Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 31 JULY 1901

Electronic reproduction of original hardcopy

WEDNESDAY, 31 JULY, 1901.

The SPEAKER (Hon. Arthur Morgan, *Warwick*) took the chair at half-past 3 o'clock.

ANSWER TO ADDRESS IN REPLY.

The SPEAKER reported that he had this day proceeded to Government House, and there presented to His Excellency the Lieutenant-Governor the Address in Reply to the Opening Speech, and that His Excellency had been pleased to make thereto the following answer:—

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"I receive with much pleasure the assurance of your loyalty and affection towards the Throne and Person of His Most Gracious Majesty.

"I am satisfied that you will give the most careful consideration to all matters that may be brought before you, and am confident that it will always be your earnest endeavour to promote the advancement and prosperity of the State."

QUESTIONS.

MEMBERS OF THE FEDERAL PARLIAMENT PROHIBITION BILL.

Mr. DIBLEY (*Woolloongabba*) asked the Premier—

Is it the intention of the Government to introduce legislation this session prohibiting members of the Federal Parliament from holding seats in the Legislative Assembly of Queensland?

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

Yes.

REPORT OF LICENSING COMMISSION.

Mr. JENKINSON (*Wide Bay*) asked the Home Secretary—

Is it the intention of the Government to take any action this session with regard to the recommendations contained in the report of the Licensing Commission?

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

The recommendations involve an amendment of the existing law in almost every instance. The question of attempting legislation this session is under the consideration of the Government.

MR. J. HAMILTON'S TRAVELLING EXPENSES.

Mr. GIVENS (*Cairns*) asked Mr. J. Hamilton, member for Cook—

1. Is it not a fact that during the financial years 1896-97, 1897-98, 1898-99, and 1899-1900, he only visited the Cook electorate on one occasion?

2. Was not that visit paid at the time of the general election in 1899?

3. Is it not a fact that the cost of a first saloon passage from Brisbane to Cooktown and return did not exceed £9 at the time of the general election in 1899?

4. How was it then that he drew the sum of £30 for steamer fare to and from his electorate in the year 1898-99, as shown by a return laid on the table of the House last year?

Mr. J. HAMILTON (*Cook*) replied—

1. It is just the reverse of a fact.

3. It suits me better to take single tickets, which generally cost £7 10s. each way.

4. Because steamer fares of 1897-98 and 1898-99 for two visits to my electorate during those years were paid to me in the financial year of 1898-99. The insinuation, however, promises pecuniary gain to me, as the clerk assistant of the Assembly, after examining the records to-day, informs me that I had forgotten to put in vouchers for my steamer fares for 1896-97, although I visited my constituents that year.

USE OF RAILWAY TRICYCLE BY MEMBER.

Mr. GIVENS asked the Secretary for Railways—

1. Is it true that Mr. J. T. Bell, M.L.A. for Dalby, had the use of a tricycle on 15th July instant, to travel on the railway from Dalby *en route* to Brisbane, and travelled on the said tricycle for a considerable distance on the line?

2. Is it not against the railway regulations for any person outside the service to use a tricycle on the State railway lines?

3. Who gave the member for Dalby permission to use the tricycle?

4. Have members of Parliament, in addition to their railway passes, the right to travel on the State railways by tricycle, and also the free use of tricycles?

The SECRETARY FOR RAILWAYS (Hon. J. Leahy, *Bulloo*) replied—

1 and 2. Yes.
3. Inspector MacPherson.
4. No.

RESIGNATION OF A MEMBER.

HON. T. MACDONALD-PATERSON.

The SPEAKER announced the receipt of a letter from the Hon. T. Macdonald-Paterson, dated to-day, resigning his seat as one of the representatives of the electorate of Brisbane North.

Whereupon the PREMIER moved—

That the seat of the Hon. Thomas Macdonald-Paterson hath become and is now vacant by reason of the resignation thereof by the said Hon. Thomas Macdonald-Paterson since his election and return to serve in this House as member for the electoral district of Brisbane North.

Question put and passed.

PAPERS.

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

(1) Report on proposed improvements at Horseshoe Bank, in the Mary River, by Lindon W. Bates.

(2) Reports on the improvements in the Brisbane River and entrances to the Norman and Albert Rivers, Gulf of Carpentaria, by Lindon W. Bates.

PETITIONS.

LICENSING ACT—SUNDAY TRADING.

HON. A. S. COWLEY (*Herbert*) presented a petition from the officers and members of the Perseverance Tent, No. 22, of the Independent Order of Rechabites, protesting against Sunday trading by licensed victuallers.

Petition received.

Mr. BARBER (*Bundaberg*) presented a petition of similar purport and prayer from T. G. Darney, chairman of a meeting held in the Oddfellows' Hall, Bundaberg, on 27th July, which was also received.

SUPPLY.

OPENING OF COMMITTEE.

The SPEAKER, in accordance with Standing Order No. 16, read to the House so much of His Excellency's Opening Speech as was addressed to the Legislative Assembly.

On the motion of the TREASURER (Hon. T. B. Cribb, *Ipswich*), it was resolved that the House, at its next sitting, would resolve itself into committee to consider of the Supply to be granted to His Majesty.

ABORIGINALS PROTECTION AND RESTRICTION OF THE SALE OF OPIUM BILL.

SECOND READING—RESUMPTION OF THE DEBATE.

Mr. JACKSON (*Kennedy*): I am rather astonished at the fact of no member on the other side of the House rising to continue this debate. We adjourned especially, I understood, to enable ten or twelve members on that side to have a say on this important Bill.

The SECRETARY FOR RAILWAYS : Mr. Bridges is not here.

Mr. JACKSON : Of course I admit that the hon. member for Nundah, Mr. Bridges, who moved the adjournment of the debate, is not here, but I think it was stated by the Minister in charge of the Bill that there were a number of members on that side of the House who wished to continue the debate. However, seeing that there are no members on that side who desire to offer any remarks, I have a few observations which I wish to make, though I shall only detain the House for a very few minutes. It has been said that Parliament is occupied during its last session in talking to the constituencies more than to anything else; that most of our remarks are addressed to our constituencies; that we indulge in electioneering. I do not think it would be possible to make an accusation of that sort against any member rising to discuss this Bill, because I take it none of us have anything particular to gain from legislation of this sort, for improving the condition of the aboriginals of the colony. If we have much more of this kind of legislation the time may come, certainly, when we may find members of this House talking to aboriginal constituents; because, seeing that we are now drafting the aboriginals into reserves and educating their children, I think it is not a stretch of the imagination to suppose that the time may come when the educated aboriginals may be entitled to have a vote for members of this House. I see myself no reason why they should not, in the near future, go a little further, and we may then see aboriginals sitting in this House as members of Parliament. If one wished to go a little further still in the flight of imagination, he might even imagine—seeing that this party has now a plank of its platform in favour of elective Governors—an aboriginal Governor presiding over this colony.

Mr. BOWMAN : Is that a stretch of the imagination?

Mr. JACKSON : It may be a stretch of the imagination, but still it is a possibility. Now, Mr. Browne, in debating this Bill last night, pointed out that some of the clauses are rather drastic. In the same way, some of the clauses of the original Bill are certainly drastic, and I think I remember pointing out when that Bill was before the House that the usefulness of the

Bill would depend largely upon its administration. I do not know that any great complaints have been made with regard to the administration. There is one provision in the original Act to which exception was taken when it was going through, and that is the provision which makes it penal to employ an aboriginal unless a permit has been obtained from a protector. It was pointed out that a provision of that sort would operate very harshly in the outside districts where it has been the custom from time immemorial to give aboriginals, both male and female, casual employment. It is a common thing on mining camps and in small towns where there are aboriginals to give them casual employment. Of course in a case like that, anyone employing aboriginals in such duties as wood-chopping, carrying water, cutting a few sheets of bark, or bringing in a horse, would be breaking the law, unless he had first obtained a permit from a protector. But the Government have not administered the Act in the past in a harsh way, and I think a great deal of the credit in that respect is due to the fact that a great many of the police officers in the outside districts recognise that the Act ought to be administered in a common-sense, practical way. However, I do know as a fact that complaints have been made, both by aboriginals and white men in the outside districts, that the condition of the aboriginals is very much worse now than it was before on account of the stringency of some of the provisions of the Act. White men are really afraid to employ aboriginals. I know that is so in some cases, though I have pointed out to the persons concerned that it was not at all likely that legal proceedings would be taken against them for giving aboriginals casual employment in the way they had been accustomed to do. However, when we get into committee I think the Home Secretary might consider that point, and see if the provision in the original Act might not be modified in some way, so that it should only apply to aboriginals who get regular employment, and not to those who are given temporary employment. I have given notice of some questions, which I dare say hon. members have observed, for Tuesday next, in connection with a statement in a Port Douglas paper, to the effect that blankets for the aboriginals have not come to hand. I do not want to bring that matter up just now, seeing that I have given notice of the question, a reply to which the Home Secretary will no doubt be able to procure by Tuesday next. But there is another matter to which I should like to refer. I do not wish to ask a question about it, but, seeing that this Bill to a certain extent deals with the supply of blankets, I think I may mention the matter on the present occasion. At any rate, if this measure does not deal specifically with the supply of blankets, there is a subsection in one of the provisions of the original Act which prescribes that regulations may be made dealing with the expenditure of public money for the relief of aboriginals. I do not know whether that will apply to the supply of blankets to aboriginals, but there is a subsection in the original Act which deals with the supply of blankets to half-castes. I noticed a paragraph in the *Courier* on Monday last, which purports to be an account of an interview by a newspaper reporter with a number of aboriginals at Port Douglas. Complaint was made by the spokesman of the aboriginals that it was not at all unusual for them to have their blankets stolen — I presume by white men. I would just draw the attention of the Home Secretary to that point, so that when he is making his inquiries in order to answer the question of which I have given notice, he may also ascertain from the police at Port Douglas if they have any evidence on that matter. Probably the hon. gentleman may have some information on the subject, because, as head of the Police Department, he has information which ordinary members do not possess. I never knew a case of white men being so mean as to steal the blankets of aboriginals. However, in the paragraph to which I have drawn attention, it will be seen that the spokesman of the aboriginals states that their blankets had been stolen, and that the blackfellows advocate that instead of the Government supplying them with blankets they should give them trousers and shirts, which white men could not possibly steal, as they would carry them about with them. I hope it will be found that it is not the case that blankets have been stolen as alleged. I have no more to say on the second reading of this Bill, but when we get into committee I shall have a few observations to make and some suggestions to offer.

Mr. BOWMAN (*Warrego*) : I am very glad that the Home Secretary has brought this amendment of the Aboriginals Protection Act forward with the object of protecting the aboriginals of the colony. I think the Government might take strong measures to check the amount of opium that is in circulation among the blacks at the present time. I notice that Dr. Roth, the Northern Protector of Aborigines, in his report, which appears in "Votes and Proceedings" for last year, volume v., page 585, says—

> As in the case of alcohol, I cannot in the absence of any definite and regular returns of charges and convictions draw any conclusion as to the probable increase or decrease of this infamous traffic. That the practice is still prevalent may be gauged from the following facts:—During the past twelve months in the Croydon subdistrict there have been seven cases against Chinese for supplying opium, all with convictions and fines amounting to £144 5s. imposed. In the Mackay subdistrict there were three convictions totalling fines of £30. At Cairns there were eight charges on this count, etc. I sincerely regret, on behalf both of the Europeans and the blacks, that the drastic provisions of the opium clauses in the Aboriginals Protection Act, 1897, have been rendered inoperative. At the same time I fully appreciate the difficulties of the Executive in dealing with an import which at present means an addition of over £30,000 to the general revenue of the colony.

Not only do aborigines get opium, but, unfortunately for the colony, many of the whites are addicted to the habit of smoking opium. No later than two months ago, while I was in Adavale, sitting on the bench with an employer and another local justice of the peace in a case against a Chinaman for supplying opium to blacks on Listowel Downs, the employer told me that it was pitiable to see the number of whites who have given way to the habit of opium smoking. The lax manner in which
[4 p.m.] opium is now allowed to fall into the hands of the Chinese should be taken up more stringently by the police than it has been hitherto.

Mr. BROWNE : They had an Executive minute not to take action.

Mr. BOWMAN : Well it is unfortunate that such a minute should be put into operation, because, if there is one thing more than another which is deteriorating the blacks in the Western country, it is the use of opium. Drink is bad enough, as Dr. Roth states in his report, but opium is a great deal worse. Last night, when the Home Secretary was speaking, I interjected with reference to clause 11, which refers to the minimum wage. I had it brought under my notice last year, where a dispute had arisen on a station in the South-west, that a number of aboriginals were employed in place of white men, and that those men received very small salaries indeed. Personally, I think that if an

aboriginal is capable of doing a white man's work he should get the same pay, and there are, I am pleased to say, men who employ aboriginals who do pay them well. I can give one instance that came under my notice, where blacks during the shearing season got as high as £1 5s. a week. That was on Charlotte Plains. They are good boys, and I think that it can be borne out by other hon. members that on some stations they are the equals, as stockmen, of any white men. As I stated, when the question of the aboriginals came up last session when we were considering the Home Secretary's Estimates, I have seen cases in the West where blacks are employed on stations, and they receive a paltry pittance for the work they do. As was stated by one hon. member last night, there may be something in the point that a number of them are kept by the manager or squatter all the year round; but there are instances where, after the shearing season is over, they are sent off the stations. Another question that was touched upon by the hon. member for Gregory last night was in reference to the blacks having a camp anywhere near the roadside. At the present time it is a common practice for a number of blacks during the shearing season in the West to travel from shed to shed with the object of getting something that is going in the way of provisions, and there would be some difficulty in enforcing clause 14, which provides—

> It shall not be lawful for any person other than a superintendent or protector, or person acting under the direction of a superintendent or under the written permit of a protector, to enter or remain or be within or upon any place where any aboriginals or female half-castes are camped. Any person, save as aforesaid, who without lawful excuse, the proof whereof shall lie upon him, is found within ten chains of any such camp shall be liable to a penalty not exceeding fifty pounds or to imprisonment for any period not exceeding three months.

There is only one way that you can prevent that, and that is to have some reserves specially set apart for them. I do not believe in the principle of bringing the Western blacks down to the coast. In fact, numerous complaints about that have been made by the blacks both to the police and to others who have spoken to them. They would very much prefer to remain on some place set apart for them in the West, to being brought to the coast, as was suggested during the passage of the principal Act. I trust that the Government will see their way clear to do something to stop the use of opium that I first alluded to. It is a curse, and one that should be put down by the Government. Dr. Roth states that it would affect the income of the colony, but I do not think that should weigh with us for five minutes, when we have an abuse existing which is depraving not only blacks but whites. There are both men and women in the West who have given way to this beastly practice, and when this is known to the Government, they should authorise the police to take stringent steps to put it down, and, if possible, stop the importation, or, if it is necessary to have opium, then to allow it only to be dispensed like any other medicine through a chemist's shop, and not leave it to Chinamen and storekeepers to sell it indiscriminately, as they do at the present time. I hope that the Government will make some provision in the Bill to stop its being used as extensively as it is at present.

Mr. DUNSFORD (*Charters Towers*): I was much surprised to hear the Home Secretary, when introducing the Bill, assert that, so far as the aboriginals are concerned, our civilisation is a failure. There is no doubt about that. There is quite sufficient proof that the aboriginals are to-day suffering from an overdose of our nineteenth century civilisation. We drove the off their happy hunting grounds, and deprived them of their savage luxuries—if I may use that term — such as opossums, kangaroos, native fruits, their 'possum rugs, their bark-cloth blankets, their fishing grounds, and the other privileges or rights which they formerly enjoyed; and we gave them in return some of the advantages or privileges of our nineteenth century civilisation. We gave them beef, and we gave them beer; we gave them blankets—or pieces of blankets—and we gave them bibles. We gave them rum and we gave them guns—or, rather, the wrong end of the gun.

An HONOURABLE MEMBER: Bullets.

Mr. DUNSFORD: Yes. We gave them quite a number of so-called luxuries or advantages, or, as some might now term them, curs of our civilisation; and having given them these, including tobacco and opium and other curses or advantages, we now propose to take them away. And what are we going to give them? I am afraid that if this Bill is too severely administered we shall take from them the only thing we have left to them, and that is the remnant of liberty they now have. Under the present law they are now being gathered together, and the little freedom they now have is being taken away from them. I think this is a very small *quid pro quo* to give them for what we have taken away. However, I suppose the attempt is going to be made to save them from dying out altogether. We know they are disappearing. Those who have lived long in Queensland will remember when we could see very large numbers of aboriginals camped on and around the goldfields. In the early days I have seen something over 1,000 frequently camped about Charters Towers, but nowadays it is a rare occasion to see more than twenty or thirty together in and around that goldfield. So it is pretty clear that our nineteenth century civilisation is wiping them out. As to the effect of civilisation upon some of the aboriginals, I will refer hon. members to the last report of the protector. I have here that report, which says—

> Thursday Island blacks are able to take care of themselves. . . . They know what drink is. They recognise and appreciate the monetary value of their women. They suffer markedly with venereal diseases. They have picked up the vices of their visitors, with the result that they are rapidly diminishing in numbers; and from a practical point of view, too much protection on my part . . . . will not prove of much permanent benefit to them.

Here we have proof that some of them have been civilised beyond the power of the protector to do them any good. Having reaped the advantages or disadvantages of our civilisation, they want to continue, and so nothing could be done with those. It has been customary, I notice from the report, to give permits even to aliens to employ aboriginals. No minimum wage has been stipulated, and in many cases they have been cruelly illused; in fact, sometimes the aboriginals have never been returned to their homes. No wages have been paid, and in many cases where they have been returned, according to the report, they have been returned home merely to die in a few weeks after their return. In attempting to grapple with that sort of thing the Government is doing great good. If they can prolong the life of the aboriginal, if they can make his lot a little better, they deserve the thanks of all civilised people; at the same time, they must take care that they are not using these people for the sake of causing undue or unfair competition, because I know that permits have been given in many districts to a very large number indeed. In Cooktown, for instance, 239 permits were given

in one year; Normanton, 303; Mackay, 55; Townsville, 50; Cairns, 92; Thursday Island, 241; and the Coen, 112; so we are providing for the savage a number of masters. We are also stipulating that he should not receive less than 1s. 3d. a week. I think if we do strike a minimum wage in connection with the aboriginal it should be a little larger sum than that. It is too low I think, and I hope it will be altered in committee. I should not have got up only that I notice one drastic clause to which I wish to refer now so that it may receive the consideration of Ministers and others when the Bill reaches the committee stage. I refer to clause 12, which says—

> In every case of a prosecution for any of the offences defined in sections two hundred and twelve, two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and nineteen of the Criminal Code with respect to an aboriginal or half-caste girl, the burden of proof that the girl is not under a specified age shall lie upon the person charged.

That is reversing the usual procedure in the courts—that the burden of proof that the girl is not under a specified age should lie upon the person charged, and I do not think that is right. If hon. members refer to the Criminal Code, clause 219, they will find that refers to the abduction of girls under eighteen with intent to have carnal knowledge. Therefore, if a half-caste girl seventeen years eleven months of age is taken away with the intention of having carnal knowledge by any person—it may be by an aboriginal or an aboriginal half-caste—that person would have to prove that the girl is eighteen years of age. The girl may be twenty-five years of age, but he would have to be able to prove that she was twenty-five or that she was over eighteen. I do not know how he would do it. I suppose he could on obtaining a certificate of birth; I don't know of any other way except the ordinary means of looking at the teeth as is done in the case of a horse, or by the appearance; and we know that the appearance of a half-caste or an aboriginal is very deceptive. I think it would be very unfair for a man to be placed in the dock on a criminal charge for which he might be imprisoned—I think it would place him in a very awkward position if he had to find proof of the age of the girl he took away. I do not think that is right, especially when we find in the 219th clause of the criminal law it is specially stipulated that it is a defence to any of the charges defined in the section to prove that the accused person believed on reasonable grounds that the girl was of or above the age of eighteen years. Under this Bill if he had reasonable grounds, and believed that she was over eighteen, that is not sufficient, and he would have to prove that she was over eighteen. I merely point that out because I think it may lead to serious results, and I think the Home Secretary may find a way to tone that down.

The SECRETARY FOR RAILWAYS: He will have to leave it alone in that case.

Mr. DUNSFORD: I also wish to point out that clause 13 is interfering with the Mining Act of 1898, because it would have the effect of preventing prospecting. There is nothing to show prospectors where the aboriginal reserves are; and a miner might go prospecting beyond the distance allowed by law and be subject to severe penalties. I hope that also will receive consideration when the Bill reaches the committee stage.

HON. A. S. COWLEY (*Herbert*): Like other hon. members who have spoken, I think that some of the provisions of this Bill are altogether too drastic. For instance, clause 14 seems to me to be a very iniquitous provision. Any man might be riding over country and come within 10 or 5 chains of a blacks' camp, without knowing that there was a camp in the vicinity, unless it was to windward, and he could scent it; and yet this provision would place that man in this position: That he might be summarily hauled up by the protector and taken a long distance in order to show the justices that he was there purely by accident. This seems to me to be a most iniquitous clause, and it is certainly one that we should consider very carefully. I therefore ask the hon. gentleman in charge of the Bill to reconsider it before it comes to the committee stage. I also think that the Home Secretary should reconsider clause 9—it is a very long clause, and it has six subsections—but it deals with an entirely different Act to the one cited in the title of this Bill. The title of the Bill is "Aboriginals Protection and Restriction of the Sale of Opium Bill."

The HOME SECRETARY: Go on.

HON. A. S. COWLEY: "And for other purposes." Well, the Home Secretary should be parliamentarian enough to know that "for other purposes" only relates to purposes in connection with that Act.

The HOME SECRETARY: Why should it be omitted?

HON. A. S. COWLEY: It applies altogether to a different Act. "For other purposes" applies to the same Act.

Mr. BROWNE: It applies to the protection of aboriginals.

HON. A. S. COWLEY: This is a Bill to amend the Act of 1897, but clause 9 deals with an entirely different Act. According to the title of this Bill it does not propose to amend the Act of 1884, but in reality it does so. I think that it is a very unwise practice to adopt, and one which should not be sanctioned by this House. Anyone reading the title of this Bill would fail to find any mention of an amendment of the 1884 Act. I think the hon. gentleman will see the force of my contention.

Mr. BROWNE: The 1884 Act deals with aboriginals.

