Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

MONDAY, 19 DECEMBER 1898

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MONDAY, 19 DECEMBER, 1898.

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

QUESTION.

KILKIVAN-NANANGO RAILWAY.

Mr. MAUGHAN asked the Secretary for Railways—

1. In accordance with a promise made by the Honourable John Murray, Minister for Railways, at a public meeting held in Nanango, on 29th October, 1898, viz.:—

> That immediately on his (the Minister's) return to Brisbane he would see that the best available man in the department would be sent up as soon as possible to search for the most advantageous route from Kilkivan to Nanango,

has departmental action been taken to give effect to such promise?

2. If not, will the Minister see that immediate action is taken in the direction indicated, so that no hitch whatever will occur when the Government are considering their railway policy?

The SECRETARY FOR RAILWAYS replied—

Yes.

SUSPENSION OF STANDING ORDERS.

The PREMIER, in moving—

That, for the remainder of this sesssion, so much of the Standing Orders be suspended as will admit of the passing of Bills through all their stages in one day—

said: I have introduced this motion for the purpose not only of conveniencing the Government, but also private members who have business of a practical nature on the paper. With the assistance of hon. members I sincerely hope that we shall close the session on Friday night. We do not intend to proceed with all the Orders of the Day under the heading of Government measures. Of course we intend to deal with the consideration in committee of the Legislative Council's amendments in the Mining Bill, and, with the permission of the House, I would like to pass the Pearlshell and Bêche-de-Mer Fishery Acts Amendment Bill. Hon. members on the other side are very much interested in this measure, and I do not think it is one on which a large amount of discussion will ensue. The Mining Companies Bill is a matter I must leave entirely to the House as to whether we proceed further than the second reading. The same remark will apply to the majority of the Bills which follow that in the list. I am very desirous that we should pass the Mining Bill and the Pearlshell and Bêche-de-Mer Bill, which come on for consideration this afternoon, and I would also like hon. members on the other side to have an opportunity of dealing with measures in which they are interested. There is the Toowoomba Town Hall Bill. The hon. member for Toowoomba has expressed a desire to pass it. Of course, if any measure should prove contentious, I cannot promise that additional time will be given to deal with it.

Mr. BROWNE: The Toowoomba Town Hall Bill is not non-contentious.

The PREMIER: The motion I have made is with the desire to assist hon. members in passing any practical legislation they may have on the paper before the House rises.

Mr. KIDSTON: Such as what?

The PREMIER: I have mentioned some.

Mr. KIDSTON: Isn't it better to let the Toowoomba people agree about it first?

The PREMIER: If it is a contentious measure, there is no chance of its being got through; but, on the representations made to me, I assume that it might almost be regarded as a formal matter. Then the hon. member for Enoggera has a Bill in connection with the Cairns Gas Company. That is in committee, and I desire to give the hon. member an opportunity of getting the Bill through before the House rises. In fact the object of the motion is to get through any practical legislation. O course there will be the Appropriation Bill, which goes through all its stages in one day. I beg to move the motion, and trust that hon. members will accept it.

Mr. McDONNELL: Are you going to go through with the Workmen's Lien Bill?

The PREMIER: No.

Mr. GLASSEY: I called "not formal" to this motion because I was extremely anxious to hear what the Premier had to say with regard to the numerous Bills which find a place on the business-paper. I am aware that it is usual at the end of the session for such a resolution to be submitted, and, as a rule, no exception is taken to it; but this is an exceptional session, and this is an unusual time. I find that no less than ten Government measures, in addition to those mentioned by the hon. gentleman, appear on the paper, some of them being extremely contentious. I admit that there will not be a great amount of contention in regard to the Pearlshell Bill, but the Mining Companies Bill, the Harbour Boards Bill, the Rabbit Boards Bill, and a variety of others cannot be considered as non-contentious, and many of them are extremely important. If this resolution were allowed to pass without a word, these measures might be rushed through, and it is quite possible the Government might even submit some new ones. We have had no assurance from the hon. gentleman that, even at this late period of the session, he will not introduce some fresh measures. I do not remember any session, during all the years I have been in this House, when such an enormous amount covered by the Estimates remained undisposed of when such a motion was submitted. Some of the largest departments, such as the Railways and the Post and Telegraph Department, have still to be dealt with, and in addition there are the Loan and the Supplementary Estimates. This business alone is sufficient to take up the whole of the week. I think the statement of the Premier is very unsatisfactory. Of course, if this motion be passed in its present shape, there is no saying that new measures will not be introduced. I hope the Premier will not press this motion until to-morrow, at least.

Mr. STEWART: I think in the present state of public business this is a very improper motion to bring in. As has been pointed out by the leader of the Opposition, we have no less than

ten Bills on the business-paper, and there is no guarantee that all of them will not be pressed forward if this motion be passed. If the hon. gentleman had been in earnest he would have struck out all the measures he did not intend to proceed with, and then we would have known how we really stood. But as it is I consider that the Assembly will be doing something which is entirely unconstitutional if it pass this motion, because it will be placing a power in the hands of the Government which the Government has no right to possess, and which every man who desires to see constitutional Government carried on in a legitimate fashion, whether he belongs to this side or to the Government side, should oppose. We have by far the greater portion of the Estimates to pass, and I am astonished that a gentleman who has always been an advocate, or at least a professed advocate, for constitutional government should have brought forward a proposal of this kind. It appears as if all the hon. member desired is to get the entire possession of the business of the Assembly into his own hands so that he may be able to do anything he chooses. There is very contentious matter in the amendments made by the Council to the Mining Bill, and we cannot tell how long that will last, and then we have the Pearlshell Bill, which the hon. gentleman says is not contentious, but how does he know? I think it is an exceedingly contentious measure, and that I should be guilty of a most flagrant dereliction of duty to my constituents and to the country if I were even in the remotest manner connected with such a proceeding. How do we know that the hon. member has not a Loan Bill up his sleeve? At the last hour of the session he may come down with a Bill authorising a loan of £3,000,000.

The TREASURER: There will be no Loan Bill.

Mr. STEWART: It may not be parliamentary to say that we would not be justified in taking the word of the Government.

The HOME SECRETARY: No. But it would be just like you.

Mr. STEWART: We have been so often deceived that we are justified in being a little suspicious. I agree with the leader of the Opposition that the Premier will be wise if he does not press this motion to-day, but delays it until the end of the session is more clearly in view.

Mr. TURLEY: If the Premier was sitting where he sat before he had a seat in the Government I am sure that he would have been one of the first to protest against the adoption of such a motion as this. He would object to it on the same ground that I do—that we have received no definite statement from the Government as to what Bills they intend to proceed with. The hon. gentleman said we would go on with the Council's amendments to the Mining Bill, and he would like to go on with the Pearlshell Bill; but he has given us no definite assurance that he will not go on with any others. There may be some other Bills, and when the Standing Orders are suspended all the safeguards that prevent the forcing of legislation through, so far as this House is concerned, are absolutely taken away. If the hon. gentleman would give us a definite statement as to what business the Government intend to go on with it would be different, but he has only told us what we all know, that all the business is in the hands of the House. If we allow the Standing Orders to be suspended upon a vague statement like that it certainly means that the control of the Opposition over any legislation that the Government may think it desirable to force through the House will be absolutely gone. [Applause from the strangers' gallery.]

The SPEAKER: Order! Will the policeman remove the stranger who applauded?

[Removed accordingly.]

Mr. KIDSTON: The Premier knows as well as other hon. members do that such a motion as this is not proposed until near the end of the session.

The PREMIER: We are near the end now.

Mr. KIDSTON: We do not know. The Government have sufficient measures on the paper to keep us going until the middle of February. If the hon. gentleman struck out of the business-paper the business he does not intend to go on with, then there could be no harm in his consenting to such a motion. Almost all the business on the notice-paper is of a contentious nature. The Pearlshell Bill is of a most contentious character. In all fairness, the hon. gentleman before asking the House to agree to this motion, ought either to remove those eight or ten items from the paper altogether, or ought to give us a distinct and unqualified assurance that the Government do not intend to go on with them. If he does that, I should be agreeable to the motion, but if he does not, I do not think he should ask the House to agree to it.

The PREMIER: I regret that my explanation was not listened to more attentively by hon. members, because they would have very well understood from it that the intention of the Government was simply to consider in committee the amendments of the Council in the Mining Bill and deal with the Pearlshell and Bêche-de-Mer Fisheries Bill, together with one or two private measures which hon. members opposite have on the paper. The rest of the Bills depend upon the length of the session. If the hon. gentleman who has just addressed us addresses the House at his usual length upon all matters that come before it, I cannot undertake that if the session is prolonged beyond Christmas we shall not go on with all the other measures on the paper; but the Government have no desire that the session should be prolonged beyond Christmas. I do not intend to proceed with any other Bills than the two I have mentioned, and of course the Estimates. I think that is perfectly clear. If hon. members desire to extend the session beyond Christmas then further matter for debate may be found in the more extended list of measures now before them.

Mr. KIDSTON: And this motion will still be in force.

The PREMIER: I trust, however, that hon. members will consider that the session has lasted sufficiently long, and that they will assist the Government in passing the measures to which I have alluded, this motion being free from any desire to suppress debate of a necessary character. We have had experience in former years of motions of a similar character being passed three or four days before the close of the session.

Mr. BROWNE: The Estimates were all through then.

The PREMIER: I do not know whether they were or not, but of course we cannot close the session before the Estimates are through.

Mr. KIDSTON: There was a definite statement made on those occasions as to the close of the session.

The PREMIER: There is a definite statement now. The Government wish to close the session on Friday next, and intend to proceed only with the Bill I have mentioned. If the session is protracted beyond Christmas I will not pledge the Government not to proceed with the whole programme, but I should regret if we were forced to that extremity.

Mr. McDONNELL: The last statement of the Premier—that the session may be continued after Christmas—should be taken notice of. To my mind it is almost impossible to close before

Christmas, and if the session is continued after then this motion will still be in force, and fresh legislation may be introduced.

The PREMIER: No fresh legislation will be introduced.

Mr. McDONNELL: The hon. gentleman is not quite clear himself that the session will terminate before Christmas, and by passing this motion we are simply putting our heads into a halter. We have £2,531,000 of the Estimates still to discuss, and that alone, with any reasonable amount of discussion, will take four or five days. I think the suggestion of the senior member for Rockhampton is a very wise one—that the Government should remove from the business-paper the measures which they do not intend to proceed with, and then we shall know what position we are in. I cannot agree that the motion is a wise one, because it will place in the hands of the Premier a power which might be most injuriously used.

Mr. DUNSFORD: I had not intended to say anything on this motion, but simply to have voted against it, had not the Premier pointed out that one of the indirect effects of passing it may be that we will be called upon to sit after Christmas if we do not agree to suppress debate and pass hasty and ill-digested legislation. If that is not done, the hon. gentleman says he will be compelled to keep the House together until after Christmas, and having carried this motion, it will of course apply to all the twenty Bills mentioned on the business-paper. Surely no Opposition worthy of its name would agree to a motion which gives to the Government the possibility of carrying through all their stages so many measures, most of which are of a contentious nature. This motion is moved to suit the convenience of members, not on behalf of wise legislation. Some of us, of whom I am one, are very desirous to get home. Nevertheless we must sink our individual convenience if we find that it clashes with the public business. We know that the Standing Orders are there for the purpose of placing safeguards to prevent this very thing which the Premier is trying to bring about—that is, hasty and ill-digested legislation, not legislation likely to do good to the people. We, as an Opposition, have to take care that every stage of every Bill is well considered, and fully discussed if necessary; to see that the proper amendments are forthcoming, so that Bills when they leave the Chamber may become better Bills than when they were introduced. The effect of the Premier's motion will be that Bills will be carried without discussion in the same shape as they are introduced. We ought to do our best to prevent that sort of thing. I for one, although desirous of getting home—I have been here quite long enough—and having given my quantum of talk, though I do not think I have talked unduly, nor that any other member on this side has done so—am not willing to give away my right or privilege, as a member of the Opposition, to discuss fully, if necessary, every matter brought before us, because if we are debarred that right or privilege it will only lead to hasty and bad legislation.

Question put; and the House divided:—

AYES, 21.

Messrs. Dickson, Chataway, Philp, Foxton, Murray, Dalrymple, O'Connell, Cribb, Thomas, McMaster, Hood, Smyth, Stumm, Finney, Hamilton, Stodart, Bridges, Collins, Newell, Petrie, and G. Thorn.

NOES, 14.

