consideration.

The SECRETARY FOR MINES: This clause was an exact copy of the provision in the existing Act. He could imagine a lessee allowing a miner to go on a lease under his miner's right to see if he could find gold; if gold was discovered, and a goldmining lease was to be granted, the lessee should have the first right to it. Of course, if there was an application in, and the lessee himself let the lease go, in that case the other man would get it; but the clause said that the lessee should be entitled to priority. Of course he would only have priority where the two leases were together.

Mr. JACKSON: Whether he found the gold or not?

The SECRETARY FOR MINES: Yes, if the two leases were together, otherwise the new man would be turning the mineral lessee out. The lessee could not mine for gold except under the conditions imposed with respect to goldmining, for it was provided that "If the lessee mines for gold otherwise than in such association or combination, not being authorised to do so by a miner's right or goldmining lease, the lease shall be liable to forfeiture."

Mr. DUNSFORD: According to his reading of the clause there was no right of entry given to any person to prospect for gold or minerals other than those contained in the lease, nor was there any right on the part of the Crown to grant a claim or lease to anyone but the lessee. If hon. members would read subsection 2 they would see that it provided that "the lessee or any of the lessees" holding a miner's right might take up a goldmining claim or claims, but that no provision was made for anyone else taking up such claims on a mineral lease. Under that clause if a man accidentally discovered a quartz reef containing payable gold on a mineral lease of, say, 320 acres, he would have to get the consent of the mineral lessee before he could prospect, and then after he had got that consent, there was no possibility of his getting the right to mine, because, according to subsection 2 the only person who could get a title for a goldmining claim was the lessee. If the lessee was working his lease for gold instead of for other minerals they could compel him to fulfil the conditions attached to a goldmining lease, but nobody else could possibly get that claim.

An HONOURABLE MEMBER: Look at subsection 1.

Mr. DUNSFORD: That said that any person mining thereon for gold should not interfere with the working of the lessee. But the Secretary for Mines said that no one could enter a lease without the consent of the lessee. The only way was where a tribute was let, and the tributers must not interfere with the working of the lessee.

An HONOURABLE MEMBER: There is no mention of tribute.

Mr. DUNSFORD: That was the only right of entry given—consent of the lessee—and it was impossible under the clause for the Crown to give a title to a goldmining claim or claims to anyone but the lessee or lessees.

Mr. BROWNE: The discussion showed that this was another of those ambiguous clauses which it was very difficult to understand. He and other hon. members thought that it gave the right to persons other than the lessee to enter, but the Minister said "No," and the junior member for Charters Towers agreed with him. The clause said that any person mining thereon for gold should not interfere with the working of the lessee, and that assumed that he was there without the consent of the lessee, because if he had to get the consent of the lessee that provision would not be necessary, as the lessee could stop him. He was not saying now whether it was right for another man to enter or not, but that they should know what the clause meant.

Mr. STUMM pointed out that the clause was an exact transcript of a clause which had been in force since 1882. It evidently contemplated the entry by a miner upon a mineral lease to search for gold.

Mr. DAWSON: If you read clause 36 you will see that that is a trespass.

Mr. STUMM was confining himself to clause 32, and that was evidently what was intended, but there was no machinery provided to determine the terms upon which the entry should be made. Apparently there was none either in the 1882 Act or in the regulations. It was rather a difficult question to settle offhand, and perhaps the better way would be to postpone the clause.

Mr. HAMILTON thought it desirable to postpone the clause. It was a question for them to decide whether if a person held a copper lease any other person should be allowed to enter upon it and prospect for, say, tin—because if he was allowed to prospect for gold, by the same process of reasoning he should be allowed to prospect for any other mineral—and if he discovered it, should he be allowed to take up another lease on the same holding? They would have to decide whether that would not materially affect the security of tenure of the first lessee to have two titles to the same holding, and thus prejudicially affect the mining industry.

The SECRETARY FOR MINES: It appeared to have been the law since 1882, and the regulations did not refer to it. He supposed it had been a dead letter, and that no case under it had ever occurred. He had no objection to postponing the clause.

Clauses 32 and 33 postponed.

Clause 34—"Effect of application for mining lease upon land held by applicant under miner's right"—put and passed.

On clause 35—"Provisions relating to applications for mining lease"—

Mr. BROWNE: There was one matter he thought it worth while to bring up under this clause, as it had led to many disputes and much trouble. It was with reference to a description of a lease when it was applied for. The clause said that in the event of more than one application being made for the same lease at the same time, the applications were to

take priority according to the order in which the applicants marked the land out under the regulations. But their present regulations with respect to the marking of leases were very unsatisfactory. One case occurred on Croydon and took a good bit of money to decide, in which no one knew where the lease applied for was until it was found that it took in a considerable part of two claims. The claimowners lost the case because they had not lodged an objection to the lease in time. In the other colonies it was compulsory for the applicant to peg out his lease, and in New South Wales he had to put a large peg in the centre of the ground as well. It need not be provided for in the Bill, but the Minister should see that the regulations required a lease to be pegged out the same as a claim.

The SECRETARY FOR MINES: The difficulty was that a miner was not supposed to be a surveyor. A case of the kind occurring near Cooktown came before him not long ago. A man in describing some ground, instead of saying north-east, said north-west. Someone else came along, gave a correct description, and applied for the ground, but under the same clause as this in the present law he was able to give it to the man who first marked out the ground.

Mr. BROWNE: There was nothing in the regulations to say how a lease should be marked out, whether with pegs, heaps of stones, or marked trees. A man might make a mistake in his description of the ground, but if he knew what ground he wanted and pegged it out, other people would know whether he was taking in any of their ground or not.

Mr. HAMILTON agreed that it might be desirable to peg off leases, but priority should be decided by the first person who lodged his application with the registrar.

Mr. NEWELL also agreed with the suggestion of the hon. member for Croydon. Not long ago a lease was applied for in his electorate, and no one could tell from the description where the ground was. It was quite a common thing for an agent to get a wire to take up so many acres bounded by lines going in certain directions, and he agreed that there should be some provision as to how the ground was to be marked.