HON. A. S. COWLEY: There are two entirely different Acts—the Native Labourers' Protection Act of 1884, and the Aboriginals Protection and Restriction of the Sale of Opium Act of 1897—and I think, especially considering that the penalties under this Bill are very heavy, it would be very unjust to punish a man who committed an offence under the Act of 1884 after studying the Act and trying to make himself acquainted with its provisions. I would also ask the hon. gentleman in charge of the Bill to reconsider clause 15. No doubt he has considered it, but at the same time, if that clause is passed as it is now in this Bill, it may entail very great hardships on innocent people, who may be put to a great deal of trouble and loss of time and money, because under this clause a protector may order a vessel and its whole crew and passengers to be detained for an indefinite time until the case is heard by two justices. That is a very arbitrary proceeding, and one which I think should not be allowed to pass. I know that there are very great difficulties in measures of this description—dealing with savages. The Home Secretary has a very laudable desire to do all he can for the protection and the amelioration of the condition of these savages. At the same time, we must be careful, in legislating in this direction, not to pass any measure which will put such great powers into the hands of any individuals to the detriment of honest, well-meaning citizens. I trust the hon. gentleman will consider these matters before the Bill gets into committee—that he will be prepared to accept any reasonable amendments.

Mr. GIVENS (*Cairns*): I believe that every hon. member of this Chamber, and the general public outside, will always do their best to ameliorate the condition of the aboriginals here. At the same time I do not believe it is possible to preserve this race. Our civilisation will gradually kill them off, because they cannot stand the epidemic diseases to which whites have become pretty well immune; and these diseases take them off by the score. I think it is the duty of this House to do all it possibly can to make the declining days of these people as happy and easy as possible. The hon. member who has just sat down contended that some of the provisions of this Bill were too drastic, and I agree with him in that. I shall support the second reading of the Bill, however, and deal with the several clauses in committee. I think it is more important to have sympathetic administration rather than drastic legislation. Under this Bill the hon. gentleman at the head of the department for the time being is given the power to prohibit the employment of aboriginals except on the order or permit of a protector. The hon. gentleman must be aware that many aboriginals are not used to steady employment for a long period, especially in districts where food is plentiful. As a rule they do not take employment except to get a few luxuries—mostly tobacco. I am sure the Home Secretary will have no objection to them getting tobacco. It does them no harm, but, on the other hand, I think it helps to ameliorate their lot. In my own district, and in the adjoining districts, they are under no necessity to work for any employer, as long as they have that and the necessary food. There are some few things which they desire, and for which they have acquired a liking by contact with civilisation, such as tobacco, clothing, and one or two other things of that kind, and in order to obtain those things they are willing to take occasional work. But I never met with an aboriginal who was willing to work continuously for three or six months. After three or four days' work they want to go off to a corroboree, or something else, and they stay away for a week or fortnight. I do not think it right that Parliament should take away their liberty from them, and compel them to accept any employment, or employment for a lengthened period such as is contemplated under this Bill. With regard to the administration of the Act, I think most men will credit the Home Secretary with a desire to administer it in a sympathetic manner, but I must say that in the past he has made one or two very serious mistakes. One case I brought under the notice of the House last session in which the Home Secretary acted in an illegal manner. If hon. members will look at section 2 they will see that it proposes to amend section 4 of the original Act by adding the words "A half-caste child whose age does not, in the opinion of a protector, exceed sixteen years." Section 4 of the original Act defines an aboriginal as "(*a*) an aboriginal inhabitant of Queensland, (*b*) a half-caste who, at the commencement of this Act, is living with an aboriginal as wife, husband, or child; or (*c*) a half-caste who, otherwise than as wife, husband, or child, habitually lives or associates with aboriginals." Now, a case came under my notice last year in which the Home Secretary dealt with a half-caste child who did not come under any of the categories enumerated by the principal Act, but who would come under this Act, and who was taken away from as good a home as any child in Queensland has, sending her to herd with a lot of other aboriginals.

[4·30 p.m.]

Mr. JACKSON: To a mission station?

Mr. GIVENS: Yes.

The HOME SECRETARY: The best in Queensland.

Mr. GIVENS: It does not matter if it was to Windsor Castle she was sent, the Home Secretary acted in an illegal manner.

The HOME SECRETARY: No, the action was not taken under the present Act at all.

Mr. GIVENS: I know the facts of the case, and it is possible that I may have to bring it under the notice of hon. members again. I am speaking now in a general way. I say that that half-caste child was in as good a home almost as any child of any hon. member in this House, and yet the Home Secretary, acting as administrator of the Act, took her away, and sent her to a station where she had to herd with aboriginals.

The HOME SECRETARY: She was taken to that home by fraud.

Mr. JACKSON: Was it a good home?

The HOME SECRETARY: It was a good home all right.

Mr. GIVENS: I say it is an unworthy insinuation which the Home Secretary has just made.

Hon. A. S. COWLEY: It was not an insinuation. It was a straightforward statement.

The HOME SECRETARY: A very straightforward statement.

Mr. GIVENS: I say that girl was taken from a good home by means of political partisan influence.

The HOME SECRETARY: That is not true.

The SPEAKER: Order!

Mr. GIVENS: I say it is, and my assertion is as good as that of the Home Secretary. Now, I ask why should power be given to a Minister to deal with a half-caste in that manner. I quite admit that the Home Secretary for the time being must be invested with very large powers, but it appears to me that good sympathetic administration is often more important than good legislation, and there are provisions in this measure which I believe will place too much power in the hands of the Home Secretary. The Home Secretary makes a charge of fraud against the person who had charge of the half-caste child I mention.

The HOME SECRETARY: I did not.

Mr. GIVENS: The hon. gentleman says she was taken to that home by fraud.

The HOME SECRETARY: So she was.

Mr. GIVENS: I want to know who was guilty of that fraud?

The HOME SECRETARY: I will tell you presently. You know it.

Mr. GIVENS: I do not know anything of the kind.

The HOME SECRETARY: You know the facts.

Mr. GIVENS: I know the facts, and the correspondence will show that the gentleman who had primary charge of that child gave her over to the person in whose charge she subsequently was—the person whom the Home Secretary says was unworthy to have charge of her. The gentleman I refer to is the sub-collector of Customs at Cairns, and he is as honourable and respectable a man as is to be found in the colony. I think it is a very harsh thing for the Home Secretary to say.

The HOME SECRETARY: I did not impute anything to Mr. Forbes.

Mr. GIVENS: Well, I would like to know who the charge is brought against. If not against Mr. Forbes it must be against Mrs. Forbes, and I say she is as honourable a lady as is to be found in Queensland.

The HOME SECRETARY: I quite believe that.

Mr. ANNEAR: Perhaps he is a supporter of yours.

Mr. GIVENS: That is an unworthy statement to make. A consideration of that sort does not weigh in the least with me. I do not know the secrets of the ballot, but, if it is any satisfaction to the hon. member for Maryborough, I may say that, as far as my conviction goes, the gentleman in question is not a supporter of mine.

The HOME SECRETARY: What was the child's name?

Mr. GIVENS: Jennie. I only bring forward this case as an illustration of bad administration, and I think when we entrust the Minister with very drastic powers it is essential that we should know that those powers are not likely to be abused; and we should leave as few loopholes as possible through which abuses may creep in. That was a case in which there was a gross abuse of power.

The HOME SECRETARY: You may think so.

Mr. GIVENS: I do think so, and I am perfectly certain that the hon. gentleman's action was illegal.

The HOME SECRETARY: You know you are wrong there.

Mr. GIVENS: Then I ask the question: What does the hon. gentleman want this amendment of section 4 for?

The HOME SECRETARY: To be able to deal with such cases under the Act, instead of having to go to the Reformatory Act.

Mr. GIVENS: If the hon. gentleman dealt with that case under the Reformatory Act, why not deal with every other case under the same Act? Under that Act he should have sent the child to a reformatory. What power had the hon. gentleman to send her to an aboriginal station?

The HOME SECRETARY: Because the aboriginal station in question is a reformatory under the Act.

Mr. GIVENS: This is the first time I have heard that aboriginal stations have been declared reformatories under the Act. If such is the case it only bears out the contention of the hon. member for Herbert that owing to the slipshod way in which legislation and administration are being carried on, it is impossible for any individual to find out how things really are. Now, I maintain that we have no right to treat these aboriginals or half-castes as if they were slaves, and yet this Bill proposes to treat them as slaves. I always understood that when a young lady, whether white or half-caste or aboriginal, reached the age of twenty-one years, she was at liberty to bestow her hand upon any gentleman who chose to ask her. Yet, by a clause of this Bill we find that any person is absolutely prohibited from marrying either a half-caste or an aboriginal, no matter what age they may be, without the permission of the protector. I do not think that is a power that should be given either to the Home Secretary or the protector. I know myself in various parts of Queensland where white men are married to half-castes, and it seems to me to be very hard that a white man who wants to marry a half-caste should have to go, cap in hand, to the protector and beg permission to marry her.

Hon. A. S. COWLEY: Will the fact be so?

Mr. GIVENS: Under subsection (*a*) of clause 8 it will. If you look at the definition you will find that a half-caste is an aboriginal.

The HOME SECRETARY: Only if she is in the habit of consorting with aboriginals.

Mr. GIVENS: And if she is under sixteen years of age. I think hon. members have been long enough in the colony to know that in this climate young ladies become fit for the married state long before they arrive at the age of sixteen. It is not an uncommon occurrence; and if the hon. gentleman will look up the statistics of his own department he will find that a great many marriages take place before the wife is sixteen years of age.

The HOME SECRETARY: Do you advocate that?

Mr. GIVENS: I am not saying whether it is right or wrong, but I do say that some of the protectors who may be appointed under this Act may not be the best judges as to who may be the best candidate for some of those young ladies' hands. It is openly stated that some of the people who have to do with the aboriginals now are not the very best protectors these young ladies could have; and in some instances I am prepared to believe that charge, though not in all. At any rate, I am not going to offer any opposition to the second reading of the Bill, but I intend to propose one or two amendments in committee, which I hope will commend themselves to the consideration of the Home Secretary, because I believe they will improve the Bill. I have no objection to giving very large powers indeed to the Home Secretary for the time being, or whatever other Minister may have the administration of the Act, because I believe it is necessary; and I do not think there should be any loop-holes left for abuses to creep into the working of this measure as in the past. I believe the very best thing we could do with the aboriginals in many cases, especially where the land is not required, as in districts around the town of Cairns, where they can grow plenty of the necessaries of life, is to leave them to work out their own destiny there, only to ensure that they shall not be subjected to some of the abuses and evils which civilisation forces upon them. I also want to point out to the Home Secretary that I believe the amount of money spent on protectors and other persons entrusted with the administration of the Act is too large altogether for the amount of good accomplished. I believe it would be much better to spend a larger proportion of that amount on the aboriginals themselves rather than on the protectors who look after them. I am one of those who believe that Dr. Roth, the principal protector, is doing good scientific work, and I believe that is the only good work he is doing.

The HOME SECRETARY: That is a mistake.

Mr. GIVENS: He is doing really good work in a scientific way, and I think almost everyone in Queensland will admit it, but it should be paid for as such, and not as protector's work. It costs a great deal to administer the Act. Yet, while we pay handsome salaries to protectors, there are not enough blankets to go round among the aboriginals to protect them from the inclemency of the weather. I have seen them distributed in my district, and I know that on one occasion, after dividing the blankets into two, there were several of the unfortunate aboriginals who had to go without altogether; and I have seen the instructions issued by an officer in the Home Secretary's Department, which stated that where the supply was not sufficient to go round, the very young and the very aged should be the only ones to get the blankets.

The HOME SECRETARY: Where did you see that?

Mr. GIVENS: I saw it in the instructions issued by one of the officers distributing the blankets.

The HOME SECRETARY: From the Home Secretary's Department?

Mr. GIVENS: From the officer entrusted with the administration of the matter. I believe I have mentioned the case in the House before.

The HOME SECRETARY: How long ago were those instructions issued?

Mr. GIVENS: During the present Home Secretary's term of office—at any rate it seems to me very strange that, after having taken the whole country from the aborigines, we cannot afford to give them a full blanket apiece, or to give the whole of them even half a blanket apiece. Yet we are paying very handsome salaries to the protectors who look after them. It would be infinitely better, I contend, to spend the money on the aboriginals themselves, rather than on their protectors. I for one would not object to the amount spent on the aboriginals being considerably increased. They have in the past been treated cruelly and harshly; we have robbed them of their country; we have chased them from their hunting-grounds, and where we have overtaken them we have often shot them down. It used to be called "dispersing" the blacks. There have been some very cruel things done to that dying race whose country we have occupied, and I for one should not begrudge any expenditure which would help to ameliorate their condition and enable them to live out their term of years in as comfortable and happy a way as possible. Before sitting down I would like to point out another evil which has been going on for a considerable time in cases where relief has been given to the aboriginals by the Government. Certain officials who were entrusted with the distribution of that relief have made the recipients of it cut down scrub and do other work of that kind, while the Government were supplying rations and blankets. One case of the kind occurred not very far from Cairns.

The HOME SECRETARY: I, myself, know of instances of it.

Mr. GIVENS: I know of a case where one gentleman had the supplying of the aboriginals with relief given by the Government, and he employed them felling timber, and when attention was drawn to it by one man he shut that man's mouth by giving him an order for a certain amount of stores to supply them with. That is an evil which I think the Home Secretary's Department should be quite competent to grapple with. I hope the Home Secretary, in dealing with this measure, will be inclined to accept reasonable amendments which will tend to make it more useful.

The HOME SECRETARY: If they are reasonable I will.

* The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*): No other member being desirous of addressing himself to this motion, I would like to say something in reply to the various statements which have been made—which I think may possibly tend to clear up misunderstandings. I shall first refer to some of the remarks which have been made by the hon. member for Cairns. The hon. member said in his opening remarks that he preferred good and sympathetic administration rather than drastic legislation. He afterwards repeated that phrase, but substituted good for drastic in regard to legislation. Now, I want to point this out: I am perfectly satisfied in my own mind that, whether the administration has been good or not, under my control it has certainly been entirely sympathetic.

HONOURABLE MEMBERS: Hear, hear!

The HOME SECRETARY: I think no one can say otherwise. The hon. member has quoted an instance in which he professes to state that I acted illegally, and took a girl away from a good home. I will deal with that later on, but I do say that my administration of the laws relating to the protection of aboriginals has been entirely sympathetic. As to whether it has been good or not, I must allow others to judge, rather than myself. I believe that my administration will stand the closest scrutiny, and that for the most part, allowing for those errors and mistakes which invariably do occur in regard to all human effort, it has been as good as it could possibly be expected to be, under the circumstances. One cannot always be a prophet and see the events that are going to happen in the future—you can only provide for them when they occur.

Mr. GIVENS: If mistakes are made, they can be rectified.

The HOME SECRETARY: Yes, if they are mistakes, but very frequently the question arises whether under a certain set of facts it is a mistake or not. The hon. member went on, having premised that he preferred good and sympathetic administration to drastic legislation, to criticise the administration, and more especially the administration in regard to cases where the legislation was not sufficiently drastic to enable the Minister to deal with them in a sympathetic way. Though he probably did not notice it himself, he used the strongest possible argument against himself, almost within three or four minutes after having made certain statements. My note was, that the hon. member objects to paying the protectors. He says that the money could be very much better spent on feeding and clothing the aboriginals. He objects to the salaries paid to the protectors and to their officials, and then, five minutes after saying that, he committed himself to the proposition that abuses occur in the feeding of the aboriginals, except through the protectors. He quoted an instance, of which there are many from time to time brought under my notice, where a man was receiving on a station a certain sum of money from the Government to feed the aboriginals, and he was practically paying them to do his own work with Government rations. Now, what is his scheme for feeding the aboriginals and spending the money which is now paid to the protectors—not very much, by the way—spending it judiciously among the aboriginals, unless it be through the same undesirable method which he himself has condemned? How can it be done except under the control of officials, or under the control of the police? It cannot be done. The hon. member only knows of one instance, but I know of a dozen, where it is found impracticable to trust every manager or every station-owner in regard to the methods by which they would wish to expend the money entrusted to them for the purpose of feeding the aboriginals. I know one case which was reported to me on the very best authority—information having first come in from the aboriginals themselves—where a man was allowed so much per month for killing cattle, to be given to the blacks in his neighbourhood; and what actually happened was this: He received the money, and he killed the cattle, but he took all sorts of care that the white population in the immediate vicinity, and on the property, had all the parts of the beasts which were, from his point of view, and from our point of view, fit for human food, and the offal was given to the blacks.

Mr. GIVENS: What action was taken to punish him?

The HOME SECRETARY: I was not able to take any action, because of the inadequacy of the evidence that I was able to get. I know from the information received from the blacks themselves that this happened, but that was not sufficient proof that this man did it. He of course denied it, but I was satisfied that he did. Of course I took all sorts of care that he had not the opportunity of continuing to do it, so that there was an end put to that. It is in regard to matters of that sort, where the evidence upon which you have to rely is of such a flimsy nature, and in some respects of so unreliable a character,

from the legal evidence point of view, that stringent and drastic measures are required to be passed by the legislature dealing with the subject—measures and provisions which certainly would not be necessary if we were dealing with people whose evidence would be unhesitatingly accepted in a court of law, and who could stand up for themselves, so to speak. The sympathetic administration finds itself constantly hampered for want of the very drastic legislation which the hon. member himself condemns. If he had been Home Secretary, as I have been for two or three years, he would have known that that is so, and that is why this Bill appears here to-day, in order to assist administration in its sympathetic efforts to do the best for the aboriginals. The hon. member also objected to clause 8 of this Bill in reference to permission to marry, and he quoted with evident satisfaction the fact that a woman, when she arrives at the age of twenty-one years is her own mistress and can do what she pleases, not only in regard to marriage, but I suppose in smaller matters. Now that is not so. The hon. member belongs to a party which has constantly brought forward arguments in favour of legislation which would protect women and children—full-grown women of the white race, not merely full-grown women of the black race, who are unable to protect themselves—women of the white race of the age of twenty-one years, who, it was thought, might be imposed upon by their employers.

Mr. TURLEY: Not in connection with marriage.

The HOME SECRETARY: No; but even in a smaller matter, showing that it is necessary to step in sometimes and protect the weak against the strong, whether they are married or not. That is a perfectly legitimate thing to do, and more especially is it in regard to the aboriginals who are peculiarly liable to be imposed upon. The reason why legislation is asked for is that an Asiatic, who is known to have been convicted of offences against the Act—for supplying blacks with opium, for instance—upon a prosecution being attempted against him for a breach of the Act with regard to harbouring a gin and her family, perhaps portion of that family being his own children, does this: He goes through a form of marriage with that gin, and defies the law. There [5 p.m.] are many such instances. He is a nomad, and that marriage bond is no more to him than a snap of the finger. If he wants to sever it he packs up his traps and goes elsewhere. But he is able, by going through that form of marriage, to defy the protector, and say, "You cannot remove this woman from my premises; she is my wife."

Mr. W. HAMILTON: Is that according to Queensland law?

The HOME SECRETARY: Yes. Of course, if this Bill passes, in the event of his going away he would be liable for the support of his children, but then these men are absolutely unfit to be entrusted with the care of aboriginals, or of any other people, and they would not think of committing themselves to a form of marriage with any but those who are absolutely helpless and unable to assert their rights. The permission referred to in the Bill would never be refused in the case of any man who desired to marry an aboriginal or half-caste woman, provided he was a respectable man and was not suspected of supplying opium to aboriginals or of some other offence against the law with regard to aboriginals. In matters of that sort it is necessary to have drastic legislation, and you must trust to the sympathetic administration of that drastic legislation, otherwise the legislation will become nugatory altogether. I have already explained the matter of this girl "Jennie," at Cairns, but as the hon. member for Cairns has again brought it up, I think that in justice to myself I should make a short statement with regard to it, more especially as that girl, although in a very excellent home at Cairns—which is not denied for a moment—was taken to that home by means of a fraud practised upon her. I do not say that by way of condemnation of either Mr. or Mrs. Forbes. The facts are these: The girl was the adopted child of a childless lady in excellent circumstances, who had taken a great fancy to her, and had reared her from the time when she was quite a small baby. This lady was in affluent circumstances, and proposed to rear the child as her own daughter, and not as a servant at all. The girl is not a black, she is a half-caste. The lady herself became ill and had to go South for medical treatment. During her absence the child became troublesome, and was an annoyance to the lady's servants and also to her husband. Among them they persuaded the child to go on board a steamer for the purpose, as they alleged, of going to join her adopted mother, but instead of taking her South they took her, as I suppose had been already arranged among them, to Cairns, and handed her over to Mrs. Forbes, who wanted to rear the girl as a servant. Her ultimate destiny was that she should become the slave of that family. I do not think Mrs. Forbes will dispute that she did not intend to rear her as an adopted daughter, with the idea that she should share in any benefits that might accrue in after-life to her own children. The lady who had adopted the child would not have gone to the lengths she went to in this matter if she had not been very fond of her. When this lady returned from the South, she was naturally very much cut-up at the loss of the girl, whom she had regarded as a daughter. It is true that her husband had connived at the trick which was played upon the girl while his wife was away.

Mr. GIVENS: How many years had the child been with Mrs. Forbes then?

The HOME SECRETARY: Not very long until she was asked for again. Then Mr. Forbes refused to give her up. After the lapse of a considerable time I was appealed to with reference to the child. The hon. member has said, without having full information I am sure, that this was due to political influence. There was absolutely no political influence brought to bear upon me. An appeal was made to me by the adopted mother of the child to have the child restored to her. I caused inquiries to be made in the matter, and I satisfied myself, so far as the information I was then able to obtain was concerned, that the material prospects in life of that child would be very much better with her original adopted mother than in the service of Mr. Forbes as a servant, notwithstanding that she was very happy where she was.

Mr. GIVENS: Why didn't you take her up as a neglected child then?

The HOME SECRETARY: The reason was that when I, as the Minister charged with the care of aboriginals, demanded the child I was defied by Mr. Forbes.

Mr. GIVENS: She is not an aboriginal.