Messrs. Glassey, Kerr, Dunsford, McDonnell, Turley, Jackson, Browne, Daniels, Kidston, Maughan, Fogarty, Sim, King, and Stewart.

PAIRS.

Ayes—Messrs. Castling and Corfield.
Noes—Messrs. Boles and Keogh.

Resolved in the affirmative.

ACTING CHAIRMAN OF COMMITTEES.

On the motion of the PREMIER, it was resolved—

That during the absence of the Chairman of Committees the hon. member for Fassifern, Hon. G. Thorn, do take the chair.

MINING BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS—COMMITTEE.*

The SECRETARY FOR MINES: He would like to make a short statement to the Committee. Hon. members would notice that the Upper House had made a great many alterations in the Bill. The bulk of them were only verbal and consequential; but they had made four vital alterations. The first was the alien question; the next was giving the Minister power to grant exemption; the next was the striking out of the 210th clause; and the next was the alteration in the homestead provision. The Government were prepared to accept two of those amendments, but there were two which he thought the Committee ought to send back to the other House—the alien question and the 210th clause. The 210th clause had been law for nine years; it was also the law in two of the other colonies, and was almost similar to the law in Great Britain. There were some verbal amendments in clause 1, and he moved that the Committee agree to them.

Amendments agreed to.

The SECRETARY FOR MINES: The next amendment was a new clause fixing the time for the Bill to come into operation—extending the time by two months. There was nothing to find fault with in that, because it would take all that time to get the regulations prepared, so he moved that the Committee agree to the amendment.

Amendment agreed to.

The SECRETARY FOR MINES moved that the Committee agree to the amendments in clause 2.

Mr. GLASSEY thought this was a most irregular practice. They were not in the habit of bunching amendments, and he thought it was better to follow the old practice of taking them *seriatim*.

The SECRETARY FOR MINES: It was immaterial to him how they were taken; his only object in moving them together was to save time. He moved that the Committee agree to the amendment in line 32 of clause 2.

Amendment agreed to.

The SECRETARY FOR MINES moved that the Committee agree to amendment in line 48, omitting the word "gold."

Mr. JACKSON thought they should have some explanation as to why it was proposed to accept this amendment. He was instrumental in getting the word "gold" inserted, and the object was to prevent any clashing with clause 36, which provided that claims might be taken up on mineral leases. He thought the other Chamber had made a mistake in striking out "gold."

The SECRETARY FOR MINES: If the clause was left as it was every mining lease other than a goldmining lease would be deemed to be a claim. The word "gold" was not necessary in the paragraph, as a claim was well defined.

Mr. BROWNE: Clause 36 empowered the holder of a miner's right to take up a claim on a mineral lease, and the word "gold" was inserted on account of that provision in clause 36. If it was omitted there would be a conflict between the two provisions.

* In dealing with these amendments the clauses are numbered as they appeared in the Bill when it was sent to the Legislative Council.

The HOME SECRETARY: The Secretary for Mines was correct in stating that if the amendment was not agreed to every mineral lease would be deemed to be a claim, because it was omitted from the proviso.

Mr. JACKSON: What about the other difficulty?

The HOME SECRETARY: There was no other difficulty that he could see, because the moment a claim was taken up on a mineral lease, that mineral lease became absolutely void so far as the particular portion which was comprised in the claim was concerned; it only continued as to the remainder of the land. There was, as the hon. member said, the slight contradiction between the two provisions, and it must necessarily be so if they had two titles on the same ground for dissimilar purposes, but if any such conflict did arise clause 36 would certainly prevail. The Council were correct in their amendment, because if the word "gold" was retained there would be no proviso saying that a mineral lease should not be a claim.

The SECRETARY FOR MINES: Of course the lease for that portion of the land which was taken up as a claim would lapse, as they could not have two titles under the lease. The omission of the word "gold" would not prevent men taking up claims on a mineral lease under clause 36, and if the word was retained every mining lease except a goldmining lease would be called a claim.

Mr. HAMILTON did not see any necessity for the subsection at all; but if they were going to pass it they should pass it as it stood. If a claim was granted on a lease it would not be comprised in the lease, but would be under a distinct title.

Mr. SMYTH thought the word should be struck out. They could get a claim inside a mineral lease under clause 36, but not inside a goldmining lease.

Mr. DUNSFORD pointed out that the interpretation of a "claim" was being narrowed down to that portion of Crown lands which any person or persons should lawfully have taken possession of for mining purposes, but they were providing that portions within mineral leases and within freeholds might be lawfully taken possession of for mining purposes. There was no doubt that any warden or mining lawyer would only take a claim to be a portion of Crown lands taken possession of for mining purposes as restricted by the amendment. He thought the subsection should be struck out.

Mr. O'CONNELL pointed out that if the amendment were accepted the only title that could be given on a mineral lease would be a goldmining lease.

Mr. JACKSON thought they ought not to agree to the amendment, which would lead to litigation. Claims would not be allowed upon mineral leases as intended by clauses 36 and 37. He did not wish to reflect on members in another place, but the opinion of mining members of experience in the Assembly should have more weight. The hon. member for Cook was now of a different opinion, but he admitted that the matter could be strained in the way the hon. member now viewed it. If "gold" was omitted wardens might refuse to allow miners to take up claims on mineral leases, and for that reason he strongly objected to the amendment.

Mr. HAMILTON could inform the hon. member for Charters Towers that the mining lawyer whom the senior member for Charters Towers (Mr. Dawson) considered the best mining lawyer in the colony thought the amendment should be accepted as it stood.

Mr. DUNSFORD: It depends upon what he intended by it

The SECRETARY FOR MINES: The acceptance of the amendment would not affect the taking up of claims at all. The interpretation clause only dealt with the definition to be placed on terms "unless where the context otherwise indicated." In the 36th clause the context clearly indicated that a man might take up a claim on a mineral lease. The amendment would not affect that; but without it he was advised that a mineral lease would be called a claim.

Amendment agreed to.

The remaining amendments of the Council in this clause were agreed to, with a consequential amendment on the definition of "shaft."

On clause 3—"Repeal"—

The SECRETARY FOR MINES moved that the amendment of the clause in subsection 2 be agreed to. Hon. members opposite had some doubt whether the present owners of tenements would have the privileges conferred on the holders of tenements under the Bill. The draftsman of the Bill thought they would have, but the clause made the matter doubly sure by the amendment.

Amendment agreed to.

A verbal amendment in clause 3 was agreed to.

Clause 6—"Provisional proclamation of goldfields"—

The SECRETARY FOR MINES moved that the amendment omitting the word "notice," and inserting "notification," be agreed to.

Mr. SIM said that "notice" was the correct word to use. "Notification" meant the act of notifying, while the "notice" was the instrument whereby the notification was made, and the "notice" was the thing the clause dealt with.

The SECRETARY FOR MINES did not like the amendment himself, but he was informed that modern drafters used the word "notification" instead of "notice."

Mr. SIM: It is not English.

Amendment agreed to.

A further verbal amendment in the clause was also agreed to.

In clause 12 a verbal amendment was agreed to.

In clause 13—"Duplicate of miner's right in case of loss"—

The SECRETARY FOR MINES moved that the amendment inserting the words "upon the applicant giving satisfactory evidence to the warden of its loss," be agreed to.

Mr. SIM: He was not altogether satisfied with this amendment, which said that a man who lost his miner's right should produce evidence of it. What evidence could he produce, in nine cases out of ten, but a bare statement of fact?

The HOME SECRETARY: Is not that evidence?

Amendment agreed to.

On clause 14—"Privileges conferred by miner's rights"—

The amendments in lines 51 and 52, page 8, were disagreed to. A verbal amendment in the same clause was agreed to.

On clause 16—"Issue of business licenses"—

The amendment in lines 6, 7, and 8 of the clause was agreed to; the remaining amendments were disagreed to.

Verbal amendments in clauses 18 and 21 were agreed to.

On clause 23—"Power to grant goldmining lease"—

The amendment in lines 2, 3, and 4 of the clause was disagreed to, while that in the 1st subsection was agreed to.

On clause 26—"Reservation of portion of the surface"—

The TREASURER: The amendments made in this clause did not vary it much, and he moved that the first amendment be agreed to.

Mr. DUNSFORD: He was sorry that the Minister was going to accept the amendment, because it would take away what little good there was in the clause in reserving a portion of the land for residence purposes. It was only after full consideration that he had agreed to a compromise, and reduced the portion to be reserved to not less than six acres. He agreed that six acres was not sufficient to make provision for the stacking of tailings, for crushing machinery, and so on; but they knew that very few mines indeed had their own crushing batteries. Where they had, they had a right to apply for a tailings area and a machinery area and water rights, so that they were safeguarded in that direction, and could always get sufficient land if it were available. On the other hand, it was absurd to say to a company that it should have twenty acres of land but that five acres would be reserved for public purposes. He might have been satisfied with the compromise on the ten acres if the clause said that so long as ten acres were given to the company, and no larger area, half of the area should be given for public purposes, but the amendment made no such provision. The company could not permit the public to reside on the land, and could not sell or sublet for residence purposes. The intentions of those who had made the amendment was not made clear, as hon. members would see by turning up their speeches. The Hon. Mr. Deane said that so long as ten acres were reserved to the company he would agree to all over ten acres being divided up for residence purposes. Therefore they had expressed in the Bill what they did not intend. In a fifteen-acre lease, only two and a-half acres would be reserved for public purposes under the amendment. That was absurd on the face of it, and he hoped the Minister would not agree to it.

Mr. HAMILTON: It was evident that on mining fields everything must give way in order to facilitate mining operations. Those properties were worked most economically which raised their ore, crushed, and cyanided on the claim, and to do that ten acres was required for the cyaniding alone. At the Queen claim on Charters Towers, he was informed by the owner that although they had sixteen acres, they found themselves so cramped for room that they were negotiating for the purchase of another five acres. That was certainly an evidence that ten acres was not sufficient. He had been informed also that many of the other areas which consisted of ten or twelve acres were cramped for room and were nogotiating for more land.

Mr. DUNSFORD: It was very exceptional to find the crushing and cyaniding plant on the goldmining lease. He did not know of one such case on Charters Towers. If hon. members wanted to make good their position, they must quote a concrete case where fifteen acres was not sufficient on a goldmining lease for all purposes. Most of the goldmining leases were six and ten acres in extent, and out of that small surface area they had been selling the surface rights. In some cases they had received as much as £50 or £60 for a quarter of an acre of the surface, for which they paid £1 an acre rent. Strictly speaking, the lease could be forfeited in such cases, and in future, if the law was properly administered, no company would be permitted to deal with its land in that way, but at the same time the land would be lying idle, because they would not invite the public to come in for nothing. The effect of the amendment would be that the holder of a twenty-acre lease would only require ten acres, and all the rest would be lying idle in a thriving township. Let any hon. member go upon a goldfield and he would find that, on comparatively small leases of six, eight, or ten acres, the residences were quite thick and of comparatively little inconvenience to the goldmining company, except on rare occasions, when small amounts had to be paid by way of compensation. Actual experience showed that the land was not required, and was now used, in many cases, for residence purposes. In the past they had permitted mining companies to obtain a revenue from that source which ought to go to the State. It would then lead to closer settlement, and the local authorities would get revenue out of land which would otherwise remain comparatively idle.

Mr. SMYTH: Owing to the changed conditions of mining a greater surface area was required now than formerly. Owners wanted their cyanide works erected close to the mine, and on that point he need only refer to the large area occupied by tailings on the Day Dawn P.C. It was also necessary to provide against the solution getting into the creeks or away from the works and poisoning horses and cattle.

Mr. BROWNE: It was perfectly true that a larger surface area was required now than formerly, but the hon. member was arguing on the assumption that it was required on the goldmining lease. That was not so. Owners were not so foolish, when they could take up tailings areas and machine areas at a nominal rental and without labour conditions, to take up a big goldmining lease at £1 an acre and with an obligation to employ one man to every four acres.

Mr. SMYTH: The convenience is greater than the cost.

Mr. BROWNE: The cases were very rare where a company put up a great deal of machinery on a goldmining lease. But apart from that, he did not think the Council intended the clause to read as it stood. According to his reading of the debates they intended to reserve ten acres instead of six, but as the clause was worded they not only reserved ten acres, but one-half of the remainder. He would suggest that the amendment should be accepted, if at all, in an amended form

Mr. HAMILTON: No mineowner in his senses would take up a machine area and a tailings area unless it was absolutely necessary to do so. It was the object of every owner who wished to work his mine economically to do his crushing and his cyaniding on his own ground, and if his operations were at all extensive fourteen or fifteen acres were not a bit too much.