Mr. DAWSON thought the matter could be provided for in the regulations. The clause said that every application should be made in the prescribed form, and that meant the form prescribed in the regulations. Some wardens had held in the past that leases should be pegged, and one had threatened that if the lessees did not put in pegs according to the prescribed form, and an application for forfeiture came before him, he would feel bound to forfeit. At Croydon a company applied for a lease which included some claims already registered, and the claimholders knew nothing about it till the lease was granted.

Mr. STUMM: Did not the survey show?

Mr. DAWSON: No. The advertised description was not clear enough. If those applying for the lease had been obliged to put in pegs that could not possibly have happened.

Mr. SMYTH: They could not eject the men in possession.

Mr. DAWSON: It was done at Croydon. The warden said objection should have been made before he recommended the lease; it was too late afterwards. The same thing was within an ace of happening once at Charters Towers, but the holders of the claim discovered just in time that it was included in the lease for which application had been made.

The SECRETARY FOR MINES: If it was thought desirable by men of experience that leases should be pegged out, he had no objection.

Mr. BROWNE: It has been asked for a long time.

The SECRETARY FOR MINES: He would make a note of it.

Mr. DAWSON drew attention to what he considered a dangerous provision. One paragraph of subsection 2 said, "Nothing contained in this Act shall render it obligatory to grant a lease to any person notwithstanding that he has complied with the prescribed regulations," and subsection 4 said, "A lease may be granted notwithstanding that the person applying for the same has not in all respects complied with the regulations." That gave power to the warden and the Minister—particularly the Minister—to refuse to grant a lease to a man who had fulfilled all the prescribed regulations, and give it to some other person who had not fulfilled the conditions. He thought it a very dangerous provision.

The SECRETARY FOR MINES: The same provision was contained in the present law. He had already instanced a case in which a man described the ground inaccurately, and another came afterwards and described it properly, but by reason of having this power he was able to give the lease to the former, which he considered was only an act of justice. But for that power he would have been compelled to give the lease to the man who had strictly complied with the conditions. The ordinary miner was not always in a position to describe the land properly.

Mr. DAWSON: It might be provided that a mere faulty description should not invalidate an application, and then they might adopt the suggestion that the lease should be given to the first man who lodged an application.

Mr. HAMILTON agreed that it was undesirable to retain this paragraph, although he considered that the Secretary for Mines did right in the case he quoted. But there were cases in which wrong might be done. They had prescribed what must be done before one could take up a lease, and if the clause were allowed to remain, it would enable one who had not fulfilled the conditions to get the lease over the head perhaps of one who had done so.

The SECRETARY FOR MINES: The ordinary miner is not a surveyor.

Mr. HAMILTON: But he understood how to peg out a claim. He had seen a miner without any education make a survey of underground workings with a string, candle, and stone, as well as a surveyor. The subsection might lead to very great abuses, because there was no limit to the power of the Minister, and a man might bring influence to bear in his favour. The regulations should be made as plain as possible, and it was the duty of every miner to comply with them. He suggested that instead of applicants taking priority according to the order in which they marked out the land, they should take it according to the order in which they lodged their applications.

The SECRETARY FOR MINES: One man might peg out a claim and have to walk in to the warden's office, but another, who had a horse, might peg it out afterwards, and then be first at the office, and have his application in first. The present rule had not led to much trouble so far, and he thought the man who first pegged out the ground should have priority.

Mr. CALLAN agreed that the man who first pegged out the ground should have priority, but it would be difficult to know who did peg it out first; it would lead to a very great amount of swearing. There was something in the contention of the hon. member for Charters Towers that subsections 2 and 4 clashed, and he hoped the matter would be made more clear.

Mr. HAMILTON said that if there was anything in the horse argument, the Minister should alter the clause so that marking in all cases should give priority, instead of at present only in those cases where the applicants put in their applications simultaneously.

The SECRETARY FOR MINES said he was willing to omit lines 46, 47, and 48.

The CHAIRMAN: There is a previous amendment to be moved by the hon. member for Wide Bay.

Mr. JENKINSON said he proposed to add certain words to the first paragraph of the clause to the effect that applications should be advertised in a newspaper circulating in the district, such advertisement giving the name of the applicant and the area and position of the lease. He had moved a similar amendment in regard to exemptions, but the Minister promised to incorporate it in the regulations. If the hon. gentleman would give a similar promise in this case he would not move the amendment.

The SECRETARY FOR MINES: Yes.

Mr. HAMILTON said such notices had to be posted at the warden's office.

On the motion of the SECRETARY FOR MINES, lines 46, 47, and 48, and the 4th subsection were omitted.

Clause, as amended, put and passed.

On clause 36—"Protection of ground applied for as mining leasehold"—

Mr. DAWSON suggested that the clause be postponed, as it bore to a large extent upon clauses 32 and 33, which had been postponed in order to get some definite expression in the clause about the right of entry.

Clause postponed.

Clause 37 put and passed.

On clause 38—"Union of mining leases"—

Mr. BROWNE moved the addition of the following words to the proviso:—

Provided further that in the case of mineral leases no greater area than one hundred and sixty acres shall be comprised in such united lease.

They had already passed a similar provision in regard to goldmining leases, and it was plain to everyone that if they limited the area to 160 acres, and then allowed the union of two 160 acres, it was tantamount to making the maximum 320 acres. He was glad to see that the fine of £10 for the union of leases, as provided in the old Act, had been left out.

The SECRETARY FOR MINES had no objection to the amendment. He would point out that under the old Act there was no limit to the area that might be amalgamated, and he had not heard of any abuses arising. Still he thought 160 acres was a large enough area to amalgamate up to.

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

Clause 39 put and passed.

On clause 40—"Surrender of mining lease"—

Mr. DUNSFORD thought the clause unnecessary. When a man surrendered a lease he did not wait for the consent of the Government or anybody else; he simply chucked it, and paid no more rent. Did the Minister want to fine such a man for not having fulfilled certain conditions?

The SECRETARY FOR MINES: The clause might be useful for that purpose. At anyrate it would not do any harm.

Clause put and passed.