The HOME SECRETARY: She is an aboriginal half-caste, and as such comes under the Act. At all events, I was defied, and I was not going to allow that. The child was brought down, and an order was made by the magistrates under the Aboriginals Protection Act that the child should be restored to Mr. Forbes. That certainly was altogether wrong. The magistrates went entirely outside their functions in

making such an order. They had no power to do that. All they could legally do was to dismiss the case as it was before them; they were at liberty to do that if they chose, but I do not think they would have been right in doing it. But they ordered the child to be restored to Mr. Forbes. I was not going to suffer that. As the Minister charged with the care of aboriginals and aboriginal half-castes, it was my duty to see that the child had the best done for her that could be done, and I decided that the child should be taken from the care of the police and brought before the magistrates under the Reformatory Schools Act as a neglected child. As the law stands now, under the Reformatory Schools Act every aboriginal and half-caste child is a neglected child within the meaning of that Act. There are some half-dozen classes of children mentioned in that Act as neglected children, and aboriginal and half-caste children are so mentioned. She was brought up and sent to the reformatory—properly proclaimed a reformatory—at Yarrabah, under the control of the Rev. Mr. Gribble, who has charge of that mission station—the best, I say, in Queensland, and I say it advisedly. The hon. member speaks of that as having put her down amongst a number of other blacks on a reserve. That is not so. She is in as comfortable a home, and is certainly as well looked after—to say the very least of it—as ever she could be in Mr. Forbes's home. I do not know whether the hon. member has ever visited Yarrabah. If he has not, it will be an education for him to do so. I can assure him that the children are better looked after there than they are in the homes of a very large number of white people. A lady matron sleeps in the dormitory with these girls, and they are cared for just as well as any white children are cared for in any school. I know that I should certainly not object to see my own children treated in the same way if they were in circumstances needing such treatment. I say that advisedly. I have inspected the place and have seen it for myself, and I say they could not be better cared for. Their religious training is cared for, and in every way they are as happy as they can be, and they are being educated. I do not know whether this girl was sent to school every day by Mr. Forbes—I did not inquire; but it is certain she is going to school and is doing very well where she is now. But it was not my intention that she should remain there for all time. My desire was—and it was the desire of Dr. Roth—that she should be removed from her then existing surroundings, and, after she had been separated from the Forbes family for a certain period, to enable her to rid herself of the immediate surroundings—for we know what they mean with regard to aboriginal races—that then she should be asked which was her choice—whether she would go back to her original foster mother—the lady who wished to adopt her as a daughter—or whether she would go back to the Forbes family. I quite admit that it is a moot point, after all, as to which, taking everything into consideration, would be the better home for her, for this reason—that I have my doubts as to whether it is desirable that aboriginals, or even half-castes, should be reared in a station of life which is far above what they might have looked forward to. However, it will be a very interesting experiment—an experiment I have already seen tried with varying success—but there is no doubt that in the home of Mr. Forbes that girl would have become a trusted and possibly a beloved retainer.

Mr. W. HAMILTON: That is one of the difficulties that presents itself when you bring half-castes down here from the interior. What is to be their future? When they come to womanhood you must admit it is not much when they are left there, but will it be any better here?

The HOME SECRETARY: I think so under the system we propose to adopt.

Mr. W. HAMILTON: Will the whites here intermarry with them?

The HOME SECRETARY: Of course it was proposed in the one case to rear this girl as a lady—as near an approach to a lady as possible. In the other case she would be reared as a servant, who would have to work for her living. Possibly the latter would, after all, be the better for her; but what I proposed to do was this—in fact, I have already taken steps to ascertain from the girl herself, through the Rev. Mr. Gribble, in whom I have the most implicit trust in a matter of this sort, and know that he will act in a most honourable way—to ascertain from the girl herself, after she has been separated from both for many months, to which she would like to go back. I think that is a very fair way to settle the matter. Mr. Forbes has certainly no more rights in the matter than the lady from whom the girl was originally taken, and I think that the girl's feelings should be considered in regard to her disposal. If she elects to go back to Mr. Forbes, I shall be very glad to authorise that she be licensed out as a reformatory girl to him. That, I think, is sufficient to indicate to the hon. member for Cairns that he has done me an entire injustice in supposing that there was any political influence brought to bear upon me, or that I was biased in any way except as to the girl's ultimate end. I apologise to the House for having occupied so long over the matter, but the hon. member has been so persistent in his charge of unsympathetic and corrupt administration that I felt bound to defend myself against it.

Mr. GIVENS: You have not convinced me yet, either.

The HOME SECRETARY: As long as I have convinced other hon. members, I let the hon. member for Cairns stand out. Of course I know that Mr. Forbes is a constituent of the hon. member. He has got a vote for Cairns.

Mr. GIVENS: The other people who want to get hold of the girl—whom are they constituents of, and whom are they supporters of?

The HOME SECRETARY: Until the new Elections Act is passed the person who is interested—the only person who is interested—has no vote at all. That is the lady. Her husband does not want the child. That is just where it is. I have told the hon. member and the House that the husband was actually a party to the trick to get the child away to somebody else's house. Probably he would not have done what he did if he had known that his wife would be so much cut-up over it. But, as to political influence, she has none at present. I hope that she will have a vote before long, and I hope that she will go and live in Cairns to record it.

Mr. GIVENS: You might just as well have mentioned all the names, seeing you have mentioned Mr. Forbes.

The HOME SECRETARY: The circumstances connected with the one party are not on all fours with the circumstances connected with the other. However, it was the hon. member himself who introduced the name of Mr. Forbes.

Mr. GIVENS: I may take an opportunity to mention the other names.

The HOME SECRETARY: It only became necessary to mention any names in order to identify the parties. The hon. member for Charters Towers, Mr. Dunsford, took exception to clause 12 of the Bill, in which it is provided with regard to certain offences against females that the burden of proof that the girl is not

under the specified age shall lie upon the person charged with the offence. This is one of those cases in which a sympathetic administration asks for drastic legislation. At present, if a man commits one of these offences against some girl who is palpably under the prescribed age, he is acquitted because it is impossible to prove the age of the aboriginal child. We know that it is very difficult, without great experience, even to gauge roughly their age. Sometimes at twelve years of age they look quite small and diminutive, while others fill out and are robust, and are prematurely developed. I saw a case myself which called for such a provision as this. A little girl—I should say she was not more than eight or nine—not more than nine at the outside—that child had been violated. As far as I could ascertain through an interpreter, who spoke to her in my presence, and on whom I could thoroughly rely, a missionary, she had been violated by more than one on the boat. The hon. member for South Brisbane, Mr. Turley, said they could not go on the boat; but she had been there all the same. And not only had she been violated, but she had had communicated to her a loathsome disease.

Mr. BOWMAN: They wanted strangling!

The HOME SECRETARY: Quite so. At that time the boat was not "premises," and the only charge that could be brought was that of carnally knowing a girl under a certain age; but it was impossible to prove the girl's age. There was no absolute legal proof that she was under the age of sixteen. You might express the strongest possible opinion, and twenty doctors might do so, but that is not absolute proof. That is why it is necessary to have some such provision as this, and the House and the country, if they are going to provide means for preventing such occurrences, must rely upon sympathetic administration not to take action in cases which do not come clearly within the letter and spirit of the law.

Mr. MAXWELL: You have only to go round the Chinamen's dens to see that it is necessary.

The HOME SECRETARY: Quite so. There are frequently to be found on our statute-book provisions of a very drastic nature. I had occasion to refer some years ago in this House to the Customs Acts, which are of a very drastic character owing to the necessity for preventing smuggling and so forth. It may not be known to many hon. members that under our Customs Acts an officer of Customs can go into the house of any one of us, and seize a bottle of whisky if he can find it there, and say, "I am not satisfied that this has paid duty. You will have to prove that it has paid duty, or it will be forfeited." That is a very good instance of the necessity for very drastic legislation. We never hear of that being done, of course, unless the necessity arises; but there are many such provisions to be found on our statute-book, where very large powers indeed are given to the Administration; and the country and the legislature have to trust the Administration not to abuse those powers. I think two or three members mentioned about opium being supplied to the aboriginals, and referred to the fact that the Treasury had issued licenses to certain persons to sell opium. Of course that does not give them permission to sell it to the aboriginals, but it affords them certain opportunities of doing so, I admit. I personally am not much enamoured of the system under which licenses were issued by the Customs, and I was the means, personally, in several cases of having those licenses cancelled—a considerable number of them—because I found that the privilege of selling opium was being abused. One reason why these licenses were abused was this—and it was no fault of the Government: The protectors would prosecute all right, but the magistrates, taking advantage of a provision in the Justices Act, would fine 2s., or something like that—inflict merely a nominal fine. I suppose they had their own views with regard to the position of the blacks, and the kind of treatment they ought to have, and probably viewed the whole of this legislation as something which should be treated as mere waste paper, and they took advantage of the provision in the Justices Act to inflict merely nominal fines, notwithstanding the fact that the minimum fine is, I think, £20. That is why clause 7 appears in this Bill, providing that justices shall not be permitted to reduce penalties in such a way as to render legislation a farce and the administration of it a laughing-stock. I think the hon. member for Warrego and the hon. member for Gregory both mentioned that it was undesirable to move the aboriginals from the interior to the coast. In one sense it may be so. It has been said that the aboriginals are something like cats in one respect—that it is the home they like, and that it is the association of a place rather than the people in a place which has the attraction for them. I think to a certain extent that is so, but I believe that idea has been largely fostered by the fact that blacks individually, who have been taken away from their homes and have managed to find their way back, have fretted while they were amongst strangers. But were you able to take a large number of them away it has been proved that they can be perfectly happy and contented amid their new surroundings, always supposing that their new surroundings are more favourable to their existence, their comfort, and their happiness than those which they have left. The hon. member for Warrego advocated that these blacks should be concentrated and placed on reserves. But where are those blacks to be aggregated together on reserves? In the far interior? If so, they will be subject to the same droughts and the same periodical hardships which we know have occurred during the last couple of years, and which led to my sending Mr. Gordon out to the West. The only way I see to practically and economically deal with this—because carriage is an immense factor when you go into the far West—is to select very large reserves of what would otherwise be almost useless pastoral country—fifth-rate pastoral country if you like, but quite good enough for hunting in—perhaps all the better for that reason—select those large reserves and place communities of blacks upon them. And those reserves in my opinion should be as near to the coast as possible. I do not say the coast in or near Brisbane; but taking them from Boulia I would remove them to the head of the Gulf, and in the case of blacks brought from other places I would have them taken to the most favourable positions. That this could be done I am satisfied from the experience gained by moving certain blacks from the West to Durundur.

Mr. W. HAMILTON: They took the young and left the old.

The HOME SECRETARY: I understand that was so to a certain extent, but, young or old, only one death has occurred, and that was through circumstances in no way attributable to the fact that the man had been removed. They have got stout, and fat, and strong, and well. They are all in excellent condition and spirits, and though, catlike, if you asked them, they would probably say they would like to go back to the old place, still I believe they are really better off where they are, and they are really very contented indeed.

[5·30 p.m.] The difficulty, as the hon. member for Gregory has suggested, in leaving them in isolated centres, is supervision. Even with the most drastic laws, unless

your Administration has the power through its officers to interfere and restrain those who are breaking the law, it must be practically a dead letter altogether. That is exactly what happens in the West. There are very many humane employers of blacks in this country, but there are a large number who are quite the reverse, and it is to those people that the Administration has to devote its particular attention. There is no reason why a certain number of blacks who are more or less able to take care of themselves, should not be allowed to enter the employment of humane persons—persons who will exercise proper control over them. There is no reason why these blacks should not be left in their old haunts, where they can earn their own living, and as was very correctly pointed out by the hon. member, where they can earn something for their dependents—not necessarily their fathers or mothers or other relatives, but the people with whom they have associated for many years. The aboriginals are all communists; they have everything in common, and there is no reason why people of that sort should not be left where they are. It is the old people and possibly the young ones, with a fair sprinkling of others of middle age, who ought to be moved to reserves. The difficulty in connection with moving girls into civilisation is one which, I think, has been very largely exaggerated. I am entirely in favour of it. I believe it does an immense amount of good for a young girl to be brought down to Brisbane, or other large cities or towns, where she will be under the proper control of some official, or where she may get into the hands of some good family. Then there is nothing to prevent her from going to some mission station, marrying and settling down, and I am quite sure that the education and refinement she experiences during her period of service in such a family cannot but be of inestimable benefit to herself, her husband, and her progeny.

Mr. W. HAMILTON: I did not know they were allowed to go to mission stations.

The HOME SECRETARY: Yes, they constantly visit mission stations under these circumstances, and there are a large number of young blacks who are fitting mates for these young girls. I am quite sure from the experience gained at the mission stations very excellent results accrue from such a system as this. The hon. member for Gregory is quite correct when he says that their fate could not be worse than out West, where they are left to the mercies of unscrupulous whites. The hon. member for Herbert has taken exception to some of the provisions in this Bill, because it proposes to amend the Native Labourers' Protection Act. But it is by no means an uncommon practice to introduce into a Bill such as this amendments of Acts other than those mentioned in the title of the Bill, so long as they do not go outside the scope of the Bill itself. In fact, in order to do away with the objection of the hon. member, all that would be required would be to make the title of this Bill, "A Bill to amend the law relating to the employment of aboriginals, and for other purposes." I don't propose to deal with that matter at any length at present. It appears to me to be an objection of a somewhat hypercritical character.

Hon. A. S. COWLEY: It will be found very inconvenient.

The HOME SECRETARY: You can't mention in the title of a Bill, perhaps a dozen Bills, which it is proposed to amend. Take, for instance, a Bill to amend the land laws—you could not mention in the title that it was proposed to amend this and that and other Land Acts. The practice which is adopted in connection with this Bill is a very common one, and, so long as the Bill is not outside the scope of the subject, it is quite in order.

Hon. A. S. COWLEY: It would be very inconvenient to be punished for not knowing the law under these circumstances.

The HOME SECRETARY: We know that "ignorance of the law is no excuse" for any breach of the law, and I think that there are very few persons who are thoroughly conversant with every particular law. The hon. member for Gregory took some exception to the salary paid to Mr. Gordon, one of the protectors, and said that the money might have been spent in feeding the blacks out West. But the difficulty was to find the blacks who wanted to be fed. Hon. members in making these criticisms forget that—that there must be some method of administration in feeding the blacks. It is necessary to have someone out there to find out where these blacks are who are reported to be in a starving condition, to get them together into camps, and generally see that they receive justice at the hands of those who are entrusted with the distribution of rations.

Mr. W. HAMILTON: He never went beyond Boulia. When he could have got out further you withdrew him.

The HOME SECRETARY: After he was withdrawn the rain came.

Mr. W. HAMILTON: No; before.

The HOME SECRETARY: After my withdrawal, but perhaps he may not have been able to leave before the rain came. These are some of the mistakes which may be attributed to the Administration; but then I am not a prophet, and certainly not a weather prophet. I could not foresee that the drought would be so severe as to prevent the protector travelling about, and I could not tell when the drought would break up. I sent Mr. Gordon out to do what he could to relieve the necessities of the blacks there, and I am quite sure he was a sympathetic man; he is a good bushman, and I know he would move about when he was able to. When he got there the drought was growing in intensity and severity, and after getting to Boulia he found it was absolutely impossible for him to move about. He kept on in the hope that the drought would break up, and I allowed him to do so in the same hope; until at last vouchers came before me for considerable amounts, and, finding that my vote was expiring, I deemed it necessary to curtail expenditure. I then arrived at the same conclusion as the hon. member for Gregory, that this money might be better spent elsewhere in feeding the blacks that could be got at. I withdrew Mr. Gordon, and almost immediately after I heard that rain had fallen in the West. At the same time I believe that Mr. Gordon's presence there has done some good, and that it will result in further good.

Mr. W. HAMILTON: Hear, hear! I believe so, too.

The HOME SECRETARY: He has been able to give me a certain amount of very valuable information, and I have been able to make arrangements which, I think, will relieve the necessities of the blacks without appointing a highly-paid protector to remain there.

Mr. W. HAMILTON: They are not in the starving condition as represented.

The HOME SECRETARY: I understand they are not; but I believe they were when I sent Mr. Gordon out. In fact, I had a most revolting picture of the blacks at a particular camp: they were said to be starving, in the last stages of disease, and unable to move. That was what prompted me to send Mr. Gordon out, as a man who would probably be able to minister to the wants of these unfortunate people. Now I

come to the much-debated question of camps. The hon. member for Herbert and several hon. members on the other side have taken exception to clause 14. That was a clause suggested by Dr. Roth as being very necessary, and here again I may mention that it is one of those very drastic clauses with which it is necessary to arm the Administration in order that the object of the legislation may not be defeated. This provision would never, of course, be put into operation in such a case as has been quoted, where a man might possibly ride past a blacks' camp and accidentally get within 10 chains of it. We want to get at those persons who go into the camps for illicit purposes, and it is therefore necessary to make this provision regarding the 10-chain radius, because you may not always be able to get the offender in the gunyah. He may be in a camp of his own a little way off, or he may make a bolt.

Mr. W. HAMILTON: I knew a justice of the peace in New South Wales who kept a gin himself, and who gave a man three months for being found in a blacks' camp.

The HOME SECRETARY: That shows the necessity for drastic legislation. The clause says—

> Any person, save as aforesaid, who without lawful excuse, the proof whereof shall lie upon him, is found within ten chains of any such camp shall be liable to a penalty not exceeding fifty pounds or to imprisonment for any period not exceeding three months.

Can we imagine any bench not listening to a lawful excuse from any reputable or respectable person who happened to have visited a camp? Perhaps he might have gone there with a party in the ordinary way as visitors to see the blacks in camp. Those are not the people we want to get at, but the people who go there for illicit purposes, and who, perhaps, in many instances, reside in the camps.

Mr. W. HAMILTON: The onus of proof as to the age of the child will rest upon the person charged, and you say you have not been able to get legal proof, although you knew in many cases that the girl was under age.

The HOME SECRETARY: As I pointed out before, you must trust to the Administration not to commence a prosecution against a man unless they thoroughly believe that the child is under age. Of course we know that it is impossible for the accused person to prove the age of the child, but I do not think any jury would convict unless they were satisfied that the girl was under age.

Hon. A. S. COWLEY: The accused person may be put to the expense of defending himself, and be acquitted.

The HOME SECRETARY: That is very often the case. I do not see that because a man is an offender against an aboriginal he should be relieved of the cost of defending himself when the police think there is a good case against him. Why should that be so in the case of offences against aboriginals and not so in the case of offences against white persons? You must trust to the Administration not to bring a frivolous case forward, and if there was any doubt about the girl being under age the jury would simply bring in a verdict of "not guilty." Surely that is sufficient. They would be the judges practically as to whether the child was under age or over age, and the burden of proof would lie in that way. The process would be this: the prosecution would prove that the connection had taken place; that is all they could be called upon to prove. The allegation that the child was under age would be *primâ facie* proof that she was under age. The jury would see the child, and if she was clearly and palpably over age, or anything like the age of sixteen, I am quite sure no jury would convict a white man. I shall be glad to see the clause go through because I do not believe there will be any abuse or miscarriage of justice in connection with the existence of such a provision. I have nothing more to say, except that I am obliged to hon. members for their friendly reception of the Bill, and for the kindly criticism it has received. I sincerely trust we shall be able to make a good Bill of it, and one which will conduce to the ultimate welfare and happiness of the unfortunate race for whose benefit it is brought forward. I also express the hope that nothing will occur, as it did in 1899, between the two Houses of Parliament, which will lead to the rejection of such very useful legislation.

Question—That the Bill be now read a second time—put and passed.

The HOME SECRETARY: I beg to move that the committal of the Bill stand an Order of the Day for a later hour of the day.

Mr. W. HAMILTON: Are you going on with the committee stage to-night?

The HOME SECRETARY: It is just possible that some other business on the paper may go through, as the Address in Reply went through, at an earlier hour than was anticipated; and, if so, I do not think we can occupy our time more usefully than by proceeding with this Bill in committee.

Mr. BROWNE: I may say that the Premier suggested this course to me this afternoon, and said that if the Agricultural Lands Purchase Bill went through at an early hour we might go on with the committee stage of the Aboriginals Protection Bill, and I told him I had not the slightest objection to that course.

Question put and passed.

CHIEF JUSTICE'S SALARY BILL.

SECOND READING.

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*): The provisions of this Bill are, as hon. members will see, very brief and very easily understood, and I am pleased to believe that no hon. gentleman will raise any objection to the proposals contained in it. In the year 1874 an Act amending the Supreme Court Act of 1867 was passed, and by that it was provided that the salary of the Chief Justice of Queensland should thereafter be at the rate of £2,500 per annum. That provision continued to be the law applicable to the salary of the Chief Justice of Queensland until 1892. In that year the late Sir Charles Lilley was understood to be about to retire from the position of Chief Justice, and there was a generally expressed wish, both in this House and in the country, that the services of the eminent lawyer who now occupies the position of Chief Justice should be secured if possible. In order to induce that gentleman to accept the position the salary was raised from £2,500 provided by the Act of 1874 to the sum of £3,500 per annum. The Bill giving effect to that was passed in 1892, and in 1893, not long afterwards, Sir S. W. Griffith was elevated to the bench as Chief Justice, and has continued to occupy that position, and is now in receipt of the salary provided by the Act of 1892; and he will continue to draw that salary as long as he occupies that position. A feeling has grown, however, that it is not desirable that that salary should appertain to the office for all time. That desire was expressed by this House, I believe, on the occasion when the hon. member for Albert brought in a Bill for the reduction of the Chief Justice's salary to what it had been prior to 1892. I was not in the House when the hon. member for Albert brought forward his Bill, but I understand it was carried through this House,

but failed to secure acceptance in the Upper Chamber. I do not know on what ground it was rejected, but it was probably on the ground that a measure of that sort should have been brought in by the Government, and not by a private member. There was some objection raised at the time when the Bill which fixed the salary at £3,500 was brought in that that was a large amount to pay, but the prospect of securing services so valuable as it was held would be rendered by Sir S. W. Griffith was such as to lead the majority of members of the House to vote for the adoption of the larger amount. This Bill, as hon. members will see, provides that—

> This Act shall commence and take effect on and from the next appointment of a Chief Justice of Queensland.

However desirable it may be to proceed in the direction of a reduction of the salary, it is quite clear that legislation of that kind can in no way affect the salary of the present Chief Justice. There is a provision in the Constitution Act to which I may refer hon. members in support of that statement. The provision to which I refer is contained in section 17 of the Constitution Act of 1867, which is in these words—

> Such salaries as are settled upon the judges for the time being by Act of Parliament or otherwise, and all such salaries as shall or may be in future granted by Her Majesty her heirs and successors or otherwise to any future judge or judges of the said Supreme Court, shall in all time coming be paid and payable to every such judge or judges for the time being, so long as the patents or commissions of them or any of them respectively shall continue and remain in force.