Mr. DUNSFORD: The hon. member seemed to have entirely forgotten the existing practice, which was to erect the crushing plant where there was water.

Mr. SMYTH: In many cases the water is brought to the machinery.

Mr. DUNSFORD: That resolved itself into the question whether it paid better to take the quartz to the water or to bring the water to the quartz. The Burdekin crushing plant was ten miles away from the mine, although there was ground enough on the lease, but it paid the company better to take the quartz to the water. It was a very exceptional case where water was got on a lease, and they were not legislating for exceptional cases. The hon. member could not point to one case on Charters Towers where the works were on the goldmining lease, or even where ten acres was required for the working of the mine the leased ground of which was fifteen or twenty acres in extent.

The SECRETARY FOR MINES: He must admit that his experience was that very few owners had crushing batteries or machine areas on their ground. He had read the clause wrongly in the first instance, and he thought that if they substituted "six" for "ten" it would satisfy

both sides. He would therefore, with the permission of the Committee, withdraw his amendment.

Motion withdrawn.

The SECRETARY FOR MINES moved that the Committee agree to the Council's amendment in the clause with amendments substituting the word "six" for "ten," in lines 19 and 21.

Mr. HAMILTON: With regard to what the hon. member, Mr. Dunsford, had said about machines not being on claims, he could say that six out of eight machines on Gympie were on claims, and it was far more economical to have them there than half-a-mile away. At Croydon he knew of a machine that was at the mouth of the claim, and he knew machines on the claims on the Palmer. They had to haul up the water, and they utilised the water for the machines.

Amendment, as amended, agreed to.

On clause 27—"Covenants and conditions of goldmining lease"—

The SECRETARY FOR MINES moved that the Committee agree to the amendment, omitting subsection 4. The subsection was inserted to protect the wages of workmen, but as provision had been made for that elsewhere there was no need for it here.

Mr. JACKSON did not think this amendment was justifiable. If he leased a piece of ground to another individual, it went without saying that the individual would not be able to release it without his consent; and he thought that the holder of a goldmining lease should not be permitted to sublet without the permission of the Minister or the warden.

Amendment agreed to.

The SECRETARY FOR MINES moved that the Committee agree to the amendment in the clause omitting the proviso "that the term of any total exemption should not exceed six months continuously." This was a very important clause, and there was a long debate on it in this Chamber. Of course there were no two leases alike. In some cases a lease was taken up and no work done for six months, and then exemption was applied for again; but in nine cases out of ten he did not think they ought to get it. There were many cases, however, where a lease had been taken up, and sometimes £50,000, £60,000, or £100,000 might be spent on it, and it was hard if the owners could get only six months' exemption. Of course it was said they could put a man on and get partial exemption; but it was rather an evasion of the spirit of the Act. It was very much more straightforward that the power of exemption should be given to the Minister, as in the other colonies. Since he had been Minister there had been an enormous number of exemptions to deal with. In some cases he had given offence by not giving sufficient, and in other cases he had given offence by granting too much; but, on the whole, he did not think the mining industry had suffered by the exemptions granted. Nearly every district was different. On Gympie, which was near all the capitals of Australia, there was a better chance of getting money to work a mine after a reasonable time. He did not know of any cases where land had been locked up because of exemptions, for there were very few cases in which exemption was granted where miners objected and wanted to work the ground. He had a list in his hand showing a number of claims on which large sums of money had been spent, and which had paid no dividends. At Gympie, on the No. 2 North Great Eastern £11,400 had been spent, and it had paid no dividend; on the No. 1 North Great Eastern £33,800 had been spent, and it had had no exemptions and had paid no dividend; No. 3 North Phœnix, which had been reconstructed twice, had spent £70,000 on the mine, of which sum £30,666 was called-up capital, the balance being obtained from gold. No. 2 North Phœnix had spent £28,033, and had paid only £5,166 in dividends: the company had to be reconstructed three times, having exhausted its capital twice. No. 7 South Lady Mary had spent £34,230, and had paid in dividends £13,042. The Great Eastern Orient had paid out £11,300, and had paid no dividends, though it had received £600 from tributers. On Charters Towers large sums of money had been spent by the Brilliant Deep Level, the Brilliant Extended, Brilliant Freehold, Day Dawn Freehold Extended, Queen Block Extended, United Queen Consols, Queen Consolidated, No. 5 Day Dawn, Union, and the Good Hope, and they had paid no dividends. He remembered paying into the Good Hope mine twenty-five years ago; it had been worked off and on during that period by half-a-dozen companies. The Black Jack had been hung up for a number of years, and all over the colony there were companies which had had to apply for exemption in order to obtain a reasonable time to enable them to get further capital. Up to the present the Minister had had power to grant exemptions in such cases without the restriction imposed by the clause, and no harm had resulted from the exercise of that power. He therefore thought they might fairly accept the amendment of the Council, and he moved that it be agreed to.

Mr. NEWELL noticed that while the Council had omitted the proviso from this clause, they had left it in in the clause relating to mineral leases. He did not object to the removal of the restriction that the total exemption in regard to goldmining leases should not exceed six months continuously, but he thought that exemptions were more needed in connection with mineral leases, for, while the price of gold was always the same, the prices of other minerals fluctuated, and were so low on some occasions that it did not pay a man to work his mine.

The SECRETARY FOR MINES regretted that the Council had not struck out the same words in the clause relating to mineral leases, because for one word that could be said in favour of exemption of goldmining leases, ten words could be said for exemption of mineral leases. The prices of minerals other than gold rose and fell, and it would be very hard on a man if when the price of the mineral he was working fell below the paying point he should not be able to obtain exemption. At the same time he did not think they should reject the present amendment simply because it had not been made in another clause as well.

Mr. BROWNE agreed with the hon. member for Woothakata that if there was any difference made it should be in favour of mineral leases, but he would point out that this clause dealt with mineral leases, inasmuch as it stated that the Minister might grant total or partial exemption from labour covenants of "all mining leases." He was sorry the Minister was accepting this amendment. The Minister had read out a list of leases all over the colony that were under exemption expressly to show that at the present time there was only about one man to five acres being employed. On his side they had then pointed out that if the conditions were reduced to one man to four acres the result would be that only one man to twenty acres would be employed. It was expressly to safeguard that that the provisions restricting exemptions had been put in. The Minister now used the argument in favour of the amendment that had been used in another place—that that power of granting exemptions should be left in the hands of the Minister, yet throughout the discussion on the Bill it had been urged by

almost every member and by the Minister himself that much of the harm that had resulted in the past was due to the fact that too much power had been left in the hands of the Minister. The Minister pointed out time after time that powers were left in his hands which he did not want, but under this amendment they would be giving him more power than ever he had before. It would be left to his own sweet will to grant what periods of exemption he liked.

Mr. STUMM: The conditions will have to be prescribed by regulation.

Mr. BROWNE: But they had nothing to do with the regulations, and the hon. member for Gympie agreed with him before that too much was left to regulations.

Mr. STUMM: Still it is not left entirely in the hands of the Minister. There is a distinction.

Mr. BROWNE thought the hon. member must admit that it was a distinction almost without a difference. It was true the regulations had to be assented to by the Governor in Council, but a Minister for Mines who was worth his salt would resent interference by his colleagues with any regulations he suggested. The continual cry was that exemptions were wanted for the benefit of *bonâ fide* companies that had spent a lot of money on their mines, but it was well known that of the leases now under exemption 75 per cent. were held by those would-be capitalists—men who applied for a lease to-day, howled for a dividend to-morrow, and applied for exemption the next day. Immediately there was talk of a boom setting in at a place or of someone with money to invest coming to it from Charters Towers or Brisbane, all the small sharks rushed in and took up the whole of the country, that they might levy blackmail when the genuine speculator came along. Those men took up the ground and then came with the excuse now given by the Minister—that they wanted to get capital—and they must have exemption. They always went to London or as far away as they could to float their company. Then if when the six months' exemption was up they had floated, they found they had to get a lot of machinery; and they had to go as far away for it as they could, and of course they required further exemption. So the thing went on from month to month and year to year, with the result that large areas of the mineral lands of the country were locked up so that the working miner, or the genuine mining nvestor, could not get them. The very companies the Secretary for Mines had read out as having spent large sums in developing their properties showed that there was no reason for the amendment, because it showed that those who were *bonâ fide* engaged in the industry would not take advantage of exemption, as they did not desire that their mines should lie idle. He admitted that there were any amount of companies that had spent a lot of money on their properties, but the Bill would lower the labour conditions for them, and they would still be able to obtain partial exemption. It provided that the Minister might grant total or partial exemption, but that no total exemption should exceed six months. Companies that had spent a lot of money on their properties would have a lot of valuable machinery, and they must have one or two men to look after it in any case. Since the Bill passed the Assembly he had it in writing and orally from genuine speculators on Croydon that they were satisfied with the Bill as it stood. They had the labour conditions reduced now, and instead of having to employ twenty men for twenty acres they need employ only five. He could not see where the hardship came in. The man they had to guard against was not the *bonâ fide* investor, as every sane man believed in the introduction of capital; but they should do all they could to discourage the bogus capitalist, who wanted to levy blackmail. They should let men who were willing to work have a chance. He had seen the statement just that day in a paper that a number of men had gone to the Hodgkinson in the belief that, as there were so many leases taken up, they would be able to find employment, but on their arrival they had found that the only company which was doing any work was the one which had been floated in England by the late Premier. If men had £10,000 that they were prepared to spend on some ground, but found that someone claimed £2,000 before they could work ground which appeared to have been abandoned, they were likely to be choked off. He felt inclined to oppose the clause for all it was worth. Without this restriction a warden would be unable to refuse any application for total exemption, as it would be urged that he had previously given exemptions in other cases. Taking the clause as it had been passed by the Assembly, even in conjunction with the liberalised labour conditions, the Bill was a great improvement on the old law; but if they were going to have only one man to four acres with indiscriminate exemptions, he would not care if the Bill was knocked out altogether.

The SECRETARY FOR PUBLIC LANDS: You said the same thing on the second reading.

Mr. BROWNE claimed that he was consistent in assuming his present attitude. He opposed the liberalising of the labour conditions, but he had been beaten. He then introduced an amendment which had been accepted, and he regarded that as a compromise. Now that the safeguard had been knocked out by the Council he was in the same position that he occupied before the safeguard was inserted.

Mr. HAMILTON: The hon. member said that if this amendment was accepted, he would not care whether the Bill was knocked out or not, but he said the same thing on the second reading. The hon. member told them that 75 per cent. of the leases under exemption were held by would-be capitalists. They were all would-be capitalists, so that it was no reproach to call a man by that name. When a person failed to float a company, the ground might remain untouched for years, but by granting exemptions the Government got some benefit out of the rent. The hon. member also informed them that the small sharks endeavoured to take up leases and levy blackmail when a boom was on, but every man who took up a lease tried to get what he could out of it. If the hon. member was offered £2,000 for a lease, he was not likely to say that it was only worth £1,000. It was not blackmailing for a man to endeavour to get as much as he could. If he asked too much, he simply would not get it. The hon. member said the man to guard against was the bogus capitalist. But most of the small leases were taken up by miners, or poor men who wished to make as much as they could out of them. They might get assistance from some capitalist, but as a rule capitalists could not go round the various fields looking out for claims—they generally got others to do it for them; and at the present day they were not so ready to buy leases unless they had evidence that they were worth something. Reference had been made to the Hodgkinson being locked up, and the miners being locked out in consequence. But what were the facts? For twenty years the field was almost deserted, and thousands of acres were lying idle for those miners to take up. About a year or two ago a number of persons took up leases; and he was mixed up with them himself, and knew that those connected with them were actuated by an honest desire to develop the place. In not one case that he knew of was any money asked. They were content to get their capital back out of the

profits. One firm were prepared to invest £40,000, if security of tenure and a larger area were allowed; but nearly all those leases had been abandoned, and where were the miners who were prepared to take up that land. There were none, although the land was again open for them. There were cases in which the lessees had spent £1,000, £2,000, and £3,000 per acre upon their leases; and in such cases the Minister might think it a fair thing to give them exemption for more than six months. In fact, it had been contended by many persons that when a lessee had spent £500 or £600 upon his lease he should be entitled to exemption for a certain time, and there were great arguments in favour of it. The clause stated that a total exemption should not exceed six months continuously, but he could not understand how anyone who really believed it to be of vital importance that no lease should be exempted for more than six months could be satisfied with this clause, which did not prevent any Minister who wished to do it granting a total exemption for years. He could grant exemption for six months, and at the end of that time he could partially exempt for one day, and then give another exemption for six months; or he could partially exempt a fifty-acre lease for years if the lessee liked to keep one man at work on it. He could not understand how any man thinking it undesirable to allow exemptions for more than six months could think it worth while to fight for this clause, which did not practically limit his power.

