Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 5 OCTOBER 1899

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

QUESTIONS.

POLICE SUPERANNUATION FUND.

Mr. TURLEY (*Brisbane South*) asked the Chief Secretary—

1. Has the actuarial investigation of the Police Superannuation Fund been concluded?
2. When will the report be submitted to Parliament?

The CHIEF SECRETARY (Hon. J. R. Dickson, *Bulimba*) replied—

1. Not yet completed, but in a forward state.
2. Before the end of this month at latest.

MINING LEASES TO CHILLAGOE RAILWAY COMPANY.

Mr. GIVENS (*Cairns*) asked the Secretary for Mines—

1. Have any ordinary mining leases been taken up by the Chillagoe Railway and Mines, Limited, since the passing of the Chillagoe Railway Act?
2. What is the number and area of such leases, if any?
3. Have exemptions been granted, and, if so, to what extent, for any such ordinary leases taken up by that company?

The SECRETARY FOR MINES (Hon. R. Philp, *Townsville*) replied—

No. This answer covers all the other questions.

DISMISSAL OF TIMOTHY KEILY.

Mr. GIVENS asked the Treasurer—

1. Is it true that a man named Timothy Keily, employed in the pilot service on the Johnstone River, was dismissed about the beginning of August this year?
2. Were the reasons for such dismissal stated in the notice of dismissal given to the said Keily?

The TREASURER (Hon. R. Philp, *Townsville*) replied—

1. Keily has not been dismissed; he was only temporarily employed, and has been informed that his services will be no longer required.
2. He is unable to perform the duties, not being a seaman, hence the notice that his services will be no longer required.

PROHIBITION OF TRAVELLING SHEEP.

Mr. MOORE (*Murilla*) asked the Secretary for Agriculture—

1. Is the report true that the New South Wales authorities want the Queensland Government to prohibit the travelling of sheep from quarantined country to clean country?
2. And to see that such regulations were carried out they want to place seven inspectors in Queensland—the Queensland Government to pay same at £300 a year.
3. Have the New South Wales authorities stated that if such is not ceded they will close the border against our stock?
4. Have the department been apprised of any cases where sheep have carried ticks, and has such been found to be the case?

The SECRETARY FOR AGRICULTURE (Hon. J. V. Chataway, *Mackay*) replied—

1. The New South Wales authorities asked that sheep from the Darling Downs buffer area—which is free from ticks—be prohibited from being travelled west.
2. They asked permission to place two of their inspectors on the buffer line, from Dalveen to Chinchilla, the salaries to be paid by them.
3. The request was accompanied by a statement that unless the suggestions made were favourably considered, that colony would be compelled to revert to the position held by it previously to the issue of the proclamation of October last, and to close the border from the Tweed Heads to a point between Mungindi and Brenda for every description of stock except horses in actual work.
4. Ticks were found last year in a flock of sheep trained from the West to Gracemere, and thence travelled in detachments through tick-infested country to Brisbane.

REGULATIONS UNDER GRAMMAR SCHOOLS ACT.

Mr. MOORE asked the Chief Secretary—

1. What provision is made in the Grammar Schools Act for appointment and dismissal of staff?
2. What provision is made in the Brisbane Girls' Grammar School regulations for appointment and dismissal of staff?
3. Are the powers and duties of the head masters and mistresses defined in the regulations?

The PREMIER replied—

1. Section 8 of the Grammar Schools Act, 1860, empowers trustees of each grammar school, with the approval of the Governor in Council, to make regulations for the management, good government, and discipline of the school.
2. The regulations are silent on the point.
3. No.

SPECIAL TRAINS, FEDERAL ELECTIONS.

Mr. DAWSON (*Charters Towers*), in the absence of the hon. member for Clermont, asked the Secretary for Railways—

1. How many special trains were used in connection with the federal elections?
2. By whom?
3. Total cost?

The SECRETARY FOR RAILWAYS (Hon. J. Murray, *Normanby*) replied—

1. Fourteen special trains were run.
2. The Prime Minister 10
   The Attorney-General... 2
   The Home Secretary 1
   The Secretary for Railways 1
   14
3. £568.

HOME FOR INCURABLES.

Mr. GRIMES (*Oxley*) asked the Home Secretary—

Is it the intention of the Government to take steps for the establishment of a home for incurables?

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*) replied—

It is intended to utilise a portion of the Diamantina buildings at South Brisbane for this purpose, but as the inmates of the Reformatory School at Lytton have to be housed in those buildings pending the completion of the Reformatory School buildings at Westbrook, this intention cannot be given effect to at present.

BRITISH ORDERS FOR AMERICAN BEEF.

Mr. HOOD (*Warrego*): I desire to ask the Chief Secretary, without notice, if he has seen a cablegram in this morning's *Courier* to the effect that the British Government have ordered 4,500,000 lb. of American tinned beef, and whether he will take steps to have such orders placed in this colony in future.

The PREMIER: I may state that the cable in question attracted my attention this morning, and I have communicated with the Agent-General to see if supplies from Queensland cannot be ordered in connection with this service.

HONOURABLE MEMBERS: Hear, hear!

PAPERS.

The following papers, laid on the table, were ordered to be printed:—

Return showing the amount of opium on which duty has been paid at the different ports of Queensland to 30th June last.

Copies of all correspondence, documents, papers, and *Government Gazette* notices, relating to the proposal to send a number of the members of the Queensland Force to the Transvaal.

SUPPRESSION OF GAMBLING ACT AMENDMENT BILL.

SECOND READING.

Mr. PETRIE (*Toombul*): Knowing the short time allowed to private members for their business, and the difficulty we have in dealing with Bills brought in by private members, it is not my intention to take up the time of the House any longer than I think necessary. I do not introduce this measure because I myself am a gambler, or even in favour of gambling.

An HONOURABLE MEMBER: Why should you not be?

Mr. PETRIE: I do not say I would not take a ticket on Tattersalls or any other sweep if I had the opportunity. Some time ago I presented to this House a petition signed by over 5,000 persons in favour of the measure I am now bringing before the House. Nearly 500 of those signatories were electors in my own electorate. This Bill is hedged round with all sorts of restrictions, so that I believe that when it becomes law it will be a difficult matter to get it put into operation. Last session when I tried to introduce a similar measure it was at a certain stage declared a money Bill, and the then Speaker ruled it out of order, and I had to withdraw it. This Bill has been framed after careful consideration, and is on the lines of the Tasmanian Act. No doubt at the time the Suppression of Gambling Act was brought forward by the late Hon. T. J. Byrnes, a gentleman for whom I have the greatest respect, there was some cause to take such action, because gambling then went on to such an extent in the city that *bonâ fide* men were out of it, and tobacconists, spielers, and all sorts of persons had started sweeps, and were doing what the public generally considered was not a fair thing. But I think he ought to have made some provision to legalise this business, because I do not think that gambling any more than any other vice—if gambling is a vice—can ever be put down by Act of Parliament. And when it cannot be put down by Act of Parliament, the Government of the day should legislate to control it, and to get revenue out of it, which might be devoted to some charitable object. This Bill proposes to amend portion 2 of the Suppression of Gambling Act of 1895, by enacting that—

> The principal Act shall not apply to any lottery conducted solely by correspondence through the Post Office, and in accordance with regulations made by the Governor in Council for the proper conduct thereof.

Clause 4 provides that—

> Nothing contained in the principal Act or in this Act shall render unlawful the sale by raffle or lottery of articles exposed for sale at any bazaar or fancy fair held for raising funds for any eleemosynary or charitable purpose, provided the approval of the Attorney-General is first obtained for such sale thereat.

This provision was substantially included in the Act of 1895 as it passed the Assembly, but the Council agreed, on the motion of the Hon. E. B. Forrest, that the provision should be omitted, the feeling being at that time that raffles and lotteries were an evil, and should not be sanctioned for church purposes, even by the Attorney-General. When the Bill was returned to the Assembly the Council's amendment was accepted so that the Bill should not be lost.

Hon. E. B. FORREST: It should have been lost.

Mr. PETRIE: Yes, I think it should have been lost. I do not think a good many people of the colony look upon this matter in a proper light. I know that my hon. friend, the member for Oxley, is very much opposed to this Bill; but, as I have said, it is hemmed round with all sorts of restrictions. It is laid down in clause 3 that the Governor in Council may make regulations:—

> (i.) Licensing the promoter or person conducting or managing any such lottery;
> (ii.) Prescribing fees to be paid for the licensing of any promoter or person conducting or managing any such lottery;
> (iii.) Prescribing the minimum total value of the prizes that may be distributed in connection with any such lottery;
> (iv.) Prescribing the minimum price payable for any share, ticket, or interest in any such lottery;
> (v.) Limiting the age at which persons may be permitted to purchase or hold any share, ticket, or interest in any such lottery;
> (vi.) Regulating the drawings in connection with any such lottery;
> (vii.) Providing for the due transfer, delivery, or payment to persons who have been successful at such drawings of the prizes due or payable to them, and for the destination of all unclaimed prizes.

If the Bill becomes law, and the Governor in Council does not see fit to take action and make regulations, then it will have no effect. If the Governor in Council does make regulations, then those regulations are to be published in the *Gazette*, and copies thereof are to be "laid before Parliament forthwith if then sitting, and if not sitting, within fourteen days after the commencement of the next ensuing session." Then either House has the power to annul those regulations within thirty days, so that taking the Bill all round I think it is a fair one, and that it is a reasonable thing to ask every member of the House to support it. I have here extracts from all the debates that took place on this Bill before, and I believe the Premier and the Home Secretary were entirely in sympathy with such a measure as I am now introducing.

Mr. MCDONALD: Oh, no!

Mr. PETRIE: The hon. member for Flinders interjects. I do not mind interjections, unless they come a dozen at a time. I have brought forward the Bill in a straightforward manner, and I say that any member of this House who has the courage to introduce such a measure deserves the support, at all events, of every decent member of the House. (Laughter.) I would rather the Government had brought forward the measure, because I know the difficulty private members have in getting a Bill through the House. Very few private members ever succeed in carrying private Bills. I ask the consideration of the House, not exactly as a young member, but as a member who has been here only a few years, and has never made an attempt before to introduce such a measure. If I fail in any shape or form in the method in which I have brought forward the measure, I claim the consideration of the House. I am not a lawyer, and I introduce this Bill because it is desired by a lot of my constituents, and over 5,000 persons have petitioned for it. I know that there are certain petitions against it, but I honestly believe that the measure will be for the good of the whole colony of Queensland. We know the vast amount of money we are called upon to spend on charitable institutions, and this measure might provide a fund for that purpose. We have the Totalisator Act in force now, and are making a good deal of money out of it, and if we can secure that *bonâ fide* men shall run sweeps under proper conditions, why should we not allow them to do it and let the Government get some revenue out of it? This Bill, as I have said, will deal with unclaimed moneys, and hon. members will know that when Adams was here he had a vast amount of unclaimed moneys, from which no doubt he is now deriving a good revenue in interest upon its investment. Under this Bill that sort of thing would be stopped, because when people did not claim their money or prizes the Government could by regulation step in and take over those unclaimed moneys. I hope to have the support of hon. gentlemen, and that whenever the division is taken upon this Bill the result will be in my favour. I have much pleasure in moving the second reading of this Bill.

The PREMIER (Hon. J. R. Dickson, *Bulimba*): I do not rise to question the statement of the hon. member who has introduced this Bill, that he has done it in a straightforward manner. We must all concede to him that his action has been thoroughly straightforward and direct, at the same time I question very much the appropriateness of the time he has selected

for introducing this Bill. I think before we deal with a measure revising the Act of 1895 we should thoroughly realise that the public desire some change in the conditions under which gambling has been suppressed—that the matter has a live interest for the people. We should know that there is a desire to improve upon the restrictive statute which remains on our statute-book. I believe the Act of 1895, although I criticised it somewhat severely at the time, has been productive of good.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: I do not know that anyone can deny that it has arrested the growing vice of gambling, which was displaying itself most extensively, and particularly amongst our juvenile population.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: We must ourselves have observed that the growing propensity of juveniles in our large towns to indulge in race tickets and consultations was becoming a scandal, and demoralising the very inner life of that portion of our population. In this direction the Suppression of Gambling Act of 1895 has done a great deal of good in Charters Towers, in Brisbane, and in all the large towns of the colony. Therefore I contend that we should be very careful not to do anything to disturb the operation of what has proved to be a very salutary law. At any rate I think the people of this colony should have moved more openly than appears yet to have been the case in expressing a desire that Parliament should be consulted with a view to a revision of the existing conditions. Disguise it as we may to ourselves, this Bill has a tendency to revive the spirit of gambling. There is no question about that. It makes the conditions easier, and therefore is certainly an incentive to people to move in the direction of gambling and speculation. I am the very last of the members of this House to object to legitimate speculation, still at the same time I do not think lotteries on the whole, or anything whereby men—and especially the younger portion of the population—who are without means of their own, are induced to believe they may make a fortune at a coup, instead of accumulating it by honest persistent endeavour, should be encouraged. Anything of that sort must tend to the deterioration of the national character.

Mr. MCDONALD: What about land booms?

The PREMIER: Even that is not so healthy means of acquiring wealth as hard-working, steady perseverance in whatever profession or occupation a man may be engaged. I say, that to offer additional temptations to the rising youth of the colony to improve their circumstances by fortune, and without any persevering exertions on their part, is introducing a most demoralising feature into our social life. The introduction of the alterations to a salutary system, which this measure is intended to effect, would be injurious to the real welfare of our population.

Mr. LESINA: You have said that about the Labour party, too.

The PREMIER: I do not think there is any occasion to introduce party politics into a matter of this kind. Whether hon. gentlemen opposite intend to secure a party triumph by voting *en bloc* for this measure or not, it is not by any means a measure of a party kind. I say this is re-introducing an evil—I say "an evil" advisedly—which attained such flagrant dimensions in the past as to call for the intervention of the Attorney-General of the day, the late Hon. T. J. Byrnes. Although I criticised the measure as being severe and drastic at that time, I must confess that I am led by observation during the time the Act has been in operation to the conclusion that it is a most useful and salutary measure.

Mr. LESINA: It has not suppressed Chinese gambling.

Mr. BROWNE: Why do you not compel the police to stop Chinese gambling?

The PREMIER: The police, I think, do their duty in that direction.

HONOURABLE MEMBERS: No, no!

The PREMIER: If the hon. member or any other hon. members have facts which they can furnish to the Police Commission now sitting to investigate police affairs, why not lay those facts before that Commission and endeavour to get their views carried out? I am not here to apologise for anything the police may or may not have done. That is entirely *ultra vires* to the present question, which is whether we shall so far ameliorate the conditions under which gambling is at present suppressed that we shall offer additional inducements and incentives to the juvenile population to indulge in the vice of gambling, to the really serious deterioration of their character. There is no doubt that the Suppression of Gambling Act of 1895 has relieved our streets of what was a scandal to those who desire to see a healthy population in our midst, and not to perpetuate a vice which obtains in some of the larger centres of population in continental Europe. Therefore I think the hon. member would be wise in withdrawing the Bill at the present time.

Mr. PETRIE: No, no!

The PREMIER: He has not spoken at length, and therefore, perhaps, has not proved to us the necessity for the Bill. It is unmistakable that some practical necessity for an alteration of the existing statute should be shown.

Mr. LESINA: Out West even the little lambs gambol.

The PREMIER: In Charters Towers it must be admitted by the leader of the Opposition that gambling had become a scandal at the time the Suppression of Gambling Act was introduced.

Mr. DAWSON: I do not know. I say it was not sweet.