It follows, therefore, that it is quite impossible to interfere with the salary payable to a judge as long as his commission remains in force.

An HONOURABLE MEMBER: Not by a two-thirds vote?

The ATTORNEY-GENERAL: Not by any vote. It is impossible to interfere with it, so that the provision contained in this Bill can only be made applicable to any future occupant of the position of Chief Justice. I know there are many persons who think the salary of £3,500 is a larger salary than the State can afford to pay, and certainly under ordinary circumstances I think that that is so. It is only in a special case, such as the one which happened in 1892, that an increase of salary from £2,500 to £3,500 could be at all justifiable; but in ordinary cases I think there is no reason why future Chief Justices, whoever they may be, should receive a larger amount than was received by the predecessors of the present Chief Justice. I do not know that it is necessary for me to state the reasons why this is brought forward now, but hon. members can imagine a great variety of circumstances, any one of which might bring about a vacancy in the office of Chief Justice; and if it came about that the House did not happen to be in session when such vacancy occurred, the successor of the present Chief Justice would be in receipt of the salary of £3,500, without any possibility of reducing it during the time the office was occupied by the person appointed.

Hon. A. S. COWLEY: Not necessarily, surely?

The ATTORNEY-GENERAL: Yes, necessarily, as long as the Act of 1892 remains unrepealed. If a vacancy occurs in the office of Chief Justice, and a successor to the present occupant of the office is appointed, as must be the case, he must be appointed under the laws as they stand at present—and one of these is that which prescribes that the salary payable to the occupier of that office shall be £3,500—and it could not be interfered with as long as his commission remained in force.

Hon. A. S. COWLEY: The question is, must he be appointed?

The ATTORNEY-GENERAL: He must be appointed. The Chief Justice is a necessary part of the constitution of the court. All writs are issued in his name, and all rules of court are made by the judges, one of whom must be the Chief Justice.

Hon. A. S. COWLEY: Cannot an acting Chief Justice be appointed?

The ATTORNEY-GENERAL: No. You can only appoint an acting judge in the case of a judge who is absent or is not able to fulfil his functions. You cannot have a judge acting in the place of a judge who does not exist. A question was asked by way of interjection before the adjournment, as to whether it is [7 p.m.] necessary that there should be a Chief Justice. I will read the provisions of the Supreme Court Act of 1867 upon that point—

> Whenever there shall be more than one judge of the Supreme Court one of them may be styled "the Chief Justice of Queensland," and may be designated as such in the commission to be given to him as in this Act provided, and it is declared that the present and any future Chief Justice of Queensland is and shall be the Chief Justice of the said Supreme Court.

You will observe that the word used there is "may," and not "shall"; but the whole of our legislation has proceeded on the assumption that there shall always be a Chief Justice of the Supreme Court of Queensland. Hence we have in this very same Act, which provides for the creation of one judge as Chief Justice, provisions like these. Section 52 declares that—

> It shall be lawful for the judge or judges or a majority of them for the time being of the said Supreme Court, of which majority the Chief Justice shall be one, to make such rules for regulating the forms of process and mode of pleading in the said court, and for the practice of the same in all its various departments, and also for the government and conduct of the officers and ministers of the said court, and such rules from time to time to repeal, vary, and alter as occasion may require.

And then section 53—

> Every such rule, save as hereinafter provided, shall take effect from the promulgation thereof by the said court: Provided that all the rules and orders for regulating the process, pleading, and practice and other matters hereinbefore enumerated now in force in the said colony of Queensland at the commencement of this Act shall continue and be in force in the said Supreme Court of the colony of Queensland until repealed by the judges of the Supreme Court, or a majority of them, of whom the Chief Justice shall be one.

And section 54—

> It shall be lawful for the judge or judges, or such majority as in the section last but one preceding mentioned, to make such rules for regulating the admission of barristers and of attorneys, solicitors, and proctors to practise in the said court, and such rules to repeal, vary, and alter as occasion my require.

That is by the judges or by a majority of the judges, of whom the Chief Justice shall be one. That is from the same Act—the Act of 1867, which provides, as I say, for the designation of one of the judges as the Chief Justice. And then we come to a later time, to the Judicature Act, which was passed in 1876, and received the Royal assent on the 9th of October of that year, and there we find that section 17 provides—

> The Governor may at any time after the passing and before the commencement of this Act, by Order in Council made upon the recommendation of the judges of the court, or any three of them of whom the Chief Justice shall be one, make any further or additional rules of court for carrying this Act into effect, and in particular for all or any of the following matters so far as they are not provided for by the rules in the schedule to this Act, that is to say—
>
> (1) For regulating the sittings of the court and of the judges thereof sitting in chambers; and
>
> (2) For regulating the pleading, practice, and procedure in the said court; and

(3) Generally for regulating any matters relating to the practice and procedure of the said court, or to the duties of the officers thereof or to the costs of proceedings therein.

From and after the commencement of this Act the judges of the court, or any three of them, of whom the Chief Justice shall be one, may alter and annul any rules of court for the time being in force, and have and exercise the same power of making rules of court as is by this section vested in the Governor in Council, on the recommendation of the judges, before the commencement of this Act.

So that, unless there was one judge acting as Chief Justice, it would be impossible for the times of the sittings of the courts to be fixed. All the sittings of the court, or any alteration affecting the sittings of the court in any part of the State, have to be provided for by rules of court made by the judges or a majority of the judges, of whom the Chief Justice shall be one. If there was no Chief Justice it would be impossible to fix the calendar for the year, or to change the date of any sittings. Then there is a more important provision still contained in the Elections Tribunal Act passed in 1886. By section 12 of that Act it is provided that—

In or about the month of January in each year the Chief Justice shall notify to the Speaker the name of one of the judges at Brisbane who will be the judge to preside at sittings of the Elections Tribunal for that year, and it shall be the duty of the judge so named to preside at all trials of election petitions and other questions referred to the Elections Tribunal during that year.

So you see that, without a Chief Justice, it would be impossible for an Elections Tribunal to sit to hear an elections petition. I might go further, but I just cite these sections in illustration of the statement I have just made—that without a Chief Justice the whole machinery of the Supreme Court would stand still, and not only the machinery of the Supreme Court, but the machinery intended for giving to persons the right to have a petition against an election heard by the Supreme Court. And then it was suggested by one hon. member while I was speaking whether it would be possible to have an acting judge? Well, the answer to that is that the law provides that there can only be an acting judge in the event of the illness or absence of a judge in whose place he is appointed to act. That is provided in the Acting Judges Act of 1873. The preamble is as follows:—

Whereas it is advisable to remove all doubts as to the power of the Governor in Council to appoint persons to act in the place of judges of the Supreme Court who are absent from illness or other temporary cause: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. The Governor in Council may grant leave of absence to any judge of the Supreme Court on account of illness or other sufficient cause, and may, by commission in Her Majesty's name, appoint any person qualified to be a judge of the Supreme Court to act temporarily in the place of a judge absent on leave, and may cause a reasonable salary to be paid to the person so appointed.

And so on. So that, in the event of the death or resignation of the Chief Justice, there is no provision existing for the appointment of an acting Chief Justice. With reference to the matter contained in the interjection of the hon. member for Leichhardt, I should like to point out to him, in confirmation of what I said just now as to the impossibility of making any provision by which the salary of a judge may be reduced during his tenure of office, that not only is it specifically provided in our Constitution Act that the salary of a judge shall not be reduced during the continuance of his commission, but that the principle lies at the very foundation of our Constitution. The independence of the judges was secured by the Act of Settlement a very great many years ago in England. We know that the Stuart kings were in the habit of dismissing judges they did not approve of, and of regulating the salaries of judges, so that they got creatures of their own, of whom Jeffreys was a remarkable specimen, appointed to the bench for the purpose of carrying out the Royal wishes.

Mr. TURLEY: The Queensland Government did the same.

The ATTORNEY-GENERAL: Never! Creasy on the English Constitution says—

The seventh article of the Act of Settlement, that which provides for the independence of the judges, is the most important of all. The Stuart kings had been in the habit of systematically packing the bench in order to secure decisions favourable to the Crown on all points of law, and in order also that unscrupulous partizans of the Court should preside at all State trials and work out the Royal partialities and hatreds. Men who showed any independence in such matters, or who were known to be opposed to the views of the Court, were summarily dismissed from the bench, and more obsequious tools of the Government were appointed on the eve of any important judicial proceeding. While this could be done, the liberties of the subject were never safe. There was not one that might not be brought in some form before a court of law, to be upheld or nullified; and the sovereign who could garble at his will the administration of the laws needed care little who made them. Without open violence, it was always in his power, "constitutionally to ruin the constitution." The Act of Settlement gave the remaining necessary bulwark to our national freedom, when it made judges irremovable, except on the joint requirement of both Houses of Parliament; and when also, by requiring their salaries to be fixed and ascertained, instead of depending on the caprice of the Crown, it freed them from all influence, and from all suspicion of being under the influence of corruption or intimidation.

So that the proposition which I have just enunciated, the accuracy of which the hon. member for Leichhardt seemed to doubt, is fully borne out.

Mr. HARDACRE: We cannot remove judges now, except by a resolution of the House.

The ATTORNEY-GENERAL: They cannot be removed except upon an address passed by a resolution of both Houses. I have pointed out that it is one of the fundamental principles of our Constitution that in order to secure the independence of the bench, not only should judges be irremovable except on an address of both Houses of Parliament, but that their salaries should not be capable of being touched during their tenure of office. As long as they keep their office and no address for their removal has been passed by both Houses of Parliament, it is assumed, and very properly so, there is no reason why they should be interfered with in any way.

Mr. HARDACRE: There is no law for that.

The ATTORNEY-GENERAL: It is a constitutional principle, and it is provided by our Constitution Act as well, and if there was a Bill passed by this Parliament providing that the salary of any judge should be reduced during his tenure of office the Governor would feel bound to refuse the Royal assent to it. I do not think it necessary to take up any more time in arguing the point. I did not anticipate that this point would have been raised, but hon. members can take it from me that what I have said on that point is unchallengeable.

Mr. HARDACRE: That has never been stated before when we have discussed the question in this House.

The ATTORNEY-GENERAL: It has never been suggested that it was possible to interfere with the independence of the bench either by abridging the period of office or by reducing the salary of the judges.

Mr. JACKSON: Is not the principle of increasing the salary very much the same as diminishing it?

The ATTORNEY-GENERAL: No, not by any means, and I do not know that this country is likely to have a legislature so generously-minded as to increase the salaries of judges who occupy the bench during their tenure of office.

Mr. JACKSON: You can influence a judge by increasing his salary.

The ATTORNEY-GENERAL: That is quite beside the question. The point contained in this Bill is that it is desirable that the salaries of all future occupants of the office of Chief Justice shall be, not £3,500, but £2,500 per annum. I do not think it is necessary for me to say any more with reference to the provisions contained in the Bill. As I intimated at the outset, it is desirable that the Bill should be brought in during this session of Parliament, for if by reason of any of those numerous events which may arise in the course of the lives of individuals a vacancy should occur in the office, the successor to the present Chief Justice must be appointed at the same salary as that which is now paid unless statutory provision is made to the contrary. I move that the Bill be now read a second time.

Mr. BROWNE (*Croydon*): I do not think the hon. gentleman who has introduced this Bill will have much difficulty in getting it through the House. There will not be very much opposition to it. I quite agree with the hon. gentleman that it is necessary to pass the Bill while the House is in session, in case of any eventualities happening. It is quite right that the House should fix the salary before another Chief Justice is appointed. With regard to the points of law that have been raised, I am not going to dispute them with the Attorney-General. I may say that referring back to the debates on the passage of the Act we are now amending, I fail to find that there was an overwhelming anxiety either in the House or in the country to increase the salary of the Chief Justice. Indeed, so far as the country was concerned, I remember there was a very great outcry about it, and most certainly this House did not show an overwhelming anxiety to increase the salary. The addition to the salary was only carried in this House by twenty-six votes to ten. There was actually only half the House present when the Bill went through, and out of that number ten objected to it, some of whom are hon. members sitting behind the Government at the present time. Anyhow, it was done. The hon. member for Kennedy asked, by interjection just now, whether it was not as unconstitutional to increase the salary as the Attorney-General says it would be to reduce it. The Attorney-General said most distinctly, "No." I am not going to argue about that.

The ATTORNEY-GENERAL: I did not commit myself. I said the occasion had not arisen. It is an abstract question altogether.

Mr. BROWNE: At the time the Bill was before this House it was stated by some legal gentlemen that Parliament was doing an unconstitutional thing in raising the salary at that particular time. However, it was done. I believe the Attorney-General is perfectly right that we cannot reduce the salary of the present Chief Justice, and there is no use in attempting to do it; but we are going to do the next best thing in reducing the salary for the incoming Chief Justice. It is one of the things that I am a firm believer in, and I can promise the hon. gentleman that if the Government go on introducing Bills like this they will have the ardent support not only of myself, but I can guarantee the support of every member of the party that I lead. There is just one little measure that might be brought in immediately to follow this. The Government might introduce a Bill of one clause. The Premier might embody the 2nd clause of this Bill, merely altering one word, and make it read:—"The salary of the Governor of Queensland shall be at the rate of £2,500 per annum." It would be a very nice bit of economy in these bad times, and one for which I could promise the ardent support of every member on this side of the House. I shall most certainly support the second reading of the Bill.

Mr. PLUNKETT (*Albert*): I am quite in accord with this Bill. It is almost eight years since I introduced a measure having for its object exactly what is foreshadowed in this Bill. On 25th August, 1893, I introduced the Bill, and it was passed and sent to the Upper House on 8th September. It was introduced by the leader of that House, passed its second reading, and went into committee, but stopped there. I have been wondering ever since the introduction of this Bill what are the reasons for its introduction. The hon. gentleman who has charge of it said that if certain things occur then something else might occur. Well, nothing can occur now, so far as we know, that could not have happened eight years ago. We were in exactly the same position then that we are in at the present time.

The ATTORNEY-GENERAL: We cannot guarantee that a man will live for ever.

Mr. PLUNKETT: The position in that respect is exactly the same as it was when I introduced my Bill in 1893. I cannot understand why the hon. gentleman did not take the very same action five years ago. Just the very same things might have happened five years ago that he thinks might happen now.

The ATTORNEY-GENERAL: I have not been here five years. I prepared the Bill last session, but there was not time to introduce it.

Mr. PLUNKETT: My Bill went through this House, and went to the Upper Chamber, and there were one or two small divisions in committee. The consensus of opinion in both Houses was in favour of it, although I was accused of courting ephemeral popularity, and it was said that I introduced it for a good many reasons. Among other things it was said that I did it for the purpose of injuring the present occupant of this high position. I was animated by no such reason, because I was one of those who voted for the increase. I am glad that this Bill has been introduced, and I believe it will pass through this and the other House. I congratulate the Attorney-General on having introduced it even at this late stage, and whatever the object of its introduction may be. We will see what that is shortly. However, I shall cordially support the Bill.

Mr. TURLEY (*Brisbane South*): This is a Bill that does not require to have much said in its support. The Attorney-General always reminds me of the late Home Secretary, the present Agent-General. He is always able to talk round a subject for an hour and finish up by practically throwing very little light upon it. When the hon. gentleman was reading a quotation from one of his constitutional authorities I interjected that it was very appropriate. I did so because I recognised that exactly the same thing the hon. gentleman was reading out as applicable to the Stuart kings was applicable to the Government that was responsible for the Bill being introduced into the Parliament of Queensland that the hon. gentleman is now seeking to amend. The history of the increase that was proposed to be given at that time to the present Chief Justice is one of the blackest passages in the history of Queensland since it first had a Government. I think everyone realises that the previous occupant

of the bench had been absolutely compelled, by the machinations of the Government in power at the time, to take himself off the bench, with the object of leaving the way clear for another man whom it was necessary—or whom it was considered necessary in the interests of the political party in power at the time—to get rid of out of politics.

The ATTORNEY-GENERAL: That is a very rash statement.

The SPEAKER: Order!

Mr. TURLEY: It is absolutely true, and I do not suppose that there are 100 people in the whole of Queensland who do not believe that.

The ATTORNEY-GENERAL: How do you know?

Mr. TURLEY: The hon. gentleman asks how do I know. I can tell him the name of the gentleman who waited upon the late Chief Justice to exercise his influence with the object of inducing him to retire from the bench. It was common talk all over Queensland, and it is just as well to remind hon. gentlemen opposite of the sort of things that have taken place in Queensland when they quote what took place under the Kings of England a couple of hundred years ago.

The ATTORNEY-GENERAL: The fact that the late Chief Justice resigned on the ground that he alleged was borne out by his early death soon afterwards.

Mr. TURLEY: Everyone knows better than that.

The ATTORNEY-GENERAL: He would not have been the man you believe him to have been if he had lent himself to such contemptible devices.

Mr. TURLEY: Everyone knows perfectly well the reason why the late Chief Justice was removed from the bench. I only wish to point out in connection with this—whether it is repentance on the part of the hon. gentleman, or whether it is with the idea of repairing a crime—in my opinion, a political crime—which was committed at that time, or if hon. gentlemen choose to call it, a blunder—which was worse than a crime—then it seems to me they are entitled to all the *kudos* that they can get for it. As to the idea of economy, I know it is nothing of the sort. The idea seems to be that the salary was increased with the object of removing a certain person from politics who at that time was in the road.

The ATTORNEY-GENERAL: No.

Mr. TURLEY: Now let us look at it from another point of view. It seems to me that this will be a reflection upon the capabilities of any man who may in future be appointed to the Chief Justiceship of Queensland. In 1892 a Bill was introduced which says, "There is one man in Queensland who is worth £3,500 a year." Now, let us suppose that any judge—whether one on the bench now, or one who may be appointed—takes the position of Chief Justice, it will be understood that no other man, whatever his capabilities may be, however high his character may be, is worth as much money in the position as the present Chief Justice.

The SECRETARY FOR RAILWAYS: The conditions are not the same.

Mr. TURLEY: The conditions are absolutely the same. In 1892 this colony was on the verge of one of the greatest depressions that has ever come over Queensland. It was seen that there was a possibility—in fact, the Government was well acquainted with the fact that in all probability there would be a financial crisis in the following year. The man who was then appointed to this position had practically, according to the papers that have been laid on the table of this House since, raised money at that time with the object of meeting the public interest in London, so that Queensland should not be a defaulter, and we know perfectly well that the Government anticipated the depression which came upon the colony a few months after the passage of that Bill. It was public property to the ordinary man who looked at the papers, what was going on in the Parliament of that day, and it is therefore just as well, when these matters come up, that we realise the position then as now. I have always been of opinion that £2,500 is quite sufficient salary for any person [7·30 p.m.] who may occupy the position of Chief Justice of Queensland; and I believe the majority were of opinion in 1892 that there was no necessity to raise the salary at that time, only it was known that one man was going to be appointed.

The SECRETARY FOR RAILWAYS: What I meant by saying the conditions are not the same was that there is a higher court now in Australia—a court of appeal.

Mr. TURLEY: That makes no difference as far as the Bill is concerned. I am not speaking of the gentleman who occupies that position having an opportunity to go there. The conditions, as far as the Supreme Court of Queensland is concerned, will be just the same as they have been hitherto. Cases will come before the courts here in the usual way, and there will be an appeal to the federal court. It was exactly the same before, except that the appeal from the highest court here was to the home authorities instead of to the federal court. I am not going to say anything about the present occupant of the position of Chief Justice; but I am glad to see that hon. gentlemen opposite, many of whom participated at that time in this political blunder or political crime, have repented and have at last seen it is necessary that it should be rectified.

Mr. REID (*Enoggera*): I have not much to say, but I have just been hunting up the speech made by the present Attorney-General when the Bill was introduced in 1892. He seems to have given it his support in a very half-hearted sort of way. He was very anxious then that, instead of the judge retiring after fifteen years' service and getting a pension, the period should be made twenty years, so that the country might get the benefit during another five years of the experience he had gained during the other fifteen years. Considering what the hon. gentleman said then, I would be glad if he could see his way to amend this Bill so as to make the period of service twenty years before retiring on pension.

The ATTORNEY-GENERAL: We could not put it into this Bill.

Mr. REID: I am very sorry for that. Seeing that this is being done for economy, it would be one way of saving posterity a few hundreds. Outside of that, I think the present Bill will be received by the people in rather a favourable light, and I think the only objection is that it was not introduced before and made to apply to the present occupant of the position of Chief Justice. It does not matter what he may be in the opinion of the individuals who put him into that position; it is a well-known fact that it was a political job——

The SPEAKER: Order!

Mr. REID: To remove the late Chief Justice out of the way and appoint a gentleman then in politics who was very obnoxious to the party running the Government. There is no doubt that was the opinion of two-thirds of the people of the colony; in fact, anyone who looks up the speeches, even of the movers of the Bill, will see that the sole aim was to get rid of that individual in politics, because they never knew which way he was going.

The SPEAKER: Order!

Mr. REID: He was so erratic in his movements that it was very difficult to know exactly where he was going.

The SPEAKER: Order!

Mr. REID: I am very pleased that the Government have seen fit to introduce this Bill; at the same time I think it reflects a great deal on the present occupants of the bench. The Secretary for Railways interjected, while the hon. member for South Brisbane was speaking, that the position now is altogether different, that the people of Queensland now have an opportunity of appealing to what may be called the Supreme Court of Australia, and therefore we can do with men of less talent on the bench here than we have had before. I think, so far as the people of Queensland are concerned, we want to have as good talent on the local bench as ever, because everyone is not in a position to go to the Supreme Court of Australia to have cases settled. If we have good judges here dispensing justice, they are worth what has been paid heretofore.

The SECRETARY FOR RAILWAYS: The Supreme Court of Australia will very likely be sitting in Brisbane.

Mr. REID: Even if the Supreme Court of Australia did come to Brisbane—which is very doubtful, though it would save a great deal of expense in one way—there is not the slightest doubt that the majority of litigants would not be in a position to go to that court; and I think the arguments in favour of the salary being increased at that time do not hold at the present day, and I am glad the mistake is being remedied, even at the last minute. I think that, whatever the Government may do this session, this is the one Act which the whole of the people of Queensland will be in favour of; whatever else they may do they may lay it to their souls that the people—spelt with a big P—will be in harmony with them in connection with this Bill. I trust it is not being introduced with any idea of preparing the way for our present Attorney-General to adorn the bench himself.