On clause 41—"Recovery of possession of mining leases"—

Mr. BROWNE drew attention to the last paragraph of the clause—

Provided that when any mining lease is liable to forfeiture, it shall be lawful for the Minister to waive such forfeiture upon payment, by way of fine or penalty, of such sum as the Minister may think fit.

They had already provided penalties for the first and second offence, after which the lease became liable to forfeiture. This provision threw a tremendous responsibility on the Minister. A leaseholder could well afford to break the conditions of his lease if he knew he could get off each time by paying a fine.

Mr. O'CONNELL thought the clause should stand as it was. The question was very fully discussed by the Mining Commission, and it was considered that the Minister should not only have the right to fine for the first and second offences, but that he should have the right of forfeit or fine for any minor breach which did not seem to warrant extreme measures.

The SECRETARY FOR MINES: He could see the difficulty, which arose from the word "lease" being used instead of "lessee." A lease might be issued, and after the owner had been fined once or twice it might pass into the hands of somebody else, and it would be rather hard to make him liable for the sins of the prior lessee, by forfeiting the lease on his first offence. At the same time, if a lessee committed a serious breach for the third time, the Minister ought to have power to deal with it summarily, either by fine or forfeiture.

Mr. HAMILTON: It was only right that the Minister should have this discretionary power. The covenants in a lease were many. One was that the sanitary arrangements must be good; another that no drive must be closed if it stopped ventilation; another that returns must be sent in periodically; and so on. It would be ridiculous to say that a lease worth £20,000 or £30,000 should be forfeited if by the neglect or the fault of someone down below the sanitary arrangements were not in proper order. It would lessen security of tenure, and prevent people going in for that kind of investment. Forfeiture should be only awarded for two reasons—failure to pay rent or breaches of the labour covenant. It would be considered a most unjust thing that any miner with a claim worth £10 should have his claim forfeited because he failed to comply with the drainage regulations. The clause should be allowed to remain as it stood.

Mr. BROWNE did not think there was much danger of anyone applying for the forfeiture of a lease for such small offences as had been mentioned by the hon. member for Cook. Leases were never forfeited except for breaches of the labour conditions. He had no wish to make the tenure insecure; but the clause proposed to give the Minister a bigger power than he cared to give him. With regard to what the Minister had said about the lessee having to bear the sins of his predecessors, the clause as it stood opened up a vista for a nice swindle. Two parties might be interested in a lease, which appeared in the name of one of them. Two breaches of the covenants might be made and fines inflicted, and in anticipation of punishment for a third offence the lessee might transfer the lease to his friend. He, in turn, might commit a couple of breaches of the covenants, and then transfer to a third party to save the lease.

Mr. LISSNER: There is nothing new about that.

Mr. BROWNE: There is nothing new about it, but they should try and stop it.

Mr. HAMILTON: The covenants are not re-enacted at each transfer.

Mr. BROWNE: It was rather a difficult matter to deal with, but if they left the clause in the Bill they might provide for a heavier penalty than was fixed in regard to the two first offences.

The SECRETARY FOR MINES: Perhaps it would meet the views of hon. members if the words "not exceeding £200" were inserted.

Mr. DAWSON: The objection he had to the clause was that it gave the Minister power to

allow one person to offend three times without forfeiting. They were dealing very generously with a mining lessee when they gave him two chances without running the risk of forfeiture. Three offences was the law now. If a publican was fined three times he lost his license, and the same principle should apply when there were three breaches of the conditions of a mining lease. At present the owners of leaseholds complained that they had no security of tenure, because the Minister could forfeit for a first offence, for which the lessee might not be responsible. That was very hard lines, but when there had been three offences it was quite a different matter. As the hon. member for Cook had pointed out, they might be very trivial offences, but it might get over the difficulty if they inserted after the word "forfeiture" the words "except for breach of labour covenants or non-payment of rent."

Mr. HAMILTON: It was quite right that leases should be forfeitable for non-payment of rent. In some of the other colonies they proceeded against a lessee in court and recovered the rent as an ordinary debt, and the lease could be put up to auction and sold. However, there might be some instances, even where there had been three breaches of the labour conditions, when it might not be desirable to forfeit. If the Minister had power to impose a fine of £200, it would not pay a leaseholder to fail to comply with the labour conditions, and, therefore, although the Minister should have power to forfeit for a third offence, it should not be made compulsory, because the great thing was to give security of tenure.

Mr. O'CONNELL: If it was made compulsory to forfeit for a third offence, the lessee would be in a worse position than he was at present. It was very undesirable that big properties, on which hundreds of thousands of pounds had been spent, should be liable to forfeiture for some temporary failure on the part of the lessee to fulfil the labour conditions. The Minister certainly should have the right to forfeit, but it should not be made absolutely compulsory. A lessee might commit two offences against the covenants, and then, after an interval of three or four years, he might commit another breach, and it would be very hard if he lost his lease in a case like that.

Mr. CALLAN: If people had a property that was worth keeping they would take care to pay their rent up to date, and fulfil the labour conditions. He considered that the suggested amendment was a perfectly fair one.

Mr. O'CONNELL did not think the hon. member for Fitzroy understood the proposal of the senior member for Charters Towers, which was that for a third breach of the labour conditions or non-payment of rent a lease should be liable to forfeiture.

Mr. HAMILTON: It would be a most calamitous thing if the Minister was not allowed to waive forfeiture under any circumstances. If this proposal were adopted a lease might be held for twenty years and hundreds of thousands of pounds spent upon it, and then for some trivial breach of the labour conditions—possibly because they had two or three men below the number necessary to represent the lease—it would be forfeited. No greater blow could be given to security of tenure than such a proposition.

Mr. CALLAN maintained that if a man had a good property he would take precious good care that he was not a single day after his time in paying his rent, and that he fulfilled the labour covenants.

Mr. HAMILTON: You are thinking of Mount Morgan.

Mr. CALLAN: He was not thinking of Mount Morgan. The hon. member, with his usual impertinence, said that he was always thinking about Mount Morgan.

Mr. HAMILTON: So you are.