Mr. BROWNE: They were dealing with a Bill for goldmining upon goldmining lands, and the people he had referred to were people who wanted to take up ground without any intention of working it. He did not believe the mining laws were meant to encourage men to mine out of the public pocket. The hon. member for Cook he knew had put money into a Croydon mine, but the company did not go for total exemption because it was *bonâ fide*; but when the ground was thrown up other parties came into possession who did not spend a shilling, and they had total exemption all the time. On the second reading he mentioned another Croydon property the forfeiture of which was applied for, and the agent of the bank admitted that work was not going to be proceeded with. Someone who had held the ground before borrowed money from the bank and had not been able to pay, and the bank wanted to hold on to the ground in the hope of eventually recouping itself. He contended that they were not legislating for people of that sort, and he was pleased to say that the exemption was refused. Another application for exemption of a Croydon property which was refused was made on the ground that the water was very heavy in the mine, while as a matter of fact the stoppage of work had caused the water to rise in the adjoining mines and was injuring them. The company had to go to work, and with a new manager they got the water down in three weeks.

The SECRETARY FOR MINES: That case proves that this proviso is not necessary.

Mr. BROWNE: Where there was one refusal of exemption there were dozens of exemptions granted, and the Minister himself admitted that he wanted to be relieved of the responsibility of granting exemptions. The argument of the hon. member for Cook in reference to the easy way in which the clause could be evaded was very weak, because, if it could so easily be evaded, why the strong objection to its remaining in its original form? He did not think it could be so easily evaded as some hon. members imagined. For the last twelve or fourteen years there had been more disturbance and annoyance and discontent caused on the goldfields through the indiscriminate granting of exemptions than through any other cause. Members of the Council did not appear to recognise that the clause did not stop the Minister from giving partial exemption. The hon. member for Cook told them that capitalists did not run round themselves looking for mining investments. As a matter of fact they often did; he had known Charters Towers men come to Croydon with the idea of spending large sums in development work if they saw a good investment. Those were not the men he objected to; he referred especially to the men who were always to be found on goldfields and in the large towns who did no mining underground, but took up the land to make a profit out of it. He wanted to encourage *bonâ fide* capitalists who were willing to spend money in working their ground; but to guard against those who would spend nothing, and who employed every possible device to prevent those who were willing to do good development work from carrying out their wishes. He hoped the Minister would not consent to the amendment.

Mr. HAMILTON contended that men who went on to a goldfield to take up land and try to float it should not be hounded down and called bloated capitalists. Indeed the miners had very much to thank them for. He had known many instances where their successful exertions had resulted in the employment of a large number of men. If the clause, as amended by the Council, was likely to do injury to the miners he could understand the hon. member's objection to it; but it did nothing of the kind. The paragraph proposed to be omitted, and which the Opposition wished to retain, was an absurd one. The retained part of the clause provided that the Minister could grant total or partial exemption on conditions to be prescribed by the regulations. Then the portion which was struck out by the Council, but which the Opposition desired to retain, followed. It ran thus: "Provided that the term of any total exemption shall not exceed six months continuously." So that at the end of six months' total exemption partial exemption could be granted for a day, and then another six month's total exemption be given. If it was his opinion that total exemption should in no case be granted for more than six months he would not have introduced such an absurd clause to effect it.

Mr. KIDSTON: When the reduction of the labour conditions was agreed to it might have been fairly assumed that exemptions would not be granted to any large extent, yet it was now proposed to do away with the limitation altogether. It seemed to him that if the amendment was agreed to they might just as well strike out the labour conditions altogether, because any company who could get the ear of the warden and the Minister need not trouble themselves about labour conditions at all. The Minister would place himself in a very invidious position if he accepted it.

The SECRETARY FOR MINES: The Bill, as introduced, contained no limitation of exemptions, and what the Council sought was simply to restore the law to what it was now. As to the labour conditions they had always been prescribed by the regulations, but at the request of hon. members he had had them inserted in the Bill. So far mining in Queensland had been fairly successful, and he did not think there was so much land locked up at present which persons were anxious to work as the hon. member for Croydon seemed to suppose.

Mr. BROWNE: The hon. gentleman himself said two-thirds of the leases were locked up.

The SECRETARY FOR MINES: He did not say locked up, but under partial exemption. Cases often happened where, after a considerable sum had been spent, the owners were not able to go on, and six months was not sufficient for them to raise more capital. He knew plenty of cases where it would be a great hardship to have a hard-and-fast rule that there should be only six

months continuous exemption from labour conditions. On one mine on the school reserve at Charters Towers £40,000 had been spent, and no work had been done for six years, and he was informed that the owner of the adjoining mine was waiting to take it up. He maintained that they ought to encourage everyone who wanted to go into mining as much as possible, and every mining member knew that it was impossible to go on working a mine continuously; yet after a person had spent a big sum on a mine they wanted to let someone else reap the benefit of that large sum that had been spent. That was not fair. They did not allow that in the case of other leases. In the case of a pastoral lease if a man had to give it up he got compensation for improvements. In the past there had been no hardship in connection with the granting of exemptions.

Mr. KIDSTON: No one complains of reasonable exemptions.

The SECRETARY FOR MINES: Who is to be the judge? Not the House, but the warden and the Minister. Every application must go before the warden who recommended to the Minister, who in almost every case was guided by the warden.

Mr. JACKSON admitted that where a great deal of money had been spent on a mine it seemed hard that further exemption should not be granted; but that had been answered satisfactorily by the hon. member for Croydon, who pointed out that where a large amount of money had been spent it was an easy thing to employ a couple of men so that partial exemption might be obtained. He did not see why moneyed men should be given greater advantages than the working miner, who could not get more than six months' exemption for his claim. With regard to the hon. member for Cook's argument that the provision could be evaded, they knew that many Acts of Parliament could be evaded, but he did not believe the Minister would evade this provision in the way suggested. If the proposal he made when the Bill was in committee—only to grant exemption when the miners were not willing to take the mine on tribute—had been accepted it would have got over the difficulty. That was the only satisfactory test in his opinion as to whether a mine should be granted exemption or not. It had been pointed out by the hon. member for Woothakata that in the exemption clause under the head of "Mineral Leases" this proviso had not been omitted; and it seemed remarkable that the other House should have dealt differently with the two kinds of leases. He noticed also that in the case of mineral leases the provision for a covenant on the part of the lessee that he should not assign or underlet his lease without the permission of the Minister or warden had been left in, while it had been struck out in the case of goldmining leases. The only conclusion he could come to was that the other Chamber had been wire-pulled in connection with this matter, and had not dealt with it on the merits of the case. As the hon. member for Woothakata had pointed out, a better case could be made out for giving continuous exemptions in the case of mineral leases than in the case of goldmining leases, and it seemed that some gentleman interested in the question had got at some members of the other House. While he admitted that there was something to be said in the case of mines on which a great deal of money had been spent, a good deal of injustice was done even now by these continuous exemptions. Where mines were taken up in the first instance for speculative purposes exemption for six months was quite enough, and he had letters from his electorate protesting against further exemption in the case of mines that had not been worked at all. He hoped hon. members on his side would strenuously object to the amendment.

Mr. HAMILTON: He had already demonstrated that the provision would be a farce because it could be evaded, but the hon. gentleman said he did not think it would be evaded. The provision was introduced because hon. members had not confidence in the Minister, and it was only fair to infer that a Minister, who could not be trusted, would evade the clause. It was not complimentary to the other Chamber to say that because they had made an amendment in the clause wire-pulling had taken place; it might just as well be argued that wire-pulling had taken place in connection with the amendment made in the provision with regard to Asiatic and African aliens. The hon. member for Kennedy had, as usual, put the working man against the rich man, but it was not the rich man with a good claim that required exemption. It was the poor man who wished for time to raise the necessary capital to work his claim, and if the Minister was satisfied in such a case that the claim could be floated in two or three months more it was only right that he should grant exemption. The object of those members who were supporting the contention of the Minister was to give persons confidence that they would be fairly treated in the matter of exemptions.

Mr. DUNSFORD: The proviso had been inserted after full discussion and grave deliberation, and they should now stick to it. The hon. member for Cook argued that for members to insist upon the retention of the proviso was to show that they had no confidence in the Minister. He might just as well say that if they passed any Bill or regulations at all, they were showing want of confidence in the Minister; but Acts of Parliament and regulations were necessary to restrict the actions of Ministers, wardens, and others. The clause, if amended as proposed, would conflict with clause 31, which contained exactly the same proviso, and should be considered in that connection. The Minister gave a long list of companies which had paid no dividends, and some of which had exhausted their capital, but failed to show that in any case they had asked for more than six months' exemption, except in one case at Croydon. The hon. member for Cook said that a number of companies had applied for leases on the Hodgkinson and tried to float them, but had eventually to throw them up; but those companies did not throw up their leases because they could not get exemption.

Mr. HAMILTON: Yes, they did. If they had got exemption they might have floated them.

Mr. DUNSFORD: The contention of hon. members on his side was that in many cases companies had ruined themselves by eternally obtaining exemptions, and that it would have been better for them and all concerned if they had worked their mines and not obtained exemption. Nothing so retarded a mining community, or injured the business people in a mining community, as well as the *bonâ fide* speculator, as those exemptions. Through obtaining exemptions many a mine had fallen in, or had been flooded, or the machinery and everything had gone to rack and ruin, whereas, if the owners had been compelled to work them, or have permitted others to work them on tribute, they might have been at work to-day. They knew that in Ravenswood, through exemptions, mines had been allowed to go to ruin, and miners had been driven out of the place to Charters Towers and to Western Australia. It was not in the best interests of mining in Queensland that they should lose some of their best citizens in that way, in order that speculators should have opportunities to lock up land at

their own sweet will. There was any amount of opportunity provided by the clause, as they had passed it, to meet the *bonâ fide* speculator, and he refused to give the Minister or the wardens limitless opportunities for closing up some of the very best mines. He did not blame the speculator who took up a lease and tried to get something for it, but what he said was that the Government was a fool that went out of its way to provide opportunities for speculators to lock up land that they might get something for it out of the pockets of other people. What they should rather do was to offer opportunities to people to get something out of the land by working it.

Mr. SMYTH: The hon. member talked as the great champion of the miners, but he would like to know if it ever occurred to men like the hon. member to strike out for themselves? There was plenty of land in the colony.

Mr. DUNSFORD: I have always worked for myself. I never worked for wages in the mines in my life.

Mr. SMYTH: There was plenty of ground vacant now if the hon. member cared to try it, without wanting to get into a deep shaft with good crosscuts in it. Those were the sort of shows the hon. member advocated getting into. He had himself been a working miner, and he did not know that the miners wanted those opportunities for jumping and thieving. He knew of claims which had been granted exemption for more than six months that were now in full swing, and if they had not got breathing time they would probably be hung up now. To hear the hon. member, one would think that all speculators were rogues and vagabonds who took up ground and then got continual exemption until they could get someone to buy their shares or their properties. That was not the case at all, because more than half of their mining speculators hung on to their ground until they had lost every shilling they had, and those men when they came to the Minister for breathing time should get it to enable them to get a little money to start the concern again. The hon. member had drawn a harrowing picture of miners leaving Ravenswood to go to Western Australia on account of those exemptions. He knew a little about those exemptions on Ravenswood, as the Mines Commission took evidence there. What could the men do with the mine? They could do nothing with it.

Mr. JACKSON: They are working it as tributers.

Mr. SMYTH: Yes, but they would not do any better with it than the original owners, who had lost £70,000 on the mine. If a mining company wanted time to recover, he could not see why they should say that they should have six months and no more, and he could not see why ground should be taken from one lot of men who had spent a lot of money on it and given to another lot who had spent nothing on it. He was as much opposed to "shepherding" as any other hon. member. Exemptions had gone on for years, and had done no harm or very little harm.