The PREMIER: The consultations and various other forms of gambling there were become features of public notoriety. The one effect of it upon several of our
4 p.m. juvenile population was peculation in offices and all that sort of thing. In fact an unhealthy feverish haste to be wealthy is the very foundation of gambling and speculation, and in that light I contend that the tendency of the lottery system has been injurious to the moral character of our rising population. Seeing that there is no great call from the people for this alteration at the present time, and seeing that the hon. member has not pointed out where we are suffering by these lotteries being suppressed——

Mr. PETRIE: You can hold a lottery now with the approval of the Attorney-General.

The PREMIER: The hon. member says lotteries can be held now with the approval of the Attorney-General. Then why not be content with the measure as it now stands? Why attempt to open the door to still further extend the lottery system? I need not occupy the time of the House further. My objections are these: That the existing law has been hailed with satisfaction, that it has suppressed an evil which was certainly assuming very large dimensions at the time that statute was passed, and that the public at the present time has not demanded the Bill—a Bill which, in my opinion, if adopted, would open the door to very grave abuses, and to a renewal of those evils which, in 1895, by wise legislation, we have successfully suppressed. I

cannot, therefore, hold out to the hon. member any hope that the Government will lend its support to this Bill.

Mr. LESINA (*Clermont*): I beg to move the adjournment of the debate.

After a pause,

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*): I should like to inquire whether this is to be regarded as hon. members opposite usually regard motions of this sort coming from this side of the House when they have private business on? Is it for the purpose of blocking business?

Mr. McDONNELL: It is to facilitate private members' business.

The HOME SECRETARY: I object. I have come here to debate the Gambling Bill. Only a week or ten days ago we were read a lecture from hon. members on the other side who were very indignant because the Government proposed to take some other matter than that which was in order on the business-paper. When hon. members so arrange their business that certain Bills should be on the top of the paper, and others at the bottom, I am prepared to debate those that are on the top, and I object to anything else being done until they are dealt with. As far as possible, that is what the Government endeavours to do, although it does sometimes unfortunately happen that a Minister may be away, or something occurs which prevents him from going on with a Bill in its proper order. But here, after two speeches have been delivered, it is proposed to adjourn the debate until—I do not know when. I should like to know whether this is done with the sanction of the hon. member who introduced the Bill. It is very important that the Chamber should know that.

Mr. PETRIE: I will tell you afterwards.

The HOME SECRETARY: I should like the hon. member to say now whether it has his sanction or not.

Mr. PETRIE: Yes.

The HOME SECRETARY: Then what is the attitude of the hon. member towards his own baby? Is he in earnest about this Bill, or is he only trifling with the House? I came here to debate the question seriously, and now I am surprised to find that it is merely fireworks—that the hon. member for Toombul has introduced this matter simply for the purpose of delivering a speech, and getting a speech from somebody else *per contra*, and then actually tries to shelve it.

Hon. E. B. FORREST: For ever.

Mr. FISHER: Because the time is inopportune.

The HOME SECRETARY: The only conclusion we can come to is that the hon. member, in making an arrangement that this debate should be adjourned, without taking the House into his confidence, in actually conniving at the suppression of his own Bill. I fail to see how the hon. member can get away from that dilemma. Either he is in earnest with his Bill or he is not. If he desires to push the Bill, why should he enter into an arrangement with hon. members on the other side of the Chamber for the purpose of shelving it? I should have thought the proper course for the hon. member to pursue would have been to move, when it was called, that the order be postponed till some future date, if he desired it to be adjourned. That would have been a reasonable proposition on the hon. member's part. But to enter into a private arrangement with hon. members on the other side for the purpose of getting some other business put on the top of the business-paper, after he has introduced the Bill, and had his say, does seem to me to be rather an extraordinary thing, and it places the hon. member in a very awkward dilemma. I should like to know whether the hon. member has any intention to push his Bill, otherwise it might just as well be struck off the paper altogether.

Mr. PETRIE: Yes.

The HOME SECRETARY: It would be far better to move that it be discharged altogether than to trifle with it in this way. When this motion was put I waited for some short period in order to enable the hon. member to say whether he accepted the motion or whether it was sprung upon him as a surprise, or whether he had arranged with the hon. member who moved it; but as he did not rise in his place to make any explanation, I deemed it my duty, or that of some other hon. member, to ask him why he has taken this particular course with regard to his Bill.

Mr. DAWSON (*Charters Towers*): I am somewhat surprised at the extraordinary attitude taken up by the Home Secretary with regard to this matter.

The HOME SECRETARY: It is the usual attitude of the Opposition.

Mr. DAWSON: The hon. gentleman is a member of the Government, not a member of the Opposition. I should like to tell the hon. gentleman that he is entirely wrong, and is very ungenerous to the hon. member for Toombul when he states that the hon. member has simply introduced this Bill as a kind of fireworks. He has not done anything of the kind—in my opinon, at anyrate. And the hon. gentleman is still more ungenerous in inferring that all that the hon. member for Toombul desired was to get his own speech in and let the thing die.

The HOME SECRETARY: Quote me correctly; I did not say that.

Mr. DAWSON: The hon. member has not done anything of the kind. He moved the second reading of the Bill, giving his reasons why it should be accepted, and the Premier has replied on behalf of the Government.

The HOME SECRETARY: I pointed that out. Why misquote me?

Mr. DAWSON: I did not hear that. I understood the hon. gentleman to accuse the hon. member for Toombul of adopting unusual tactics, inasmuch as he had manœuvred—I believe that was the word used—or arranged to get his own speech in and then to let the matter drop.

The HOME SECRETARY: That is incorrect.

The PREMIER: And a speech in opposition.

Mr. DAWSON: I hope the time is not far distant when the Premier will be the leader of the Opposition. The actual position of affairs is this: The hon. member for Toombul has moved the second reading of this Bill, and given his reasons why he thinks the Bill should be accepted. There has been a reply to the hon. member by the Premier, who, I venture to say, voices the opinion of the Ministry on this particular question. I should imagine that he has more authority to speak on behalf of the Ministry than the Home Secretary.

The HOME SECRETARY: This is not a party question.

Mr. DAWSON: Whether it is a party question or not, I should imagine that the opinion expressed by the Premier is the opinion that ought to be likely to be agreed to by members of the Cabinet, even though the rank and file of the Government following do not agree with it. As far as the Ministry are concerned, the Premier ought to be understood by hon. members on this side to voice the opinion of his Cabinet. The Premier has indicated what I consider is the attitude to be assumed by the Cabinet with regard to this particular Bill.

The HOME SECRETARY: I agree with the Premier, and I am sure that the Premier agrees with what I said.

The PREMIER: Hear, hear!

Mr. DAWSON: I am not saying you do not. I only say I understood the Premier to speak on behalf of the Government. The position is this: That we have had these two speeches from the hon. member from Toombul and the Premier—the one giving his reasons for the Bill, and the other against the Bill. Now another motion has come along—that the debate be adjourned; and the mere fact that the hon. member for Toombul is agreeable to the debate being adjourned is not fair ground for accusing him of merely introducing this Bill as a matter of fireworks, because he has achieved at any rate one object—he has got the Bill ventilated—he has given his reasons for the Bill, and the Premier has given his reasons against. The principal reason that would actuate me in supporting the motion for adjournment is this: That the hon. member for Toombul desires to be fair to other private members in this Assembly who have business on the paper. He does not want to monopolise the whole of this week in the discussion of his own particular little Bill.

Hon. E. B. FORREST: Why did he bring it on then—why didn't he let it drop?

Mr. DAWSON: He brought it on, I suppose, in order that hon. members might know the reason why such a Bill should be introduced, and in order that those opposed to him might have an opportunity of saying why the Bill should not be accepted.

Hon. E. B. FORREST: And you want to stop him now.

Mr. DAWSON: I do not want that at all. The hon. member for Toombul has been exceedingly generous; he has manifested a spirit which hon. members on both sides might very well cultivate to the advantage of all of us and the people of the country also—that one man should not monopolise the whole of the time of private members. Let hon. members distinctly understand this fact. We have never, I suppose, in the history of Queensland been in the particular position we are in at the present time. We are now very late in the year sitting as a Parliament without doing any of our domestic busines at all; we had a special session during which private members purposely refrain from introducing anything of a private nature or a contentious nature, in order that we might have more time to deal effectively with a great national question that was entirely outside of our domestic politics altogether; private members refrained from introducing anything at that particular time. Now we have met again, and private members' business is accumulating on the paper.

The PREMIER: And will accumulate even more if this is adjourned.

The SECRETARY FOR AGRICULTURE: Let us divide and get rid of it.

Mr. DAWSON: The only way to deal effectively with private members' business is ——

The HOME SECRETARY: Postpone it.

Mr. DAWSON: Not at all. The way is for every hon. member who desires to have any particular thing or any particular Bill discussed and ventilated in this chamber, is that they should divide the short space of time allotted to private members. As far as we are concerned at present all we have now is two hours a week, and if the hon. member for Toombul took up the whole of those two hours, he would be the only private member who would have the attention of the House. But the hon. member is not a monopolist; he is not a greedy, grasping kind of man; he is inclined to be fair to other people, and recognise that there are other private members who have important business to bring before the members of this Assembly, and he desires to divide the time. I understand that was the principal reason that actuated him in agreeing to the adjournment of the debate after the two speeches that have been delivered, and I say that is a very fair view under present circumstances for any man to take, and I will give the hon. member every credit for his manliness and exceeding generosity in this respect. I would like to point out to the Home Secretary that he is making rather a risky admission when he states that he came here this afternoon wholly to debate the Bill proposed by the hon. member for Toombul. The hon. member surely, as a Minister of the Crown, must be aware that all the items on the business-paper are liable to come on for discussion at any one sitting of the House, and a Minister of the Crown should be prepared to debate any item that comes up.

The PREMIER: In the order in which they are placed.

Mr. DAWSON: Or the order in which the House pleases to place them.

The HOME SECRETARY: That is what we are discussing now.

Mr. DAWSON: Any hon. member, particularly a Minister of the Crown, should be prepared to debate intelligently any item that is on the business-paper. The second item on the business-paper for to-day is a proposition by the hon. member for Gympie, Mr. Fisher, and I would like to know whether the objection of the Home Secretary and those who agree with him is to the discussion of the Bill proposed by that hon. member. If it is, then I can understand that they are not prepared to debate that Bill at the present juncture, and I can understand their objection to this adjournment; but if they have no objection to the discussion of that Bill this afternoon, I fail to see any intelligent reason why they should dispute the motion made by the hon. member for Clermont, particularly in the face of the fact that the hon. member for Toombul, who, after all, is more concerned than any other hon. member of the Chamber, has agreed to the debate being adjourned. Unless they are not prepared to go on with the next item on the paper, I fail to see why this objection should be raised.

Mr. ARMSTRONG: I cannot understand the logic of the leader of the Labour party. He points out during one period of his remarks that we have so little time allotted to us for the discussion of private members' business; he also advised the House to accept the motion for adjournment, so that we might pile up the business on the paper instead of getting rid of one item now.

Mr. DAWSON: I suggested dividing the time.

Mr. ARMSTRONG: There is no finality in the suggestion made by the leader of the Labour party.

Mr. DAWSON: You ought to know; you have had Bills before the House before now.

Mr. ARMSTRONG: That is the reason that has brought me to my feet. I say distinctly, as one who has had private business in this House, that the great difficulty has been to arrive at finality. What we want is to deal with the business, and not keep passing it on and delaying it from Thursday to Thursday, particularly when hon. members, as the Home Secretary has said, have come here prepared to deal with the question. We might come here next Thursday prepared to discuss the question at the head of the business-paper, and then find a similar motion for adjournment coming from the opposite side of the House, and the matter would be allowed to lapse. That has been done twice already this session, and I enter my protest against anything of this character being done again. The attack made by the

leader of the Opposition upon the Home Secretary's statements I think beneath his dignity as leader of the Opposition. It appears to me, as an ordinary member of this House, that the movement savours of fireworks. The hon. member for Toombul introduced the measure, and said all he had to say on the matter, and then the Premier replied. Then we find the whole question likely to be shelved. Let us proceed with the Bill, and arrive at some decision this afternoon. If the motion for adjournment comes to a vote I shall vote against it.

Mr. J. HAMILTON (*Cook*): I think if an adjournment is desired we should have some sufficient reason for it. I have not heard any sufficient reason given yet. It is very extraordinary that the hon. member for Toombul should make an arrangement with an hon. member on the other side of the House without consulting hon. members on this side of the House. When speeches on important subjects have been delivered, it may be desirable to adjourn the debate in the same way as we did with the Financial Statement. If that is given as a reason, possibly we might consider the matter. One argument used is that by adjourning the debate time will be saved, and that by not adjourning time will be lost. I think the reverse is the case, and I say the only way to get business through is to stick to it until it is completed. One hon. member states that it is desirable to adjourn the debate in order that another matter may be discussed, but one of the most important questions agitating the country at the present time is the Gambling Bill. Petitions have come in from all over the country, and meetings have been held in many places, and in order to allay this agitation we should settle the question one way or the other as soon as possible.

Mr. PETRIE (*Toombul*): I desire to make a short explanation with regard to this matter. I am thoroughly in earnest, and I want to get on with the business. I was approached by the leader of the Opposition——

MEMBERS on the Government side: Oh, oh!

Mr. PETRIE: Yes. I am going to be quite fair, and tell hon. members straight what happened. He asked me if I would be prepared at 5 o'clock to give Mr. Fisher an opportunity of moving his measure.

Mr. J. HAMILTON: It is not half-past 4 yet.

Mr. PETRIE: As far as I was concerned I acceded to that request, and I think I mentioned the matter to the Premier last night. I did not consult every hon. member on this side of the House about it, and I know I am in the hands of the House. If it is desired to go on with the Bill, I am prepared to do so, but I do not want to go back on what I said at all. Perhaps I was wrong in giving way, and if so, I apologise to the House. But I know that the time for private members' business is so short that one man may talk a measure out at 6 o'clock, and I was anxious to facilitate business. I may not be as clever as the Home Secretary, and may not be as well up in the rules of the House as he is; and, notwithstanding that the hon. member for Lockyer said that it was a matter of fireworks, I say that it is not a matter of fireworks. I am as much in earnest as that hon. member was in bringing his Bill before the House some time ago, and I am prepared to go on with it and take a division, if necessary. I could have spoken here for hours on the 1895 Act, but knowing the short time at the disposal of private members I was brief. I want to see the measure carried, as I believe it will be for the benefit of the country. I don't want to burke the question—I want to get the matter settled.

Mr. McDONALD (*Flinders*): Perhaps I come in a little here. The hon. member for Toombul explained the arrangement he had made, and I may say that it was my intention to move the adjournment of the House on a certain matter, and probably if I had done so, the hon. member would not have been able to say anything on his Bill at all. But I refrained from taking this action, at the request of the leader of the Opposition, who stated that two hon. gentlemen wished to get their speeches on in reference to certain Bills. I think, taking all this into consideration, the hon. member for Toombul has only acted fairly in coming to an arrangement to allow this matter to go on. Still, I think there is very little in private members' business. It is a huge farce, and it is a waste of time for an hon. member to try and get private business through. The Government is not going to allow any private member to get the kudos of any legislation; they want all the credit for themselves. I have seen Minister after Minister get up and talk private members' business out, and the Hon. the Home Secretary is probably one of the greatest offenders in that direction. There should be some rule to give private members a fair show of getting a Bill through. If the Government do not feel inclined to bring in a measure, let a private member do it; but when a private member does do it, do not put every obstacle in his way to try to prevent him from carrying it through.