Mr. JENKINSON: We never know what may happen in politics.

Mr. REID: If he is doing that he is valuing his own talents a great deal lower than those of the present Chief Justice, and if he has such a modest idea of his own qualifications I trust he will dispense his justice in the same way.

Question put and passed; and committal of the Bill made an order for a later hour of the evening.

PROPOSED COMMITTAL.

The ATTORNEY-GENERAL: With the approval of hon. members opposite, as this is only a short Bill and is not contentious, I would like to ask leave to proceed to its committal straight away. I beg to move that you, Sir, do now leave the chair and the House resolve itself into a Committee of the Whole to consider the Bill in detail.

Mr. BROWNE: I have no particular objection to this course being adopted on the present occasion. The only thing is that I hope the members of the Ministry are not going to pursue this course very often. This is a very small Bill, and there is nothing much in it—nothing of a contentious nature. At the same time, I think it is a very objectionable practice to go into committee on a Bill on the same day that it passes its second reading.

HONOURABLE MEMBERS: Hear, hear!

Mr. JENKINSON (*Wide Bay*): I have no particular objection to going into committee on this Bill now.

MEMBERS on the Government side: Hear, hear!

Mr. JENKINSON: The Hon. the Attorney-General will understand why I rise to speak on this motion now, after he has heard what I have to say. The hon. gentleman attacked me very severely the other evening because I interjected while he was speaking, and that hon. gentleman is now doing the very same thing that he reprimanded me for. "People who live in glass houses should not throw stones." During one of the late sittings last session I moved a motion similar to that now moved by the hon. gentleman, and it met with severe opposition from the occupants of the Treasury bench; therefore I think I am justified in saying a few words now in connection with the motion before the House. If the objection that was taken to my motion last session was valid it is equally as valid now. I think the Attorney-General was in the House at that particular time.

The ATTORNEY-GENERAL: I don't think I was.

Mr. JENKINSON: Well, I accept the hon. gentleman's statement. I wish to endorse the remarks of the leader of the Labour party, and I hope, with him, that it is not going to be the general practice to go into committee on a Bill on the same day on which it passes its second reading. If a private member like myself cannot do so without opposition from members of the Ministry, I do not see why that opportunity or privilege should be given to a member of the Ministry.

Mr. TURLEY: The Standing Orders provide that this can be done.

Mr. JENKINSON: I know they do.

Question put and passed.

COMMITTEE.

The several clauses of the Bill having been passed through committee without amendment or discussion, the House resumed, and the third reading of the Bill was made an Order of the Day for to-morrow.

THE AGRICULTURAL LANDS PURCHASE ACTS AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR PUBLIC LANDS (Hon. W. B. H. O'Connell, *Musgrave*) said: Hon. members who were here last session will recognise that the Bill, which I am going to move the second reading of, contains the clauses which were in the Bill which was introduced last session, and which passed this House, with the exception that the contentious clause which was contained in the Bill introduced last session is not now proposed, because it is the intention of the Government if, during this sitting of Parliament, estates should be purchased which exceed the amount which the present law allows—that is, £100,000—to bring in a Bill scheduling those estates, and asking this House to ratify their purchase. There is now under consideration the purchase of an estate on the Downs—at Gowrie—the cost of which will largely exceed the £100,000 allowed to be spent in this way under the present law.

Mr. TURLEY: How much?

The SECRETARY FOR PUBLIC LANDS: Nearly double; I can't give you the exact figure, but about £200,000. If satisfactory arrangements can be made for the purchase of this estate, proposals will be laid before the House in the matter. It is undoubtedly a fine estate, and the only question is whether it can be bought at a reasonable price. I have no doubt that if it is bought, it will be taken up very readily.

Mr. TURLEY: What did you say to the deputation that waited on you the other day, who were willing to buy it at £10 an acre?

The SECRETARY FOR PUBLIC LANDS: That only referred to a small portion of it.

Mr. TURLEY: 1,000 acres, at all events.

The SECRETARY FOR PUBLIC LANDS: The principal clauses in this Bill provide additional machinery to give effect to the Act. However, I think it will be interesting if I give the House some particulars as to what has actually taken place with regard to the estates already purchased. The following is a return giving particulars in regard to these estates :—

MORETON DISTRICT.

Cryna Estate.

Purchased	3,973ac. 1r. 37p
Price, at £2 10s....	£9,933 14s. 3d.
All selected	£11.044
Cultivation	250 acres
Improvements	£4,570 17s. 3d.
No arrears.	

Rosewood Estate.

Purchased	6,160ac. 2r.
Price, at £2 12s. 6d.	£22,331 16s. 3d.
Reserved for Agricultural College, 1,692 acres	£6,133 10s.
Balance opened and all selected	£19,305 13s. 10d.
Cultivation	2,029 acres
Improvements	£10,547 4s. 9d.
No arrears.	

Lake Clarendon Estate.

Purchased	13,916ac. 2r. 3p.
Price, at £2	£27,833 0s. 9d.
All selected	£30,479 16s 6d.
Cultivation	977 acres.
Improvements	£7,095 12s.
No arrears.	

Pinelands Estate.

Purchased	3,603ac. 0r. 5p.
Price, at £2	£7,206
Selected	£7,393
Still open—269ac. 3r. 11p. ...	£571
Cultivation	286 acres
Improvements	£1,996 17s. 3d.
Arrears : Second rents not due.	

DARLING DOWNS DISTRICT.

Westbrook Estate.

Purchased	9,886ac. 0r. 16pr.
Price, at £2 8s.	£23,726 12s. 11d.
Reserved for Westbrook Experimental Farm	350ac. 3r. 5p.
Reserved for timber	98ac. 2r.
Balance opened and all selected	£25,376 19s. 6d.
Experimental Farm, paid for by Agricultural Department	£1,035 10s. 6d.
Cultivation	2,669ac.
Improvements	£12,053 7s. 4d.
Arrears	£768 10s. 2d.

Clifton No. 1 *Estate.*

Purchased	9,226ac. 1r. 5p.
Price, at £2 15s. 6d.	£25,586 1s. 11d.
All selected	£28,089 18s. 3d.
Cultivation	5,150 acres.
Improvements	£13,168 8s.
Arrears	£552 10s. 3d.

Headington Hill Estate.

Purchased	36,702ac. 2r. 17p.
Price, at £2 4s.	£80,745 14s. 8d.
All selected	£89,647 15s. 1d.
Cultivation	11,490 acres.
Improvements	£30,010 8s. 3d.
Arrears	£1,464 9s. 7d.

Beauaraba Estate.

Purchased	8,120ac. 2r. 7p.
Price, at £1 12s.	£12,992 17s. 4d.
All selected	£14,296.
Cultivation	334 acres.
Improvements	£2,101 1s. 10d.
Arrears : Second rents not due.	

Clifton Nos. 2 *and* 3 *Estate.*

Purchased	8,389ac. 0r. 31p.
Price, at £2 11s. 2d.	£21,472 6s.
Selected	£22,899.
Temporarily withdrawn, 329ac. 0r. 21p.	£729.
Cultivation	924 acres.
Improvements	£3,758 16s. 1d.
Arrears : Second rents not due.	

Glengallan No. 1 *Estate.*

Purchased...	6,301ac. 1r. 1p.
Price, at £2 15s....	£17,328 9s. 1d.
All selected	£19,173 6s. 3d.
Cultivation	2,481 acres.
Improvements	£8,731 13s.
Arrears	£96 15s. 7d.

North Toolburra Estate.

Purchased...	10,983ac. 1r. 9p.
Price, at £2	£21,966 12s 3d.
Selected	£24,876 5s. 1d.
Still open, 247ac. 2r. 29p. ...	£126 7s.
Cultivation	2,558 acres.
Improvements	£6,269 8s. 6d.
Arrears	£1,463 17s.

Glengallan No. 2 *Estate.*

Purchased...	9,116ac. 0r. 23p.
Price, at £3 13s. 8d.	£33,553 14s. 9d.
All selected	£36,950 15s. 2d.
Cultivation	2,650 acres
Improvements	£6,694 13s.
Arrears	£88 11s. 5d.

PORT CURTIS DISTRICT.

Fitzroy Park Estate.

Purchased...	5,203ac. 3r. 24p.
Price, at £1 10s.	£7,805 17s.
Selected	£5,291 1s. 7d.
Still open, 1,880ac. 2r. 15p. ...	£3,317
Improvements	£720 11s. 6d.
Arrears : Second rents not due.	

SOUTH KENNEDY DISTRICT.

Seaforth Estate.

Purchased..	6,198 acres
Price, at £3 13s.	£22,622 14s.
Selected	Nil.

Mr. TURLEY : What is the date of the return?

The SECRETARY FOR PUBLIC LANDS: I think it is made up to the 30th June.

Mr. ARMSTRONG : Not in regard to improvements.

The SECRETARY FOR PUBLIC LANDS: I am not quite sure. It may have been made up to the end of the year, but I am inclined to think it is up to date. Hon. members will see, therefore, that land which otherwise would have remained in occupation of a very few people has, by the operation of the Agricultural Lands Purchase Act, been made available for a very large population, and thus the wealth of the community has been largely increased. The total value of the improvements of the estates in the West Moreton district come to £24,210 11s. 3d., and the total value of the improvements on the Darling Downs amount to £82,787 16s. The Moreton district has 3,542 acres under cultivation, and the Darling Downs 28,256 acres. Although the Darling Downs compare favourably with West Moreton, as far as rents are concerned, a great deal can be said in palliation of the fact that the amount of £4,434 is due in the shape of arrears in regard to Darling Downs land, the area which has been dealt with on the Darling Downs being nearly four times the area dealt with in the West Moreton district. You must remember that undoubtedly several of these estates have passed through a very trying period. I have not the slightest doubt in my own mind that the State will get the whole of

[8 p.m.] this purchase-money back without any loss at all. Wherever it has been shown that the individual selector is not in a position to pay, inquiries are made by the local land commissioner, and an arrangement is made by him to give the necessary extension of time, the selector paying 5 per cent. on the amount of rent actually due. So that the State is not really losing anything at all; it is getting 5 per cent. on the outstanding money which has to be paid, as the selector can pay his way. We are all aware of the desire most people have to

possess the deeds of their land, and I am quite sure there is sufficient incentive in that class to make all those men who have settled on the repurchased estates anxious to comply with the conditions of their contract and ultimately get their deeds. It may be that the State will have to wait a little longer for the repayment than was anticipated when they first purchased those estates, but I have no doubt in my own mind, after having been in charge of the working of the Act for some time, that those men will ultimately pay everything they owe, with interest added. We often hear a great deal said in this House against the Government repurchasing these lands —not the actual purchase of any one particular estate, but the fact of purchasing them at all. Of course, if you are going to repurchase land to allow it to remain Crown land there might be some objection to it. But that is not what the Government have done. This land has got into private hands, and the estates are of such a nature that the present holders do not care to enter into the long series of trouble by selling them in small lots which they would be liable to incur. I am of opinion that private individuals would probably have been very much harder taskmasters than the Government have been. If the purchaser from the original private holder had been unable, through bad seasons, to carry out his contract he would very likely have to go, and his deposit money would be forfeited.

Mr. TURLEY: The Premier says the State is the worst landlord you could have.

Mr. ARMSTRONG: Hear, hear!

The SECRETARY FOR PUBLIC LANDS: The Government is in the position of a body of directors, and is liable to be subject to outside pressure in order to secure better terms. It has often been urged to me in the Lands Office that I should deal leniently with those men so as not to alienate their political support. I say that is a very undesirable thing to do. You can see that not only in the repurchased lands. You have only to look at what has taken place in the Western districts, where the squatters and the selectors are forming associations to bring pressure on members of Parliament to bring pressure on the Ministry in order to get better terms for themselves. That is the reason why the State is one of the worst landlords you could have. The Government is a landlord which is removable by the people. A private individual selling land to a private purchaser has nothing of that sort to fear. He says, "I make a bargain with you, Smith; you pay me so much for this piece of land;" and if Smith does not keep to his bargain the private seller gets rid of his purchaser, and nobody says to him, "If you do not give me better terms I will put you off the Treasury benches."

Mr. PLUNKETT: That is not so in all cases.

The SECRETARY FOR PUBLIC LANDS: No doubt many of them show as much compassion in tiding men over a bad time as the Government itself has shown. I am perfectly satisfied that the principle of this Lands Purchase Act is a very desirable one. The Government have done good business for the country in helping the different districts to get a closer population settled in them than could possibly have occurred without the assistance of the Crown. It has done so without any loss to the public revenue, and it has materially assisted the public revenue by getting the people so settled to contribute to the returns of our railway lines, both up and down carriage. We are satisfied that as long as due care is taken that only such estates are purchased as are really wanted for settlement, such purchases, to a very large extent, can do no possible harm. Unfortunately, one mistake has undoubtedly been made, and there is always a possibility that such a thing may occur again. But I do not think it is at all likely, after the criticisms we have heard here, that any estates other than those which are absolutely assured to be wanted for public settlement are likely to be purchased. A man who would be guilty of allowing any doubt to exist in his mind that an estate he wished to recommend for purchase was not so wanted would bring a considerable amount of opprobrium upon himself which he would hardly care for. There must be a sufficient assurance that it is wanted for settlement.

Mr. JENKINSON: How will you decide that?

The SECRETARY FOR PUBLIC LANDS: How does the hon. member decide what he is going to do to-morrow?

Mr. JENKINSON: With regard to the Seaforth Estate the people said they were going to apply for the land.

Mr. KERR: And the officer said that also.

The SECRETARY FOR PUBLIC LANDS: Many people are wise after the event. I do not suppose any prevision of human nature can always assure us that what we think we are doing to-day is right will turn out to be right to-morrow.

Mr. MAXWELL: We told you all along you were wrong about the Seaforth Estate.

The SECRETARY FOR PUBLIC LANDS: I am perfectly well aware that members of Parliament and other people recommend the purchase of estates. Since I have been in the Lands Office I have had constantly people coming to me urging me to purchase estates in different portions of their electorates, but I do not for one moment conceive, because that sort of pressure is brought to bear upon me, that I need give way. I have sufficient knowledge of land, and sufficient backbone to refuse to purchase land if I am not satisfied that a reasonable bargain is offered to the Crown, and that there is a reasonable possibility of the land being selected. Up to the present time where land has been purchased, and has been near a railway, and has been suitable for close settlement, there has been no trouble whatever in regard to it being taken up. The two estates which have not gone off are the Fitzroy Park, in the Central district, where I believe agriculture is not a profitable occupation. (Laughter.)

Mr. KERR: The land is not fit for agriculture.

The SECRETARY FOR PUBLIC LANDS: If the hon. members for Rockhampton, Mr. Kidston and Mr. Curtis, were here, I have no doubt they would say that it is suitable. I remember the member for Rockhampton, Mr. Curtis, spoke very strongly in favour of the purchase of the Fitzroy Park Estate. At any rate, the actual facts have proved that it was not a good purchase, because a considerable amount of it—I think over 1,800 acres—has not been selected. That is sufficient to prove to me that the purchase was not altogether one that was urgent at the time. As for the Seaforth Estate, hon. gentlemen have talked it over so often——

Mr. TURLEY: That was bought as a seaport. (Laughter.)

The SECRETARY FOR PUBLIC LANDS: That I think there is nothing further to be said about it. However, I think there is something that may be said in favour of the member of the Land Court who recommended that it should be purchased, inasmuch as that I believe, at the time he recommended the purchase, he had good cause to think that a tramway was to be put down from Mr. Long's plantation to the Seaforth Estate; and if that tramline had been put down, the probability is that the land would have gone off better than it has done.

An HONOURABLE MEMBER: It has not gone off at all.

Mr. KERR: He ought to have secured the tramway first.

The SECRETARY FOR PUBLIC LANDS: I am not defending the purchase of the estate, but I believe that at the time the member of the Land Court recommended the purchase he believed, or he had some idea, that a tramway would be put down. If it had been, possibly it would have improved the value of the estate, but I believe that he should have had more than an idea; he should have been sure that it was going to be put down, and even then I do not know whether it would have been a very successful purchase. Of course we know that a great deal of good agricultural land cannot be selected because of there being no means of access to it. There are thousands of acres in the Nanango and Kilkivan districts, as good land as people could wish for, but it would be almost impossible for a man to make a living upon it out of agricultural products until the Kilkivan line is built. Take the Darling Downs: If there was no railway there and land was purchased, it would be of no use for agricultural settlement, and that would probably apply to the Seaforth Estate. I think the working of the Act, with the exception of the two estates I have mentioned, has been most satisfactory and of such a nature as to warrant the House in recognising that it is a good principle, and with proper care, such care as the law hedges these contracts round with, is one that is likely to add to the prosperity of the country. There was some fault found with the administration of the Lands Department for not having purchased the Felton Estate. Well, I think a man would have been a very bold man indeed, after what has taken place in this House, if he had gone outside the four corners of the Act and purchased an estate without the authority of Parliament. That estate was offered to us at £3 5s. an acre.

Mr. TURLEY: For £104,000?

The SECRETARY FOR PUBLIC LANDS: No; about £130,000 was the price at which it was offered to us. It was sold afterwards, I believe, to the present purchaser, Mr. Greenaway, who gave a lump sum for it, stock and everything else; and, estimating the stock at the price he paid for it, it would leave the land at about £2 10s. an acre. The price at which it was offered to us by Queensland Trustees was £3 5s. an acre, and at that price the purchase money would have amounted to something like £130,000. The Crown lands ranger at Toowoomba, Mr. Warner, was asked to report on that estate and on two other properties belonging to the estate of the late Mr. Tyson, and he reported favourably on the Felton Estate, valuing it at £3, and unfavourably on the other two estates. I forget the exact wording of his report, but I believe that the hon. member for Cunningham has asked for the papers in connection with the estates, so that hon. members will be able to see for themselves. As regards the Bill before the House this evening, the main alteration in the Act is contained in clause 2. This clause was passed last session, and it is now desired to amplify the definition of agricultural settlement. The Land Court, reporting on one estate, said that they did not consider that agricultural settlement included land for dairying, that they thought they were limited by the definition of agricultural settlement to land which was largely arable, or at any rate a large proportion of it was. It has been so well proved of late that perhaps the most profitable branch of farming is dairy farming, that it was thought desirable that the court should not be hampered, when reporting on estates, by the limitation of the definition of agricultural settlement, and the Bill proposes to ask you to alter the definition so that agricultural settlement shall be deemed to include settlement for agricultural purposes. Of course it does not follow, if that alteration is made, that they will recommend estates to be purchased which contain only dairying land. I do not go so far as that. I think that estates should contain a fair proportion of agricultural land and land also which is suitable for dairying purposes.

Mr. HARDACRE: Why?

The SECRETARY FOR PUBLIC LANDS: I cannot see any other way but that which the hon. member for Leichhardt suggested last session—agricultural combined with dairying.

Mr. HARDACRE: You mean agricultural and dairying land combined?

The SECRETARY FOR PUBLIC LANDS: I think it is almost impossible to get the court to give a satisfactory report if that definition were to take the place of the one proposed in the Bill. You are dealing with a body of men who ought to have sufficient judgment to see whether an estate came within the idea of property suitable for settlement, and which contained a fair proportion of land which might be used for ploughing and was suitable for agriculture, and a fair proportion suitable for dairying. I think it is not at all likely that the widening of the definition will lead the court to recommend the Crown to buy an estate which did not contain a fair proportion of agricultural or arable land. Such is my opinion, and I think you will find that the great bulk of people will read this Bill in that way. It is not a Bill to provide for the acquisition of grazing farms, but to promote agriculture and dairying. Clause 3 simply makes law what we do now. When an offer of an estate is made, a feature survey of the land is made at the expense of the person who wishes to sell, and a detailed plan is prepared, giving the Land Court the fullest information as to the quality of the land. That alone is a great help to the court in coming to a conclusion as to the value of the land. Clause 4 provides a further safeguard in regard to purchases. At the present time any one member of the Land Court can fulfil the duties of the whole court in reporting on proposed purchases. We propose by this clause to make it necessary for the court "constituted by the three members thereof sitting together" to report on estates offered for sale, instead of the members of the court sending in reports as individuals, as they do now. It is proposed in this measure that the members of the court shall have the advantage of consultation together, and that their report shall bear their three signatures. I believe that will be a distinct safeguard. But of course all these safeguards mean delay and difficulty in getting a bargain struck with intending vendors. The more safe you make a purchase the more difficult you make it for the State to conclude a bargain. Some hon. members have complained that the Felton Estate was not purchased. But they do not seem to understand the procedure in such matters. After an estate is offered to the Government a land commissioner has to report on the land. Then, if we go on with it, an agricultural expert from the Department of Agriculture would have to inspect the land, and subsequently it would have to be inspected by the three members of the Land Court, who would have to send in a report to the Government. And finally we should in this case have had to come to the House and ask for authority to exceed the sum which the law allows us to expend in any one year for the purchase of estates. When this Bill was before the House last session it contained a clause providing that all purchases should be submitted to Parliament for ratification.

Mr. FOGARTY: It should be in this Bill.

The SECRETARY FOR PUBLIC LANDS: That is a matter of opinion. I have stated already what we propose to substitute for that provision—namely, that where the amount of the purchase money exceeds the sum allowed to be expended under the present Act, the Government shall lay a specific proposal before the House, and ask for its consent to the purchase. Probably that will not meet with any opposition from the other House, and we can deal with the other matter by itself.

Mr. JENKINSON: Why do you not provide for it here?

The SECRETARY FOR PUBLIC LANDS: For instance, if we proposed to purchase the Gowrie Estate we should bring down a measure authorising the Government to conclude that purchase.

Mr. JENKINSON: If it is applicable in one case, why is it not applicable all round?

The SECRETARY FOR PUBLIC LANDS: We tried last year to get a provision of that kind passed, but failed. We now propose to try to get the same thing in another way. We propose that it shall be necessary to get the consent of this House to the purchase of an estate by getting money passed, if the purchasing price exceeds the amount the Government are allowed to expend under the Act; but if it does not exceed that amount the Government propose to take the responsibility of purchasing the estate. I do not know that there is anything further I can say on this matter.