Mr. BROWNE: Indiscriminate exemptions would do harm to other people besides the working miner. Storekeepers would also suffer in consequence of the miners leaving a field when the mines were closed down. With regard to not having confidence in the Minister, if a Minister could be found who would be bad enough to evade the law by granting one day's exemption, and then granting six months' exemption, they should not be asked to give him *carte blanche*. The hon. member for Woothakata had drawn attention to the fact that no alteration was made with reference to mineral leases, and it certainly looked as if a great deal of influence had been brought to bear by someone who was interested in goldmining. The Council had been too hurried to see that the question of exemptions also affected mineral leases, and no one in the Council being directly interested in that branch of the industry, no alteration had been made there, although there would have been more reason in omitting the proviso in connection with mineral leases. If the Committee decided to agree to the amendment on the ground that it would remedy an injustice to the goldmining industry, the other branch of the industry ought also to be saved from that injustice. The Minister suggested the restriction with regard to total exemptions after a long discussion, and the suggestion was agreed to without a division, and yet after the very short discussion in another place, they were asked to upset part of what they had done. He hoped the Minister would not accept the amendment, and in any case that the Committee would not allow the hon. gentleman to accept it.

Question—That the Council's amendment be agreed to—put; and the Committee divided:—

AYES, 25.

Messrs. Dickson, Philp, Dalrymple, Chataway, Murray, Foxton, Lissner, Hamilton, Cribb, Smith, McMaster, Smyth, Callan, Hood, Bell, Finney, Petrie, Battersby, Bridges, Leahy, Collins, Stodart, O'Connell, Fraser, and Bartholomew.

NOES, 24.

Messrs. Glassey, Cross, Daniels, Jackson, McDonnell, Stewart, Dunsford, Turley, Sim, King, Newell, Curtis, Kerr, Drake, Jenkinson, W. Thorn, Fogarty, Dibley, Browne, Stumm, Kidston, Hardacre, Maughan, and Story.

PAIRS.

Ayes—Messrs. Corfield and Castling.
Noes—Messrs. Keogh and Boles.

Resolved in the affirmative.

On clause 29—"Power to grant mineral lease"—

The amendment in lines 2 and 3 was disagreed to, and the other amendments were agreed to.

Mr. DUNSFORD asked if the proviso in clause 30—"that the term of any total exemption shall not exceed six months continuously"—should not come out as being consequential to the amendment made in clause 28?

The SECRETARY FOR MINES: He thought it was consequential, and moevd that the provision be omitted.

Mr. KIDSTON: They were in committee for the purpose of considering the Council's amendments. The Council had made no amendment in clause 30.

The SECRETARY FOR MINES: I think this is a consequential amendment.

The ACTING CHAIRMAN: My opinion is that it is a consequential amendment, and I do not think it is out of order to move it.

Mr. KIDSTON: They were in committee to consider the Council's amendments.

The HOME SECRETARY: And any consequential amendments.

Mr. KIDSTON: They were in committee for a specific purpose, and the Secretary for Mines had no business to move such an amendment, consequential or otherwise.

The ACTING CHAIRMAN: I may point out that this has been done before to-night in the case of an amendment not dissimilar to this. I think the Minister is in order in moving the amendment, according to the Standing Orders.

Mr. TURLEY: It did not follow that because the Council had objected to a subdivision in Part IV. of the Bill that a subdivision under another part of the Bill dealing with a similar subject was a consequential amendment, or that it was through an oversight that the amendment had not been made. It did not appear to him to be a consequential amendment at all.

Mr. O'CONNELL: If the term "mineral lease" had been used in the clause instead of

"mining lease," the subsection would have been accurate. According to the interpretation clause, "mining lease" included both goldmining lease and mineral lease. He did not know whether it could be done, but the easiest way out of the difficulty would be to insert "mineral lease" instead of "mining lease."

The ACTING CHAIRMAN: That cannot be done. I have ruled that the amendment which has been moved is consequential. The same practice has been adopted from time immemorial. I am quite sure I am correct in my ruling.

Mr. KIDSTON: The other Chamber might object to the amendment; they might not consider it a consequential amendment. They had no official evidence that the non-omission of the subsection was an inadvertence.

The SECRETARY FOR MINES: There were even stronger arguments in favour of striking out this subsection than the one which had already been dealt with. In the one case the value of the substance was constantly changing, but in the other it never varied.

Mr. BROWNE believed there was more reason for placing no limit on the exemptions in this case than in the other, but that was not the question. He had looked through the debates in another place on clause 29, and no reference at all was made to clause 30. The question was whether they had a right to amend a clause which the Council had evinced no intention whatever of amending?

Mr. DUNSFORD: They had already decided that there should be no limit to exemptions in the case of goldmining leases. The interpretation clause said that "mining lease" meant goldmining lease or mineral lease. Therefore they had practically said that there should be no limit to exemptions in either goldmining leases or mineral leases. If the amendment was not made, clause 30 would be in conflict with clause 29.

Question put and passed.

Amendments in clauses 31, 35, and 38 agreed to.

On clause 41—"Union of mining leases"—

The SECRETARY FOR MINES moved that the Council's amendment in subsection 1 be agreed to.

Mr. SIM thought that instead of saying "the application shall be made for union" it would be better to say "the application for union shall be made."

Question put and passed.

The SECRETARY FOR MINES moved that the Council's amendment in subsection 2 be agreed to.

Mr. BROWNE was afraid the amendment would do away with one of the safeguards they had provided with regard to taking up big areas. They had already provided that the areas of a lease should not exceed twelve acres until a goldfield had been opened seven years, nor twenty-five acres until it had been opened fourteen years. The amendment proposed that a union of leases should be sanctioned without the leases being surrendered, but by the simple endorsement of the Minister. It seemed to him that on a field that had been opened only three or four years anybody could take up four twelve-acre leases and apply to the Minister for an endorsement of union—a thing never contemplated by the Committee when the clause was passed.

The SECRETARY FOR MINES: The Minister had the power to refuse, and of course he would refuse a union of leases under such circumstances. Nobody would get a lease of fifty acres on a field that had only been opened two or three years.

Question put and passed.

On clause 57—"Term of lease"—

On the motion of the SECRETARY FOR MINES, the Council's amendment, inserting the words "on such conditions as the Minister deems equitable," was disagreed to.

On clause 58—"Power for holders of miners' rights to mine for gold and silver on lands subject to this part of the Act"—

The SECRETARY FOR MINES moved that the amendment in subsection 1, omitting "warden" and inserting "regulation," be agreed to.

Mr. BROWNE: The clause referred to compensation for mining on alienated lands within the limits of goldfields. There were so many goldfields in the colony, and such a great diversity of conditions prevailing, that he feared it would be impossible to frame a regulation comprehensive enough to meet all cases. It would be far better to leave it to the wardens, who had special local knowledge. That was the opinion of the Committee when the clause was under discussion.

The SECRETARY FOR MINES: It would be better to deal with the matter by a regulation. Miners would then know on what terms they could go on private land. He thought there would be no difficulty in framing a regulation applicable to all fields.

Question put and passed.

The remaining amendments in this clause were agreed to.

The amendments in clauses 59, 60, 61, 64, and 69 were agreed to

The amendment in clause 70 was disagreed to.

The amendments in clauses 82 and 83 were agreed to.

On clause 86—"Transfer of miner's homestead lease"—

The SECRETARY FOR MINES said this was an important clause. When the Bill was first introduced, it contained no provision to limit the transfer of leases. That was pointed out, and the following proviso was inserted:—

> Provided that the maximum area allowed to be held by one person must not be exceeded, and that the transferee must be a person qualified to apply for a lease under this Act

The Legislative Council had omitted that, and inserted this—

> Provided that no person shall be entitled to transfer any homestead lease to any person then holding the maximum area under this Act, unless such lease shall have been in existence for a period of ten years prior to the date of such transfer, and that the transferee must be a person otherwise qualified under this Act.

After the passing of the Bill he had a large deputation from Gympie homesteaders pointing out the injustice if this new provision were not amended. They said they had no wish to dummy land; in fact, they thought five or ten years was sufficiently long to hold a lease before it could be transferred. A man after living on a goldfield for a number of years might wish to leave, and he might be debarred from selling, because if the area held by one man were limited there was only a limited number to buy, and a man might be forced to sell his homestead at one third its value. It was contended that when once the land was taken up the Crown should not interfere so long as it was used for homestead purposes. In a great number of cases homesteaders had paid in thirty years £1 10s. per acre for their homesteads, and that was very full value for the land, for in many cases they could take up homesteads within a few miles of the field at 2s. 6d. an acre and make it freehold in five years. He thought that in ten years all the eyes of a goldfield would be picked out, and that a man who had occupied his land for that period should be allowed to sell on the best terms possible, especially as he had

only a right to the surface and the minerals were reserved. On the Russell River they had been granting homesteads at 2s. 6d. an acre, and selling land at £1 an acre, but he really thought that if a man took up a homestead in that district, cleared it of the impenetrable scrub with which it was covered, and cultivated the land, he deserved it as a gift. He moved that the amendment be agreed to.

Mr. BROWNE: When this clause was before the Committee previously, it was passed by a very large majority. As the Minister had said, a very large deputation waited on him shortly afterwards, and he noticed that two or three members of that deputation pressed it very strongly on the Minister that they were all Government supporters, and had been for years, and seemed to claim this amendment as the price of their fealty to the Government. According to the Bill, homesteaders were absolved from the payment of rent after thirty years, which was a reasonable concession, and he did not think the amendment should be accepted. If it stated that after a man had held a lease for ten years he should be allowed to transfer it, there might be some reason in the proposal, but what it said was that a lease might be transferred after it had been "in existence" for ten years. The effect of that would be to defeat the very object for which homesteads were originally granted. On the 15th November, 1870, Mr. King, in moving the second reading of the Bill making provisions for homesteads, said "the object of the Bill was to afford miners an opportunity of settling on the land in localities where they were engaged," and Mr. McDevitt used the same argument, as did the Hon. H. B. Fitz when the Bill came before the Council on the 22nd of December. In 1880, when an amending Bill was before the Assembly, the late Mr. Macrossan stated distinctly that the taking up of more than forty acres in any case had been a direct infringement of the law; that persons who had done that did not deserve any consideration; and a similar argument was used by other members on that occasion. The present hon. member for Cook proposed a new clause then, prohibiting any person from taking up more than one allotment in a township; so that it was evident that from 1870 down to the present time it had been the object of the legislature to afford miners an opportunity, not to acquire freeholds or to block mining, but to settle on the land where they were following their occupation. The transfer of those homestead leases, practically without any limitation, as proposed, would lead to the creation of a system of landlordism; men would acquire nine or ten homesteads, and miners would have to rent the land from those men. He should certainly oppose the amendment of the Council. There might be some reason in the proposal if they allowed a lessee to transfer only after he had held his lease for ten years; but the Council's amendment said nothing of the sort. Nearly all the leases on Gympie had been held for more than ten years, and it was the same with most of those on Charters Towers and Croydon.

Mr. STUMM: The majority of the leases on Gympie have not been held for ten years.

Mr. BROWNE: If that were so the clause would not give the relief that a majority of the people of Gympie appeared to think it would.

Mr. STUMM: It is because you do not understand the question that you say that.

Mr. BROWNE: The records of the House would show that as far back as 1886 he had, as a prominent member of the Miners Union, taken up the question. In the early days on Gympie men had got by direct contravention of the law two three, or four forty-acre leases, and he could not see why they should be called upon now to exonerate people who had done that kind of thing and put them in a good position when it was going to injure other people to do so. He quite believed that in opposing the proposal he was doing an injury to a certain section of people on Gympie, but they were discussing a Mining Bill applicable to the whole of the colony, and he believed that to allow unlimited transfer of those leases would be injurious to the greatest number of people in the mining districts of the colony. He could not see his way, therefore, to assist in reversing the decisions of this House and of every previous Minister for Mines in the colony.

Mr. JACKSON was not in favour of accepting the amendment. There was only the one case he could think of where injury might be done by preventing the right of transfer. That was where a goldfield might be going down hill and the owner of a homestead lease on the field might desire to sell out. Under the present law he would find very great difficulty in getting a buyer; the only person likely to buy would be a storekeeper on the field. They had in the Bill extended the time during which the mortgagee of a homestead lease might deal with it to three years, and he thought the homestead lessee would not have much to grumble at if they left the clause as it stood when it was sent to the Council. It was possible that some injustice might be done to people on Gympie if the proposal was not accepted, otherwise they would not have gone to the trouble of sending down deputations on the subject, but it would do a great deal of injury on other goldfields in the colony. If the Committee accepted the amendment they should safeguard it by providing that the lease must have been in existence "and held by the same person" for a period of ten years prior to the date of the transfer. He moved that as an amendment.

The ACTING CHAIRMAN: I remind the hon. member that there is a verbal amendment proposed in an earlier portion of the clause and we should deal with that first.

Verbal amendment agreed to.

Mr. JACKSON moved the insertion of the words "and held by the same person" after "existence" in the proviso proposed by the Council.