Mr. BROWNE (*Croydon*): I am surprised at the terrible amount of indignation which has been expressed over this motion for adjournment. Hon. members are trying to make out that it is something new, but during the three years I was "whip" of the Labour party, the same thing has gone on between private members. Members on both sides of the House have come to me to see private members to discover whether they could not make some arrangement so as to get on with their business. It has been looked upon as a proper thing to do, if two or three private members have business on the notice-paper, for one to curtail the time at his disposal and give portion of it to another. Probably it may be better to go on with the business as it is on the paper, but it is a practice which has existed for years. Then we find the Hon. the Home Secretary and the Government "whip" getting up and making fireworks and mock virtuous indignation.

Mr. J. HAMILTON: The Government whip was not spoken to in this matter.

Mr. GLASSEY: He had no right to be spoken to. It was an arrangement between members.

Mr. BROWNE: I am not speaking about the Government but about private members making arrangements between themselves. I do not say whether the practice is the best; but it is only a sham and a mockery for old members, especially on the Government benches, to get up and pretend that this is a surprising innovation which should be put down at once.

Mr. ANNEAR (*Maryborough*): I think the hon. member for Toombul has been very candid in stating the arrangement he made. He said he arranged with the leader of the Opposition to allow this discussion to go on until 5 o'clock, but the hon. member for Clermont got up and moved its adjournment at 4 o'clock. I think that the business of the House should be conducted by no single member, but by the House itself.

Mr. DAWSON: By the House undoubtedly.

Mr. ANNEAR: This is a question which is agitating the minds of large bodies of people throughout the length and breadth of the country, and if hon. members on the other side had carried out the arrangement they have made with the hon. member for Toombul, we should have had a discussion, and some business would have been done. Some hon. members opposite may be desirous of doing business, and especially to give the hon. member for Gympie an opportunity to go on with his important motion; but

I do not think it has facilitated business to move the adjournment of the debate. I will give my reasons for saying why the debate should not be adjourned. I may say I have come here specially to say something with reference to the Bill introduced by the hon. member for Toombul. I have said in my place in this House—I have also said in the country—that I will on every occasion oppose the reintroduction of gambling as it previously existed in Queensland.

HONOURABLE MEMBERS: Hear, hear!

An HONOURABLE MEMBER: Everywhere in Queensland?

Mr. ANNEAR: Yes. This House, when it passed the Bill it did in 1895, amending the Act then in existence, wiped out a curse.

HONOURABLE MEMBERS: Oh, oh! Hear, hear!

Hon. E. B. FORREST: The greatest blunder they ever made.

Mr. ANNEAR: There is one thing you have not seen, but which I have seen in some of the towns I have visited, notably Charters Towers—gambling carried on in the public streets. You would see hundreds of little children going up and buying tickets, for which they would pay half-a-crown.

Mr. DUNSFORD: That is nonsense.

Hon. E. B. FORREST: Have you seen it?

Mr. ANNEAR: I have seen scores, hundreds.

Mr. DUNSFORD: It's not true.

Mr. ANNEAR: I have seen it, and so have other hon. members.

The SPEAKER: Order! The question before the House is the adjournment of the debate, and I trust the hon. member will confine himself to that.

Mr. ANNEAR: I do not want to make Charters Towers an exception. In Brisbane you could see hundreds of little children going to buy tickets at 2s. 6d. each—children of ten and twelve years of age. It has been very justly remarked by the hon. member for Cook that there is a great deal of agitation going on in the country over the matter. Petitions have been signed in many towns in opposition to the measure. Therefore, its consideration should not be adjourned. If we are to get on with the business on the paper, we should begin with it and continue it until it is completed. I agree with a great deal that has been said by the hon. member for Flinders. I think it is almost useless for any private member to bring forward a Bill of this kind with any hope of passing it. There is not sufficient time to do it. From my experience very few private members' Bills get through this House. I shall vote against the motion for adjournment. I do not think the time allowed for private members' business could be devoted to a better purpose than discussing the very important Bill that is now before us for its second reading.

Mr. GRIMES (*Oxley*): The introducer of the Bill expressed his anxiety to see the measure pushed on with and become law, believing it to be for the good of the whole colony of Queensland. That anxiety certainly does not harmonise with his action now in so early abandoning his offspring. His cruelty and indifference towards it would almost lead one to suppose that it is illegitimate—that he is really not the father of the Bill, but that there is someone else behind him who is pressing this matter forward with a desire to bring back the old state of things. I think it is not advisable that we should adjourn this debate. While the hon. member for Toombul is anxious to get his Bill passed, there are others here who are anxious to stop the Bill from passing. We have now a good House, and I have no doubt the whole of the hon. members present have come with a determination to speak and vote for or against the Bill this afternoon, and it is exceedingly probable that if the debate is adjourned there will not be such a good attendance on another occasion. I have noticed that it is often the case when there is an adjournment of a debate on a Bill that hon. members are then in doubt as to when the Bill will again come before the Chamber, and there is not so good an attendance afterwards to deal with the measure. I cannot understand the desire of the hon. member for Toombul to get the debate adjourned. There is a larger attendance this afternoon than the hon. member has ever witnessed when introducing a similar measure before. I believe in going on with this business. If we had gone on with it we might possibly have decided the question before 5 o'clock. I was prepared to go to a division straight away.

Mr. PETRIE: Hear, hear!

Mr. GRIMES: The hon. member specially mentioned me as an opponent of the Bill, who had something to say upon it; but I am willing to forego my right to speak if he will come to a division before 5 o'clock, and clear it off the paper at once. It is true, as the hon. member for Toombul has said, that there is a strong feeling in certain communities in the colony with reference to this Bill, and there is an agitation against it which will be manifested before long in numbers of petitions being presented to this House.

Mr. PETRIE: There is a strong feeling the other way, too.

Mr. GRIMES: As the House is now prepared to deal with it, I believe it will prevent all this agitation and save a large amount of work if we decide the question at once.

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

AYES, 27.

Messrs. Hanran, Dawson, Fisher, McDonnell, Jackson, Dunsford, Stewart, Curtis, Fogarty, Dibley, Fitzgerald, Petrie, Groom, Maxwell, W. Thorn, Turley, W. Hamilton, Hardacre, McDonald, Browne, G. Thorn. Kerr, Kidston, Givens, Ryland, Lesina, and Jenkinson.

NOES, 28.

Messrs. Dickson, Rutledge, Dalrymple, Foxton, Philp, Chataway, Murray, Hood, Armstrong, Tooth, Campbell, T. B. Cribb, Grimes, Bridges, Kates, Lord, Forsyth, Bartholomew, J. Hamilton, Stodart, Annear, Stephenson, Kent, Callan, Story, Moore, Mackintosh, and Smith.

Resolved in the negative.

Question—That the Bill be now read a second time—put; and the House divided:—

AYES, 18.

Messrs. Hanran, Dawson, Givens, Dunsford, Kent, McDonnell, Hood, Campbell, Petrie, Fitzgerald, Smith, Forrest, Maxwell, Kidston, J. Hamilton, W. Hamilton, Moore, and G. Thorn.

NOES, 36.

Messrs. Dickson, Dalrymple, Rutledge, Philp, Foxton, Chataway, Murray, McDonald, Lesina, Fisher, Jackson, Bridges, Ryland, Hardacre, Dibley, Curtis, Plunkett, Stewart, Groom, Kates, Story, Mackintosh, W. Thorn, Stephenson, T. B. Cribb, Forsyth, Turley, Browne, Lord, Grimes, Tooth, Annear, Callan, Armstrong, Stodart, and Jenkinson.

Resolved in the negative.

WORKMEN'S COMPENSATION BILL.

SECOND READING.

* Mr. FISHER (*Gympie*): I can assure you that it is with some diffidence that I rise to submit a Bill of this kind to the House, and I only do so because I have been connected with mining all my life, and have seen the necessity for an alteration of the Employers Liability Act. I beg just here to pay a compliment to the hon. member for Toombul for his kindness in approaching me on the matter of sharing with me to-day the time allotted to private members.

5 p.m.

The HOME SECRETARY: Has he approached you?

Mr. FISHER: I do not wish any misunderstanding to occur in regard to this matter. I

believe that originally it was I who approached the hon. member for Toombul through the leader of the Opposition. I wish to make that clear, and to say that the hon. member met my proposition fairly and very honourably; and I hope that in future private members will be allowed some consideration in the arrangement of private business. I think there is sufficient proof that the present Employers Liability Acts are unsatisfactory, and having given a good deal of consideration to the matter, and having along with my colleague brought it prominently before the electors at the last general election, and seeing that the Government have made no mention of the matter in their lengthy programme, I think I have done right in tabling this Bill, so that it may be discussed by the House. There is no necessity for this measure being treated as a party question; in fact, it is of such a character that all parties will, I think, agree that it is necessary, and do their best to get it passed in the form that may be best for the country and best for the people engaged in the industries to which it will apply. The Bill as now introduced is an adaptation of the English Workmen's Compensation Act of 1897. That Act, I may say, has been condemned by one party in Great Britain as being too stringent and too socialistic in its char cter, and condemned by another large party as not being sufficiently broad and advanced to cover the people whom it is necessary to cover by this kind of insurance. So that between the two parties I think we may agree that this Bill introduces a principle which has been established in Great Britain, and supported by some of the leading statesmen there, and approved by a large number of people occupied in mining and other producing and manufacturing industries in Great Britain. Perhaps it is advisable that I should anticipate some of the arguments that may be used against the Bill; but before doing so I may be permitted to point out that the British Act of 1897, from which this Bill is practically derived, was introduced and passed by a Conservative Government.

The SECRETARY FOR PUBLIC LANDS: Who introduced it?

Mr. FISHER: I think it was Sir Matthew White Ridley, Home Secretary, who introduced the measure, and that a similar Bill was brought in by the Home Secretary in the Liberal Administration previously, in 1893.

The SECRETARY FOR PUBLIC LANDS: I think Mr. Chamberlain introduced it.

Mr. FISHER: No; I think the hon. gentleman is in error.

The SECRETARY FOR PUBLIC LANDS: Well, if he did not bring it in, he suggested it.

Mr. FISHER: I am simply giving my opinion, and I think the hon. gentleman who carried it through was the Home Secretary, Sir Matthew White Ridley. At any rate, the measure was passed by a Conservative Government, so that I do not think hon. gentlemen who occupy the Treasury benches here can say that this Bill is a socialistic measure, and rail at it on that account. It is nothing of the kind. I may now be permitted to anticipate some of the objections that may be urged against the Bill. One of these is that if this measure becomes law it will increase the number of accidents. During the last year there has been an unfortunate increase in the number of accidents in the various trades and occupations in Great Britain to which the Workmen's Compensation Act applies, and that circumstance has been seized upon by those who object to measures of this kind to prove that the operation of legislation of this character tends to increase the number of accidents. But it has been pointed out that with the notification of accidents to the proper authorities the statistical returns concerning them have been more carefully compiled than they were previously, and that the increase is not really so large as would at first sight appear. Moreover, those people who may use the circumstances of this increase in the number of accidents as an argument against the Bill should not forget the great fact that the actions brought under the Employers Liability Act have in some instances shown as large an increase in two years as there has been during the first year under the Workmen's Compensation Act in Great Britain. So that that argument amounts to nothing. Accidents are caused by some unforeseen circumstance, and it passes the wit of man to discover the relative causes of the variations of accidents from year to year. One year they mount up, perhaps 30 per cent., as was the case last year, and the next will show as large a fall in the number. There is a margin between which accidents have oscillated up to the present time, and we have found that they rise and fall without there being any particular thing to point to as the cause of that rise and fall. Another argument that may be used against the Bill is that if it becomes law and workmen are entitled to compensation for injuries there will be false claims made, and that what is called malingering will take place. That may be so; that I believe to be possible; but I really do not think that it can occur to any great extent, or to any dangerous extent, and I trust that argument will not have much weight in this Chamber. It may also be suggested, in opposition to a measure of this kind, that some persons will actually maim themselves for the purpose of getting compensation under it. That has been hinted at again and again during the discussion of similar Bills in other Parliaments. I hope no hon. member in this House will use that argument. I do not think it applies at all. The disreputables who desire compensation, and to get money without working for it, are not likely to maim themselves; they are too much afraid of pain and suffering to do that kind of thing, and it seems to me that it is a grave slander upon the people who are carrying on our industries to say that any large proportion of them would do any such thing. There is another very general charge made against this measure, and that is that it will make workmen careless at work and thriftless at home; that it will ruin employers and crush industries. The reply to that is this: During the last year in which the British Act was in operation the prosperity of Great Britain was unequalled by any previous year. Although I do not argue that the increased prosperity was due to the existence of the Act, it would be a more logical reason to give for it than some of those which are urged against the Act. I would like to point to the effect of Acts of a similar nature in other countries, because it may be said that if we add this additional tax upon our industries it will crush them, and our employers will be unable to compete with those of other countries. Measures of a similar kind are already in operation in a number of countries in Europe. Germany passed a measure similar to this in 1883, and Austria, Norway, Italy, Switzerland, Britain, and France have followed. It is noteworthy that the great prosperity of Germany may be marked from 1883. I do not say it is owing to the Act passed then; but they have since taken more care of their workmen, and their commercial prosperity has increased by leaps and bounds in the last few years. The agitation for such a measure in France was carried on since about 1883, and has culminated in an Act which

I am credibly informed is on all fours with the British Act from which this Bill is taken. This shows that we are not leading the van in this case, but only following, and I do not think that becomes a democratic country like this, with the large, clever, highly intellectual, and capable people we have engaged in our industries, who, the Treasurer told us the other night, produced per head of the population a larger capital value than in any other country in the world. That is another reason why I think it my duty to submit a measure of this kind. But we can come nearer home to see the development of this matter. We have in New Zealand a measure of the kind already law, and another passed the Council in New Zealand a month ago wider in scope and more drastic than this measure; and measures of a similar character are before the New South Wales, Victorian, and South Australian Parliaments. That being so, we have no need to be frightened on the score of competition, since instead of being handicapped in any way we will only be getting into line with other more enlightened countries and colonies with which we have to compete. Briefly the principle of the Bill is to ensure the payment of a certain specified and prescribed sum of money to every workman who may be injured in the course of his employment. Unfortunately, under the liability Acts, which, it may be said, are punitive against employers, it has almost been impossible for persons who are injured, or the relatives of persons who are killed, to get any compensation or damages at all for the injuries suffered. That has been caused mostly by the resistance in the law courts of almost every claim that is made for damages. This Bill I believe will remedy that. It will enable a certain sum to be paid to an injured person, or to the dependants of a person killed by an accident, except where the accident to the workman was caused solely by the serious and wilful misconduct of the workman himself. That is a very fair exception, but otherwise where an accident takes place through some cause which it passes the wit of man to discover or to prevent, compensation will follow as a natural course. And to prevent a large expenditure in the law courts, a system of arbitration is provided to minimise expense and enable as large an amount as possible to be paid to the injured person or to the relatives of those unfortunate enough to fall in the industrial struggle which has to be carried on now. I will follow the hon. member for Toombul in being as brief as possible, and will just direct the attention of the House to the view I take of the various clauses. Before passing to that, I should like to say that the decisions which have been given on points of law arising under the Act have been very numerous; and to show the character of cases brought before the courts I may say that in one case it was decided that drunkenness must he held to be serious and wilful misconduct. I do not think anyone will take exception to that. In another case an action was brought before the court to resist a claim brought by the widow of a man who was employed at a brick factory. One of his mates had fallen down a shaft and was being smothered by foul air; he went down to the rescue of his mate, and in doing so was smothered and died himself, while the person he went to rescue was rescued and saved. The company resisted that claim. They said the accident did not arise out of and in the course of his employment. I must say I entirely agree with the decision of the learned judges who held that it did.