Hon. A. S. COWLEY: Before you sit down will you tell us whether it is intended to return the deposit required in the event of a purchase being completed?

The SECRETARY FOR PUBLIC LANDS: What deposit?

Hon. A. S. COWLEY: The deposit under clause 3.

The SECRETARY FOR PUBLIC LANDS: No.

Hon. A. S. COWLEY: Is it returned now?

The SECRETARY FOR PUBLIC LANDS: I have never heard of a deposit being returned. So far as my knowledge goes, no purchase has been completed in a case where this deposit for a survey has been required, and I do not think there is any understanding that it should be returned in the event of a purchase being completed. The survey is part of the necessary information required to enable the department to come to a conclusion as to the value and suitability of the land for settlement.

Hon. A. S. COWLEY: The cost of the survey could be added to the purchasing price.

The SECRETARY FOR PUBLIC LANDS: It is a small sum. The cost of a large estate will probably not come to more than £50 or £60.

Mr. JENKINSON: The vendor would not lose it, you bet.

Mr. ARMSTRONG: If the offer was accepted the Government might pay it; but if the offer was not accepted then the vendor should have to pay it.

The SECRETARY FOR PUBLIC LANDS: It is purely a matter of arrangement between the Government and the parties offering an estate. The cost of surveying the Gowrie Estate would not come to more than £40 or £50, and the amount of the purchase-money would have been something like £200,000. I am satisfied that the vendors will be very glad, if they can make a satisfactory sale, to bear the cost of giving that necessary information to the Crown, in order to enable the Government to come to a determination as to whether it should be purchased or not. However, the amount at stake in these matters is very small, and I think it could very well be left as a matter to be arranged between the parties to the bargain. If the vendor made a point of the deposit being returned, and that was agreed to, then of course they would get the money back. If not, the Crown may very well say it was money expended getting information that was required, and that the vendor should contribute towards the expense of getting that information. The Crown has to go to a very great deal of expense in sending up a land commissioner, agricultural experts, and the members of the Land Court. Even if there was no purchase made they would have to incur that expense, and I do not think it is an unfair thing that the vendor should also contribute to a certain extent towards the cost of getting the estate properly placed before the Government. I move that the Bill be now read a second time.

Mr. BROWNE (*Croydon*): I have listened very carefully to the statement of the transactions under the Agricultural Lands Purchase Act, and I think it was very satisfactory in the majority of instances to both sides of the House, but I do not think the hon. gentleman's explanation of his reason for backing down from the proposal made last session is at all satisfactory. The only reason the hon. gentleman gave for it was that if they sent it up to the Council they would throw it out again. That is, he is telling this House that we must not do anything here, because our bosses are in another place. This strong Govern-

[8·30 p.m.] ment, with a tremendous majority behind them, are afraid at the very commencement of the session of what may be done in another place. That is one of the weakest arguments the holder of a portfolio in any Government ever gave voice to. It has often been said that members of this party have always been opposed to the Agricultural Lands Purchase Act. That is not the truth, because a great many members on this side are strong supporters of the principle, although they have objected to certain provisions in the Act. I admit that from the very start of the system I have opposed it, because I could not see where the sense came in in buying up land in one part of the colony and settling an agricultural population there, while we had such large areas of unalienated land in other parts of the colony that the people could be settled upon. We have heard the hon. member for Burnett and others telling us of the large areas in the Burnett and other districts that could be rendered available for settlement; and even if we take into consideration what the Secretary for Lands has said about it being useless to buy land for agricultural purposes unless it is close to a railway, yet here we have the hon. gentleman bringing in a Bill which proposes to buy back land for dairying purposes when there is any amount of dairying land in different parts of the colony without repurchasing estates. I can hardly understand the policy of this Government at all. It is only a day or two since the Premier and the Secretary for Lands both stated in this House that they were in favour of selling the lands of this country in very large blocks.

The HOME SECRETARY: Not lands that were suitable for agriculture.

Mr. BROWNE: Lands that were suitable for agriculture, pastoral lands, and lands for dairying. The Premier said that he would be very glad when every bit of it was out of the hands of the State and in the hands of private owners, and that he was in favour of selling it in large blocks. On the one hand we have the Government selling large areas of land for 10s. an acre, and paving the way on the other hand for buying it back at £2 or £3 an acre, as has been done in the case of the estates which have already been bought back. I am not going to dwell largely on the Bill, because I know a large majority of members are in favour of this system. I am perfectly

at one with those who desire to burst up large estates and settle people on the land, but I cannot see the sense of buying back land on the one hand and selling it wholesale on the other. The hon. gentleman did not point out the most prominent things in this Bill; he only pointed out what was new. He did not tell us what he omitted from the Bill that passed this House by a very large majority last session. I have here the Bill of last session. It is a Bill of nine clauses, while the present is a wee little thing of about four clauses. Of course, it may be like the baby in "Midshipman Easy," and that the only thing to be said in favour of it is that it is "such a little one." That might be the best recommendation in favour of the Bill. In regard to the matter of the ratification of contracts, the hon. gentleman said, as a reason for not inserting the clause which was passed last session, that if they buy land while the House is sitting, and if that land costs over £100,000, then they will bring it before the House to vote the money. The hon. gentleman thinks that is the same as this House having the right to ratify the contract. I do not know why he has altered his opinion since last session. I have here the debate which took place then, and it shows that the hon. gentleman is a very rapid convert. In *Hansard* of last year, page 1838, he said—

> Any amount of people are willing to sell their estates to the Crown. I say honestly, from the information I have gathered, that I do not think it will prevent a large number of people from selling their estates under the terms which the new Bill proposes. It will prevent a great deal of imputation of improper motives to whoever has charge of the Lands Department for the time being, because he will have to submit the whole of the information with regard to the estates to Parliament, and get the majority of the House to concur in the desirability of their purchase.

Further on, when the hon. gentleman was speaking of the question of responsibility, the hon. member for Lockyer interjected: "Yes; by taking the responsibility upon themselves." The hon. gentleman then said—

> We have tried taking the responsibility upon ourselves, and it certainly has not been altogether satisfactory. I forget exactly how I voted, but I suspect I voted with my party originally not to submit the purchase of these estates to Parliament, but I now recognise the fact that submitting them to the House, though it may mean a considerable amount of delay, will throw upon the proposals an amount of publicity which I think very desirable.

That was the opinion of the majority of the members of this House last session. The chief opponent of the ratification clause was the hon. member for Herbert. After a long debate it was carried on division by 38 votes to 8, the minority consisting of Messrs. Cowley, Keogh, Hanran, Leahy, Armstrong, Mackintosh, J. Hamilton, and Story. I contended then, and contend now, that the ratification clause was the strongest clause in the Bill, and that was the opinion expressed by the majority of hon. members both by their speeches and their votes, and yet that clause does not find a place in this Bill. There were some other important clauses in the last Bill, and the hon. gentleman has not said one word as a reason for not having introduced them here. Most of the clauses to which I am now referring were brought in during the passage of the Bill through this Chamber by different members, but all but one were moved by the hon. gentleman himself, and carried on the voices. The first one—rather a valuable clause—was with regard to the valuation of conditional selections held under license to occupy, or under lease, for rating purposes. That allowed the selectors on these estates to know exactly how they stood with regard to municipal and divisional board rates.

The SECRETARY FOR PUBLIC LANDS: That will probably go into the Local Government Act this year.

Mr. BROWNE: If we have to wait until the passage of the Local Government Act, I am afraid we shall have to wait a long time.

The SECRETARY FOR PUBLIC LANDS: It was not put in last session simply because the Local Government Bill was the proper place for it.

Mr. ARMSTRONG: That clause was interfering with the Valuation and Rating Act last session.

The SECRETARY FOR PUBLIC LANDS: It was simply put in as a matter of expediency.

Mr. BROWNE: It might go in as a matter of expediency now.

The SECRETARY FOR PUBLIC LANDS: If there is any probability of its being put in its proper place.

Mr. BROWNE: Then, again, there was clause 8 in that Bill, giving priority to certain applications. That gave the man who was prepared to engage to reside on the land under certain conditions priority of application.

Mr. ARMSTRONG: That was the best clause in last year's Bill.

Mr. BROWNE: Then, again, there was the clause to compel occupation by personal residence. That is left out of this Bill. Then there was the forfeiture for non-performance of the condition of occupation, and another part of that clause dealing with the question of mortgage or transfer. I think that was a very valuable clause. It took a long time to get it put into shape, and it embodied suggestions made by half-a-dozen members. Then there was the clause moved by the hon. member for Albert, Mr. Plunkett, in which the time that must elapse before the land could be thrown open to unconditional selection was extended from three months to six months. The Bill, as it stands now, is simply asking for *carte blanche* to the extent of £100,000 to buy back land for dairying purposes without any restriction whatever. And it actually amounts to this—that the Government can buy back so-called dairying land and sell it as unconditional selections to the man selling it.

The SECRETARY FOR PUBLIC LANDS: Why does he want to buy back?

Mr. BROWNE: Very likely to sell it over again. If he could get the Government to give him a lump sum for it, and then get twenty years in which to make his payments to the Government with the interest charged under the Act, it would be a great deal better than getting accommodation from any financial institution. I think a great many people would like to deal with their land in that way. I am not going to say much more on this question, though I feel very strongly upon it. If the Government are not going to introduce legislation here because there are people in another place who will not pass it, then the best thing to do is to hand over the government of the country to the gentlemen in another place. I suppose they are exercising their rights in this respect; but I don't think there are many Governments in Australia who, the very first thing in the session, would tell the House that they were not game to go on with legislation because they were afraid of their bosses in another place. I intend to vote against the second reading of this measure.

Mr. JENKINSON (*Wide Bay*): Like the hon. member who has just spoken, I also am very sorry at the supineness exhibited by the Government in regard to this particular Bill. We were led to believe last session, when we passed the measure introduced then, that the matter was going to be pressed, even if it became a question of a fight to a finish, and that this House was going to assert its rights. I believe the attitude the Government took up on that

occasion was perfectly justifiable. We have to conduct legislation here independent of what is likely to happen in another Chamber, and we should not consider them in the slightest. That was the attitude assumed last session by the Minister for Lands, the Premier, and presumably by every one of his colleagues, and I think in justice to this House the Minister for Lands should have told us why he has now performed this wonderful acrobatic feat.

The SECRETARY FOR PUBLIC LANDS: I told you I was going to do the same thing in a different way.

Mr. JENKINSON: The House will probably be treated in the same way as it was with regard to the question of mining on private property when the Mining Bill was under consideration. When we asked the Government to deal with that question they said they would bring in another Bill to carry out what we asked for, but we found afterwards that they had no intention whatever of doing that. Though the Bill was placed on the table, there was no business in it, and I believe we are quite justified in stating to the Minister to-night that there is no business in what he tells us.

The SECRETARY FOR PUBLIC LANDS: You are not justified at all.

Mr. JENKINSON: I say that on the past actions of the Government we are justified in placing that construction on what is said by the Minister for Lands or any other Minister.

The SECRETARY FOR PUBLIC LANDS: You know very well we cannot sell £100,000 worth of land under the Act in a year.

Mr. JENKINSON: I know that if the Minister likes to put his back up and state in a manly way that the proposal shall be submitted to Parliament he can do so.

The SECRETARY FOR PUBLIC LANDS: I know that.

Mr. JENKINSON: Then why does not the hon. gentleman do that?

The SECRETARY FOR PUBLIC LANDS: Because I do not choose to.

Mr. JENKINSON: I am now going to quote from the speech of the hon. gentleman last session to show the wonderful backdown he has made. When the message came back from the Legislative Council stating that they could not see their way clear to pass the Bill in its present condition, it was then agreed by 33 to 9 that the proposed amendment of the Legislative Council be not taken into consideration, and the Secretary for Lands made use of these remarks—

> He thought that the precedents which had been used in support of the argument that it was improper that these contracts should be submitted to Parliament were from a House which never had to deal with business of this sort. The Government in this country were the great landholders of the country. This House dealt with the people of the colony in a way that the British House of Commons never had to deal with them. He thought, himself, that the clause as it stood in the Bill was a very desirable one.

Those remarks were received with the applause of this House. Later on a message was sent to the Legislative Council, and a message came from them stating that they insisted on their amendment, and the Premier, on the 20th December, moved that the order be discharged from the paper. The Government at that stage, on the 20th December, only seven short months ago, could not accept the proposals of the Council, but now they have seen fit to back down from the wise attitude they took up on that occasion. The main reason the Premier gave was that, at that stage of the session, there was no hope of passing the Bill. That sentiment does not obtain at the present time, because there is plenty of hope now if the Government only maintain a firm attitude in regard to it. I say the Secretary for Lands has shifted his attitude from that of last session, and he is not justified, in the opinion of this House, in having done so. I also desire to reiterate the statement I made on the Address in Reply in regard to the Government purchasing land on the one hand situated in one corner of the colony, while on the other hand we have thousands of acres equally good, if not better, held by the Crown and not thrown open to settlement. I need not go further than the electorate I have the honour to represent and the adjoining electorate of Burnett, where there are thousands of acres sufficient to keep hundreds of families employed if the Government would only throw them open for close settlement and provide facilities for getting away the produce. If the same amount of money that is purposed to be utilised for the purchase of these estates were only used in the construction of light lines of railways into these agricultural centres, it would do a thousand times more good to Queensland, particularly the finances of Queensland, than the purchasing of these estates by the Government under the provisions of this Bill will do. I maintain that it is the duty of the Executive of the country—of the executive of Parliament—to use their best endeavours to settle people on the Crown lands of the colony first, before purchasing back estates from financial institutions or individuals. That is the proper attitude for any Government that has the interests of the people at heart to take up, and it is especially the proper attitude for this Government to take up under the present condition of the State Treasury. It is quite evident that there is only one clause in this Bill that is of any moment—clause 2. The others are merely padding, with the exception of clause 4, which is a proposal to the effect that any offer for the purchase of an estate shall be submitted to three members of the Land Court sitting together instead of to one member. Subsection 3 of clause 2, and clause 3 also, appear to me to deal with most trivial matters, particularly the 3rd section of clause 2. In that subsection it is proposed to take out certain words which are to this effect: that if the Minister for Lands is not present any Minister acting in his place is allowed to perform his duties. What is the good of that—substituting "Minister" for "Secretary for Public Lands"?

The SECRETARY FOR PUBLIC LANDS: If I did not do that, I might be accused of leaving that out too.

Mr. JENKINSON: The hon. gentleman has enough to do without prognosticating what might be done. Clause 3 also, as pointed out by the hon. member for Herbert, appears to be a most trivial thing. It is purely a departmental matter who pays the cost of survey. Under these circumstances, it appears to me that the only business in the Bill is that the Government wish to be empowered to purchase land for dairying purposes as well as for agricultural settlement. I have nothing to say against that particular provision, for I believe it will do good, if the principle of buying back estates is to be recognised at all. I know what the intention of the Minister is in bringing in this amendment, and I think it is a wise proceeding if the principle of buying back estates is endorsed. I am not going to oppose the second reading of this Bill, but in committee I shall endeavour to make some amendments such as I have foreshadowed if they are not moved by any other member of this House.

Mr. FOGARTY (*Drayton and Toowoomba*): This measure, introduced by the Secretary for Public Lands, is a very small one, and I think he should have introduced a Bill on similar lines to the Bill that was introduced last session.

The purchasing power was extended by 100 per cent., and the Bill was accepted unanimously by this House. Before any purchase could be ratified, it had to be submitted to the House, so that the light of day could be thrown on the transaction. The Minister has not introduced a Bill on similar lines to that passed last session, and in his exhaustive speech he explained that the only reason why he did not introduce a provision providing for the ratification by this House of any contract was that it was thrown out by the Upper Chamber last year—that he was anxious to amend the Act, and he was not prepared to run any risks. I may point out that the father of free selection in Australia, the late Sir John Robertson, met with a similar fate—his Free Selectors Bill was rejected by the Upper Chamber. But what happened? It was sent back to the Upper Chamber, and that Chamber rejected it once more. The consequence was that Sir John Robertson strained the Constitution, knowing that the people of the colony demanded this particular measure, and certain gentlemen were nominated to the Upper Chamber for the purpose of carrying that Bill. I think Sir John Robertson's example in connection with that Free Selectors Bill might very well be followed by the present Government here. As the Minister pointed out, on the Darling Downs the improvements exceed £82,000, and I say that the Act has been an unqualified success. It is capable of some improvement, as other Acts also are, but the improvements suggested by this Bill are very slight indeed. Only a short time ago an influential deputation waited on the Minister for Lands with a view of impressing on that gentleman the advisability of purchasing the Gowrie Estate, but the Minister pointed out that it was entirely beyond his purchasing power, as the vendors' price was considerably over the £100,000 the Government were in a position to spend in one year. Well, I understand that the Gowrie Estate is still in the air, and I think it would be a very desirable property to purchase at a price. But if this Bill becomes law it will not entitle the Government to purchase that estate. It will require extra special legislation, unless the vendors of that estate are prepared to sell it in piece-meal. I don't think that would be at all wise, so that if this Bill becomes law, the purchase of the Gowrie Estate will be as far off as ever. The Minister pointed out that the members of the Land Court will inspect and report in connection with any property submitted to the Government, and they will be a very great help in arriving at a fair value of the land offered; but it is a notorious fact, and the experience of the past, that we have had several reports with regard to the purchase of one estate—I do not want to stir up dirty water; no good can come from washing dirty linen in public.

Mr. TURLEY: Oh! It is well known.

Mr. FOGARTY: It is notorious, any way, that several reports were made in connection with that estate. Speaking from memory, I think the divisional board valuation was 15s.

Mr. JENKINSON: It was reduced to 12s. 6d. on appeal.

Mr. FOGARTY: The original valuation was 15s., and the valuation of the Government expert was something like £1 5s. The Land Board sent in an amended report, and the consequence was that £3 13s. per acre was paid for this estate, and, up to the present time, there is no demand for it.

Mr. JENKINSON: A white elephant!

Mr. FOGARTY: I do not care much about bringing this matter of the past up now, as no good can accrue from that course. But at the same time I think that is sufficient proof that each and every proposal should be submitted to this House. As I stated last week, it is quite possible that some hon. members may have a personal knowledge of the locality where an estate is offered, which would be very valuable—quite as valuable as any information that the Land Board could give, perhaps. As you know, Sir, the seasons change, and it is possible—nay, even very probable—that the Government officer or officers, as the case might be, may inspect during a good season. The land under offer might have its holiday attire on, and, looking much better [9 p.m.] than it really was, the person inspecting might be unwittingly misled. A certain report is made to the Minister, and, acting upon it, the Government make the purchase; but, in the event of the price afterwards turning out to be too high, the unfortunate selectors have to pay for it, and are thus very much handicapped.

The SECRETARY FOR PUBLIC LANDS: No one compels them to take up selections.

Mr. FOGARTY: That is quite true; but the earth hunger is so great, and there is such a great desire on the part of the old people to settle their stalwart sons in the vicinity of the old homestead, that they are prepared to pay fancy prices. Is that fair to the selector? It certainly is not in my opinion. I followed the Minister's explanation in reference to the Felton Estate very carefully, but I am not at all satisfied with it. It is strange that Mr. Greenaway, a gentleman from New Zealand, could purchase the estate at £2 10s. per acre, when the Government thought it was worth £3, and when it was under offer to them at £3 5s. The explanation given is that the property was purchased for a lump sum; and, deducting the market price of the stock, it reduced the purchase price of the land to £2 10s. I do not think there is any doubt that the Government could have purchased the estate for a certain sum of money paid down and the balance when the trustees were in a position to sell, the trustees being anxious to obtain a certain sum of money, as those interested in the estate were asking for financial assistance. If it was known that the Government would purchase the estate a great number of the people interested in the Tyson estate would have been quite well satisfied to take Government debentures carrying 3½ per cent. It is well known that it is almost impossible to place large sums of money at the present time. I believe the security was ample; there would have been no difficulty in obtaining money at 3 per cent., and hence there would have been a distinct gain of ½ per cent. to those people if the estate had been purchased on the debenture system. Perhaps the people of the district were to some extent to blame in not urging upon the Government the repurchase of this estate; but, knowing that the area of land available for agricultural settlement was not unlimited, I certainly think the Government should have purchased Felton at almost the price it was offered at—namely, £3 5s. an acre. I believe it is the best block of land on the Darling Downs; it is well watered, exceedingly fertile, and quite adjacent to a railway station.

Mr. TURLEY: But they should not give more than its value, anyhow.

Mr. FOGARTY: No, but if it was absolutely necessary that a large price should be given, the Government would be justified in giving that large price rather than lose the estate. I understand the hon. member for Lockyer, Mr. Armstrong, is of opinion that the State is the worst possible landlord. I am of the opposite opinion. Of course, it is well known that there are private individuals who treat their clients very generously, and I have great pleasure in testifying to the fact that the hon. member for Cunningham, Mr. Kates, who has probably had more

land transactions than any half-dozen members of this House, is one of those who treats the people with whom he deals in a most generous manner. To his credit be it said that not a single selector has lost his holding which he has acquired through the hon. member. Although, of course, some private individuals may be acting as liberally as the Government, yet, unfortunately, they are not in a position to give such very long terms as the Government; they can hardly be expected to give twenty years in which to pay, and hence it is an advantage to have the State as a landlord. I do not think there is much in what the Minister said in relation to members calling upon him, and endeavouring to squeeze him with a view of securing the votes of the settlers on the agricultural areas. I have had several interviews with the Minister, and find him utterly unsqueezable.

The SECRETARY FOR PUBLIC LANDS: It was not your fault.