Mr. SMYTH: It would inflict great hardship on many people if the amendment were carried. Surely persons should be allowed to sell to whom they pleased. As to the land on Gympie being occupied by miners, it was nearly all taken up now, and if they wanted a piece they would have to go a long distance out. Is was strange that the mining members on the other side were so hard on their own people. Most of the homesteaders were miners or ex-miners, and yet hon. members opposite wished to restrict them in a way that no other class of people were restricted. Under the Acts of 1870 and 1886 homesteaders could transfer to whom they pleased. On the Gympie Gold Field homestead selectors adjoined ordinary homestead selectors; and while the former—who might pay 30s. an acre for their land—could not sell, an ordinary homesteader, who only paid 2s. 6d. in five years, could do as he liked with his land. If the land had been held for ten years, it was surely held *bonâ fide*, and a man should not be debarred from buying a homestead merely because he happened to hold another on the field. That would restrict the market, and would mean a great reduction in the value of the homesteads. They had seen about forty of these men the other day, all of whom were hard-working, struggling men, and he hoped the House would not persecute them in a way in which no other class was persecuted. It would make no difference to the

miner if a homesteader was allowed to hold 150 acres, because he could go in and mine as of yore.

Mr. DUNSFORD: Legislators in the past had limited the area to forty acres, while the present Parliament had increased it to eighty acres. If what the hon. member for Gympie desired was carried into effect, there would be absolute freetrade in regard to the sale or transfer of goldfield homesteads, because all a man holding the maximum area would have to do would be to get someone else to take up a homestead and transfer to him. That would bring about a system of landlordism. It might be an injustice to men to have their market limited, but unfortunately the amendment did not meet this case alone. It also enabled men to act as landjobbers. The amendment would meet both cases, as it would prevent a man who might not have held a homestead ten days or ten weeks transferring a lease. The Act never intended that land should be held for speculative purposes, and to meet the case of the *bonâ fide* homesteader the amendment of the hon. member for Kennedy ought to be accepted. He thought it was a fair compromise.

The SECRETARY FOR MINES: He did not see that it made any difference whether six, eight, or ten people held the lease, so long as it was *bonâ fide* occupied for ten years. There was nothing to be gained by having the one particular individual there all the time. He might have reasons of his own for leaving, and his successor might be just as good a colonist.

Mr. DUNSFORD: It does not say it must be *bonâ fide* occupied.

The SECRETARY FOR MINES: That was a condition attached to the homestead. Taking all the circumstances into consideration, the amendment was a reasonable one and should be accepted.

Mr. McMASTER thought a very great injustice would be done to a very deserving class of people if the amendment were not agreed to. He imagined that on the older fields there were a certain class of men who made money, and ceased mining themselves, but might still desire to live in the neighbourhood. There were also others who might prefer to settle down outside the field and go in for farming or dairying, and they would be driven away altogether. Those who had made money on a field should be encouraged to stay there.

Mr. BROWNE: Don't you think eighty acres is enough?

Mr. McMASTER: It would take a great deal more than eighty acres of some of that country for a man to make a living on, and he did not see why a man should be restricted in this way. Then, again, a man might have spent a great deal of money upon his homestead, but he would not be able to leave it to his family because it could not be transferred.

At 9·30 p.m.,

The CHAIRMAN took the chair.

Mr. STUMM: If the hon. member for Croydon knew anything about homesteads on goldfields he would laugh at the idea of this amendment allowing monopolies.

Mr. BROWNE: I have been in the country ever since the Act was introduced.

Mr. STUMM: Had the hon. member ever held a homestead?

Mr. BROWNE: I hold one now.

Mr. STUMM: It was probably a small one, and on a new goldfield, where the effect of the clause would not be felt as on an old field. It would not pay anyone to get another to take up a homestead for him when he could not do anything with it, as a speculation, for ten years.

Mr. KIDSTON: Are you interested in homesteads?

Mr. STUMM: He hoped the hon. member for Rockhampton particularly would not make this a personal matter. He (Mr. Stumm) had a homestead, and was glad to know that the hon. member for Croydon had one also; he had been told that the hon. member had not. These restrictions might be very wise ones upon new fields, but they became a positive injury on old fields. In the process of time, as people took up homesteads, the local market must naturally be restricted, because on every field there were only a certain number of men who could purchase homesteads; and the moment the Act operated in such a way that a man could not get the very best price for his homestead, they could not hit upon a better way of preventing men from becoming permanent settlers on a field. That held as good on a goldfield as in any other place in Queensland. Supposing they said that a man who had fulfilled all the conditions of an agricultural homestead should not be allowed to deal with it as he pleased, was there a member representing an agricultural constituency who would dare to support such a proposal? What was good for the agricultural people was also good for the goldfields people. No matter whether a dozen homesteads were held by one man, the rights of the miner were not interfered with. He could go upon the land to mine, and that was his greatest privilege. Supposing he and the hon. member for Kennedy held adjoining homesteads, and one wanted to sell to the other, would the hon. member explain to him how the miner was prejudiced? The land was already taken up, and was not available to the miner for residence purposes. Therefore it was perfect nonsense to talk about the amendment facilitating monopoly and landlordism. Hon. members opposite evidently did not know much about the value of goldfields lands when they spoke in that way. Goldfields landholders had not the whole colony as a market; it was a restricted market, and the more it was restricted the greater the injustice done to the people. He said emphatically that the ten years' restriction was sufficient safeguard and the rental and local taxation also operated as a safeguard. No man with a sane mind would get anyone to dummy land for him knowing that he could do nothing with it for ten years. Surely the hon. member for Kennedy on reflection would see that his amendment would work in a very unfair manner!

Mr. BROWNE: Although the hon. junior member for Gympie had lectured him about knowing nothing of the subject, he could inform him that he was on Gympie long before he was, and he had been there frequently since. The hon. member asked whether he had ever held a homestead, and he informed him that he held one now. It did not matter a bit to the Committee whether he held one or 500, or whether both the members for Gympie had held homesteads, or had ever read the Act. No doubt if such a provision was passed he would be just as prepared as anyone else to take advantage of it, but that was no reason why it should be made the law. The hon. senior member for Gympie pointed out that if ever the people of Gympie could get relief from the present homestead law they would never have to thank the mining members. In his opinion that was proof of the strength of the position he had taken up. If the members who represented mining constituencies had been against the principle of the clause for so many years, was that not evidence that it was not a good clause for the mining community? On behalf of the miners he had taken an active part against this thing for the last fifteen years. He was prepared to admit that a certain section on Gympie had a grievance, but he would far

rather see that perpetuated than that a far larger number of people on all the other goldfields of the colony should suffer an injustice. Besides, the amendment of the hon. member for Kennedy would redress the grievance suffered even by the Gympie homesteaders who had been in possession of their homesteads for the last twenty-seven years. It was never contemplated, when increasing the area from forty to eighty acres, to enable people to build up estates by monopolising land on goldfields.

Mr. STUMM: You do not want to drive people away?

Mr. BROWNE: It would drive a large number of people away if one man was allowed to take up ten eighty-acre leases. He presumed that most of the leases on Gympie had been held for more than ten years.

Mr. STUMM: No; they have not.

Mr. BROWNE: Then where were the 600 homesteaders who were seeking relief? The meeting referred to was attended by some twenty-five.

The SECRETARY FOR MINES: About forty came down as a deputation, and paid their own expenses.

Mr. BROWNE: No doubt; it was an excellent opportunity for them to take a spell. On no other goldfield had there been an outcry of the kind, and nothing had happened on Gympie to show that there was a very strong feeling with regard to it. There was the meeting, but there had been a petition, and they all knew how easy it was to get up a petition. But the case of all the aggrieved persons would be met, as he had already said, by the amendment of the hon. member for Kennedy, which would also help to prevent wholesale dummying and tying up land. The bulk of the homestead leases on most fields had been in existence for more than ten years. Under the amendment a man who had only two or three months qualified could get any number of leases transferred to him, and build up a big estate.

Mr. HAMILTON: The hon. member in support of his arguments exhumed a number of speeches in *Hansard*, and referred to his (Mr. Hamilton's) action in introducing a clause to the effect that homestead areas should be taken up in townships. At that time the holder of a business license had to pay £4, and thinking it unfair that they should have to pay that amount he endeavoured to get it reduced, which he did by a sidewind. Seeing that it was punishable to carry on business without a license on Crown land, he thought that if he could get a provision passed enabling miners to take up leases on Crown land it would not be punishable; and that was why he introduced the clause. The following year the Minister found the revenue defeated very much by persons taking advantage of that clause, and he explained that that was his intention in introducing it. With regard to his argument that the late Mr. Macrossan stated that the contravention of the Homestead Act ought to be punished, doubtless it ought to be, as ought the contravention of any other Act. It was hardly correct to say that all mining members previously voted against this clause, because this clause never came before mining members before. It was right, especially on new goldfields were there was a rush, that the monopoly of land should be prevented; but the Homestead Act was passed to afford miners an opportunity of settling on the land, and the object of this amendment was to give the same miner an opportunity to sell that land after he had settled on it a certain time if misfortune compelled him to leave. It was evident that this amendment was not intended to handicap the working miner, to enable him to sell the land after it had been occupied ten years. It was contended that it would be a great hardship to agree to the amendment, but he thought it would be a great hardship if a miner after living ten years on his homestead was unable to sell it to persons who could buy it.

Mr. BROWNE: The amendment of the hon. member for Kennedy allows him to.

Mr. HAMILTON: In the first place he thought it would be an unfair thing to put any restriction which might prevent him by lessening the choice of persons to sell it to, because the result would be that there would be no incentive to any miner to improve his homestead if he thought the choice of buyers was restricted, and he would get a very poor price. The hon. member for Kennedy no doubt moved his amendment in perfect good faith, but the objection was that when a man bought a homestead the price he gave was regulated by the price he expected to get, and he knew that he could not get the same price for it at the end of seven years, if the choice of persons to whom he sold would be restricted; and that choice would be restricted if the amendment of the hon. member for Kennedy were passed. He thought it was an injustice to prevent a miner from selling his own land, and though he was against this provision in the first instance, after realising that on Gympie a great many working miners would be severely handicapped and unjustly dealt with if they had not an opportunity of disposing of their homesteads, if misfortune compelled them—for that reason he was in favour of the clause as it now stood.

Mr. KIDSTON: The junior member for Gympie, in reply to an interjection he made, said he did want the hon. member for Rockhampton not to make the matter a personal one. He (Mr. Kidston) did not introduce the personal argument. The hon. member was using the personal argument against the hon. member for Croydon by saying that he had not a homestead himself, or that if he had it was a very small one; and it was for the purpose of showing the hon. gentleman that that was a bad argument that he interjected, "Have you got a homestead?" because if it applied in one case it applied equally well in the other. The hon. member, instead of turning his anger on him (Mr. Kidston), might have recognised that he was using a bad argument.

Mr. CALLAN: The arguments so far had been based almost entirely on the wants of Gympie, instead of on the conditions of the whole of the goldfields of the colony. If hon. members would reflect, they would see that a rule which was applicable to Gympie would not be applicable to a new goldfield, or to a moderately new goldfield like Mount Morgan. There were very few men in the electorate he represented who had held the same homestead for ten years, and he knew that in many cases homesteads had been transferred; but if the amendment of the hon. member for Kennedy were carried, the result would be that nobody could transfer such leases. He did not think people were so anxious to buy those leases that they should impose restrictions on their transfer, but thought that the freest facilities should be given for transfer.

Mr. STUMM would point out one difficulty that might arise under the amendment of the hon. member for Kennedy. If a man were to transfer his lease to-morrow, then the transferee could not transfer it again until he had held it for ten years, and that would be a very awkward condition of affairs. Again, if a man died and left his property to his wife or son, they would not be allowed to deal with the lease until they had held it for ten years even if they could inherit it.

Mr. JACKSON: The amendment of the Council would not be unreasonable if it were amended as he proposed, because then if a lease had been held by the same person for ten years it would be available for transfer, and the person to whom it was transferred would have to hold it for another ten years before he could again transfer, except to a person who did not hold the maximum area. There were no hard conditions in connection with homestead leases, such as occupation and fencing, and, seeing that an extended area had been granted, and that a concession had been made in regard to rent, he did not think his amendment would inflict any serious hardship. It would certainly stop wholesale transfers of leases, but they wanted to do that, so that miners might have an opportunity of securing homesteads for themselves.