The HOME SECRETARY: It was rather a stretching of it.

Mr. FISHER: At any rate the judge granted compensation on the ground that the man did it directly in the course of his employment; and it appeals to our sympathy if it does not appeal to the legal acumen of the Home Secretary.

The HOME SECRETARY: I grant you the sympathy; that is all right.

Mr. FISHER: Briefly I may state that the Bill is, as you will see, a compensation Bill, and not a liability Bill. It provides that workmen who suffer injuries in the course of their employment shall be paid an equivalent, or some equivalent, for the injuries they suffer, because such injuries prevent them from following their usual occupation and earning their usual salary or wages. Clause 2 deals with the definitions, into which it is not necessary to enter except to say that "workmen" includes women and every person engaged in any employment to which the Act applies. Clause 3 deals with the application of the Act, and there, to keep the original text, I have included things which I do not quite approve of. One is that the Act shall only apply to employment on, in, or about any building which exceeds 30 feet in height. A great deal of litigation has taken place as to what is meant by 30 feet in height. My personal view is that it is not advisable to retain that. But in preparing the Bill we had to follow one of two general rules—either to take the idea from the British Act and construct a Bill on our own account, or to follow as closely as possible the British Act, and so get the benefit of their legal decisions. The latter course is the one which has been adopted. I think that is the best course to have adopted, and I trust the House will see it in that light. If otherwise, perhaps the scope of the order of leave will allow the House to deal largely with it and amend it to suit their own particular views. The second paragraph of clause 3 deals with workmen employed in shipbuilding yards, and it provides that—

> A workman employed in a factory which is a shipbuilding yard shall not be excluded from this Act by reason only that the accident arose outside the yard in the course of his work upon a vessel in any dock, river, or tidal water near the yard.

The Crown, as hon. members will see, is responsible the same as any other employer, with the exception that the Act is not to apply to persons in the naval or military service of the Crown. That is quite fair. There is no reason why the Crown should not be responsible in the same way as any private employer. The next clause refers to the liability of certain employers to workmen for injuries. It states—

> If, in any employment to which this Act applies, personal injury by accident arising out of, and in the course of, the employment, is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first schedule to this Act.

Paragraph (*a*) excludes liability for compensation for any accident which does not disable the workman for a period of at least two weeks. Paragraph (*b*) conserves present rights. Where injury has been caused by the negligence of the employer or his agent, the workman can proceed against the employer for compensation either at common law, as I understand it, or under the Employers Liability Act, or the Mining Act, or under this Act, but not under two Acts; he cannot get damages for the same accident under two of them. That is proper. I may say there is a slight error in this paragraph: a line has dropped out which will be corrected in committee. Hon. members will perceive that after the word "Act" in line 11 it does not read well. Paragraph (*c*) is important. It provides that a workman shall not be entitled to compensation if the accident occurs through his own serious and wilful misconduct. I hope I may be permitted to draw attention to the various clauses, because the Bill has not long been in the

hands of hon. members, and some may not have read it with care. Subsection 3 of clause 4 provides that when a claim is not settled by mutual agreement it shall be settled by arbitration, which is provided for in schedule 2. Subsection 4 provides that if an action under another Act has failed, and it is held to come under this Act, the court shall proceed to assess the compensation under this Act and deduct the costs caused by the plaintiff bringing the action instead of proceeding under this Act. Clause 5 provides that notice shall be given as soon as possible after the occurrence of an accident, and a sub-clause provides that the date and cause of the accident must be stated and the notice served on the employer. Clause 6 declares that the contractor shall be responsible for any accident even though the work is let out to a sub-contractor, the only exception being where the work on which a man is engaged being merely ancillary or incidental to, and is no part of or process in, the work carried on. In that case the sub-contractor is liable. The meaning is that the contractor shall not get out of his liability by simply sub-contracting. I think that is a very good provision. Clause 7 deals with a question worth considering, which is that a compensation award shall be a first charge on an estate that is likely to go into insolvency or to be liquidated by an arrangement with the creditors. It directs that a certain sum of money may be set aside by order of a District Court judge, for the purpose of meeting a notified claim. That appears to be a very desirable arrangement. Clause 8 provides clearly that you cannot recover from two parties for the same injury. Clause 9 deals with the determination of existing contracts. It provides that—

> Any contract existing at the commencement of this Act, whereby a workman relinquishes any right to compensation from the employer for personal injury arising out of and in the course of his employment shall not, for the purposes of this Act, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this Act.

I think that is very fair. The schedules are rather important, and I will briefly refer to the principles contained in them. I have taken the liberty, after consultation, to increase the maximum amount to be paid in the case of the death of a person from £300, as prescribed in the English statute, and also the minimum of £150.

The HOME SECRETARY: You make it £300 and not exceeding £500.

Mr. FISHER: If the three years' wages exceed £500, only £500 will be given; if the three years' wages exceed £300 but do not exceed £500, the amount of the three years' wages will be given.

[5·30 p.m.]

An HONOURABLE MEMBER: If it is less than £300?

Mr. FISHER: Then £300 will be the minimum under this Bill. I would like to say, in passing, that the insurance companies are in no way averse to this thing.

HONOURABLE MEMBERS: Of course not.

The HOME SECRETARY: It is to their interests.

Mr. FISHER: I am glad to hear the hon. gentleman say that. I would like to say further that a large number of employers are in no way averse to this coming into force. They are paying high premiums at the present time, and when their workmen are injured or killed they cannot get a farthing. That is the position, and I can tell the Home Secretary that the insurance rates in New Zealand, which provide for every kind of compensation, are no higher than in Great Britain; in fact, taking them all round, they are a little lower.

The HOME SECRETARY: Why should they be higher?

Mr. FISHER: I understood the hon gentleman had made a discovery that the insurance companies were anxious to get this passed.

The HOME SECRETARY: Of course they are; it means business.

Mr. FISHER: If it means business to them it will mean benefit to the relatives of those injured or killed.

The HOME SECRETARY: It is all a question of who pays the premiums.

Mr. FISHER: I hope they also desire that there shall be as little law expenditure as possible.

The SECRETARY FOR PUBLIC LANDS: Everybody desires that except the lawyers.

Mr. FISHER: I am glad of that, and that being so, there can be no difficulty, seeing that we are all agreed upon the principle, in getting this passed to relieve the relatives and friends of injured people—people who are injured on industrial battle fields, who should be relieved and assisted in a reasonable and proper way. The relatives and dependants of those who are unfortunately deprived of their lives should have a sufficient sum to enable them to live independent of cold charity doled out to them by the State.

HONOURABLE MEMBERS: Hear, hear!

Mr. FISHER: I need not go into the details of the matter. That is, in case of the death of a person who leaves dependants. It is provided further in the schedule, that where there are dependants not wholly dependent on the person killed, the sum shall be the sum agreed upon either by agreement or by arbitration, but not exceeding the sum stated in the previous paragraph. Then, it is further provided in the case where no dependants are left at all, the reasonable medical and burial expenses of the person shall be paid. I think that it is exceedingly fair. It is provided in the English statute that the amount shall be limited to £10, but hon. gentlemen who come from the North and other distant parts of the colony can easily see that £10 would be a ridiculous amount to put down for medical attendance on a man in the bush, and for the expenses of his burial. I think "a reasonable amount" is the proper way to put it, and that reasonable amount in this country might reach £20, or even £50. At any rate, the fact that a man does not leave dependants is no reason why he should not be well cared for and receive proper medical attendance while he is injured, and should death ensue why his remains should not be decently put in their last resting place. There is a great deal I would like to say, but I do not think it is advisable that I should go into the matter at too great length. It is further provided that in the case of injury the person injured shall receive at least half his wages after the first two weeks, an amount not exceeding £1 a week. Then in the case of a person who is injured and unable to follow his usual employment, if he is able to follow some other employment which does not remunerate him to the same extent as his usual employment, he shall receive half the difference between the amount he is earning and the amount he was earning at the time he was injured. I think that is perfectly fair. Then it is provided also that the employer can compel the person receiving benefit of compensation or a weekly allowance to submit to a medical examination, and by that means imposition of any kind on the employer can be prevented. I think that is ample, because if the person refuses to be examined then compensation ceases without any further act whatever.

Mr. CAMPBELL: How long are payments supposed to be continued under subsection (*b*) of schedule 1?

Mr. FISHER: It is not provided there, but it is provided farther on that the matter can be reviewed after six months.

Mr. FORSYTH: Paragraph 12.

Mr. FISHER: Yes—

> Where any weekly payment has been continued for not less than six months, the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum, to be settled, in default of agreement, by arbitration under this Act, and such lump sum may be ordered by the arbitrator to be invested or otherwise applied as above mentioned.

In answer to the hon. gentleman, I would like to say that I as an individual am prepared to accept an amendment to this effect: that the sum paid to a person injured should not exceed the maximum sum paid to the dependant of the person who is killed. If he desires a definite statement of what is asked I am prepared to submit that, and I think that is very fair. It is provided also that the question as to who are dependants shall, in default of agreement, be settled by arbitration. It is also provided how the funds are to be invested; also that where the employer desires a medical examination, and the party to be examined objects to the medical officer of the employer, the injured person to be examined can apply to be examined by the Government medical officer, and the certificate of the Government medical officer shall be final proof of the state of the health of the person at that time. That is also very fair. In fact, there is no one-sidedness about the Bill at all. Schedule 2 deals with arbitration, and gives the arbitrator powers equal to those of a District Court judge. If the matter is not settled by agreement between the employer and the person injured, it can be taken before an arbitrator, who has power to submit questions of law to a District Court judge; and there is the right of appeal to the Supreme Court on mere technical matters of law. The costs are limited to those under the District Court scale, and there are also provisions for the death or absence of an arbitrator or his refusal to act in such position, in which case a new arbitrator would be appointed. There is also a provision for the award being registered. The expense is also minimised, because the officers of the District Court will perform these duties as part of their usual duties. It is also provided in the Bill that no fee shall be charged until the case has been tried, so that no person will be embarrassed in bringing a case on. Anybody will be allowed to lay a case, without any fee, so that no person will be embarrassed or hampered by want of means, which many persons have experienced under the present law. This has troubled a large number of people in the past, and in many cases litigants have come out of their cases, although they have got a verdict, much poorer than when they went to law. This measure is to prevent injustices of this kind.

Mr. DAWSON: It will embarrass the lawyers.

Mr. FISHER: I do not want to blackguard the lawyers at the present time; I want their assistance. I may say at once that I have only one object in submitting this Bill—the only thing that made me dare to submit it was that I am anxious that justice shall be done to those people who will suffer in the future as others have suffered in the past, from no fault of their own, but owing to causes which could not be foreseen. I desire to impress upon hon. members the importance, not only of discussing this Bill, but of passing it. I should also like to remark here that I shall have the greatest pleasure in handing over this Bill to the Government, if they only promise to go on with it. I do not want it, I can assure you. My only object is to get the matter discussed, and brought within the provisions of the law. There is another provision which protects the award against creditors. I think an award of this kind should be protected against all kinds of charges, except those charges made by the court itself. The last detail provides for the appointment of arbitrators and medical officers. Taking the Bill altogether, I submit that sooner or later it must be carried in this Parliament, and I think the sooner the better. By such a course we will only be doing justice to a large number of people who are deserving of justice; and in addition we are bringing the law of this colony into conformity with the law of great industrial centres and of other great countries and colonies with which we are connected.

Mr. COWLEY: Before you sit down, will you tell us where the appropriation comes in?

Mr. FISHER: I don't know that I can tell the hon. member. I acted on advice. I move that the Bill be now read a second time.

The HOME SECRETARY: We want to know something about that.

Mr. FISHER: If it is improperly before the House, the only course will be to bring down another. All I can say is that the terms of this Bill are the same as the terms of the Bill passed by the House of Commons and the House of Lords.

The HOME SECRETARY: It is not quite the same Bill.

* The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*): I have to congratulate the hon. member who has introduced this Bill on the ability he has displayed, and on the lucidity with which he has explained the several provisions in it. Every hon. member in this House must feel a certain amount of sympathy with a Bill which aims at protecting the lives and health of those who are obliged to work for wages for their livelihood.

Mr. DAWSON: In dangerous occupations.

The ATTORNEY-GENERAL: Yes, in dangerous occupations. But I question whether the hon. member has not gone too fast and too far in introducing a Bill containing provisions so stringent as are embodied in this Bill. It is perfectly true that most of the provisions contained in it are to be found in the Act passed in Great Britain in 1897, or the beginning of 1898, and the hon. member claims that as that measure has become law in Great Britain that is a sufficient warrant for introducing this Bill here. But it must be remembered that the Act of the Imperial Parliament, on which this is based, only came into force in Great Britain on the 1st July, last year.

Mr. FISHER: It has been in force in Europe for the last ten years.

The ATTORNEY-GENERAL: In this respect the experience of the people of Great Britain has been very limited, and we can't say what their views are on such a piece of legislation as that.

Mr. GLASSEY: They don't introduce legislation of this kind in Great Britain in a hurry—until it is absolutely necessary.

The ATTORNEY-GENERAL: That is the rule. I may say that I don't violently oppose this Bill, as it will be subject to amendment at the hands of the House, but I would point out that the circumstances of Great Britain are not at all on a par with the circumstances of this colony.

The HOME SECRETARY: Hear, hear!

The ATTORNEY-GENERAL: As a rule employers in Great Britain are wealthy men. Railway companies are very wealthy as a rule, and owners of factories are generally wealthy, and so are owners of mines and quarries, and other persons described here in this Bill under the general designation "undertakers." The hon. member has not said a word about the departure from the English statute in regard to the introduction of shearers. That is a new feature in this Bill, and I take this opportunity

of referring to this, not because I think that shearers are not deserving of the same consideration as any other class of persons who have to work for their living, but because it would be very easy to point out how detrimentally this Bill will work against certain classes of men. I believe that we have more unmarried men in Queensland, in proportion to the population, than they have in Great Britain—a very much larger proportion—and one effect of the passing into law of such a measure as this would be to place married men at a discount.

The HOME SECRETARY: No doubt about it.

The ATTORNEY-GENERAL: Employers, on whom these great responsibilities and liabilities rest, would say, "We will take care to guard ourselves against having very heavy demands made upon us by employing in our various works or factories, as the case may be, men who are not married and who have no children." This would, therefore, act very unfairly to a large class of men.

Mr. GLASSEY: That is a very far-fetched idea, I think.

The ATTORNEY-GENERAL: I do not think so. It is my duty to point out how the law will operate, and while all our sympathies are in the direction of considering the position of workmen, and protecting them and their lives and their health in every respect, as well as to secure them the regular payment of their wages, we must guard against going so far as, to a certain extent to defeat our own object.

Mr. FISHER: That will be prevented by making it the same all round.

The ATTORNEY-GENERAL: Hon. members must remember that this really is a Bill to insure workmen who engage in all these occupations. If a man employed in any place of business in going from one part of the premises to another were to fall down and breaks his leg, then he would come under the provisions of this Bill, and the employer would be liable to make good—as far as compensation in the shape of money can make good—the injuries which the man sustained. If a man were to simply fall down and injure himself and contract erysipelas, and he died, the employer would be liable to make compensation probably to the extent of £500 to the relative of that man. We have several laws in operation at the present time which were introduced to guard the interest of working men. We have the Employers Liability Act.

Mr. MCDONALD: That's useless.

The ATTORNEY-GENERAL: It is not useless. I know of cases where very heavy damages have been secured.

An HONOURABLE MEMBER: And it may cost £1,000 in law expenses to get it.

The ATTORNEY-GENERAL: If hon. members think that arbitration is going to be a much cheaper way, they are labouring in the dark.