Mr. FOGARTY: The chances are that others were treated in exactly the same way. I can certainly say that I have never approached the Minister unless my case was a fairly good one. Now it is contemplated to give assistance to the pastoralists, who have suffered severely in recent times from various causes, and I have every sympathy with them; but I would point out that the penalty of 5 per cent. is being imposed upon the selectors under the Agricultural Lands Purchase Act in the event of them not complying with the provisions of the Act. It is true that the Minister pointed out that it was necessary to apply that penalty, with the view of protecting the general taxpayer; but if that argument is tenable in one case, it certainly should have some application in regard to the proposed extension of leases. I remember seeing a letter in one of the local papers, stating that certain leases were likely to fall in within the next six years, and that if an additional fourteen years' lease was given, the lessees were prepared to pay a considerably higher rental. Well, I think that is conclusive proof that we should be very careful about extending the leases. If the land is suitable for settlement, I think it would be both unwise and cruel to lock it up for an indefinite period. I am of opinion that the matter dealt with in this Bill is probably one of the most important subjects that can engage the attention of the present Parliament; indeed I would go further, and say it is the most important. It is the intention of the Government to promote as far as possible close settlement, and anything that will do that should receive the hearty support of all sections of the community. Gowrie consists of 46,000 acres, and the Minister in his speech said the purchasing price, as submitted by the vendor, would exceed £200,000. That is certainly information to me. I was under the impression that it was nothing like that sum. However, the hon. gentleman is to visit Toowoomba next week, and I hope he will find or make sufficient time to go over the country. I know he has a considerable knowledge of land, and I believe his individual opinion is almost as good as that of any expert in the Lands Department. As to this Bill, it is scarcely any improvement at all, with the exception of the provision that the Land Court shall report. We want something more than the report of the Land Court. It is quite possible the Land Court may be misled. They may not be as careful in exercising their duties as they should be, and a hundred and one circumstances may arise that would prevent those gentleman going into matters of detail. Every proposal, no matter whether large or small, should be most carefully scrutinised, and scrutinised in Parliament assembled, with the view of getting it as cheaply as possible. The cheaper the land is purchased the less risk the taxpayer runs, and certainly it is a direct benefit to those who will later on settle upon it. The Act in the past has been a huge success, but it is far from being perfect, and I think it is the duty of any Government who man the ship of State at the particular time to improve the Act as much as possible. This Bill is scarcely any improvement at all. In fact, I am of opinion that it is no improvement, and for the life of me I cannot see why the Minister has not enlarged the scope of his proposal. As a very small illustration of the growth of agriculture I would point out that in 1899 we had 110,489 acres under maize, returning 1,965,598 bushels. In 1900 we had 127,974 acres under that crop, yielding 2,456,647 bushels. And other crops have increased in similar proportion. As I said, I was about preparing some returns which will be interesting and informing to the country and to the House if we have any members who are not in perfect sympathy with the importance of agriculture.

Mr. TURLEY: Who are they?

Mr. FOGARTY: I do not say there are any. I qualified it by saying if there are any, and I shall be glad if we all agree that it is the most important matter that can engage our attention. I am sorry I was hurried into this discussion, but I should be failing in my duty if I did not raise my voice in the direction of anything that would benefit the agriculturist. On all occasions hitherto I have done so according to my ability. I hope the Minister will accept amendments in the direction I have indicated. Last year this House unanimously agreed that it was necessary that the Act should be amended. This is not an amendment, or it is so slight that you would require a very powerful magnifying glass to discover in it any alteration in the present law. I hope, if the second reading is carried, the hon. gentleman will allow this important matter to remain in abeyance until next week, and that he will accept important amendments. I will promise him that if he does he will scarcely know the Bill when it reaches the other Chamber. I do not think I have anything more to say. If the Minister will accept amendments, even at this eleventh hour, I will submit three or four very valuable ones, which I think the House will endorse. I certainly, as a member for an agricultural constituency, enter my protest against a vague measure of this sort.

* Mr. HARDACRE (*Leichhardt*): When I saw in the Governor's Speech that the Government were about to bring forward this session again a Bill to amend the Agricultural Lands Purchase Acts, I looked forward to it with a great deal of pleasure; but I must confess I agree with other speakers that this Bill is a disappointment. It drops all the good points of the Bill of last session, and retains only the dangerous provisions of it. The same definition as appeared in the Bill last year with regard to the acquisition of land for dairying purposes appears in it unaltered. We have all heard about people who never forgot anything, and who never learnt anything, and certainly in this definition of dairying the Government have learnt nothing from the discussion of last session, but have left it in the same dangerous, vague way it appeared on that occasion. With the exception of one clause, it is hardly worth while the attention of Parliament being devoted to the Bill; that is the provision that the Land Court shall sit in a body of three. That may be some safeguard, and so far as that is concerned it may be agreed to. With regard to the proposal to compel vendors to send in to the Lands Department a deposit to

cover the cost of a feature survey of the land, I think that is entailing in many cases upon vendors entirely unnecessary expense.

The SECRETARY FOR PUBLIC LANDS: You voted for it last year, anyway.

Mr. HARDACRE: If I did I do not see any merit in it. I could understand it in the case of land which is offered to the Government, and which the Government were seriously considering purchasing. In a case of that kind there may be some reason in asking the vendor to send in a deposit to cover the cost of the surveying, but in many cases in which the vendor may desire to send in an offer to the Government, the Government may have no serious intention of considering it at all, and thus the vendor, without the slightest chance of his land being purchased, would have to go to the expense of paying for the surveying of the estate. I think, when we get into committee, an amendment could be made which would give the Minister power to compel the vendor to pay the expense of surveying, if the Government intend to purchase the land, or if they really intend to seriously consider purchasing an estate. Unless a clause requiring that to be done is inserted, it would be an evil instead of good. So, literally, we are now taken back to what I consider the dangerous part of the Bill of last session, without the good ones being included in it. The most objectionable provision as the Bill stands now is the power which it gives to the Minister—power to acquire land suitable for dairying purposes. The reason given is that the definition is not large enough to enable the Government to purchase land which may be suitable for agricultural and dairying purposes combined. I have the opinion given by the Land Court on that matter. It is contained in the report of Mr. Hume—I think upon the Lake Clarendon Estate—as follows:—

> It is here assumed that the term "suitable for agricultural settlement" refers only to land which it is worth while to plough and place under crop; and attention is drawn to the fact that under this interpretation it is open to doubt whether the purchase of the estate is within the scope of section 5 of the Agricultural Lands Purchase Act.

I can quite understand some anxiety to amend the Act so as to extend the definition, or to make it clearer, so as to enable the Minister for Lands to repurchase land, not only suitable for agriculture, but also for mixed farming—agriculture and dairying combined; but what is asked now is not a clearer definition, or a larger definition, but an entirely new power to do things which the original Act never contemplated. The original Act is one for the acquisition of agricultural land, and now the Minister is asking for power to purchase dairying land.

Mr. ARMSTRONG: Is not dairying a branch of agriculture?

Mr. HARDACRE: Dairying is a part of agriculture, but the Minister is asking for power to buy dairying land only. Under the old Act he had power to purchase agricultural land only, and it was pointed out that that did not cover land suitable for agriculture and dairying. Under this provision he can purchase land suitable for dairying only, and not for agriculture at all. I think that is a most dangerous clause, and it leads again to the same vagueness that we had before under the old Act. It enables the Government to buy land suitable for grazing purposes, because the distinction between grazing and dairying is so vague that under the definition of dairying land they can buy land which is really only suitable for grazing. They may buy pastoral land instead of land which I think everyone will agree is suitable for mixed farming. I object to the money of the colony at the present time being devoted to the repurchasing of land for grazing purposes or even for dairying purposes only, and I think this is a most dangerous definition which the Minister desires to include in this Bill. He does not mean to define his power better, but really to get entirely new powers, which I think are undesirable in the present state of the finances of the colony, and quite at variance with the objects originally contemplated by the Act. I think that good amendments which were proposed last session have been omitted, and particularly one which was proposed by the hon. member for Lockyer with regard to priority for selectors who would promise to live upon the land personally, and providing that these applicants should have priority. They have also omitted one providing that the selections that are not selected on the original opening of the estate shall remain open for six months before being thrown open for unconditional selection. They have also omitted the best proposal of the whole, and that is the ratification of contracts by Parliament. I think that is a very desirable provision to be added to this Bill. Whatever difficulties there may be in connection with that, I consider the advantages will more than compensate for the delay and the difficulties which may be due to a safeguard of that kind. The system of ratifying such contracts by Parliament is in force in the Repurchased Lands Acts of New Zealand and New South Wales, and is being worked there; and if it is working well there, why should it not work well here? The Minister himself last session thought it was a desirable thing to do.

Mr. ARMSTRONG: They proposed it in New South Wales, but it was knocked out.

Mr. HARDACRE: I am not quite sure of that.

Mr. ARMSTRONG: I give you my assurance that that is so.

Mr. HARDACRE: At any rate, it is working in New Zealand, and the only reason that the Minister gives for going back upon his own Bill of last session, so far as the ratification of the contracts is concerned, is that he intends to do the same thing in a different way, by tacking it, so to speak—by bringing in another Bill which will practically do the same thing, and allowing this Bill to go to another place. He thinks they will let this Bill go through, and then he will endeavour to pass a Bill—the other Bill—so that, if they reject it, at any rate we shall have secured what he considers the good points of this Bill. That is the kind of reason that he offers for us to allow this Bill to go through. I ask what kind of reliance can be placed upon such a promise? I am not speaking of the Minister's intentions, but I say that if another place rejected this provision last session, when there were also some good features attached to it, which they would have to lose if they rejected it, would not they on this occasion absolutely, and without the slightest shadow of a doubt, reject these objectionable features, when they are all together, without any good features at all?

The SECRETARY FOR PUBLIC LANDS: What do you call the "objectionable features"?

Mr. HARDACRE: The objectionable to another place. They rejected the Bill last session for the reason that they objected to the ratification of contracts by Parliament. If we endeavour to pass a Bill in the way suggested by the Minister, will they not without the slightest hesitation and without the slightest shadow of a doubt throw it out? I say that what we ought to do if we want to get in that safeguard in another place is to tack it on to a measure which contains good features, and then the other place

will be under the responsibility of throwing out the good provisions, as well as the evil ones, if they reject it.

Mr. ARMSTRONG: That is not a very straightforward way of working it, is it?

Mr. HARDACRE: It is a straightforward way of doing it. In the one case they will get what to them are objectionable features combined in one Bill, and in the other there will be good features which they will have to lose if they reject the measure. If we had the safeguard of a ratification of these contracts by Parliament that would compensate [9·30 p.m.] for some objectionable features in the Bill. I am not quite sure that the Agricultural Lands Purchase Act has worked well. The Minister has given us a statement which is, no doubt, correct as far as it goes. The indirect result of the working of the Act has been good; no doubt the Act has conduced to settlement and led to improvements being made on the land and to an improvement in the revenue through the Customs. But for some time past I have had a suspicion that the direct result to the Treasury has been a financial loss, and I am now more than ever convinced of that.

The SECRETARY FOR PUBLIC LANDS: How do you work it out?

Mr. HARDACRE: I will show the hon. gentleman how I work it out. In the Lands Report for 1899, which is the latest available, it is stated that the total area acquired in fifteen estates is 137,000 acres, and that the total purchase money is £335,000. The total area that has been selected is 120,000 acres, and the purchase money received, or partially received, is £326,000, leaving a loss of £8,400.

Mr. ARMSTRONG: How many years ago was that report made?

Mr. HARDACRE: It is the report for 1899.

Mr. ARMSTRONG: There is a later report than that.

Mr. HARDACRE: I shall come to that by and by. There is a surplus area of 17,000 acres still unsold. Out of those 17,000 acres there will probably be about 10,000 acres which will have to go for roads, reserves, and waste lands, so that at the most the net result will be 7,000 acres against a financial loss of £8,400 to the Treasury. We know that the 7,000 acres left are all inferior land; they must be inferior, because they were not selected in the first instance. Therefore I say that, according to that report, we have a financial loss on these transactions. The hon. member for Lockyer said there was a later report. Well, there is a later report in the financial tables for last year, and there I find that for all the estates purchased there has been paid a total of £369,000. There is a memo. which states that the value of all the lands selected, together with the land unsold, is £365,000, which leaves a loss of £4,000. That is to say, if we take all the money which we receive for the lands selected, and then calculate the value of the land which is still in the hands of the Crown unsold, there is a loss of £4,000. And then it must be remembered that we have to wait for nearly twenty years before we get the whole of this money.

The SECRETARY FOR PUBLIC LANDS: It is paid annually, though.

Mr. HARDACRE: Yes, it is paid annually.

Mr. FORSYTH: The security is improving every year.

Mr. HARDACRE: That may be.

Mr. ARMSTRONG: How much is there reserved for future sale?

Mr. HARDACRE: There are about 7,000 acres unsold.

Mr. ARMSTRONG: That is an asset, and the loss is about £4,000.

Mr. HARDACRE: Yes, the loss is about £4,000. The average price which the Government paid for the land, good and bad together, was £2 8s. per acre, and does it not stand to reason that the remnant of that land cannot be much more than worth half of that amount? I think so. We shall therefore have a very small margin to make up the loss, and in addition to that loss there is the cost of the administration of the Act during the whole of the twenty years, and that item is not taken into account. Then, apart from the Treasury point of view, these transactions have not been altogether as successful from the selector's point of view as they should have been. We had a deputation here a year or two ago asking for an extension of time for the payment of arrears on fifteen estates on the Darling Downs. There were 142 selectors in arrears to the extent of £4,000. I admit that that was due to the drought and frost at the time, but the point I wish to emphasise is, that other selectors who have acquired land from the Crown are not in arrears to the same extent.

The SECRETARY FOR PUBLIC LANDS: They were £50,000 in arrears last year, anyhow.

Mr. HARDACRE: That is for the whole of the colony?

The SECRETARY FOR PUBLIC LANDS: Yes, for the whole of the colony.

Mr. HARDACRE: Those are not small selectors; they are pastoralists.

The SECRETARY FOR PUBLIC LANDS: No, they are grazing farmers and agricultural farmers.

Mr. HARDACRE: At any rate, those arrears are for the whole of the colony. But in the case of this land purchased under the Agricultural Lands Purchase Act, there were arrears of £4,000 on fifteen estates only. That appears to me to show that by the safeguard of ratification of those contracts by Parliament we not only have had bad purchases—as, for instance, the Seaforth Estate and the Fitzroy Estate, where political influence has come in—but we have also had bad purchases for selectors, because the Government having paid a very much higher price for the estates in a good many instances than they should have done, they have had to compel selectors to pay higher prices on that account.

The SECRETARY FOR PUBLIC LANDS: Can you give me an instance of an estate where that has been done?

Mr. HARDACRE: Yes, the Clifton Estate and the Lake Clarendon Estate. A very much higher price was paid by the Government for those estates than should have been paid for them, and a very much higher price than the vendors would have obtained from any other purchaser.

Mr. ARMSTRONG: Talk of something you know something about.

Mr. HARDACRE: I admit it has all been selected, but every officer, whether in the Agricultural Department or in the Lands Department, including the commissioner of the district and the Land Board itself—well, the Land Board did not report—the member of the Land Board refused, as he considered that it was a waste of time—but every other officer reported in the most adverse terms against the purchase of the Lake Clarendon Estate.

Mr. ARMSTRONG: The way it has been selected is a tribute to their knowledge.

Mr. HARDACRE: That may be, but it all points to this—that the vendors would not have received anything like the same price from any

private purchaser; and that is a very strong argument why we should in future have a ratification of all contracts by Parliament, and not allow the Minister of the day to make purchases at his own sweet will.

The SECRETARY FOR PUBLIC LANDS: Then you will declare that the brutal majority forced it upon you.

Mr. HARDACRE: There is more safety, in my opinion, even in the brutal majority than in the individual administration of a Minister. The only argument the hon. gentleman made against that was that, after the disclosures which have been made with regard to past transactions, it was not likely that anyone in future would venture to do anything of the kind. But before the purchase of the Seaforth Estate—in fact, every session since the commencement of the Act—there has been an outcry in this House and outside against the purchase of some estate. I remember in 1894 public indignation was aroused against the purchase of the Clifton Estate. That estate was purchased under a clause which was put in under a delusive promise by the Home Secretary at that time, Sir Horace Tozer. It was bought from a vendor who was in the hands of a financial institution, and it was bought simply to release him from that institution.

Mr. ARMSTRONG: Who said that? It was not proved.

Mr. HARDACRE: It was proved very conclusively. There is no doubt that we shall probably have brought before us again the old argument that ratification of contracts by Parliament is unconstitutional, and that we should leave the whole administration in the hands of the Minister. But we do not allow the Secretary for Railways to expend large sums on the construction of railways. We make him, in every instance, bring the proposal before Parliament; bring the survey of the projected route, and also the probable cost; and it is not until Parliament has expressed its opinion in favour of the construction of that railway that it is gone on with. In a similar way, when an estate is to be purchased, Parliament should know the character of the estate, where it is to be purchased, and also the price it is proposed to pay for it. There is so little good in the Bill, and so much that I think is dangerous, that, although generally speaking I am favourable to the purchase of estates for settlement, I shall certainly vote against the second reading of the Bill, and if it gets into committee I hope it will be amended in some of the respects which I have indicated.

Mr. PLUNKETT (*Albert*): I am very much disappointed in this Bill, as I expected something better. I cannot understand the Secretary for Lands acting as he has done after what happened last year. The Bill of last session was a far better measure than this. Many of its best features have been omitted, and nothing given in their place. When the hon. gentleman was introducing the Bill last session he said—

> The accusation that a mistake may have been made—that the officers of the department have erred in their judgment in recommending a purchase—may certainly lie, and I am sorry to say in my opinion in one or two cases it does lie. This Bill I am moving this evening is to take away from the Executive the onus of deciding whether an estate shall be purchased or not, and to submit all these matters to Parliament.

His speech this evening was quite different to that. I believe that this is a step backwards. He has omitted clause 5 of last year's Bill altogether, and he gives a little in its place—that is, that the three members of the Land Court shall inspect the land. Well, we have had members of the Land Court inspecting land in the past, with the result that the country has lost £20,000.

The SECRETARY FOR PUBLIC LANDS: We have never had three members of the Land Court inspecting.

Mr. PLUNKETT: No, but there has been one, and if one is bad the other two may be bad also.

The SECRETARY FOR PUBLIC LANDS: That is one way of drawing a conclusion.

Mr. PLUNKETT: It may be all right, but ratification by Parliament would be immensely superior. The Secretary for Lands has said that if we passed the Bill in a form that would make it better for the country it would be thrown out by the Upper House. Well, I just want to say that when the original Bill was going through in 1894, an amendment submitting all contracts for ratification by Parliament was moved by me, and it was lost on division by 22 votes to 25. Last session the division was 38 to 8, and on the Council's amendment 33 against the amendment and 9 for, so that it was evident that the full strength of the House last year was in favour of the amendment introduced by the hon. gentleman.

The SECRETARY FOR PUBLIC LANDS: It was a Government measure last session; but on the occasion when you introduced it it was not a Government proposal.

Mr. PLUNKETT: Knowing that he had the House at his back, why has the hon. gentleman not introduced the proposal into this Bill?

The SECRETARY FOR PUBLIC LANDS: I told you that I propose to get the same result in a different way.

Mr. PLUNKETT: The question is whether the way the hon. gentleman now proposes is as good as the way he proposed last session. I think that the omission of the proviso from this Bill is a mistake. I shall vote for the second reading because I believe the principle is right that land suitable for dairying should be repurchased; but at the same time I do not think the Bill is anything like what we might have expected from the Government. It is retrogressive instead of progressive, and I really cannot understand it. At the same time I am not going to throw any factious opposition in the way of its passage, and I trust it will be amended in committee.

* Mr. ARMSTRONG (*Lockyer*): I do not rise for the purpose of discussing the Bill, because I do not think it is capable of much discussion. But I wish to say that, being one of those who last year was among the minority who objected to the clause whereby every proposal should be ratified by Parliament, I am very pleased to see that that provision has been omitted from the present Bill. The bulk of the objection from the other side to this Bill seems to be because that clause is not included. Of course the same arguments can be used now as then, and those people who have estates to offer will not bring them down to be worried in this House—not by members who know something about them, but by members who, like the hon. member for Leichhardt, know nothing about them. The leader of the Opposition asks why the Government propose to repurchase land in one portion of the colony while they have unlimited areas of Crown lands in other parts of the colony. That is the whole basis of the Agricultural Lands Purchase Act. Down in this part of the colony there are many farmers with families who have been on the land many years. They have learnt a system of farming which, when applied to lands down here, is successful, but which, if applied to lands 100 or 200 miles away, would probably meet with absolute failure.

Mr. BROWNE: How can that apply to what is kept for farmers coming from the old country?

Mr. ARMSTRONG: I am not applying the argument to any individual; I am applying it in a general way. I say that a system of culture that would be perfectly applicable to the district round Brisbane would probably be a failure on the Downs. The House has to consider whether we are going to provide facilities whereby those young men who have been bred on farms may acquire land alongside their own homes, or within a comparatively short distance, so that they can make a success of their lives by occupying and working that land, or whether those young men are to be obliged to go to districts the climatic conditions of which they know nothing about. That is one of the main features, and one of the main reasons why the Act was introduced, and why its application has been so beneficial, at any rate in some districts. The hon. member for Leichhardt said that estates have been repurchased at prices very much higher than should have been paid, and therefore settlers have had to pay larger amounts for the land than they should have had to pay. But the settler has the option of taking it up or not as he likes. Who forces him to pay the price asked?

Mr. HARDACRE: The necessity for getting on the land.

Mr. ARMSTRONG: Does not demand create value? What is the use of barking up those trees? The fact that on the day that land was thrown open all but seven lots were taken up is proof that the settlers were not charged too much; and if further proof is required I can assure the House that at the present time you could not buy to-day at £15 an acre those lands which are said to have been high-priced at £5 an acre.

Mr. HARDACRE: Don't you often find that when people are rushing after a thing they pay too much?

Mr. ARMSTRONG: I say that you have no basis on which to determine the value of high-priced land in Queensland. If you calculate the returns you can get from those lands you will find that people never pay anything like the amount representing its value on that basis. In refutation of this argument once for all, I may point out to the hon. member for Leichhardt that with only one little stream between them we have the Lake Clarendon Estate on one side and the Rosewood Estate on the other, and only recently, within the last six weeks, land has been sold there up to an average of £13 an acre. The main objection I take to this measure is the fact that the Government have *carte blanche* to buy up grazing land. The Minister assures us that the experts will inspect the land and report on it before any repurchase is made. I am not one who is prepared to accept the dictum and the reports of the experts as we have them at the present time. As was shown by the hon. member for Leichhardt, even in the case of the Lake Clarendon Estate, the experts reported that the land was practically unfit for agriculture.

Mr. TURLEY: A portion of it only.

Mr. ARMSTRONG: Practically that the whole of it was not in a state suitable for settling an agricultural population.

Mr. TURLEY: They reported that some of it was excellent land.