Mr. CALLAN: The hon. member for Cook was one of those who protracted debate in that House by his interjections; he was always making interjections. He would be glad if the hon. member would hold his tongue. He contended that if a man did not pay up to time the Minister should say to him, "Your lease is forfeited." That was only an ordinary way of looking at a business transaction.

Mr. HAMILTON: The impertinent utterances of the hon. member who had just spoken were characteristic of him. On almost every occasion when any individual uttered the slightest interjection while he was speaking he imagined that no dog should bark but himself. All the hon. member's experience in mining was that he was pitchforked into Mount Morgan. They were not talking of cases of that kind at all, but of cases where large sums of money—£30,000, £40,000, or £50,000—had been expended on a lease, and the lessee required breathing time on two or three occasions.

The SECRETARY FOR MINES thought it would be better to omit the proviso altogether, as the matter was already sufficiently provided for. He moved that the last paragraph be omitted.

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

On clause 42—"Power to grant mining leases of land in reserves, residence areas, and business areas"—

Mr. JACKSON had a new clause to propose to follow clause 41, but would not move the first part of it, as it would clash with the clause with regard to total and partial exemption inserted yesterday on the motion of the hon. member for Croydon. He would submit the following part of the clause for the consideration of the Committee:—

> When it shall appear in evidence at any inquiry held by the warden that any application for exemption from labour conditions is opposed on the grounds that any party or parties of miners are willing to work such mine on tribute on terms that may appear reasonable and just, the Minister shall refuse to grant to the holder of the lease any exemption from labour conditions.

The necessity for this provision had, to some extent, been done away with by the adoption of the clauses preventing total exemption for more than six months continuously, but he still thought it would be a desirable amendment to make in the Bill. He remembered that in 1893 when the two members for Charters Towers, Mr. Browne, the member for Croydon, and himself were returned to that House they interviewed the Minister in connection with the exemptions that were being applied for at the time. They were rather bad times then financially on account of the bank crises, and as a result many mines were hung up. In many cases miners were willing to work those mines on tribute, and they interviewed the Minister at the time to see if he would not make a rule that he would refuse exemption in the case of a mine which miners were willing to work on tribute. The hon. gentleman promised that he would make such a rule. He did not say that the Minister had not tried to do the fair thing, but he did not think that promise had been kept. He could not see that any hardship could occur under such a clause, because if it did not pay the leaseholders to work a mine there was no reason why miners willing to work it on tribute should not go in and try and make a living. They all knew that miners were often willing to take a mine on tribute if they were

satisfied they would make half the usual rate of wages, because they might chance to get on to a patch. If they put such a provision as he proposed into the Bill, the Minister would be able to refuse exemption, and refer the applicants to the Act to show that he must refuse where miners were willing to work the mine on tribute, on terms that appeared to him reasonable and just. The words "reasonable and just" were inserted so that the Minister might exercise his own discretion as to whether the terms were so or not. If such a clause were in the Bill mineowners, before applying for exemption, would endeavour to see if miners could not be got who were willing to work the mine on tribute. He felt strongly on the question, because on Ravenswood he had seen the evil of hanging up mines which miners were willing to work on tribute. The junior member for Charters Towers yesterday quoted the evidence given by miners on Ravenswood before the Mines Commission, as to their willingness to take a mine on tribute.

Mr. SMYTH: What are they doing now?

Mr. JACKSON: Those men now were working on tribute. The Queensland National Bank owned the mine, and for a considerable time refused to allow those men to go to work, though he had been fighting all along against further exemptions. Finally the bank, seeing that they could not sell the mine, found it to their interest to let the miners go in and work it, and they had now been working there for over twelve months, and were making a living out of it. If such a clause as this had been the law the Minister could have refused exemption because those men were willing to work the mine on tribute. They were married men, living with their families on Ravenswood, and they were willing to work on almost any terms to be able to meet their store accounts. He admitted that he had led the Secretary for Mines to understand that he intended to withdraw the clause altogether, but, upon further consideration, he thought it as well to put the amendment before the Committee. He intended to withdraw the next two clauses entirely, but they dealt with a different subject.

The SECRETARY FOR MINES could not accept the amendment, which was really compulsory tributing. They had passed clauses preventing more than six months' continuous exemption. A man might for some reason be short of money, and he might know that by sinking a few feet he would get on to gold, and the hon. member's proposal would allow tributers to come in and take advantage of that. Besides the hon. member put it on the Minister to decide whether the terms were reasonable and just.

Mr. JACKSON: The warden would recommend.

The SECRETARY FOR MINES: The practice of mines that got exemption was to try and get tributers. In several cases he had refused exemptions, and the mines were worked on tribute. He thought the Day Dawn P.C. had tributers and the Bonnie Dundee had tributers, and that was the case with the bulk of the mines at Charters Towers that had applied for exemption. He did not think the hon. member for Kennedy had put the Ravenswood case fairly. This was a series of mines that had been worked for about thirty years.

Mr. JACKSON: Not by the same company.

The SECRETARY FOR MINES: Not by the same company all the time. It was a London company, and he did not know whether they gave much or little for the mine. Unfortunately it fell into the hands of the Queensland National Bank, who advanced—for wages, he supposed, to keep the mine going—about £7,000 or £8,000. The original owners got exemption first, and they tried to get additional capital from London, but failed. Afterwards the bank tried to get Mr. Weinberg, of the Aldershot Smelting Works, to purchase the property, and it was only after the failure of the bank to sell to that gentleman that he refused to grant any further exemption. The bank promised that if they could get a sufficient sum for the mines they would pay the men's wages, but they could not sell. Before the last application for exemption was made the men wanted to work on tribute, but the hon. member for Kennedy and himself thought it would be better to wait longer and try to get Mr. Weinberg in the district. Seeing that he had smelting works they thought that would be better than the men working on tribute. In other cases when mines had applied for exemption and there was any reasonable show of getting tributers he had refused exemptions. There was a clause in the regulations providing for tributers, and it might as well be left to the Mines Department to draft regulations. There might be one or two cases in which it was hard on the men, but in this case there might be greater hardship to the mineowners.