The HOME SECRETARY: Hear, hear!

Mr. GLASSEY: The Robb case, for example.

The ATTORNEY-GENERAL: I have been on a good many arbitration cases, large and small, and I am in the position to tell hon. members that if they hug the idea that they are going to a cheaper kind of tribunal they are labouring under a very serious delusion. I say that from an absolute knowledge of the matter I am talking of.

Mr. FISHER: That is the alternative.

The ATTORNEY-GENERAL: I think that if there is any class of men who deserve our attention, and should be looked after in this way, it is the miners. This House has been at the trouble of passing laws with a view of protecting their interests. We have a very stringent law with regard to miners and accidents which happen to miners, which, to my mind, is quite as salutary and a good deal more fair than the provisions contained in this Bill.

Mr. FISHER: It is totally ineffective.

The ATTORNEY-GENERAL: I do not think it is. Section 218 of the Mining Act passed last session, which is simply a repetition from the previous Mining Regulation Acts which were in force in this colony, provides—

> If any person employed in or about a mine suffers injury in person, or is killed, owing to the negligence of the owner, contractor, or tributer of such mine or his agent, or agents, or owing to the non-observance in such mine of any of the provisions of this Part of this Act (such non-observance not being solely due to the negligence of the person so injured or killed), the person injured, or his personal representatives, or the personal representatives of the person so killed, may recover from the owner, contractor, or tributer of such mine compensation by way of damages, as for a tort committed by such owner, contractor, or tributer. Provided—

This is a fair thing.

Mr. GIVENS: It is a pure farce.

The ATTORNEY-GENERAL:

> Provided that in estimating the damages due regard shall be had to the extent (if any) to which the person injured or killed contributed by any negligence on his own part to the injury or death.

A man can be guilty under this Bill of a certain amount of negligence, but if it does not amount to serious, wilful misconduct the employer is liable all the same. I say that does not strike me as being conducive to the careful dealing with matters that come under their control, or which they have to do, on the part of workmen.

Mr. FISHER: Under the Mining Act it has been a sufficient defence to say there was no negligence on the part of the employer. A man killed by a pure accident—an unforeseen thing—gets no compensation.

The ATTORNEY-GENERAL: Exactly. That seems to me a fair thing. My reading of that section is that although a man employed in a mine may be guilty of a certain amount of negligence, yet that ought not to excuse, and does not excuse, the mineowner, who is liable through his manager or agent. If he or his manager or agent has been negligent—has omitted any of those safeguards which the Act requires him to take to protect and keep in operation for the protection of the men who work in the mine—he is liable. This Bill seems to me very onesided. There is another thing which strikes me, though I say it without any feeling of antagonism to this measure. I am not going to raise up bogies against it, but there is a danger, especially in a colony like this, that if a burden is imposed—a burden that a man feels is not a fair one to impose on him as between man and man—he will try to protect himself in some other way. He will try to get the means of enabling him to bear that burden out of somebody else. How will he do it in nine cases out of ten? He will take care to deduct from the workmen's wages sufficient to enable him to provide the premiums on the insurance policies which he must take out to protect himself.

Mr. GLASSEY: Don't you think it is a bogie you are raising now?

The ATTORNEY-GENERAL: No. The workmen in this colony are not ground down as they are in England, where, in many cases, if a man gets into a factory, he is glad to be allowed to work from early morning, before it is light, until late at night for a miserable wage, comparatively speaking. The population is so dense that they are treading on one another's heels in order to obtain employment. Here the working men are infinitely more independent, as a rule, and this Bill does not tend to foster the spirit of carefulness which we desire to see in connection with the working

men—that spirit which would induce them themselves to make provision for themselves and their families. My very first act in this House showed my sympathy with this kind of thing. My first act, when I became a member in 1878, was to undertake a task similar in its beneficent intention to that which the hon. member has now undertaken—the task of bringing in a Bill, which I had the happiness of passing into law, providing that, in the event of a poor man dying, the proceeds of his life policy should be preserved to his wife and children.

HONOURABLE MEMBERS: Hear, hear!

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

CRIMINAL CODE BILL.

RESUMPTION OF COMMITTEE.

Clauses 192 to 207, inclusive, put and passed.

On clause 208—"Unnatural offences"—

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*) said that the punishment provided seemed very severe considering the nature of the offence. He moved the omission of the word "life," with a view to inserting the words "fourteen years."

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

Clause 209—"Attempt to commit unnatural offences"—

On the motion of the ATTORNEY-GENERAL, the penalty in this clause was reduced from fourteen years to seven years; and clause, as amended, put and passed.

Clauses 210 to 213 put and passed.

On clause 214—"Attempt to abuse girls under ten"—

The ATTORNEY-GENERAL moved the omission of the words "which may be inflicted one, twice, or thrice."

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

Clauses 215 to 223 put and passed.

On clause 223—"Incest by adult female"—

The ATTORNEY-GENERAL moved the omission of the word "crime" on line 41 with a view of inserting the word "misdemeanour." He did so because he proposed to reduce the term of imprisonment from seven to three years, and three years was the term usually inflicted for a misdemeanour.

Amendment agreed to.

* The ATTORNEY-GENERAL moved the omission of the word "seven" on line 42, with a view of inserting "three." He did not think the punishment in the case of the female should be so great, because, although there might be no actual coercion used, yet there might be an influence which it was almost impossible to resist.

Mr. JENKINSON (*Wide Bay*) could not see any reason for reducing the penalty, because according to the wording of the clause the offender was only "liable" to seven years' imprisonment. Personally, he did not think seven years was too much for any person committing such an offence.

The ATTORNEY-GENERAL: He had made the proposal because the inclinations of hon. members were in the direction of mercy, and hon. members had complained that some of the penalties were too stringent. He did not care to discuss the matter, but he would say that as Crown Prosecutor he had more than once declined to prosecute a girl for the offence, the blame not resting so much upon her as upon the man.

Mr. GLASSEY (*Bundaberg*): After the practical experience of the learned Attorney-General he thought he ought to be the best judge. No doubt the subject was a very unpleasant one to discuss, and it was not necessary to use plain language in speaking of it. He thought the matter might safely be left in the hands of the Attorney-General.

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

On clause 224—"Attempts to procure abortion"—

The ATTORNEY-GENERAL moved the omission, on lines 54 and 55, of the words, "life, with or without solitary confinement," with a view of inserting the words, "fourteen years."

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

Clauses 225 and 226 put and passed.

On clause 227—"Indecent acts"—

Mr. GLASSEY asked if the penalty of two years for that offence was not too severe? A person who was the worse for liquor might commit such an offence, or another person might commit the offence by accident, without any design at all, and in such cases it seemed to him that the penalty was too severe.

The ATTORNEY-GENERAL: He had known of cases where a man had got a number of little girls around him and then began a series of indecent acts, which could not but have a corrupting influence on the girls, and it was well to retain the maximum penalty to meet cases of that nature. Of course no judge would give more than a week to a man who was guilty of indecent exposure while in a condition of drunkenness.

Mr. GIVENS had not the slightest objection to the penalty of two years for an offence of that kind, as it was a very serious offence. But what was the use of having severe punishments on their statute-book if they were not enforced? About four years ago a man on Charters Towers was convicted of gross indecency on a little girl and sentenced to six months' imprisonment, but, though it was reported that he had been guilty of like practices on previous occasions, he was let out when he had served half his sentence, because certain influential persons made a move on his behalf.

The ATTORNEY-GENERAL: Were those facts known to the Executive?

Mr. GIVENS: If they were not known to the Executive they ought to have been, because on them rested the burden of administering the law.

The ATTORNEY-GENERAL: He ought not to have been let out.

Mr. GIVENS: It was no use of having penalties like that provided in the clause if they were not enforced by the Executive.

The ATTORNEY-GENERAL: Who was Home Secretary then?

Mr. DAWSON: Sir Horace Tozer.

Clause put and passed.

On clause 228—"Obscene publications and exhibitions"—

Mr. GIVENS thought that before passing this clause it would be well to have a definition from the Attorney-General as to what constituted an obscene publication. Some twelve months or more ago a man was prosecuted in England for publishing a scientific book on physiology, and the sellers of the book were also prosecuted. Under this clause nude statues, or paintings in the nude, might be regarded as obscene publications. He had no objection to anyone publishing anything that was really obscene being punished by imprisonment for two years, but they should have a definition of what was obscene. Some years ago a person was prosecuted in this city for publishing a cartoon which was held by several to be obscene, but he did not think that any fair-minded man would agree that there was anything obscene about it.

* [7·30 p.m.] The ATTORNEY-GENERAL: What was obscene and what was not, was always a question of fact to be determined by the jury. It was impossible to define it. They must credit their Crown Prosecutors, judges, and juries with having some sense.

Mr. DUNSFORD (*Charters Towers*) thought they should be careful before they allowed a man to be liable to hard labour for two years for exhibiting what was called an indecent show or performance. That might be held to cover the leg shows which were outside attractions of some of their agricultural shows. What one person might consider a work of art, another who had been reading the Scriptures might consider obscene. Young men got sick in this country, and certain medical men thought it necessary to advertise their business, while Government officials had prevented their advertisements from appearing because they thought they trenched upon the indecent. Then books were published with useful information for married persons, and it was possible that the stationers who sold those books for a little profit, and to do a good turn to suffering humanity, might find themselves in difficulties under such a clause.

The ATTORNEY-GENERAL: You must give the Crown Prosecutor credit for a little common sense.

Mr. DUNSFORD: It depended on who he might be. The hon. gentleman said the question was one of fact, but it appeared to him it was one of judgment.

Mr. J. HAMILTON (*Cook*): The hon. member was right in saying that what one person would consider obscene another would consider a work of art. A lady visiting an art gallery, and seeing a beautiful nude figure said to the person with her, "Is not that very indecent?" and the answer was, "Madam, the indecency lies in the remark." He thought some definition of what was obscene was necessary.

Mr. McDONALD (*Flinders*) pointed out a case that happened in Brisbane some time ago, where a prosecution was instituted upon a cartoon appearing in the *Worker*. The court decided that the cartoon was indecent, but eventually that judgment was reversed before a higher court. The hon. gentleman said that some latitude should be allowed the Crown Prosecutor, but in that case anything objectionable was due to an error in the drawing, which might occur in the work of the cleverest artist. The real reason for the prosecution in that case was not the indecency of the cartoon, but because the subject of it was the Queensland National Bank, and the *Worker* Company had been put to considerable expense in defending the case. People might come along and do similar things again, and they should guard against that.

Mr. J. HAMILTON (*Cook*) recollected a prosecution instituted at Rockhampton against a man for having two nude figures in his shop window, but when it was pointed out that they were cherubs, it was agreed that wings were sufficient clothing for cherubs, and the prosecution was withdrawn.

The ATTORNEY-GENERAL: The case referred to by the hon. member for Flinders was, he thought, brought under the Vagrancy Act. There would always be stupid men, and they could not guard against things of that sort. Power was entrusted to policemen to arrest a man for felony, but the fact that there were stupid policemen to be found was no argument against the public being protected by their having that power. The matter had first to pass the scrutiny of the Crown Prosecutor, and afterwards there were the judge and the jury, and surely amongst them they were not likely to do an injustice.

Clause put and passed.

Clauses 229 to 231 put and passed.

On clause 232—"Gaming houses"—

Mr. KERR said there were gambling houses in nearly all the townships in the Western district, and he thought it was time the authorities made no distinction between the parties who carried on the gambling, whether Europeans, Chinese, or any other aliens.

The ATTORNEY-GENERAL: The law did not contemplate any such distinction. The matter referred to by the hon. member was one of administration; it did not touch the question of the law itself.

Mr. KERR: When there was a law against gambling no officer of the Crown ought to be allowed to give instructions to permit breaches of it, as they were informed was the case. But the law was broken in that direction every day. Both in Brisbane and Rockhampton there were places kept open for gambling, and temptations to gamble were thrown in the way of young men.

Clause put and passed.

On clause 233—"Betting houses"—

Mr. J. HAMILTON (*Cook*) said they had that afternoon thrown out by a large majority a Bill which proposed to legalise the mildest form of gambling there was, and yet in Brisbane there were any amount of places which answered to the description of a "common betting house" contained in the clause. It was hypercritical to allow that state of things to exist, and at the same time to prohibit the most innocuous form of gambling. Every hon. member knew that in the principal street in Brisbane there were a dozen places where a man could go in and put his money on a horse race.

Clause put and passed.

On clause 234—"Lotteries"—

Mr. GIVENS said the penalty provided in the clause for keeping a lottery was imprisonment with hard labour for three years. It made no provision for the alternative of a fine. He wanted to know whether that had always been the law, because in his electorate certain Chinese who had been convicted of the offence some time ago were let off with a fine. He would point out to the Attorney-General that the carrying on of lotteries by the Chinese was an everyday occurrence. At Cairns they were going on all day and all night, and were very extensively patronised by the Europeans and by young people.

The ATTORNEY-GENERAL: The present Bill could not deal with cases of laxity of administration; it could only define the law.

Mr. DUNSFORD, referring to the last paragraph of the clause, which said that the section did not apply to any lottery which had obtained the sanction of the Crown Law Officer, asked whether it was intended to prevent the raffling of small articles for charitable purposes? There were a number of cases, especially in mining districts, where small raffles were got up for charitable purposes. Would the sanction of the Crown Law Officer have to be obtained in those cases, and would he be likely to give his sanction?

The ATTORNEY-GENERAL: If the object sought to be raffled could be classed under the designation "work of art," the sanction would be given, but they could not discriminate to a nicety in a Bill of this sort. Some years ago, when he was Attorney-General before, he had to send a caution to a certain quarter where a proposition was made to raffle several blocks of land; but, as Attorney-General, he would not be

disposed to sanction a prosecution by the police in the case of any trivial raffle such as those referred to by the hon. member.

Mr. JENKINSON: Who are the Law Officers of the Crown?

The ATTORNEY-GENERAL: The Crown Law Officer was defined in the Bill as the Attorney-General or the Solicitor-General.

Clause put and passed.

Clauses 235 to 255 put and passed.

On clause 256—"Police officer preventing escape from arrest"—

Mr. STEWART (*Rockhampton North*) moved the omission of the words at the end of the clause "until the person sought to be arrested has been called upon to surrender." He knew it was competent for police officers to shoot persons who attempted to escape from arrest. He remembered a case that occurred in New South Wales some years ago where three policemen failed to arrest an individual who had committed some trivial offence, and fired at him and killed him. He did not think that should be permitted. He was willing that any reasonable necessary force should be used to prevent escape, but it was scandalous that the arresting officer should proceed to the extremity of firing at a man attempting to escape, and possibly killing him.

The ATTORNEY-GENERAL: The hon. member did not improve the matter by the amendment he proposed. The clause as it now stood required, before any force was used to prevent a man escaping, that he must have the opportunity of voluntarily surrendering—he must first be called upon to surrender. It was only when he refused to surrender after being called upon that force could be used. If a
[8 p.m.] constable fired upon a man who was charged with even the greatest crime, such as murder, without giving him the opportunity to surrender, he would be liable to punishment. The clause provided this protection for the person who attempted to escape.

Mr. DAWSON (*Charters Towers*) asked if it was the law at the present time that a police officer could arrest a person without warrant? He had heard this matter argued in the courts of this colony, and he understood that it was decided that a man could resist to the death if arrested without a warrant.

The ATTORNEY-GENERAL: A man reasonably suspected of committing a felony, or of being about to commit a felony, can be arrested without a warrant.

Mr. DAWSON: That was quite a different matter. The clause stated that a policeman could go to any extreme.