Mr. STEWART: Hon. members opposite seemed to think that land on goldfields should be treated in the same way as other lands, but they must surely forget that goldfields were proclaimed for a special purpose, and that the value of the surface was simply counted as nothing so long as they were proclaimed goldfields. Those lands were specially set apart for the purpose of getting gold out of them, and as long as they were within a proclaimed goldfield they were under quite different laws to lands outside goldfields. Gympie had been referred to as being a place that suffered under the present laws, and the inference to be drawn was that there was no possibility of the area in which gold was to be found there being extended. They did not know about that.

Mr. STUMM: The clause won't affect that. Don't you know that mining rights are reserved on homesteads?

Mr. STEWART: He did know it, but he knew also that residence rights were not reserved, and it was possible that those homestead areas might be required not only for mining but for residence, and if a further development and enlargement of the field took place where would the miners be when they found the whole of that land monopolised by landowners? If the Government were satisfied that the land was not gold-bearing, the proclamation could be revoked and the lands brought under the ordinary land laws of the colony. Miners should not be placed at the mercy of the owners of homesteads, and if that applied to Gympie it applied with even greater force to other parts of the colony. They recently had a mining expert here who told them truly that they were as yet only scratching the surface of their mineral resources. They could refer to Victoria, where the output from fields discovered fifty years ago was as great as that of Queensland, and fifty years hence the output of Queensland would be as large or larger than it was now. Another reason why they should not permit such a monopoly as the amendment would permit was that every year new methods were being discovered which made it more easy to win the metal from the ore. That would have the effect of bringing within the paying area of their goldfields areas that were not now being worked at all. In view of that it was extremely bad policy to accept such an amendment. He was surprised that the Government should accept it, as the restriction upon alienation had no stronger advocate than the Secretary for Mines when the clause was last before them. In a division taken upon the clause as the Assembly passed it it was supported by the Secretary for Mines, and amongst the mining members who supported it were Messrs. Hamilton, Callan, Jackson, Browne, Jenkinson, Boles, McDonald, Stewart, Cross, Dunsford, Hardacre, Newell, Lissner, and O'Connell, who—if he was not a mining member—had been chairman of the Mines Commission. Absolutely the only mining member who voted against it was the junior member for Gympie. They ought to have some explanation of that complete right-about-face on the part of the Government. Were they to understand that the tactics of last session in dealing with the Land Bill were now being followed with the Mining Bill, and that clauses were passed through the Assembly, apparently with the support of the Government, only to be excised in another place with the assurance that when the Bill was returned the Government would assent to the amendments of the clause? That appeared to be the method adopted with regard to a good deal of their legislation, and it was most discreditable. If the clause—which had been initiated and supported by the Government—was a good one when first proposed, surely it was a good one now. Reasons for and against it had been stated at great length. The junior member for Gympie had occupied—for him—a very considerable portion of the time of the Committee in discussing the clause.

Mr. SMYTH: Because he knew something about it.

Mr. STEWART: But the hon. member himself admitted that he was fighting a forlorn hope, and that the sense of the Committee was against him. Now they found that by some subterranean method — by some wire-pulling device—the mind of the Government was suddenly changed, and hon. members on that side were justified in being suspicious, and in asking the Secretary for Mines why he had gone back upon the clause which he had proposed and advocated so forcibly. The amendment of the Council would do a great injury to miners, and he was surprised at hon. members opposite taunting hon. members on his side with attempting to do things that were likely to injure the miners. Did the senior member for Gympie imagine that the hon. member for Croydon—a man who had been mining for over thirty years—did not know what he was talking about? The hon. member for Gympie had once been a working miner, but he was now associated with the mining speculator, and was becoming the advocate of an entirely different class to that represented by the hon. member for Croydon. The hon. member for Croydon was still a working miner.

The CHAIRMAN: There is an amendment on an amendment now before the Committee, and the hon. member is surely not going to open up the whole question.

Mr. STEWART: He imagined that, as he had been allowed to go on for so long, he had been discussing the question before the Committee. He was sorry if he had been out of order all along, but there would be an opportunity of discussing the question when the amendment had been disposed of.

Question—That the words proposed to be inserted be so inserted—put; and the Committee divided:—

AYES, 21.

Messrs. Glassey, Dunsford, Hardacre, Kerr, Kidston, W. Thorn, Turley, Sim, Dibley, Jenkinson, Curtis, Drake, Groom, King, McDonnell, Daniels, Maughan, Browne, Cross, Jackson, and Stewart.

NOES, 29.

Messrs. Dickson, Foxton, Philp, Chataway, Dalrymple, Murray, G. Thorn, Finney, Leahy, Stumm, Story, Bell, Hamilton, McMaster, Newell, Grimes, Stodart, Petrie, Battersby, Bartholomew, Cribb, Smyth, Lissner, Fraser, Bridges, Stephens, Callan, Collins, and O'Connell.

PAIRS.

Ayes—Messrs. Fogarty, Keogh, and Boles.
Noes—Messrs. Smith, Corfield, and Castling.

Resolved in the negative.

Mr. HARDACRE: He did not want to place any obstacles in the way of these areas being put to the best use, but there ought to be a provision

to the effect that the transferee of a homestead should pay a higher rental than 1s. per acre. No doubt 1s. per acre was enough on a new field, but it was not enough when the field became thickly populated, such as Gympie, where they were worth several pounds per acre. The proof of that was that those who had these homesteads wanted to transfer them. If they were valueless they would not want to transfer them. They were going to give these homesteads a value that they did not possess before.

Mr. LEAHY: Is not that desirable?

Mr. HARDACRE: When the State gave a thing an increased value the State should get something in return.

Mr. LEAHY: It is the man living there who gives the land the value, not the State.

Mr. HARDACRE: It was not. These homesteads were valueless at present, but if the holders were given the right by the State to transfer them they would have a value, and therefore the value was given them by the State. The expenditure of State money and the exertions of the whole population increased the value, and therefore the State should get some return. He moved that the following proviso be added to the clause:—

Provided that the rent to be paid by the transferee for the next succeeding twenty years shall, instead of being 1s. per acre as hereinbefore provided, be at the rate of 2½ per cent. upon its unimproved value.

The CHAIRMAN: I am of opinion that the amendment is out of order. The rental has already been fixed in clause 84, and therefore I cannot submit the amendment of the hon. member to the Committee.

Mr. BROWNE: After seeing the result of the division that took place on the amendment of the hon. member for Kennedy, he did not see the use of fighting the question any longer. He certainly thought hon. members would have seen the desirability and the justice of accepting that amendment. If he thought it would have been any good, he would have kept on his feet for another week, but seeing that the Committee was against him, he would not protract the discussion or go through the farce of taking another division.

Amendment agreed to.

Amendments in clauses 87, 88, 89, 91, 93, 94, and 95 agreed to.

On clause 97—"Valuation of miner's homestead for rating purposes"—

The SECRETARY FOR MINES was inclined to agree with the Council that this clause had better be omitted and dealt with in the Local Government Bill when introduced. He therefore moved that the amendment be agreed to.

Mr. DUNSFORD thought the clause should remain in the Bill, as it would give relief to some ratepayers who were now paying on a double valuation. On Charters Towers there was the anomaly of freeholders on one side of a street being rated only on the unimproved value of the land, and homesteaders on the other side being rated both on the value of the land and improvements.

The SECRETARY FOR MINES sympathised with what had fallen from the hon. member for Charters Towers, but thought the case would be better met by being dealt with in the Local Government Bill, when the whole question could be fully discussed and dealt with in a comprehensive manner.

Mr. SMYTH: A deputation from the Gympie Municipal Council waited on the Minister a fortnight ago and pointed out that this clause would land them in a loss of revenue to the extent of £1,000 or £1,200 a year. The Minister replied by asking them why they could not increase their rates, and was told that they had gone as far as they could.

The SECRETARY FOR MINES: He knew of a case on Charters Towers where a property was paying to the divisional board £40 a year in rates, and if this clause was retained in the Bill it would only pay £1 a year The matter had better be left to be dealt with in the Local Government Bill.

Mr. JACKSON: No doubt the case quoted was correct, but the Minister forgot the hardship suffered by leaseholders. The Local Government Commission took much evidence on the subject and agreed that the present law should be altered. He had before him the evidence of Mr. Plant, who pointed out that it would be necessary to get the required revenue by means of a higher rate. If there was any certainty that the matter would be dealt with in the Local Government Bill within a reasonable time, he should willingly agree to the Council's amendment.

The PREMIER: Next session.

Mr. JACKSON: No doubt it ought to be dealt with as soon as possible, and if the present Government were not in power, some other Government composed of members from his side would take the matter up. He, therefore, did not intend to take any strong exception to the motion moved by the Minister.

Amendments in clause 109 agreed to.

Amendment in clause 114 disagreed to.

Amendments in clauses 128, 130, 133, 134, and 150 agreed to.

On clause 153—"Allowance and taxation of costs"—

The SECRETARY FOR MINES moved that the Council's amendment, omitting the words "as those phrases are understood in a court of equity," be agreed to.

Mr. BROWNE asked why the words should be omitted, seeing they appeared in the old Act?

The SECRETARY FOR MINES: The words were omitted because there was no court of equity in Queensland.

Mr. BROWNE: And it has taken twenty-four years to find that out!

Mr. SIM said he had been present in a warden's court when an important question of ownership was decided, and the warden announced that he gave his decision "in good conscience and equity." The same words had been used over and over again by wardens, and it was doubtful to him whether their judgments could not be upset. Another question that might arise was whether the retention of those words would not enable litigants and judges to refer to the Court of Equity at home—whose decisions carried great weight—for guidance and direction.

Question put and passed.

Amendments in clauses 164, 165, 167, 168, 169, and 170 agreed to.

On clause 171—"Removing minerals from claims, larceny"—

The SECRETARY FOR MINES moved that that the Council's amendment inserting the words "precious stones" be agreed to.

Mr. SIM said that unless the term was defined it would be open to any individual to declare what were precious stones. It ought to be expressly defined.

The SECRETARY FOR MINES did not think there was any necessity for a definition.

Question put and passed.

Amendments in clauses 174 and 175 agreed to.

On clause 178—"Stock on common in respect of which agistment fee is payable"—

The SECRETARY FOR MINES moved that the Committee agree to the amendment omitting

the words "section one hundred and sixty-nine" and inserting "the next preceding section but two."

Mr. BROWNE did not think the amendment made the meaning a bit clearer. Could the Minister tell the Committee what clause was meant?

The SECRETARY FOR MINES: Clause 175.

Mr. HAMILTON: If it meant clause 175 that ought to be stated in the clause.

Amendment agreed to.

On the following new clause to follow clause 181:—

The warden may grant licenses to occupy land upon a goldfield or mineral field to any person requiring land for the purpose of growing fruit, vegetables, fodder, or other garden produce. Such licenses shall be granted subject to such conditions as to rent, residence, and forfeiture, and to such other conditions as may be prescribed by the regulations, but no area so granted shall exceed five acres.

The SECRETARY FOR MINES moved that the new clause be agreed to. This was to allow any person to take up five acres as a market garden, and was in the old Act. Everybody knew that there were Chinese gardens on goldfields, and, so far, they had been indespensable. The Chinese rented the land from white men.

Mr. BROWNE had no objection to the clause, but thought it would be necessary either to add a proviso, or to let it be understood that the conditions contained in the old Act would be embodied in the regulations. In fact he thought it would be better to put clause 35 of the old Act in place of this, because the licensee was compelled to keep a certain amount of land under cultivation, so that it could not be used for any other purpose, but cultivation was not mentioned in this clause. If the Minister would undertake to embody the provisions of clause 35 in the regulations he did not think there could be any objection to this clause.

The SECRETARY FOR MINES: It was his intention to carry out the old provision in the regulations.

Mr. DUNSFORD thought this should apply only outside the limits of proclaimed townships, so that it would not interfere with one-acre areas. He moved the insertion of the words "outside the limits of a proclaimed township" after the word "licenses," on the 1st line of the clause.

The SECRETARY FOR MINES: There was no occasion for the amendment. These gardens were for the convenience of the people of the whole place, and there might be no suitable land outside the limits of the township in some cases. Hitherto he did not think the gardens had interfered with the townships at all.

Question—That the words proposed to be inserted be so inserted—put; and the Committee divided:—

AYES, 19.

Messrs. Glassey, Cross, Hardacre, Dunsford, Kerr, Kidston, Hamilton, Stewart, Browne, Dibley, Turley, McDonnell, Daniels, King, Drake, Jenkinson, Jackson, Sim, and Curtis.

NOES, 20.