Mr. JACKSON: The Minister's sympathy always goes with the mineowner.

The SECRETARY FOR MINES: He did not think so. He had given as much protection to the miner as to the mineowner, and had tried to hold the balance evenly.

Mr. DAWSON: Yes.

The SECRETARY FOR MINES: Quite as much as any Labour member would try to do. He thought this might well be left to regulations.

Mr. DUNSFORD hoped this very reasonable amendment would be carried. He had known mineowners apply for exemption when it would have been better if their mines had been working. Nothing so depreciated the value of a mine as hanging it up.

Mr. SMYTH: Leave them to mind their own business.

Mr. DUNSFORD: That was what he would refuse to do—to allow mineowners to mind their own business, if minding their own business meant doing injury to the men working in the mine and to the mining district generally, whose interests should be conserved as well as those of the mineowners. If the men working in a mine thought the mine sufficiently payable for them to risk their labour, it was better that they should be permitted to work the mine, or a portion of the mine, than that the whole thing should be hung up. He could not think of any circumstances under which it would be wiser for a company to hang-up than to see their mine working. In the case of Ravenswood, they continued to get exemption and their property continued to depreciate.

Mr. LISSNER: That was a very exceptional case.

Mr. DUNSFORD: He knew of other cases. He knew that exemption had been refused in Charters Towers by the present Minister because men said they could make it pay and were game to chance it. This amendment did not make it imperative that the Minister or the warden should grant a tribute; but he had to consider the terms of the tribute, and if they were good terms he gave the company the option of working the mine themselves or permitting the men to work it for a time. It did not even say it should be left for any long time. The men said, "You apply for exemption for six months; we are willing to take it on tribute for six months sooner than be idle," and the company could come back again at the end of that time in either case. He hoped hon. members would see their way clear to accept the amendment, because it would have the effect of

preventing men from leaving a field, as they had been compelled to do in the past. There were occasionally dull periods on a field, and those were the very times when exemptions should be prevented if possible, because keeping the field going, and keeping the men there, meant that prospecting would go on and fresh discoveries might be made.

Mr. HAMILTON: The clause would be productive of great hardship to poor men in many cases. If this principle were good as applied to leases it was also good in regard to claims. He would take a claim consisting of six men's ground: They believed that after sinking 100 feet they would strike the reef, and after doing so they found that they would have to drive thirty or forty feet to get a shoot of gold, when they expected to strike rich gold. But by the time they had bottomed on the reef they had spent all their money, and desired six months' exemption in order to work on wages elsewhere to raise sufficient funds to return and develop their claim. Under this clause, when they applied for exemption, any capitalist might come along and say it was worth his while to work it, and offer terms which might appear reasonable to the warden, who might not know anything about the mine, and the capitalist would get it. The hon. member said it would be optional on the part of the owners of the claim to refuse the offer to take their claim on tribute. Under the clause they would have no option, because if they refused to let their claim on tribute the warden would refuse them exemption, and having no money they would have to forfeit their claim or accept the tribute offered.

Mr. DAWSON thought the amendment proposed by the hon. member for Kennedy was an exceedingly good one, and he gathered from the remarks of the Secretary for Mines that he was willing to accept it.

The HOME SECRETARY: He said he could not possibly accept the amendment.

Mr. DAWSON: He understood the Minister to say that he would not accept it in the Bill, but he was willing to deal with it in the regulations. He did not suppose the hon. member for Kennedy would object to its being in the regulations, so long as the provision was made. The matter had been referred to on several occasions, and he thought a very good case had been made out. Persons applying for exemptions must comply with certain conditions, and if they made any statements at the warden's court which were not true they should not be granted exemptions. What they wanted was a provision that if a man went to a warden's court and applied for exemption, on account of the poverty of the ground, for instance, and a party of miners disputed that statement, and said they were willing to work it, then no exemption should be granted. That was all they were asking for, and it was only a reasonable thing. He would refer hon. members to the very claim mentioned by the Secretary for Mines on Charters Towers, the Stockholm, which was about four miles outside the principal portion of the Charters Towers Gold Field. The company could not make the ground pay, but they let it on tribute, with the result that work had been going on ever since, and good was done all round. There was another famous claim on Charters Towers—the St. Patrick, out of which Mr. Stubley made his money. After the company ceased to make the ground pay, they let it on tribute, and work was thus found for a number of men at profitable wages. All that they wished to provide against was the hanging-up of a mine if there were parties of miners who were willing to work it. The Bill he knew only provided for six months' exemption, but as a matter of fact exemptions had gone on continuously in the past, and a case had been quoted in which a mine had been exempted for six years. What usually happened was that a company, after exhausting its means, did not immediately throw up the ground, but applied for six months' exemption, and at the end of the six months they then threw up the ground. That happened in the case of the Alexandria, with which the Minister was familiar. The ground was worked for a number of years, and the company then decided to stop working for a time. They did not throw the ground up at once, but waited until after the six months' exemption had expired, having previously pulled up the rails. Within the six months the water rose within ten inches of the surface, the mine caved in, and they only discovered subsequently that the last shoot of stone they were working carried 7 oz. to the ton. If the hon. member's amendment had been in force such a case as that could not have occurred, as there were two or three parties of tributers who were willing to work the mine. That was an example of where the granting of exemption over the heads of those who desired to work a mine on tribute had done evil.

Mr. SMYTH did not believe in the clause. The present system was a voluntary tribute, and it had worked to the satisfaction of all parties—of the owners and of the men. After sinking a deep shaft, developing a mine, and getting everything in order for further work, it was only fair that the owners should have breathing time so that they might get a little more capital if necessary. But under the proposed new clause a party of miners could force the owners to keep working all the time, or else grant a tribute. There was a great deal of rascality and roguery in connection with tributing. He could mention a case in which the manager of a mine had worked it for years without giving the shareholders a dividend, and he afterwards told a party of intending tributers that he knew of stone in the mine that would run 2 oz. If he knew that, he should—in common honesty—have taken it out for the shareholders. He did not think that owners of any mine would hang it up if they thought they had a good thing. Suppose Mr. Finney, in Queen street, proposed to give up business because it did not pay, what would be said if his assistants had power to say, "We will compel you to let us work the business." Why should a mineowner be forced to allow others to run his business any more than a draper? Our present tribute system was a good one because it was voluntary. He had had many tributes himself, and he and the tributers had always worked amicably together; but to compel a mineowner to let his mine on tribute because for the time being he had not sufficient capital to work it was going beyond all reason. It seemed to him that ever since they began to discuss the Bill certain hon. members had done nothing but "play to the gallery." The mineowners were not considered at all. He hoped the amendment would be rejected.