The ATTORNEY-GENERAL: No. There must be a lawful arrest.

Mr. DAWSON: By this provision it was lawful for a constable to arrest a person without a warrant, and to use extreme violence. That had been ruled by the judges to be unlawful. One of the ablest lawyers in the colony (Mr. Marsland) won his case on a point of that sort: that a policeman was not permitted to use violence in arresting a man without a warrant. That was upheld by Judge Cooper.

* The ATTORNEY-GENERAL: The law stood that where a man was suspected of committing a felony, or of being about to commit a felony, a police officer did not require a warrant. In the case of the Gatton murder, supposing a police officer saw a man whom he suspected of having committed the crime, would he have to go and get a warrant before he could arrest that man? In the case of a misdemeanour, a constable would have to get a warrant to justify him in arresting the offender. This clause did not say anything about shooting. If a man, after being challenged, refused to surrender, then the police officer could use such force as would be necessary to prevent the prisoner from escaping. If a constable used extreme measures in, say, a case of stealing, he would have a difficulty in exculpating himself, because he had acted unreasonably. The mere fact that certain things had happened did not do away with the necessity for this provision in the Bill.

Mr. GIVENS pointed out that possibly a prisoner escaping was charged with a very trivial offence, and this clause practically gave a policeman power to sentence him to death without trial. It should be remembered that if a constable fired on a man and wounded him and he died, there would be no one to say whether the constable called on the man to surrender. The constable would be master of the situation, and his experience was that many policemen had not very tender consciences as to the oath they took. He did not include all policemen in this category, because he knew there were some very good, manly, men in the force. But he contended that this provision would be a temptation on the part of a police officer to fire on a man rather than be under the disgrace of having allowed a prisoner to escape. It was an inherent right—an instinct in every man to try and escape if he could. It was no crime to try and get away, and he would never blame any man for trying to escape. He hoped the hon. member for Rockhampton North would stick to his amendment, and, if necessary, call for a division.

The SECRETARY FOR PUBLIC LANDS: If the amendment was carried, it would allow a policeman to fire at a man without calling on him to surrender.

Mr. DUNSFORD: You are quite wrong. Read the next clause and you will see that.

The SECRETARY FOR PUBLIC LANDS: A policeman had the right to use force to prevent an escape, but the clause provided that he was not to use that force until he had summoned the escaping prisoner to surrender. If the amendment was agreed to, he would have the right to use that force whether he called upon the prisoner to surrender or not. The words proposed to be omitted were therefore clearly in mitigation of the power which the rest of the clause conferred.

Mr. STEWART: I will withdraw my amendment and move another, then.

The SECRETARY FOR PUBLIC LANDS: That was another thing. The hon. member showed at once that he had made a mistake, and that, while he was endeavouring to give the prisoner a better chance, he was in reality giving the constable power to use far more force.

Mr. GIVENS thought the hon. gentleman's reading of the clause was quite wrong.

The SECRETARY FOR PUBLIC LANDS: It is the Attorney-General's reading also.

Mr. GIVENS: There had been several instances before to-day of even Attorneys-General being mistaken; and they had had instances also of gentlemen with such giant intellects as the Secretary for Lands had, being also mistaken. Under the concluding paragraph of the clause, a constable could not use force which was intended, or was likely, to cause death or grievous bodily harm, until the person sought to be arrested had been called upon to surrender. If the words proposed to be omitted by the hon. member for Rockhampton North were omitted, the clause, while still authorising a constable to use force to prevent the escape of a prisoner, would prevent the exercise of such force as was likely to cause death or grievous bodily harm. Notwithstanding that the Attorney-General and the Secretary for Lands were against him, he

contended that his reading of the clause was the reasonable and honest interpretation that would be given to it by any intelligent man.

The ATTORNEY-GENERAL: On reflection, I think the clause is susceptible of your reading. I read it hastily before.

Mr. DUNSFORD: You have only to read the next clause to see that.

Mr. GIVENS thanked the hon. gentleman for his admission. He hoped the hon. gentleman would now agree to the amendment.

The SECRETARY FOR PUBLIC LANDS: The result of the amendment would be that under no circumstances could a policeman, in order to prevent a prisoner from escaping, use any force which was likely to cause death or grievous bodily harm. If a policeman caught a man red-handed in endeavouring to commit murder, surely, for the safety of society, he ought to be allowed to capture that man, and prevent his escaping and possibly carrying out other murders. If a man had committed murder and knew that he would be hanged for it if he was captured, was it not his business to use any possible violence himself in order to get away, and in that case a policeman ought to have the power to capture that man, at the same time giving him the option of submitting himself to the law?

Mr. DAWSON quite agreed with what had been pointed out by the Secretary for Lands. A policeman might disturb a man attempting to unlawfully enter premises, or he might believe he was about to commit murder, and want to arrest him. But, while admitting that, they had to think of the tremendous power they would be putting in the hands of a policeman if they gave him the power to draw his revolver and shoot an escaping prisoner.

The SECRETARY FOR PUBLIC LANDS: He has always had that power.

Mr. DAWSON: That was no argument why he should continue to have it for all time.

The SECRETARY FOR PUBLIC LANDS: Has it been abused?

Mr. STEWART: Yes.

Mr. DAWSON: The clause referred more particularly to that class of offences for which persons might be arrested without a warrant; but he was speaking of more serious charges in which it had been laid down by the judges that it was necessary for the police to proceed by warrant. The Attorney-General, when he left the Chamber that evening, might be arrested by the policeman at the street corner for being drunk and disorderly, and if the hon. gentleman resisted arrest and ran away, the policeman would have a perfect right under that clause to draw his revolver and shoot the hon. gentleman.

The ATTORNEY-GENERAL: No.

Mr. DAWSON: Yes. The clause referred particularly to offences for which a person might be arrested without warrant—the principal of which were trivial offences which were tried in the police court, but in the more serious offences they proceeded by warrant, unless the policeman happened to catch a man in the act of attempting to commit one of those serious offences. The retention of that provision empowered a policeman to shoot a man who might tell him to go and catch the Gatton murderers or explain the Oxley mystery. He certainly thought that notwithstanding the fact that it would operate in a bad way in some cases by allowing criminals of a bad tendency to escape, it was giving too much power to the ordinary policeman.

The SECRETARY FOR PUBLIC LANDS: The clause merely gave the right to a policeman to use such force as might be necessary. In the case which the hon. gentleman quoted no judge would ever rule that the force was reasonably necessary.

Mr. STEWART was sorry the hon. gentleman in charge of the Bill could not see his way to accept the amendment he had moved. He must say that he felt very strongly on the subject. His attention was drawn to it by a case that happened in New South Wales, where a couple of policemen vainly attempted to arrest an individual who had been drunk and disorderly; he ran away, and one of the constables fired at him and killed him. The policemen were afterwards tried for killing the man, and were actually acquitted without a stain on their characters, and they were probably in the New South Wales Police Force at the present moment. Those men committed murder, and that was what this clause allowed them to do. The Secretary for Lands had pointed to a murderer being caught red-handed by a policeman and trying to escape. That might happen, but they had never heard of such a case up to date, and if a policeman caught a murderer red-handed and the man pointed a weapon against him, he would be quite justified in using a weapon in self-defence. But that section gave members of the Police Force power to shoot a man who tried to escape when being arrested, no matter what the crime might be. Did they not give the foulest criminals the chance of defending themselves? Supposing 100 witnesses saw the murder, they did not take the law into their own hands and lynch him—stringing him up to the nearest tree. He was arrested, served with the charge, brought before a judge and jury, tried, and if found guilty he was sentenced. But for the simple offence of trying to escape the policeman was to be the judge, jury, and executioner all in one. He protested against any such provision being incorporated in their statute-book, and he was going to press the matter to a division. He had registered a vow when he read the story about those two New South Wales policemen, that if he ever had the opportunity he should endeavour to alter the law. He had the opportunity now, and he intended to take it, and see if that horrible enactment could not be expunged from their statute-book.

The ATTORNEY-GENERAL: He was quite sure that the hon. member was actuated by no other desire than that which he conceived to be right, but it was a maxim that "hard cases made bad law." If they legislated for extreme or exceptional cases they would always make a mess of it. The best plan was to legislate for ordinary cases, such as happened within the common experience of mankind. The very fact that the policemen who committed the barbarous deed to which the hon. member referred were placed on their trial, showed that the New South Wales law was the same as it was here, and that it did not justify the action of those men. They could not help a jury acquitting an accused man. Juries did take the bit between their teeth over and over again. More was the pity that those men were acquitted, but it was not uncommon for murderers to be acquitted. The cases of prisoners trying to escape and reasonable force being used to effect their rearrest were very common, but the case of a constable shooting a man was most uncommon. There were cases where prisoners did try to escape, and the use of strong measures was necessary; but if the constable, in the case of a man charged with a trivial offence trying to escape, used firearms, the constable would not only be liable to dismissal, but to be tried for murder if he killed the man. They must trust juries. They had to trust them every day of their lives in deciding upon the facts of a criminal case. They acquitted criminals every day, but that was no reason why they should alter the law of trial by jury. He was sorry he

could not accept the amendment, because the hon. member was so earnest about it, but he could not do so without giving a license to men to try and escape. And why should a man try and escape? If a man was wrongly arrested he had his remedy. If he were arrested for an offence which he had not committed, he should certainly go peaceably with the arresting officer, and when he had demonstrated his innocence he would take very good care that the
[8·30 p.m.] man felt the pains and penalties of his wrong-doing in arresting him without a cause. The man who ran away always damaged his own case; it was far better to submit to a wrongful arrest, and then if there were no justification for the arrest the policeman could be dealt with in the same way as anybody else.

Mr. W. HAMILTON (*Gregory*) was in sympathy with the amendment, because he held that the clause placed too much power in the hands of a police officer. A policeman could, under that clause, go out and shoot a man, and then say that the man was trying to escape, and there would be no one to contradict him, because there were only the two present. He remembered the case referred to by the hon. member for Rockhampton North, which occurred at Broken Hill.

The ATTORNEY-GENERAL: Take the case of the Kelly gang.

Mr. W. HAMILTON: Never mind the Kelly gang; they were outlawed. But the man referred to by the hon. member for Rockhampton North was not outlawed. He (Mr. Hamilton) knew the family well. The man was named Considine, and he was a man whom he did not think any constable in New South Wales could take single-handed, as he was a pretty rough customer. The policeman could not arrest him, and he then went home and got arms, and bringing a comrade with him, shot the man, without calling upon him to surrender. And though the policeman was afterwards tried for the offence he was acquitted. He held that the power to shoot a man should not be put into the hands of a policeman or anybody else, and would vote for the amendment.

Mr. DUNSFORD pointed out that according to the following clause, if a person who was not a police officer was proceeding to lawfully arrest another person, and the person sought to be arrested endeavoured to escape, the person trying to make the arrest was not authorised to use "force which is intended or is likely to cause death or grievous b dily harm." A civilian whose house was broken into could not use force which was likely to cause grievous bodily harm in order to prevent the escape of the offender, but a policeman had that power. A man who was stuck up in a coach and robbed could not use such force as was likely to cause grievous bodily harm in order to prevent the escape of the criminal, but a policeman could use such force. Why should there be that difference? Why should a policeman be allowed to shoot an escaping offender, when a private citizen was not allowed to use the force he had mentioned even in a case in which he might catch a man red-handed ravishing his daughter, or committing some other serious crime?

Mr. McDONALD: There was a little document issued to the police some time ago, in which they were told that it was no use to fire over the heads of persons committing a disturbance, as that was calculated to encourage them rather than to induce them to surrender, and they were instructed to fire, and to fire with effect. Of course it was quite possible that if the Criminal Code passed that document would have to be withdrawn.

The ATTORNEY-GENERAL: I should think so.

Mr. McDONALD: Still the clause under discussion would arm the police with great authority, and it was really legislating for extreme and not for ordinary cases. He did not think it was wise to put that extraordinary power into the hands of the police, as it might lead to the taking of life where there was no necessity for it. A policeman was just as likely to get excited and lose his head as anybody else, and if he was armed with a revolver and knew he had the power to shoot, it was quite probable that the revolver would be the first thing he would use. He knew of one case, and had mentioned it in the House, where a policeman deliberately took up a piece of wood and hit a man who was chained to a log on the side of the head, because he was using bad language. Half-an-hour later the policeman thought the case was serious, and he threw a bucket of water over his head to bring him to.

The ATTORNEY-GENERAL: If I had been Attorney-General I should have prosecuted the constable.

Mr. McDONALD: He had brought the matter up in the House, and he had not heard that the man had even been discharged from the police force. He had affidavits in his possession of people who saw the occurrence. If things like that took place he thought it was only reasonable that they should ask that the powers of police officers should be limited.

Mr. KIDSTON: The objection taken by the hon. member for Rockhampton North was that the clause gave too general a power. No one would object to a policeman using all necessary force to prevent the escape of a dangerous criminal who used such force in trying to escape as would endanger the policeman's life. It was in the public interest that a policeman should protect himself in such a case in carrying out a public duty. What was complained of was that in such a case as the Broken Hill case a policeman should have the power to use armed force. The hon. gentleman might obviate the difficulty by an amendment of the clause providing that the use of force intended or likely to cause death or grievous bodily harm should not be authorised unless the person sought to be arrested was armed or resorted to armed force to avoid arrest.

Mr. GIVENS pointed out that the clause as it stood gave the power complained of to a policeman to be exercised upon a man for obeying what was a natural instinct of his nature—the desire to get free. He hoped that consideration would induce the hon. gentleman to accept the amendment.

The ATTORNEY-GENERAL desired to meet the views of hon. members opposite in every way he could without impairing the efficiency of the Code. Perhaps it might meet the views of hon. members to make the last paragraph of the clause read in this way—

> But this section does not authorise the use of force which is intended or is likely to cause the death or grievous bodily harm except in cases where the person sought to be arrested is reasonably suspected of having committed an offence punishable with death or imprisonment for life under this Code, nor until the person sought to be arrested has been called upon to surrender.

That would limit the power to cases in which the person sought to be arrested would be liable to death or imprisonment for life, and it would prevent such a thing as the Broken Hill tragedy referred to. If hon. members expressed a desire to accept that he would move the insertion of the necessary words to give effect to it, but if they would not accept it he would have to press the clause as it stood.

Mr. STEWART: I will accept that.

HONOURABLE MEMBERS: Hear, hear!

Amendment (*Mr. Stewart's*), by leave, withdrawn.

The ATTORNEY-GENERAL moved the insertion after the word "harm" of the words—

Except in cases where the person sought to be arrested is reasonably suspected of having committed an offence punishable with death or imprisonment for life under this Code, nor

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

Clause 257 put and passed.

On clause 258—"Preventing escape or rescue after arrest"—

Mr. STEWART thought the same alteration ought to be made in the clause as had been made in clause 256.

*The ATTORNEY-GENERAL said there was a difference between the case of a man who was sought to be arrested and that of a man who was attempting to escape after having been arrested. A man actually in the hands of the police might use violent means to get away. He might try to shoot the policeman, in which case it would hardly be fair to forbid the policeman to use any means to prevent his escape which might cause him grievous bodily harm. He contended that he had met hon. members very fairly in the matter, and he did not feel disposed to go any further in that direction.

Clause put and passed.

Clauses 259 to 262 put and passed.

On clause 263—"Suppression of riot by person acting under lawful orders"—

Mr. GIVENS said he proposed to amend that clause by adding the following:—

But this section does not authorise the use of force which is intended or is likely to cause death or grievous bodily harm.