Messrs. Dickson, Philp, Chataway, Foxton, McMaster, Leahy, Collins, Morgan, Petrie, Bartholomew, Stodart, Grimes, Callan, Story, Stephens, Smyth, Stumm, Fraser, Newell, and O'Connell.

PAIRS.

Ayes—Messrs. Fogarty, Keogh, and Boles.

Noes—Messrs. Smith, Corfield, and Castling.

Resolved in the negative; and new clause put and passed.

Amendments in clauses 185, 186, 192, and 199 agreed to.

On clause 210 — "Accident evidence of neglect"—

The SECRETARY FOR MINES: The Council proposed to omit this clause altogether. It had been in operation in Queensland for nine years, and was also in force at the present time in New Zealand and Victoria. The provision in the English Act, which was not unlike it, read as follows—

The occurrence of any accident in or on a mine to a workman arising out of and in the course of his employment shall be *primâ facie* evidence of neglect on the part of the owner and the manager.

He moved that the Council's amendment be disagreed to.

HONOURABLE MEMBERS: Hear, hear!

Mr. SMYTH was sorry the Minister wished to retain this clause in the Bill. He did not see why mining managers should be differently treated from the manager of a sawmill, factory, foundry, or any other industry. It was a very unpleasant thing for a mining manager to have hanging over his head a charge of manslaughter until an inquiry was held into the cause of an accident, and it was determined who was responsible. He did not know whether this provision was the law in New Zealand yet, but he found from their *Hansard* that it was thrown out by the Upper House by 16 to 13, and that there was a conference between the two Houses on the subject. What the result of the conference had been he did not know, because the later *Hansard* had not yet arrived in the library. He hoped that some consideration would be given to the provision by hon. members, and that the Upper House would not allow it to be retained in the Bill without a tug of war over it. He knew three cases which had occurred on Gympie of men falling down from heart disease. In one case a man fell off a plank which was only a few inches from the bottom. Had it been a greater distance from the bottom, it might have been said that the man lost his life through some fault on the part of the owner or manager of the mine. Another case was that of Daniel Murphy, who fell dead of heart disease at No. 6 Monkland. Another was that of Charles Russell, who also died of heart disease; if he had fallen forwards instead of backwards he would have gone down a shaft, and in all probability the company would have had to pay damages. Those were only a few of the accidents he could mention; and under this clause the managers of those mines would be held responsible for the loss of those men's lives—until they proved they were innocent. It was a gross piece of injustice that mining people alone should be picked out for this treatment. As long as men were careless there would be accidents, no matter what care was taken by the manager of the mine to prevent them.

Mr. GLASSEY was very pleased to see the firm attitude the Secretary for Mines had taken against the amendment. The hon. member, Mr. Smyth, seemed to be a little warm over it; but he could tell him that there was no analogy between mines and sawmills and factories. The work in sawmills and factories was carried on in the light of the day, and a variety of accidents were likely to happen in mines that were not at all likely to happen in sawmills and factories. It had taken many years of agitation before a section similar to this in the English Act finally became law; and he believed he was correct in saying that it was a Conservative Government that finally was compelled—by the force of public opinion and the absolute justice of the case—to enact it. This was the law in New Zealand; it had been the law in Queensland for nine years—having been introduced by one of the most competent goldminers who had yet found a place in this Assembly—the late Hon. John Macrossan—and in view of these facts, he asked the hon. member for Gympie whether it was wise to alter it? The hon. member hoped the Council would insist upon their amendment and would have "a tug-of-war" over it. If the hon.

member wished to wreck the measure for the sake of this amendment, all right; but he could tell him that the clause would be insisted upon at all hazards and at all costs. He hoped the Minister would not give way in the matter upon any consideration whatever. He was sure the hon. gentleman would be supported in his insistance upon the clause by most hon. members on both sides. He hoped the hon. member for Gympie would not persist in asking hon. gentlemen in another place to insist upon their amendment, and make it a "tug-of-war."

Mr. SMYTH: I am not going to ask them to do anything.

Mr. STUMM heartily supported the motion moved by the Secretary for Mines. At the same time he took the opportunity of congratulating the leader the Opposition upon the remarkable change of front that he had displayed. The hon. member said he was pleased to see the firm attitude the Minister took up on this question. Of course, once more they heard about New Zealand—that the provision was the law there—and therefore it must be a good law here. But what did the hon. member say in reference to this clause on the second reading of the Bill?

Mr. GLASSEY: I am quite aware of what I said.

Mr. STUMM would take the liberty of refreshing the hon. member's memory. He said, dealing with this very clause—

> While I am as anxious as any hon. member that the law should be as strict as possible in order to provide for the safety of the men employed in mines, yet in many cases, unfortunately, accidents are absolutely unavoidable. However careful managers be, however desirous owners may be to have their mines worked in the safest manner possible, and however careful men may be in the discharge of their duties, accidents will happen. I hold, therefore, that while we are all of the opinion that every possible safeguard should be provided, yet it is not the intention of the legislature that the law should be so loose that in the event of any accident the owner and manager shall be held responsible.

Mr. GLASSEY: What is in that?

Mr. STUMM: "What was there in that!" He should not be surprised to hear that it was the hon. member's hostility to the clause that had given the cue to the Legislative Council to propose the omission of the clause.

Mr. GLASSEY: He had never believed that his remarks carried so much weight with members in the Legislative Council that the hon. member inferred. The hon. member had discovered a mare's nest. He (Mr. Glassey) pointed out on the second reading that no matter how careful men and managers might be, unfortunately some accidents would happen. What was there in that? The value of the provision in this colony and elsewhere was that it would lead to thorough investigation and inquiry. The men as a rule had no means by which they could sustain their case, and unfortunately in many instances the only persons who could state the facts were gone. Managers had a variety of means of proving their positions which the men had not. He was delighted to think that he had arrived at that period of his political history when it could be said that he had some influence with the other Chamber.

Mr. CALLAN intended to support the Secretary for Mines on this question. It was all very well to say that the occurrence of an accident being made *primâ facie* evidence of the fault of the manager was wrong towards managers, but personally he thought it a very good thing. He believed that by making men responsible in that way, they were going the best way about it to save life. For a man having anything to do with the management of a mine, the greatest blow he could get was to have an accident occur which might deprive a man of his life. At Mount Morgan there had been very few accidents—none at all during the last twelve months—and he believed that their immunity was largely due to the existence of this provision for the last nine years. The author of the clause was the late Mr. Macrossan, who brought it in with the full knowledge of a practical miner and the capabilities of a very able man; so that they should not lightly allow it to be knocked out. In the interests of the miners they should insist on the clause. Possibly the first men to break provisions dealing with the safety of miners were the miners themselves. At Mount Morgan they had a written regulation posted up that if a pass was blocked the boss of the shift had to be informed, and that no work was to be done till he had seen it; but in several instances that regulation had not been observed. He knew of one case in which a man had attempted to clear it himself, with the result that he lost his life. They should certainly make the manager responsible for any loss of life.

Mr. HAMILTON: The English Act only applied to cases in which men employed in the mine lost their lives, but this clause applied to any stranger who happened to be found dead on a claim. The Supreme Court had held that any unusual occurrence was an accident, so that in the event of any person being found dead on a claim, the manager would have the charge hanging over his head. He had consulted the leading mining lawyers in the colony, and that was their opinion.

Mr. SMYTH: In the event of an accident, the warden held an inquiry, and a verdict was returned in accordance with the evidence, which was sent to the Attorney-General. There should certainly be an inquiry before the owner or manager was held responsible. There had been any amount of litigation in connection with accidents in mines, and even where a company won the case it suffered heavily. There was no use in calling for a division, but the provision had caused a big fight in New Zealand. He did not know how it had gone, as the last *Hansard* of that colony did not say.

Mr. JACKSON: A similar provision had been inserted in the New Zealand Mines Act of this year, although he did not think it came into force till about March next year. The Council seemed to have been under a misapprehension. One hon. member said that the clause had been dropped out of the Victorian Act of 1897, but he believed the hon. gentlemen had since found out that he was mistaken. The law was the same in Victoria, New Zealand, and Queensland, while in the old country it was much more stringent.

Amendment disagreed to.

On clause 213—"General rules"—

The amendment in subsection (*i*) was disagreed to, and the other amendments in the clause agreed to.

Amendments in clauses 219, 222, 223, 224, 225, and 235 agreed to.

The first amendment in clause 246 was agreed to, and the second disagreed to, the matter it referred to having been already provided for.

On clause 251—"Legislative Assembly may request postponement or repeal"—

The SECRETARY FOR MINES: The Council proposed to omit this clause, with the view of inserting another in its place, and he moved that the amendment be agreed to.

Mr. BROWNE did not think it advisable to accept the amendment. The clause was introduced by the hon. member for Cook, with the idea of giving the Assembly some power in getting regulations amended, but the clause proposed that the regulations should only be amended by addresses presented to the Governor

by both Houses in the same session of Parliament, which would make it much more difficult to do anything. They wanted to make the voice of the Assembly heard, which would be impossible if this clause were insisted upon.

Mr. HAMILTON: He agreed that if the amendment were accepted the clause would be practically inoperative, because it would be very difficult to get both Houses to agree. At the same time he realised that the Council might say that they had as much right to be consulted as the Assembly. The only way he could see out of the difficulty was to substitute the word "or" for the word "and," in which case the Council could not complain of being overlooked.

The SECRETARY FOR MINES could not agree to the hon. member's suggestion, because it would place the Council in a position of being able to alter the regulations without reference to the Assembly. Of course the Council was part and parcel of Parliament and had a right to assert their privileges. He was sure that any reasonable alteration the Assembly made in the regulations would be agreed to by the Council.

Question put and passed; and new clause 251 agreed to.

The House resumed; and the CHAIRMAN reported that the Committee had disagreed to some of the Legislative Council's amendments; had agreed to others with amendments; had agreed to others with consequential amendments; and had agreed to the remaining amendments in other parts of the Bill.

On the motion of the SECRETARY FOR MINES, the Bill was ordered to be returned to the Legislative Council with the following message:—

Mr. PRESIDENT,

The Legislative Assembly having had under consideration the Legislative Council's amendments in the Mining Bill, beg now to intimate that they—

Agree to the amendments in clause 2 with the following consequential amendment:—On line 15, page 5, before "human" insert "such,"—in which amendment they invite the concurrence of the Legislative Council.

Disagree to the amendments in clause 14, lines 50 and 51, clause 16, lines 34 to 37, clause 23, line 5, clause 29, lines 52 and 53, clause 79, clause 87, clause 88, lines 8 and 9, clause 89, lines 29 and 30, and clause 91—

Because it is not desirable that coloured aliens of any race should be permitted to work or mine for gold, or minerals other than gold, or to hold business licenses on goldfields or mineral fields in Queensland; and for the further reason that the provisions contained in the Bill do not affect or limit the rights of any natural born or naturalised subject of Her Majesty.

Agree to the amendments in clause 26 with the following amendments:—In lines 19 and 21 (as now printed) omit "ten," insert "six"—in which amendments they invite the concurrence of the Legislative Council.

Agree to the amendment in clause 28 with the following consequential amendment in clause 30—namely, omit the proviso—in which amendment they invite the concurrence of the Legislative Council.

Disagree to the amendment in clause 38—

Because it is desirable that priority should be granted according to the order in which the applicants mark out the land, for the reason that disputes are less likely to occur than in deciding priority by any other means.

Disagree to the amendment in clause 56—

Because it is undesirable that there should be any want of uniformity in the conditions upon which leases or renewals of leases may be obtained.

Disagree to the amendment in clause 88, lines 3 and 4—

Because circumstances might exist under which it would be undesirable to permit the subdivision of a miner's homestead without the consent of the warden.

Disagree to the amendment in clause 114—

Because it is desirable that the agent appearing for a party before the warden's court should have all the privileges of a solicitor, and especially so in regard to his right to charge costs.

Disagree to the omission of clause 210—

Because the provision contained in this clause is identical with a provision contained in the Mines Regulation Act of 1889, proposed to be repealed by this Bill, and has been generally accepted by the mining community as equitable and just. Similar provisions are to be found in the mining laws in force in Great Britain, in Victoria, and in New Zealand.

Disagree to the amendment in clause 213, lines 35, 36, and 37, page 56—

Because the method of tamping a charge of blasting powder frequently has the effect of injuring the fuse and causing the charge to hang fire for a lengthened period.

Disagree to the amendment in clause 246, line 32, page 73—

Because ample powers for making regulations relating to forfeitures of mining tenements are contained in subclause 5 of this section.

And *agree* to all other amendments in the Bill.

Question put and passed.

The House adjourned at five minutes past 12 o'clock.