Mr. NEWELL: Having been a working miner himself, he was naturally anxious that their rights should be conserved, but he was certain the amendment would do them a serious injury. When a number of working miners took up a bit of ground, and had spent all their money in sinking 100 feet or so, the custom was to apply for an exemption, so that they might take a job at wages for the next six months, and then come back and spend their savings in trying to better their position. He had known many such cases. If the amendment was carried that would be done away with. He was surprised at the hon. member for Kennedy moving it, seeing that there were any number of working miners in his own electorate.

Mr. GLASSEY: The hon. member for Gympie spoke on behalf of the mineowners, and no doubt neither he nor the hon. member for Woothakata desired to do anything that would be injurious to the working miners. Their argument was, that if the amendment was carried some great hardship would accrue to proprietors of mines. He failed to see it. The hon. member for Cook had put the case of half-a-dozen miners who found their capital exhausted after sinking a shaft to a certain depth when it was just possible they could not be far from gold, or it might be some distance away. They had to stop and work elsewhere for wages to find money to enable them to continue their operations. To do that they had to apply for exemption. Another set of men went to the warden's court to oppose the granting of that exemption. Why? Because they did not believe the application to be a fair one, and they told the warden that they were prepared to go in and do the work which those men declared they were unable to do. If the warden was convinced that the application was a fair one he would agree to it. If not he would refuse it and give those who opposed the application the right to work the mine on certain conditions, giving to the proprietors of the mine a certain percentage of the gold won. Where did the injury come in to the proprietors? If the proprietors were going to suffer an injury he would not be a party to it. But after having heard the arguments from members on his own side representing the working miners, and from members on the other side representing the mineowners——

Mr. STUMM: We represent the working miners as well as you do.

Mr. GLASSEY: Did the hon. member think that those on his side, who specially represented working miners, would support an amendment likely to be detrimental to their interests as a class? Neither would they embody amendments in the Bill which were likely to be detrimental to mineowners. If ever an amendment was based on reason and justice it was the one they were now considering, and he intended to support it.

Mr. JACKSON: The senior member for Gympie had quoted a case where a mine manager had left certain stone in a mine with a view to getting the mine on tribute, and from that the hon. gentleman argued that such things were likely to happen in the future. He was sorry that the hon. member had such a low opinion of mine managers as to think they would be guilty of such practices. He was not "playing to the gallery" in moving the amendment. He considered it a good amendment, and he had moved it as much in the interests of the mineowners as in the interests of the miners. In the Ravenswood case the Queensland National Bank had a partial exemption. They had had to keep engine-drivers at work pumping for months, and if they had had a provision of the kind he was proposing in the Gold Mining Act, they would have been hundreds of pounds in pocket. Although it was an important question, it had not been debated at any great length, and he could assure the Minister that he had no intention of moving any amendment with the view of obstructing the Bill.

Mr. HAMILTON wished to inform the hon. member for Bundaberg that if a warden considered the grounds for the application insufficient, he refused it under any circumstances, but, according to that clause, if he considered the grounds for exemption sufficient, he could still refuse if anyone applied for a tribute of the ground.

Mr. GLASSEY: If the owners alleged they were unable to work the ground, and another body of men gave tangible proof that they were prepared to work it, why should the warden grant an exemption? The mining proprietors would take no harm if the mine was worked on tribute. He, and all other hon. members who approached the question with open minds, would pause before they would do an injustice to any mineowner. In the Ravenswood case the conditions were such that the miners had no opportunity of continuing work, nor had they been afforded an opportunity of getting the two months' pay which was owing to them. He hoped that adequate provision would be made in the Bill for giving miners a lien upon the mine for their wages in priority to any other person. The Minister had made provision for one month's pay, but that was not enough. If men were prepared to work a mine on tribute, not only would they benefit themselves, but the mineowners would not suffer, and the whole community would participate in the benefit.

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

AYES, 20.

Messrs. Glassey, Keogh, Kerr, Kidston, Turley, Browne, Dawson, Groom, Jenkinson, Drake, Curtis, King, Dibley, Cross, Dunsford, McDonald, Stewart, Sim, Jackson, and Daniels.

NOES, 37.

Messrs. Dickson, Foxton, Philp, Chataway, Dalrymple, Murray, Macdonald-Paterson, Tooth, Fraser, McGahan, Stephenson, Lord, Collins, McMaster, Finney, Grimes, Corfield, Bell, Morgan, Castling Battersby, Petrie, Bartholomew, Cribb, Bridges, O'Connell, Stumm, Callan, Lissner, Hamilton, Stodart, Stephens, Smyth, Newell, Armstrong, Moore, and Hood,

PAIR.

Aye—Mr. Fogarty. No—Mr. Smith.

Resolved in the negative.

At twenty-four minutes to 10 o'clock,

The CHAIRMAN said: In accordance with Standing Order 171, I call upon the hon. member for Dalby, Mr. Bell, to relieve me in the chair.

Mr. BELL took the chair accordingly.

Mr. JACKSON: To show the Government that he was not adopting obstructive tactics with regard to that measure, he would withdraw the next two clauses dealing with the "right of new lessee after a certain time to purchase plant, etc., of void lease," and the "removal of plant," because he thought those matters could be just as well provided for by regulation. He should, however, like to have a discussion on the subsequent clause dealing with tribute agreements. Paragraph 11 of clause 241 gave the Government power to make regulations "for determining the mode in which any mining tenement or any share therein" might be "transferred, assigned, sublet, or encumbered." That would allow the Government to make regulations dealing with tribute. He proposed not to allow the Government that power, but to put the conditions in the Bill. Already they had inserted in the Bill matters which the Government proposed to deal with by regulations—for instance, the labour conditions and the penalty for breach of the covenants of a lease. He proposed now to move the first of the clauses dealing with tribute agreements—

> Every agreement for the working of a mine, whether Crown lands or private lands, or any part thereof, on tribute, may be in the form or to the effect of the Third Schedule to this Act.