As the clause stood there was no limit to the force that might be used for the quelling of a riot by a person acting under lawful orders. A riot might be a political riot and of a very harmless nature, yet the clause empowered policemen, and others acting under lawful orders, to shoot persons who were not rioting in any real sense of the term. He hoped the Attorney-General would accept the amendment.

*The ATTORNEY-GENERAL: Of course a riot might be a simple matter, or it might be a very serious matter. Suppose a number of riotous persons met together armed with revolvers or bludgeons or other lethal weapons, it would be very hard to say that the persons called upon to assist in the suppression of that riot should not have the power to use equal force.

[9 p.m.]

Mr. GIVENS: That would be more than a riot. It would be an outrage.

The ATTORNEY-GENERAL: It was hard to draw the line. A number of persons meeting together might create a disturbance which would assume aggravated proportions, but which would still be a riot, and he thought it would be putting too much power into the hands of the rioters—particularly at night time when it would be difficult to identify them—who might be armed with bludgeons and firearms—it would be putting too much power into the hands of those rioters to enact that the persons engaged in suppressing the riot should be confined to merely laying their hands upon the rioters and scruffing them to the lockup. Such a thing would be ridiculous, and he could not accept the amendment.

Amendment put and negatived.

Mr. LESINA, referring to clause 264—"Suppression of riot by person acting without order in case of emergency"—said that under the clause any person, whether subject to military law or not, who thought that serious mischief would arise from a riot—any panic-stricken person who thought that a disturbance created by half-a-dozen men threatened to destroy his little shop—might draw his revolver and shoot people. The clause said he might use such force as he considered necessary, and of course that would be in proportion to the danger he apprehended. He thought that was too great a power to leave in the hands of any person.

The ATTORNEY-GENERAL thought that the same argument applied to this as to the previous clause. The tendency on the part of the average citizen was not to rush into a quarrel where he was likely to get hurt, hence the power given to magistrates to swear in special constables. Any person acting under the clause would only take such steps as he considered necessary on reasonable grounds; and he could be punished for having suppressed what he considered a riot by means, which to a man of the average intelligence, were shown to be disproportionate, the same as if he had committed an assault.

The CHAIRMAN (Mr. Grimes, *Oxley*): There seems to be an impression that clause 264 is before the Committee. I put the amendment on clause 263, and it was negatived, but I have not yet put the clause.

Clause 263 put and passed.

Clauses 264 to 267, inclusive, put and passed.

On clause 268—"Provocation"—

* The ATTORNEY-GENERAL: As he had promised to explain all the new provisions of the Bill, he might state that this was a new provision as regarded provocation. The same result was virtually attained by the existing law, but it was presented here in such a form as to make the operation of the law more certain. As he had pointed out on the second reading, it was unlawful for a man to strike another, even though he got provocation; but in cases where a man committed an assault under provocation, the magistrate or judge might inflict a light or nominal penalty. The provision now under discussion made it lawful for a man to retaliate, when attacked, providing he did not use any stronger measures in retaliation than would occur to any ordinary man under the circumstances. He thought the provision was a good one.

Mr. LESINA differed from the Attorney-General. This was introducing a principle which the law in nearly all countries tried to suppress. It was making the man the judge of actions towards himself, and it also made him the executioner.

The ATTORNEY-GENERAL: Supposing a man spat in your face!

Mr. LESINA: That would be provocation. But the clause covered other things besides that. If in the course of industrial disputes between master and servant one man called another a "scab" or a "blackleg," would that be sufficient provocation?

The ATTORNEY-GENERAL: That does not touch this clause at all.

Mr. LESINA contended that it did. The judges who composed the Commission differed about this matter themselves, and it was wise that the matter should be settled. If during an industrial dispute one man took the place of another, and the term "scab" or "blackleg" was used to the man who took the employment, would that be sufficient provocation for an assault? He believed the clause was introduced to justify provocation in the case of one man calling another such opprobrious terms.

* The ATTORNEY-GENERAL: The clause was taken from the Code framed by eminent judges in England. It was not introduced to deal with industrial disputes.

Mr. LESINA: Had they the assurance of the Attorney-General that if a man took the job of another in a time of industrial disputes between

masters and servants, and he was called a "scab" or a "blackleg," that that would be sufficient justification for a man to commit an assault? It had been held sufficiently provocative to cause a breach of the peace.

The ATTORNEY-GENERAL: The insult must be of such a nature as would cause provocation to an ordinary person. Such a term as "scab" or "blackleg" would mean nothing to an ordinary citizen, although it might be regarded as opprobrious by some men.

Mr. KERR: The hon. gentleman was talking about the relations of master to servant.

* The ATTORNEY-GENERAL: Quite so, but they must consider the effect such epithets would have on an ordinary man. He assured hon. members that the clause had not been introduced to deal with industrial disputes; it had been taken from the Code prepared by eminent judges, and was of general application.

Mr. LESINA: Would calling a man an opprobrious epithet, which would deprive him of self-control, justify him in committing an assault? The words "scab," "blackleg," or "rat" were peculiarly opprobrious out West; they were quite sufficient to rouse a man to the highest pitch of excitement, and, if they were held to justify one man punching another, there would be fights all over the country.

* The ATTORNEY-GENERAL: If a man was walking down the street with a friend or a relative who was in his charge and the term "scab" or "blackleg" were used, that would not be sufficient provocation to justify retaliation. If, for example, a man were to cast a foul aspersion upon the memory of your dead mother, you would be justified in knocking that man down, without hesitation. This clause would say that under the circumstances there was sufficient provocation to prevent him being prosecuted for assault.

The SECRETARY FOR PUBLIC LANDS: It seemed to him that they were endeavouring to bring the law into conformity with public feeling. If an hon. member was grossly insulted—if a man spat in his face—he would be justified in knocking him down, and the law would not punish him for that action. If a man did not resent such an insult, he would not think anything of him.

Clause put and passed.

Clauses 269 to 271 put and passed.

On clause 272—"Self-defence against provoked assault"—

Mr. HIGGS (*Fortitude Valley*) thought the Attorney-General might give them a little explanation about this clause, which seemed to introduce quite a new principle into British law, and which he thought they might well strike out. He quite agreed with clause 269. If a man struck another, and that other retaliated, the aggressor should meet with very little sympathy, but this was a different matter altogether. Under clause 272 the aggressor was in a position, if the man whom he assaulted retaliated, to decide whether the man who responded to his first assault was likely to kill him, and the original aggressor might kill the man whom he had first attacked.

Mr. BROWNE: The clause does not apply to the man who starts it.

Mr. HIGGS: Certainly it did if the other assaulted him—

> with such violence as to cause reasonable apprehension of death or grievous bodily harm, and to induce him to believe on reasonable grounds that it is necessary for his preservation from death or grievous bodily harm to use force in self-defence, he is not criminally responsible for using any such force as is reasonably necessary for such preservation, although such force may cause death or grievous bodily harm.

Mr. BROWNE: Go on to the next paragraph.

Mr. HIGGS:

> This protection does not extend to a case in which the person using force which causes death or grievous bodily harm first began the assault with intent to kill or to do grievous bodily harm to some person. . . .

But then who was to decide that the man who first used the force intended to kill?

The ATTORNEY-GENERAL: You must judge of a man's intentions by his acts—there is no other way.

Mr. HIGGS: Supposing he intended to kill the hon. gentleman, and, as a preliminary, spat in the hon. gentleman's face, and the hon. gentleman responded by striking him as hard as ever he could on the nose. And supposing that he had a revolver concealed about his person, and he thereupon shot and killed the hon. gentleman; according to this clause he was not responsible for the hon. gentleman's death.

The ATTORNEY-GENERAL: That is not the meaning of the clause.

The SECRETARY FOR PUBLIC LANDS: If your life was in danger you might be justified.

Mr. HIGGS: But he was the man who decided whether he had a reasonable apprehension—not the jury.

The SECRETARY FOR PUBLIC LANDS: The jury will decide afterwards whether that was a just apprehension or not.

Mr. HIGGS: No. The jury would have to decide whether he believed he had reasonable grounds for assuming that the hon. gentleman wanted to kill him. They would not decide whether he had reasonable grounds, but whether he believed he had reasonable grounds—two totally different things. There was a very wholesome spirit in all British communities—that the aggressor should get very little sympathy. As a rule, the man who assaulted another was believed to be well treated if he got a blow in return; and he did not think they should go further and allow an angry man—for very likely he was angry when he commenced the assault—to decide that the person who responded to his assault intended to kill him. The clause might very well be omitted, or, if not omitted, they should strike out that part which allowed the jury to decide only that a man believed he had reasonable grounds.

The ATTORNEY-GENERAL: The clause was a corollary of the preceding one. Supposing men were bandying words; using insulting epithets, and one man in his anger struck the other. If the man who was struck took out a revolver and fired at the first man, and seemed about to continue firing, the man who in the first instance committed the assault would be justified in using the same kind of force to repel the provoked assault as he would have used if it had been unprovoked. A man was not to respond to an assault—and an assault might be of a very trivial nature—by a murderous attack. The man who had provoked the assault might use means of self-defence proportionate to the violence and deadliness of the attack made upon him in reply to his original assault. That was all that the clause provided. There was no protection extended to the first assailant, if his assault was of such a character as was likely to cause death or grievous bodily harm, and the other man retaliated in like manner, and the original assailant then used a deadly weapon to protect himself. There was no harm in the clause, which was a part of the English law. It might seem hazy to leave it to the jury to decide how far the defence of provocation might be carried under certain circumstances; and it was not wise to leave anything in a hazy condition. This was one of the cases where they should prefer to rely upon the judgment of the Commission, who had carefully considered the effect of every clause in relation

to other clauses, rather than upon the opinion of any hon. member, however carefully he might have scrutinised the Bill.

Mr. HIGGS was sorry the hon. gentleman had not dwelt upon the point he had raised about the jury deciding—not that the man had reasonable grounds for what he did—but that the man believed he had reasonable grounds.

The ATTORNEY-GENERAL: Where is the believing?—"induce him to believe, on reasonable grounds"—that is to say, the inducement to believe was on reasonable grounds. The jury will have to decide whether the inducement was such as to warrant him in believing.

Mr. HIGGS: He did not for a moment pretend that he was in a position to fight the matter in a legal way, but he saw that the report of the Commission stated that "Mr. Justice Real, Mr. Justice Power, and Judge Mansfield, do not concur in the important change in the law proposed by sections 276 and 277 of the Draft Code."

The ATTORNEY-GENERAL: We have not come to them yet.

Mr. HIGGS: The hon. gentleman would notice that 276 and 277——

The ATTORNEY-GENERAL: The clauses they disagreed about are clauses which we have passed already.

Mr. HIGGS: The hon. gentleman would notice that 276 and 277 referred to
9·30 p.m.] in the judges' introduction, were clauses 272 and 273 of the Bill. The Bill apparently had undergone certain alterations since the time when it was in the form of a report.

The ATTORNEY-GENERAL: The clause they were at now, when it was in the hands of the Commission, was No. 279, and when it left the Commission it was 276. In the present Bill it was 272, and he gave the hon. gentleman his assurance that the two clauses on which the Commission were divided were the two which they had already passed. There was do doubt about that. The clauses the Commission referred to were Nos. 268 and 269.

Mr. HIGGS could not take the hon. gentleman's assurance in face of the printed Code and the introduction of the judges. In their report they referred to sections 276 and 277 of the Draft Code.

The ATTORNEY-GENERAL: The clauses were altogether different in the Bill. The hon. gentleman forgot that there were three measures—the digest, the Code as submitted to the Commission, and the Bill before the Committee. 276 was 276 of the original Code, which was not in the hands of the Commission at all.

Mr. HIGGS: It was evidently very little use trying to get amendments.

The ATTORNEY-GENERAL: Several amendments have been accepted, but you were not present.

Mr. HIGGS: He regarded the matter he had drawn attention to as a very important amendment, and he backed up his opinion by reference to the remarks of the judges who had objected to the introduction of this new matter.

The ATTORNEY-GENERAL: I called attention to all the new clauses when we came to them.

Clause put and passed.

Clauses 273 to 281, inclusive, passed as printed.

On clause 282—"Surgical operations"—

Mr. LESINA: There were a large number of men in Queensland, unqualified medical men, who were carrying on business as surgeons and physicians. Those persons might exercise all the reasonable care they knew of, but their operations might result in a good deal of loss of life. He did not know whether the public were sufficiently protected from those quacks. Under our present laws any person—a stable boy or a bushman—might come into the town, take an office, put up a brass plate, and carry on the business of an oculist, surgeon, or doctor of medicine. They might put "M.D." behind their names, and explain it like a Sydney quack did by saying it stood for "money down." As was said of a celebrated quack, he might destroy a bucketful of eyes before learning how to treat a cataract, or ruin a hundred limbs before learning how to set a broken one. Was it possible to get at those quacks? Had the public any protection against the operations of those unscrupulous persons?

* The ATTORNEY-GENERAL: The possession of a certificate made no difference. A man might have a diploma, but he was not licensed to kill; he was not licensed to treat persons in an incompetent manner. If he did, he might be made responsible, either in a civil action for damages, or he might be criminally liable for manslaughter. The law recognised no distinction between a doctor and any other person in this respect. Unfortunately there were too many of the quack class. He had no sympathy with them, and he should be glad to see a law passed by which the public would be protected against impostors of that sort. If a quack performed an operation, it was capable of proof whether he performed it with reasonable care and skill, so that the public had ample protection.

Clause put and passed.

Clauses 283 to 288 put and passed.

At eighteen minutes to 10 o'clock,

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

Quorum formed.

Clauses 289 to 307 put and passed.

On clause 308—"Written threats to murder"—

The ATTORNEY-GENERAL said he did not see why a boy under sixteen years should be whipped in a case of that sort any more than a grown man. He therefore moved the omission of the words "and if a male under sixteen years is also liable to a whipping."

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

On clause 309—"Conspiring to murder"—

Mr. LESINA: This clause provided that any person who conspired with any other person to kill any person, whether such person was in Queensland or elsewhere, was liable to imprisonment with hard labour for fourteen years. He wished to know whether the clause would apply to those persons in Queensland who intended to go to the Transvaal and, if possible, kill Paul Kruger.

The ATTORNEY-GENERAL: Don't joke.

Mr. LESINA: They would be conspiring to kill persons out of Queensland. Were they exempt?

The ATTORNEY-GENERAL: Ask me something serious.

Mr. LESINA: He objected to the killing of any person at any time or in any place, or for any purpose or reason. Suppose the King of Abyssinia, or any person exercising the authority he wielded in that country, were guilty of the most atrocious crimes against humanity, and one or two persons here conspired to kill him, would they be punishable?

The ATTORNEY-GENERAL: We do not allow men to kill other people because they think the world would be well rid of them.

Mr. LESINA: Unless the thing was done in legal fashion—unless it was brutality done in legal form.

Clause put and passed.

Clause 310 put and passed.

On clause 311—"Aiding suicide"—

The ATTORNEY-GENERAL: When introducing the Bill he had drawn attention to this clause as a new provision in the law, and he

thought it was a humane provision. At present if a man committed suicide, and previous to his death some person assisted him to do away with himself, that person, by assisting him—by providing him with facilities, counselling him to do the act, or conniving at it—was deemed to be guilty as an accessory before the fact, and was liable to the same punishment as a man who killed.

Mr. DUNSFORD: Suppose he was a medical man, and advised an incurable to kill himself.

The ATTORNEY-GENERAL: Under the present law that medical man would be hanged if the jury found him guilty. That was the present law, but the clause was on more modern humanitarian lines. It declared that the man who assisted a suicide in the way described was not guilty of the capital crime, but of the lesser offence, and liable to imprisonment for life.