Mr. ARMSTRONG: 1,200 acres. Where you have those facts before you, are you going to allow these officers to take charge of this very important piece of legislation—a piece of legislation which, if properly administered and properly handled, will be of the greatest benefit to the country? I feel inclined to vote against this Bill because I cannot see that it will do any very great good. There is very little in the measure. I think the Minister is handing over to the board duties which should be entirely in his hands, and he should be responsible to Parliament for any mistakes made in regard to it. I disagree with the proviso which will hand this whole matter over to the jurisdiction of the board. Now, I appreciate the difficulty of interpreting the words "agricultural lands." It is almost an impossibility to properly interpret the meaning of the term "agricultural lands," because, undoubtedly, dairying lands are agricultural lands. Dairying is, at the present time at any rate, the chief auxiliary of farming—at any rate over the principal part of South Queensland.

Mr. TURLEY: Does not that term cover all grazing land?

Mr. ARMSTRONG: It does, to my mind, and I was pointing out that I disagree with this; but at the same time we want to place in the hands of the Administration power to secure some portion of grazing land, because it must be patent to hon. members that it is absolutely impossible to feed your dry dairy stock upon such lands as I have just mentioned, which you have to buy at from £12 to £15 an acre. So that where you repurchase high-class land you want a certain amount of grazing land alongside it. Is not this what the Chamber wishes?

HONOURABLE MEMBERS: Hear, hear!

Mr. ARMSTRONG: I would suggest the way to arrive at it is this: leave the interpretation of agricultural land as in the present measure—land suitable for cultivation—but make a proviso that in the case of any estate which may be offered to the Government for repurchase it shall be a condition that it must contain an area of not less than one-third high-class cultivable lands. That will do away with all the difficulty with regard to what is grazing land and what is

[10 p.m.] agricultural land. That would be a great safeguard, and I believe that we shall secure what we want more easily in that way than in any other. If two-thirds of a property is grazing and one-third highly cultivable land, the object of the original Act and the object that is sought to be gained by this amendment will be secured.

Mr. TURLEY (*Brisbane South*): I think the hon. gentleman who has just spoken is going on right lines. He is practically following the position that was taken up last year. When a Bill of somewhat a similar nature to this was before the House last year amendments were moved in it on two occasions asking that some such interpretation as the hon. gentleman has spoken of should be inserted, and the result was that a majority voted against it. Last year the hon. member for Leichhardt pointed out that it would be better to define clearly in the Act what was agricultural land and what was not. Afterwards there was an amendment.

Mr. ARMSTRONG: We all tried to do that, but no one could make out what the wish of the House was.

Mr. TURLEY: The position is the same now, in this way—that we want a clear definition. I would like to point out that, as far as we understand this Bill, it simply leaves in the hands of the Government power to purchase any land in Queensland.

The SECRETARY FOR PUBLIC LANDS: If the Land Board recommend it and if the Governor in Council approves of it.

Mr. TURLEY: I am not perfectly satisfied with these recommendations from officials in the department, for we know perfectly well what the result was in one case. One official was sent out who distinctly reported against the purchase of the estate. That did not satisfy the department; they sent out man after man until they sent the particular man who was prepared to report in the way the department wished him. That is what has taken place in the past; and if that is the way the thing is going to take place in

the future we shall be in the same position as we have been all along. There is no one who will say that the Act has not done good, for it has enabled numbers of people to get better terms than they could get from any private individual. I think everyone will admit, in spite of the statement that the State is the worst landlord it is possible to get, that no private company has been able to offer the same facilities to selectors to acquire land on the Downs or elsewhere as are offered under the Lands Purchase Act. No one is able to deal with them so easily when they have difficulties to contend with.

The SECRETARY FOR RAILWAYS: The State is not the landlord of all the land.

Mr. TURLEY: It is practically the landlord, because a private person could simply take it away from them if the conditions were not fulfilled, and the State is practically in the same position.

The SECRETARY FOR RAILWAYS: But the conditions have been fulfilled.

Mr. TURLEY: The hon. gentleman knows that they have not been fulfilled in many cases. Deputation after deputation has waited on the Secretary for Lands, and the Government have always done what I think they ought to do—acted in a manner making things easy for these people to purchase land. I remember last session we were led to believe that there would be no necessity to buy back land for some time, as railways were going to be built to many centres. I remember the Secretary for Railways, when introducing some railway lines last session, saying that they would be the means of throwing open hundreds and thousands of acres of Crown lands. If that is so, I do not see the necessity for passing an Act allowing the Government to purchase any land which may not contain one solitary inch that is fit for agriculture—that is, as the hon. gentleman said, if it is not reported on by the Land Board. It is just as well for us to come to the bottom of the matter. There have been two or three estates offered which the Government want to buy. Two years ago the hon. member for Moreton introduced a deputation to the Minister for Lands, and this legislation is the outcome of that interview. There is the Durundur Estate, in the hon. member's district, which has been offered, and according to the speeches of the members of the deputation it is required for settlement. There is very little agricultural land there; but it was reported by the hon. member for Moreton, and those who were with him, that it was necessary for the Government to buy back this land because it was required for dairying purposes, and it could not be bought back under the provisions of the existing Agricultural Lands Purchase Act. I know another estate, 10,000 acres of which have been offered to the Government. That is Gin Gin. The Minister for Lands went out and had a look at this land with the object of seeing whether it was suitable for the Government to repurchase. Another estate under offer to the Government is Jimbour. If it is the object of the Government to buy back these estates, it is just as well for the House and the country to know that the object of this Bill is to give the Government a free hand to purchase any sort of land they like, whether agricultural or not. If this is so, it seems to me hardly good enough to put that power into the hands of the Government. It applies to any land, and I do not think it is wise to give the Government this power on the recommendation of their officers.

* Mr. TOLMIE (*Drayton and Toowoomba*): The Bill which is now before the House has been characterised in several ways. Some hon. members who have spoken have said that it is an excellent measure, others that it is an abortion, and others again have said that it is no Bill at all. But in this Bill there is an important principle, and I think it is the only principle that is sought to be affirmed to-night, and that is that the Government are to have the power to deal with dairying land in the same way as they have with agricultural land. Since the Agricultural Lands Purchase Act came into force, a number of the estates have been repurchased, most of them on the Darling Downs, and that has added considerably to the settlement of people in that portion of the State. It has aided the progress of the colony to a great extent. The agricultural industry has increased to an enormous extent within the last five or six years, and so has the dairying industry. A few years ago the dairying industry did not exist really, but last year nearly 9,000,000 lb. of butter and 2,000,000 lb. of cheese were made. All that has taken place during the last few years on land devoted to dairying. Perhaps it will be somewhat expensive if farmers now wish to go in for the dairying industry alone. If it is possible to get them cheaper land, then I think it is desirable that this House should secure that land for them. It has been contended that it was a mistaken policy on the part of the Government to repurchase land that some years ago was sold at comparatively low prices. "Where is the advantag," it is asked, "of paying £2 an acre for land that thirty-five years ago was sold for £1?" We are told that the advantage is wholly on the side of the vendor. If we think for a moment of the conditions which existed when that land was sold, we find that at that time the purposes of the Treasury were served. There was certainly an alternative which the Government of the day had. They could have gone on the money market and borrowed sufficient money for their requirements, but had they done so then they would have had to pay interest at the rate of 5 per cent. Taken at simple interest, they would have paid £1 15s. in interest, and would still owe the principal, and the land would have remained idle all the time.

Mr. HARDACRE: Oh, no; they would have got rent for it.

Mr. TOLMIE: Possibly they would have got rent for it, and possibly not. It is only a supposition on the part of the hon. member, and it is impossible to substantiate it in any way. I think we are justified in saying that that money would have increased at compound interest, because we would have been paying interest upon interest. Consequently, the land sold thirty-five years ago for £1 an acre, would be valued to-day, reckoning interest and compound interest, at £6 an acre. So that the Government in repurchasing for £2 or £3 an acre, land which they sold for £1 an acre, are getting it back on very favourable terms indeed, and they are getting it back in such a way that they can hand it back immediately to the people without any loss to the country. The land is fit for cultivation, and those people who are now getting it are acquiring it on much more advantageous terms than when it was obtained years ago when there were no markets and no railway facilities. Consequently I think we may remove from our minds all thought that the vendors are getting more than the value of the land at the price we are paying. The necessity for acquiring land for close settlement is great. It is only those who live in agricultural constituencies and in constituencies bordering on agricultural constituencies who know what the demand for land is. Representatives of mining constituencies have not the least idea of the demand, and the same may be said of the representatives of large city constituencies. We upon the Darling Downs know what the desire for land is. Every farmer is desirous that his sons should be settled as close to

the old home as it is possible to get. At present there is no land available for them close to the home land, and by the Government stepping in and repurchasing these estates they are rendering a great service to the people. Dairying land requires to be cheaper than agricultural land, and we know that in many parts of the State close to markets and close to railway facilities, it is possible to acquire dairying land at a comparatively cheap rate. I think it is desirable that we should acquire it. We have to depend upon the Land Board to see that the State gets its fair value. One hon. member who has spoken this afternoon has come to the conclusion that the State possesses not only a corrupt Ministry, but a corrupt Land Board as well.

Mr. LESINA: Hear, hear!

Mr. TOLMIE: I think there are few gentlemen in this Chamber who have such a poor opinion of the Government and of the gentlemen who are invested with high authority to carry out the affairs of the State. The person who comes to the conclusion that the Government is corrupt and the Land Board is corrupt must, I think, be corrupt himself. The agricultural lands which have been repurchased have been a pronounced success. We are told there are 7,000 acres that have not yet been selected. That was twelve months ago. Since then nearly the whole of that land has been taken up, and we must also bear in mind that the State is in this position: that, in addition to the land that has been selected, improvements have been erected to the extent of £80,000 or £100,000.

Mr. HARDACRE: Do you know the price that the remainder was taken up at?

Mr. TOLMIE: I only know that there has been no reduction in the price since the land was put upon the market. Consequently it must have been taken up at a price payable to the State. The great advantage to the farmers on the Darling Downs in purchasing land through the agency of the Government is that they have twenty years in which to pay for it. That is a very great advantage to the selector. He goes upon the land. He builds his house. He puts up his fencing, and he is able to do but little beyond that. If sufficient encouragement is given to him year after year he is able to more than make both ends meet, and in a very short time he is in an independent position. I know that upon the Darling Downs there are very many farmers and dairymen who have had a very hard struggle for existence, but they have now got their heads above water and are becoming a prosperous community. There are hundreds of others who will have to go through the same process, but they will ultimately meet with the success of those who have gone before them. This Government will contribute to that success by securing for them land at comparatively cheap rates near to markets, and having all the railway facilities that it is possible to get. I believe the principle contained in this Bill is a right one. I believe the principle is just as likely to make the dairying industry successful as the agricultural industry is successful, and believing that the principle is right, and that it is going to be productive of good, I have no other alternative than to give the measure my hearty support.

Mr. FORSYTH (*Carpentaria*): I do not intend to take up the time of the House very much in connection with the measure now before the House. I was somewhat surprised at the laboured effort the hon. member for Leichhardt made with regard to the payment for lands purchased by the Government in these various estates. But even on his own showing we practically get back the total amount of money the Government have expended on those estates. I do not know, and I have yet to learn, that the Government have purchased these estates for the purpose of making money out of them. I understand that if they get back the money they expend they are perfectly satisfied. The farmers, of course, want to get the land on the best terms possible. We also know that the very fact of the Government giving the long terms they have done has caused an extra demand for land that otherwise would not exist. We all know that farmers who want 150, 200, or 300 acres, if they have to pay £2 or £3 an acre cannot always pay cash, and the demand would be very much smaller; the case is very different when the Government allow the payment to extend over twenty years. I must say I quite approve of the remarks of the hon. member for Lockyer, who knows as much about this business as any man in the House. He believes in the principle that in all lands purchased a certain proportion of it should be agricultural. It would be a mistake to buy land that was only fit for grazing or dairying, as the case may be. If I understand the matter correctly, the policy we believe in is that any land purchased shall be agricultural land as well as dairying land. The two classes of land should be worked together so as to make the thing a success; and that is the policy the Government intend to adopt. I do not believe the Government intend to purchase any estate that has not a fair proportion of agricultural land upon it.

Mr. LESINA: What about the Seaforth Estate? Why did they buy it?

Mr. FORSYTH: Here is that little cock-sparrow interjecting again.

A MEMBER of the Opposition: Is the hon. member for Carpentaria justified in using such language towards any member of the House?

The SPEAKER: The words are certainly disorderly.

Mr. LESINA (to Mr. Forsyth): The Speaker only hears my disorderly remarks, not yours.

The SPEAKER: The hon. member for Clermont has used language towards the Chair that is distinctly disorderly. I call upon him to withdraw the words immediately.

Mr. LESINA: I withdraw the remark I made, but I want to draw your attention to the fact that the Home Secretary, outside the bar, said "Hear, hear!"

The SPEAKER: Order! No one is entitled to speak or to interject from the galleries outside.

Mr. FORSYTH: I am very sorry that this interruption has occurred. To return to the subject we are discussing, I believe in the principle of assisting the farmer to get not only dairying land but agricultural land. I believe the dairying industry is going to be one of the biggest industries in the State. In Victoria it has already attained enormous proportions, and Queensland is in an infinitely better position for the manufacture and export of butter than Victoria. We have a much larger area of land which is equally as good and a great deal cheaper than the land in Victoria. In that colony, owing to the fostering care of the Government, the export of butter has reached no less an amount than 36,000,000 lb., representing £1,500,000. In New South Wales it is nearly 8,000,000 lb., representing £343,000; while in Queensland we exported last year 1,388,000 lb., representing £51,000. One can see, therefore, at a glance, that by judicious fostering this will become in time one of our best industries. A measure of this kind cannot but tend to the development of the resources of the country, and that is one of the reasons why I intend to support the second reading of the Bill. If it is the case that the State has got a very large quantity of very good land available, by all means let that be utilised before any more land is purchased.

If the land is so situated that there is easy communication with a market it is the duty of the Government to utilise it, and I understand there is some such land in the Burnett and Wide Bay districts. It has been mentioned by the hon. member who last spoke that the particular land to which this Bill applies is a great deal cheaper than purely agricultural land, and that it is likely to be taken up in large areas, but I would rather see 100 or fifty families settled on an estate than five or ten. We are always talking about getting people settled on the land, but whenever legislation for the purpose is introduced many objections are raised to it. I believe this Bill will have that effect. I trust it will be allowed to be read a second time, and then in committee we may be able to assist the Minister for Lands in making it a little more complete than it is in its present form.

Mr. GIVENS (*Cairns*) : I beg to move the adjournment of the debate.

Mr. LESINA : I object to the adjournment of the debate. Hon. members on both sides of the House, I am satisfied, are so much interested in the passing of this Bill that an adjournment at this early hour is entirely unnecessary. The hon. member for Cairns, in moving the adjournment of the debate at this hour, is apparently desirous of curtailing debate. I do not see why we should cut the debate short at this particular hour, nor why we should not continue it now.

Mr. JACKSON : Supposing it has been agreed upon to adjourn ?

Mr. LESINA : If the Premier and the leader of the Opposition have so arranged matters that the hon. member for Cairns should move the adjournment of the debate now, that is an entirely different matter. I object to arrangements of this kind, so far as I am personally concerned on this side of the House.

[10·30 p.m.] I can say that, so far as I am personally concerned, I strongly object to the leader on this side of the House making arrangements of that kind.

Mr. JACKSON : It is always done.

An HONOURABLE MEMBER : Of course.

Mr. LESINA : Of course it is right, so far as he is concerned, but why should I be bound by conditions of this character? An hon. member suggests "discipline." I object to discipline of this character. I object to these conditions being laid down. I am strongly in favour of members of any side of the House, if they feel interested in the passage of a measure of this character, getting up and saying what they like. I strongly object to the leader of the Opposition making arrangements with members on this side of the House, and with the Premier, for the curtailment of debate or for the adjournment of debates on important measures of this character. As a matter of fact I say that, having made arrangements myself for the discussion of this particular measure for another two or three hours, I thought I might be able to go on until about half-past 12 o'clock, and I find that the leader of the Opposition has made an arrangement with the Premier to prevent my continuing this debate until about half-past 12. That, I can assure you, Mr. Speaker, causes a certain amount of personal discomfort to myself. I had 1,400 or 1,500 arguments to urge against the passage of this particular measure. I was going to read nearly all the speeches made last session in connection with a particular Bill of this particular type, which was introduced by the Minister for Lands last session ; and I find now, by an arrangement made without any consultation so far as I am concerned, the leader of the Opposition has determined to stop the discussion of this Bill. I can assure you, Mr. Speaker, that I object to this. So far as I am personally concerned during the rest of this session, right up to the time that Parliament stops its sittings, I am going to go particularly "on my own" in connection with nearly all these matters. I do not believe in these arrangements being made without the members of the parties on both sides of the House being consulted ; and I can assure the hon. the leader of the Opposition that, so far as I am personally concerned, when he makes an arrangement with the Premier for the adjournment of debates that he does not speak on my behalf.

Mr. BROWNE : Hear, hear !

Mr. JACKSON : Are you going to resign from this party ?

Mr. LESINA : I am not going to resign ; but I am going to be a little more democratic than this party. This party is not democratic enough. It does not fight enough. It is getting too respectable.

MEMBERS on the Government side : Hear, hear ! and laughter.

The PREMIER : Why do you not follow its example ?

Mr. LESINA : I might say, on this motion for adjournment, that so far as I am personally concerned, I have noticed this with a certain amount of sadness, and that sadness, I have also noticed outside, is shared in by a large number of strong labour men in Brisbane. There is a growing tendency on the part of the members of our party sitting in this Chamber, and particularly on the front Opposition bench—there is a growing tendency to appear respectable.

The SPEAKER : Order ! Will the hon. gentleman permit me to remind him that the question before the House is the adjournment of the debate.

Mr. LESINA : Well, in connection with the adjournment of this debate, and particularly in connection with the motion moved by the hon. member for Cairns, I wish to say that there is a growing tendency, which I have observed with a certain amount of pain, and which members of our party outside this Chamber have also noticed with a certain amount of pain——

An HONOURABLE MEMBER : Champagne !

Mr. LESINA : No champagne ; that is on the other side——

Mr. MAXWELL : This will be painful enough to some of them.

Mr. LESINA : Members on this side of the House apparently are trying to induce the public outside to believe that they are perfectly competent to take the administration of public affairs.

The SPEAKER : Order !

Mr. LESINA : As administrators—as administrators they are perfectly respectable. I thought of applying the word "respectability," as Mr. Galbraith uses it in a recent review, to this particular party——

The SPEAKER : Order, order !

Mr. LESINA : I strongly object to this particular motion.

The SPEAKER : Order ! I again remind the hon. member that the question before the House is that this debate be now adjourned, and his remarks must be addressed to that subject.

Mr. LESINA (addressing certain hon. members on his left, whose interjections were inaudible) : I am going to do as I damned well like.

The SPEAKER : Order, order !

Mr. LESINA : Mr. Speaker,—I said "jammed."

The SPEAKER : The hon. member must not use such language in this Chamber.

HONOURABLE MEMBERS : Hear, hear !

The SPEAKER: The question before the House, I again remind him, is that the debate be now adjourned.

Mr. LESINA: I would ask, Mr. Speaker, if I am perfectly in order, what is your objection? (A pause.) I say, as you have not answered my query, that I object to the adjournment of this debate for the particular reason that the adjournment of the debate at this particular hour means that members who have prepared themselves for a discussion of the Bill before the Chamber are denied the right to discuss its principles at this particular hour. I have made particular arrangements for the discussion of this particular measure, and I strongly object to the adjournment of the debate at this particular hour, because of the arrangements I have made to discuss the principles of the Bill. Of course, the hon. member on this side of the House who was induced to move the adjournment of the debate by the leader of the Opposition making arrangements——

Mr. GIVENS: I rise to a point of order. In making that statement the hon. member for Clermont is stating what is not in accordance with the facts. I was not induced by the leader of the Opposition to move the adjournment of the debate; but the leader of the Opposition made arrangements for the adjournment of the debate at my particular request, because I knew that other members wanted to speak, but they did not care to go on.

MEMBERS on the Government side: Hear, hear!

Mr. LESINA: What is the point of order? It is no point of order at all. The hon. member for Cairns has simply made an opportunity to get in a little speech on his own. While under ordinary circumstances I think we should be satisfied if the hon. member for Cairns moved the adjournment of this debate "on his own," still, if the leader of the Opposition made the suggestion to him that he should do so, and he accepted that suggestion, then he was not acting on his own belief of the necessity for the adjournment of the debate, but simply on the recommendation of the leader of the Opposition. It is perfectly plain. It seems to me it is perfectly plain. I object to the adjournment of this debate at this particular hour. I think that this debate might go on for four or five hours with a certain amount of satisfaction to the House, and also to the satisfaction of those persons outside who are interested in the discussion of matters that come before the House, and who read our language. I have no other points, or otherwise I would dilate upon them for another hour or two just to keep hon. members here, and to keep them warm. There is no reason why I should not do so.

Mr. BRIDGES: You had better not.

Mr. LESINA: The hon. member for Ipswich——

Mr. BRIDGES: Nundah.

Mr. LESINA: I notice that the hon. member for Nundah is making some warlike demonstrations towards me. I do not know whether you, Mr. Speaker, are observant of the fact. I think that these actions are particularly disorderly, but apparently no hon. member has called attention to the fact that the hon. member has made certain warlike demonstrations towards me. If this kind of thing is going to be permitted, it appears to me that members can get on the other side of the House and may make warlike demonstrations against any hon. gentleman who gets up on this side of the House, and, to all intents and purposes, prevent him carrying out his duties as a member.

The SPEAKER: Order, order! I must ask the hon. gentleman to address himself to the question before the House.

Mr. LESINA: It's all right. I've done.

The HOME SECRETARY: Before the motion is put, I should just like to say a word or two of personal explanation. I said "Hear, hear" to some observations while I was standing outside in the gallery, and I wish to mention—without disputing your ruling, Mr. Speaker, as to my being out of order—that I had in my mind the fact that it is laid down in "May," page 295, that a member may speak from the side galleries appropriated to members, but not from below the bar. I wish to make that explanation, because I had no desire to do anything that was out of order.

Question—That the debate be now adjourned—put and passed.

The resumption of the debate was made an Order of the Day for to-morrow.

The House adjourned at seventeen minutes to 11 o'clock.