He had not prepared an amendment to the schedule, but if the Committee accepted the clause he proposed to move the insertion of the schedule of the Victorian Act of last session. Those clauses were principally taken from the Victorian Act of last session, where it had been found advisable to provide for tribute agreements in the Act itself. The report of the Mines Commission did not enlighten them very much

on the subject of tribute. The evidence given by some witnesses at Ravenswood had been referred to before, and he need not refer to it again; but Mr. Clarke, a hotelkeeper on Charters Towers, but an old miner, had given important evidence on the question. That gentleman held that a law making subletting or tributing legal would give a great impetus to the industry, and he gave illustrations showing how mines could be worked. They had already decided in the Bill to make subletting legal, and having gone so far he thought it was the proper thing to insert provisions in the Bill itself to determine how those tributes should be made. To give the Committee some idea of the agreement form in the schedule to the Victoria Act of 1897, which he proposed to adopt, he might say that it provided that the tributer should work his block continuously and systematically according to the practice in gold, mineral, or coal mining; that he should use all diligence and care in protecting the property of the company, and should be responsible for damage or injury done to the mine. Hon. members would see that that was a protection to the owners of the mine rather than to the miner, and for that reason it would be acceptable to hon. members opposite.

The SECRETARY FOR MINES: Why?

Mr. JACKSON: He had said before that hon. members opposite were in favour of the mine-owner rather than the miner.

The SECRETARY FOR MINES: What right have you to say that?

Mr. JACKSON: He believed it was so. But if the Committee accepted the first clause it would not bind them to any form of agreement; they could afterwards insert any form of tribute agreement they might think fit.

At a quarter to 10 o'clock,

Mr. KERR called attention to the state of the Committee.

Quorum formed.

Mr. JACKSON: It was pitiable that on a Bill of so much importance hon. members could not keep a quorum. He need not talk any more about this particular clause. He would therefore sit down and see whether the Minister had any particular objection to inserting those clauses in the Bill itself. Tributes had not been very common in the past; but now they were making it legal, there would probably be many tributes taken on all the mining fields in Queensland, and by putting the provisions dealing with them in the Bill itself miners would know what was the law on the subject. He had handed his amendments to the Secretary for Mines some days ago, and no doubt the hon. gentleman had made up his mind as to whether he would accept them. If the Minister was in favour of some of the clauses, but objected to others, he would be glad to meet the hon. gentleman's views. Seeing that it was considered a fair thing to embody the clauses in the Victorian Act, he saw no reason why it would not be fair to embody them in this Bill.

The SECRETARY FOR MINES: He had given this matter some little thought, and did not think it would be wise for the Committee to accept these provisions. There was provision in the Bill for making tributes legal, and after the Bill passed he proposed to get the opinions of the wardens as to what they considered would be fair conditions to insert in regulations. That would be better than inserting all the clauses of the Victorian Act, which might be suitable in Victoria, but might not be suitable in Queensland. At the same time it was possible that some of the Victorian provisions might be adopted if they were found to be good. There must be a lot of information in the wardens' offices about tributes, which had been worked in Queensland for many years, and they might go to the regulations of the other colonies as well for information. In the meantime he must oppose the whole of the proposals of the hon. member.

Mr. HAMILTON: He quite approved of what the Minister had suggested, and could get some very good evidence in our own colony in regard to tributes. Mr. Clarke, to whom the hon. member for Kennedy had referred, stated in his evidence before the Mines Commission that work could be given in many instances to miners if capitalists could be induced to put machinery on certain reefs, the miners working them on tribute; but according to the present regulations capitalists did not care to do so because if those tributers met with any accident in the working the owners of the machinery were liable; and he considered it desirable to make provision that they should not be liable, but that the tributers working the machinery should be liable. He also stated that in case the tributers knocked off, the owners of the machinery should have three months' exemption as a right to give them time to make other arrangements.

Mr. BROWNE was glad that provision was made in the Bill for to legalise tributes. It was a thing that was badly wanted. He agreed with the hon. member for Kennedy that it would be as well to embody as much as they could in the Bill instead of leaving so much to regulations. Big as this Bill was, if so much was left to be dealt with by regulations they would be as bulky as the Bill itself.

The SECRETARY FOR MINES: We can't avoid it.

Mr. BROWNE: The only way to avoid it was to embody as much as possible in the Bill. Here they had a number of clauses that were included in the Victorian Act. Those that were considered good might be embodied in this Bill and the other matters might be left to be dealt with by regulations.

Mr. DUNSFORD thought the Minister would be perfectly safe in admitting the first clause at any rate, providing that "every agreement for the working of a mine, whether Crown lands or private lands, or any part thereof, on tribute, may be in the form or to the effect of the third schedule to this Act." That did not tie them down to any particular schedule; it was merely making provision for a schedule which would be acceptable to the Committee, and that could be inserted later on. There would probably be a larger number of tributes let in Queensland in the future, and it would be just as well to have one form of agreement, because that would simplify and cheapen matters.

The SECRETARY FOR MINES: We will provide a simple form in the regulations.

Mr. DUNSFORD: He believed that could be done; at the same time he saw no objection to having the schedule in the Bill.

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

AYES, 18.

Messrs. Dawson, Glassey, McDonald, Keogh, Dunsford, Kerr, Stewart, King, Cross, Jackson, Dibley, Daniels, Drake, Jenkinson, Curtis, Sim, Browne, and Turley.

NOES, 36.