Mr. LESINA: It was a question whether in the present state of their information it was not desirable to include another matter in the clause. He had seen that, recently in France, a person was charged with the crime of murder by hypnotic influence, and recently *Reynolds's Newspaper* reported a case in which a woman, to avoid a contract for the purchase of a piano, pleaded that the agent for the firm had hypnotised her into purchasing the piano. Originally there was a clause in the Code dealing with this matter: "Any person, who by influence on the mind of another person, causes any disorder or disease which results in the death of that other person is deemed to have killed him." It had been recognised by the eminent judge who drafted the Code that provision should be made against undue mental influence of that kind. Hypnotism was now included in the educational curriculum in France, Germany, and other Continental countries. It was a very powerful force, and they should be able to deal with it, if only one case of the kind cropped up in the century. It would be very hard to prove, and probably that was the reason for the omission of the provision originally drafted. When scientific knowledge had been gathered more largely on the subject, he thought they would be able to sheet home charges against persons guilty of that dreadful influence.

The ATTORNEY-GENERAL: The clause was drafted, as the hon. gentleman had stated, but the Commission were unanimous in the excision of it. Although there were authentic cases where hypnotic influence had been the means of urging an innocent person to commit a crime, or to be the instrument of a crime, they knew so little about the nature of the subject generally that it was undesirable to introduce it into the Code until they had more light. It would be so difficult to get at the truth that it might tempt some persons to set up the defence of hypnotic influence, and it might be very hard to break that defence down. He thought the Commission were justified in leaving that provision out.

Clause put and passed.

Clause 312 put and passed.

On clause 313—"Killing unborn child"—

Mr. LESINA thought this was an entirely new crime, and the Attorney-General might give them some information about it.

The ATTORNEY-GENERAL: It was not entirely new. Hon. members would find a reference to it in the memorandum from the Chief Justice accompanying the Digest of the Code, and the greater part of it was an offence at common law at the present time. The clause as it now stood was included in the recommendation of the judges who in England framed a code in 1880.

Clause put and passed.

Clause 314 put and passed.

[10 p.m.] On clause 315—"Disabling in order to commit indictable offence"—

Mr. DUNSFORD said he should like to see the punishment of whipping left out.

The ATTORNEY-GENERAL said that was the garroting clause, and he proposed to keep it in.

Clause put and passed.

On clause 317—"Acts intended to cause grievous bodily harm or prevent apprehension"—

The ATTORNEY-GENERAL said the clause contained a whipping provision, and he proposed to amend it by omitting the words "and if under the age of sixteen years is also liable to a whipping."

Mr. HARDACRE suggested that solitary confinement should also be omitted. To young persons under sixteen solitary confinement was a much worse punishment than to grown-up people.

The ATTORNEY-GENERAL said the persons who committed the crimes mentioned in the clause, which included vitriol-throwing, were not deserving of much sympathy, and he hoped that if the hon. member intended to raise the question of solitary confinement he would do it on some other clause.

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

Clauses 318 to 320, inclusive, put and passed.

On clause 321—"Attempting to injure by explosive substances"—

The ATTORNEY-GENERAL moved the omission of the words "and with or without whipping."

Mr. GIVENS asked if the hon. gentleman would withdraw his amendment in order to enable him to move one in an earlier part of the clause. It was his intention to move the omission of all the words after "fourteen years," namely, "with or without solitary confinement, and with or without whipping."

The ATTORNEY-GENERAL said the placing of dynamite where it was likely to explode and kill or maim a person was a very serious offence, and he would rather omit the words in some other clause. And the hon. member must remember they were knocking out whipping, which was previously a form of punishment which might be inflicted.

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

On clause 322—"Maliciously administering poison with intent to harm"—

Mr. GIVENS said the last clause provided a penalty of fourteen years for attempting to injure by explosive substances, while the penalty under this clause was only seven years. He thought there was a disproportion between the penalty and the offence, because he could not conceive of anything more cruel than a person administering poison to another person.

The ATTORNEY-GENERAL: Move an amendment making it fourteen years.

Mr. GIVENS: He would prefer that it should be moved by the hon. gentleman in charge of the Bill.

Mr. W. HAMILTON: Poisoning is the most cowardly form of murder.

The ATTORNEY-GENERAL moved the omission of the word "seven" with the view of inserting the word "fourteen."

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

On clause 323—"Wounding and similar acts"—

Mr. LESINA: Under this clause any person who unlawfully and with intent to injure or annoy any person, caused any poison or other

noxious thing to be administered to that person was guilty of a misdemeanour, and was only liable to imprisonment for three years. Could the Attorney-General give any information as to what induced the Commission to make that the punishment?

The ATTORNEY-GENERAL: Unlawfully wounding was an offence from which the element of intent was absent, and the unlawful causing of poison or any other noxious thing to be administered to or taken by any person, was an offence from which the desire to take life was absent. It was an offence that might be committed by way of a joke—such as giving a person some mixture containing a certain amount of poison—but not anything like strychnine—simply with intent to injure or annoy, and could not be placed in the same category as the crime of administering poison with the object of causing death.

Clause put and passed.

Clauses 324 to 329 put and passed.

On clause 330—"Sending or taking unseaworthy ships to sea"—

The ATTORNEY-GENERAL said this was an offence for which he did not think the punishment provided in the clause was sufficient. The captain of a ship who knowingly took men to sea in a vessel which, to his own knowledge, was unseaworthy, and thereby endangered the lives of his crew, was deserving of very much greater punishment than imprisonment for three years. He therefore proposed to substitute the word "crime" for the word "misdemeanour," and the word "fourteen" for the word "three." That would extend the term of imprisonment from three years to fourteen years.

Amendments agreed to.

The ATTORNEY-GENERAL: He did not see why a wealthy shipowner or shipmaster should have a chance of getting influence brought to bear upon the Crown Law Officer—not that he supposed the Crown Law Officer would be open to influence at all, but it was better to put the matter beyond suspicion. One paragraph of the clause said it was a defence to prove that the going of the ship to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable. If a vessel was stranded on one of the islands off the coast of Queensland, where there was no food or water, it would probably be justifiable to bring the ship here for supplies and repairs, and that would be a defence, though the vessel was in an unseaworthy state. Then it was a defence also to show that the accused person used all reasonable means to ensure the ship being sent to sea in a seaworthy state. Where the shipowner put the ship into the hands of contractors for the purpose of having it made thoroughly staunch and sound, and through some scamping or negligence on the part of the persons doing the work there was some defect by which the ship was rendered unseaworthy, that would be a defence, and such cases would be excused. He proposed to amend the clause by striking out the last paragraph.

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

On clause 331—"Endangering steamships by tampering with machinery"—

The ATTORNEY-GENERAL: He had an amendment to move on this clause, because as it stood it did not go far enough. It did not catch the persons who ought to be caught. It might be that two steamships were racing, and when getting near the termination of the journey the engineer might clap a heavier weight on the safety-valve and thus endanger the lives of all on board. He was anxious to make all persons who endangered the lives of persons who went to sea liable for their acts. He therefore proposed that the following words be added after the word "vessel" on line 17:—

Or over any part of the machinery of a steam vessel, does any act, or makes any omission"

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

Clause 332—"The like by engineers"—

The ATTORNEY-GENERAL moved that after the word "done" on line 25, the following words be inserted:—"by any other person."

Amendment agreed to.

The CHAIRMAN: The question is that the clause, as amended, stand part of the Bill.

Mr. LESINA thought such a serious offence as mentioned in this clause ought not to be punished by a fine of £100 alone. Imprisonment ought also to be imposed, if only for twelve months.

The ATTORNEY-GENERAL said clause 331 dealt with that. This clause was a very stringent one. It made the engineer, or engineers, responsible for anything done by any other person in connection with the machinery. It was punishment to an engineer for not being always at his post.

Mr. FISHER hoped the hon. member for Clermont would not press his argument. Anyone who knew anything about engineering, would know that certain things might escape the notice of an engineer, and he might be charged wrongly.

Mr. JENKINSON: If he did not pay the fine, he would have to go to prison in any case.

Clause, as amended, put and passed.

Clauses 333 and 334 put and passed.

On clause 335—"Common assault"—

Mr. GIVENS asked why under that clause a person who was guilty of unlawfully assaulting another should be liable to imprisonment with hard labour for one year, while under clause 343, for the same offence, he was liable, on summary conviction, to a fine of £5, or in default to imprisonment with hard labour for two months? There seemed no provision to prevent magistrates dealing with even the most trivial assault as if it was a most serious offence.

[10·30 p.m.]

The ATTORNEY-GENERAL: A man might be charged with unlawfully wounding, or with an assault occasioning actual bodily harm. The jury might come to the conclusion that those grave charges had not been made out, but that an assault had been proved, and there must be some provision under which the judge could inflict some punishment. If the jury brought in a verdict of common assault the judge could inflict imprisonment for one year, while if it was only a trivial case it could be dealt with before justices in the ordinary way.

Clause put and passed.

Clauses 336 to 350, inclusive, put and passed.

On clause 351—"Abduction"—

Mr. STEWART: The first part of the clause provided that any person who, with intent to marry, took away a woman and detained her against her will was guilty of an offence. That was quite right. But the second part of the clause provided that if a man took, or enticed away, or detained, a woman under the age of twenty-one years who had money, or who was an heiress or a prospective heiress—she might give her own consent, but unless she had the consent of her father or mother, or her guardian—the person taking her away committed a crime. He thought the age in that case should be reduced to eighteen years. Surely women had sufficient sense at the age of eighteen to decide, and if a woman above that age gave her consent why should the law interfere? The whole thing should depend entirely upon her giving her consent. The fact that

she had money, or was heiress to money, should have nothing whatever to do with it. The hon. gentleman should alter the age to eighteen, and also make the second portion of the clause dependent on the woman's consent being given, without reference to the consent of her guardians.

The ATTORNEY-GENERAL: The first part of the clause did not refer to the age at all, and he agreed with the hon. member that the man who carried off any woman should be punished. With regard to the next part of the clause, the law did not regard a woman under the age of twenty-one years as having the capacity to dispose of her property voluntarily, and they should not allow a woman under that age to be enticed away without the consent of her father, mother, or guardian, by some designing fellow who did not care a brass farthing about the girl, but who wanted her money. If a woman was over twenty-one years of age the man could not be got at under that clause if she chose to go with him. He saw no hardship in the clause at all, and it would prevent a great deal of chicanery and villainy. It would get at dissolute scamps who had no money of their own, accomplished vagabonds, who dressed well and could smirk and captivate a girl.

Mr. GIVENS did not altogether agree with the provision. He noticed that the law made provision for a girl giving consent to the disposal of her person at a much earlier age than twenty-one, and it seemed to him much more important that a girl should be protected against herself in disposing of her person than in disposing of her property.

The ATTORNEY-GENERAL: There may be other persons involved—her friends or relatives.

Mr. GIVENS: Her family might be very seriously involved if she committed an act which would bring disgrace upon them. Then, again, he failed to see why a distinction should be made between a girl with wealth, or prospective wealth, and a poor girl. The girl who had not a brass farthing in the world was just as worthy of protection as the wealthy girl.

The ATTORNEY-GENERAL: Don't you be championing the kid-gloved scoundrel.

Mr. GIVENS: No one who knew him would be liable to make a mistake of that kind. He had known cases in which young ladies who were wealthy did not run away with kid-gloved scoundrels, but for motives of pure affection ran away with fairly respectable and honest young men. It might happen that the girl would die of a broken heart if she were not allowed to marry the man for whom she had an affection. In that case he did not think the punishment should be so severe.

The ATTORNEY-GENERAL: Move a reduction of the penalty to seven years and I will accept it.

Mr. GIVENS moved the omission, on line 52, of the word "fourteen," with a view of inserting "seven."

Mr. LESINA thought the punishment was not severe enough. He thought the young man should be compelled to live with the young woman.

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

Clauses 352 and 353 put and passed.

On clause 354—"Kidnapping"—

Mr. LESINA asked if that applied to the taking of kanakas to work in the sugar fields.

The ATTORNEY-GENERAL: To anybody.

Mr. GIVENS: Would it apply to the crimping of seamen?

The ATTORNEY-GENERAL: Yes.

Clause put and passed.

Clauses 355 to 357 put and passed.

On clause 358—"Unlawful custody of insane person"—

Mr. FISHER did not think the penalty was severe enough for unlawfully detaining an insane person.

The ATTORNEY-GENERAL: Of course the clause did not refer to taking a person out of an insane asylum. It meant that where a person had an insane relative and kept him on his premises instead of allowing him to be dealt with by the insanity laws, he would be liable to the penalty provided. That sort of thing might lead to many abuses. The law allowed insane persons who were harmless to be kept by their friends under certain conditions, but those cases were very rare.

Mr. FISHER: A person might detain an insane person when he had become sane after getting him out of an asylum. In a case of that sort the penalty was not severe enough.

Clause put and passed.

On clause 359—"Threats"—

Mr. GIVENS pointed out that the penalty under the clause was imprisonment for one year, and that there was no alternative penalty, so that a judge or presiding magistrate would have no option but to sentence a person to imprisonment of some sort, even for a comparatively trivial offence, which would cast a stigma and disgrace on him for ever. He moved the insertion after the word "year" of the words "or to a fine of £50."

The ATTORNEY-GENERAL: Make it £100, and I will accept it.

Mr. GIVENS: Acting on the hon. member's suggestion, he moved that the clause be amended by the addition of the words "or to a fine of £100."

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

On clause 360—"Bigamy"—

Mr. LESINA suggested that protection should be granted to women whose husbands had been in gaol for a lengthened period. In New South Wales a woman whose husband received a sentence of three years' imprisonment could obtain a divorce, and he thought that here a woman whose husband was sentenced to ten or fourteen years' imprisonment should be given an opportunity of remarrying.

The ATTORNEY-GENERAL: That is a matter for the divorce law.

Clause put and passed.

On clause 361—"Unlawful celebration of marriage"—

Mr. STEWART thought the age mentioned in the clause might very well be reduced. It was ridiculous to prevent a young woman of the age of twenty years and eleven months marrying without the consent of her parents or guardians, and it was not at all necessary that a young man under twenty-one should be compelled to get the consent of his guardians before marrying. If the age were reduced to eighteen years that would meet all requirements.

The ATTORNEY-GENERAL thought the hon. member should not press his objection, as this law was recognised everywhere. The punishment would be very slight indeed if a person of twenty years was married without the consent of his guardians.

Clause put and passed.

Clause 362 put and passed.

On clause 363—"Child-stealing"—

The ATTORNEY-GENERAL moved the omission of the words, "and, if under the age of sixteen years, is also liable to whipping."

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

Clause 364 put and passed.

The ATTORNEY-GENERAL thought they had done a very good evening's work, and he was very much obliged to hon. members for the assistance they had given him in carrying the Bill so far. He hoped that they should be able in another night or two to finish off the whole of the Code; and he thought, if they worked as expeditiously as they had done that evening, they would do so. He would like to suggest to the leader of the Opposition and hon. members generally that when they got on a little further and came to the portions to the Code which were not contentious, they should take those matters by chapters.

Mr. DAWSON: Hear, hear!

The ATTORNEY-GENERAL moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

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

11 p.m.]

ADJOURNMENT.

The PREMIER (Hon. J. R. Dickson, *Bulimba*): I move that the House do now adjourn. For the information of hon. members I may say that the first business on Tuesday will be the consideration of a notice of motion by the hon. member for Herbert, which is of such a character as to deserve to be dealt with before any other business is proceeded with. After that, the business will be the further consideration of the Criminal Code Bill, which I trust we shall be able to get out of the way on Tuesday.

Question put and passed.

The House adjourned at three minutes past 11 o'clock.