Messrs. Dickson, Murray, Foxton, Dalrymple, Philp, Chataway, Corfield, Stephenson, Macdonald-Paterson, O'Connell, Hood, Tooth, Newell, Smyth, Stephens, Morgan, Stodart, Armstrong, Callan, Lord, Grimes, Cribb, Bridges, Bartholomew, Battersby, Petrie, Moore, Castling, McGahan, McMaster, Finney, Lissner, Stumm, Collins, Fraser, and Hamilton.

PAIR.

Aye—Mr. Fogarty. No—Mr. Smith.

Resolved in the negative.

Mr. JACKSON quite recognised, after the last division, that he had been badly defeated, and that it was not much use moving any further clauses under that heading. But he should like to draw the attention of the Minister to one clause concerning tribute agreements which he should like to see inserted in the regulations—the clause relating to sustenance money. It read—

> It shall be the duty of the owner to include and there shall be deemed to be included in every tribute agreement a provision for the payment of sustenance money out of the proceeds of any gold or minerals obtained under such agreement to each tributer not being a registered corporation upon such a scale as may be mutually agreed upon, but being not less than one-half of the usual rate of wages paid to miners in the district within which the ground to be held under tribute is situated, and such sustenance money shall, after payment of the cost of crushing and carting, be a first charge in favour of the tributers upon any gold or minerals obtained under such agreement.

It did not exactly provide for a living wage being obtained by the tributers, but it provided for something, although what remuneration they would receive would depend upon the value of the minerals obtained. At any rate it would give them a first claim up to a certain amount that might be fixed in the agreement. Owing to the other clauses having been rejected, it would be necessary to precede this by the words, "When any mine shall be let on tribute." He moved the clause with those words prefixed, and would like to have a little discussion upon it.

The SECRETARY FOR MINES would not like to make any rash promises about that clause. In the case of copper-mines let on tribute he believed what was called "sustenance money," at the rate of £1 a week, was paid out of the proceeds of the copper. He would give the matter consideration when the regulations were being framed, and he would have them liberalised as much as possible.

Mr. HAMILTON was glad to hear the statement of the Minister, because there was a great deal to be said in favour of the clause.

Mr. DUNSFORD thought the clause was worth pressing to a division, because it was a matter of importance to the working miner. It provided that he should receive "tucker" money —sufficient out of the proceeds of the gold to subsist upon. It usually amounted to half wages. Some companies dealt liberally enough in that matter, but there were others which extracted the last farthing out of the miners. He thought the men should be certain of getting enough out of their labour to pay the butcher and baker who were waiting for their money. He believed the hon. member for Gympie would be willing to agree to the proposal. On Gympie it would mean 25s. a week to the men, and on Charters Towers about 30s. Of course if the hon. member for Kennedy did not intend to divide the Committee on the question he would not do so.

Mr. SMYTH thought it would be better to leave the clause out. His colleague and himself were concerned in several tributes on Gympie. If the men only got wages out of a crushing they took the whole of the proceeds. Whatever they got over £2 10s. a week they divided between the company and themselves. That was a far better arrangement than the one proposed He thought it preferable to leave the matter to be arranged between the owners and the tributers. In the case of No. 1 North Phœnix the arrangement he mentioned had worked well, and there was an amicable feeling all round.

Clause put and negatived.

On clause 42—"Power to grant mining leases of land in reserves, residence areas, and business areas"—

Mr. McDONALD thought the clause an important one which deserved consideration.

The SECRETARY FOR MINES: A special Act was brought in ten or twelve years ago to empower the Government to lease the school reserve on Charters Towers. He thought it advisable to maintain that provision, which had worked well.

Mr. DUNSFORD: It was hard to define what was meant by "compensation" under subsection 4 in case injury was done to the surface. In respect to business areas and homesteads, compensation had only been paid for improvements, but persons frequently came inside the fence and pot-holed the ground all about, and that was not looked upon as damage. He quite understood that a lot depended upon the way in which the clause was administered, but when a man had a little home of his own, if care was not taken injury might be done to him without paying him compensation.

Mr. SMYTH: They always receive very good consideration.

Mr. DUNSFORD thought they did, but still he had heard complaints. Was it the intention of the Minister that compensation should be given beyond the value of the improvements?

The SECRETARY FOR MINES: That question will be dealt with later on.

Clause put and passed.

Clauses 43 and 44 put and passed.

On clause 45—"Application for license to search for coal"—

Mr. GLASSEY: They were now entering upon a question of some importance, and there was scarcely time that evening to give it the consideration it deserved. An amendment had been inserted, on the motion of the hon. member for Charters Towers, reserving a certain portion of the surface of goldmining leases for residence areas. He wished the same principle to be extended to coalmining leases. During his short experience in the colony he had known many cases of real hardship that had occurred under the existing conditions. If time permitted, he would narrate some of them, but he had no intention to prolong the discussion unnecessarily.

The SECRETARY FOR MINES: I will promise to do what the hon. member wants when we deal with clause 49.

Mr. JENKINSON: The words in line 37 seemed rather ambiguous. Did the amount cover the annual rental?

The SECRETARY FOR MINES: Yes: it only applies to a twelve months' license.

Clause put and passed.

Clauses 46 to 48 put and passed.

Clause 49—"Application for a lease"—postponed.

On clause 50—"Rent and royalty payable"—

Mr. JENKINSON asked whether the rent was payable from the time the land was taken up, or from the 1st January, as in goldmining leases.

The SECRETARY FOR MINES: From the date of application.

Mr. DUNSFORD asked whether the 3d. per ton royalty was collected at the present time, and where, and whether it was sufficient.

The SECRETARY FOR MINES The amount was sufficient; it was collected on leaseholds. He thought Clermont was the only place where it was collected.

Clause put and passed.

Clauses 51 and 52 put and passed.

On clause 53—

Mr. GLASSEY : Surely the Minister was not going to proceed with this new part of the Bill at that hour !

Mr. JACKSON thought they had done a very fair night's work, and ought to adjourn.

The SECRETARY FOR MINES: He was very anxious to push on with the Bill, but if hon. members wished to adjourn he would do so.

The House resumed ; the ACTING CHAIRMAN reported progress, and the Committee obtained leave to sit again on Monday next.

The House adjourned at twenty-eight minutes to 11 o'clock.