Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 16 OCTOBER 1901

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

The hon. member for Leichhardt has made a verbal communication with regard to one alleged case of the kind, and has promised to write more fully on the subject. Apart from this, the Government have no reason to believe that any such unqualified persons have been appointed to the Commission of the Peace.

DELAY OF GLADSTONE MAIL TRAIN.

Mr. RYLAND (*Gympie*) asked the Secretary for Railways—

1. Is it correct, as stated in *Progress* of 12th October, that the Gladstone mail train, on the night of 4th October, was delayed forty-three minutes at the Central station to enable Messrs. Boles and Kent, MM.L.A., to travel homewards after the division on the Normanton-Cloncurry Railway?

2. If not forty-three minutes, what was the extent of the delay, if any, of the Gladstone mail on the night referred to?

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

I have not seen the copy of *Progress*, but I delayed the train that evening for a few minutes.

SOUTH BRISBANE SANITARY CONTRACT.

Mr. DUNSFORD (*Charters Towers*) asked the Secretary for Railways—

1. Is he aware that the department is conveying in open "F" wagons human excrement from the South Brisbane Sanitary Works to Enoggera, consigned to Chinese gardeners there?

2. Has he received any complaints from the residents in that district re this nuisance?

3. Will he see that in future this great danger to the health of the people is discontinued?

The SECRETARY FOR RAILWAYS replied—

No, not of the stuff inquired about; but some such matter, after being roasted and covered with ashes, was so conveyed. The contract terminates at the end of this month.

PUBLIC SERVICE BILL.

On the motion of the PREMIER, it was formally resolved—

That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to Amend the Public Service Act.

PUBLICATION AND SALE OF NEWSPAPERS BILL.

On the motion of the HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*), leave was given to introduce a Bill relating to the publication and sale of newspapers on Sunday.

FIRST READING.

The HOME SECRETARY presented the Bill, which was read a first time, and the second reading made an Order of the Day for to-morrow.

INTRODUCTION OF JAPANESE.

On the motion of Mr. BROWNE (*Croydon*), it was formally resolved—

That an Address be presented to the Lieutenant-Governor, praying that His Excellency will be pleased to cause to be laid on the table of this House copies of all treaties, agreements, and correspondence between the Government of Queensland and the Government of Japan relative to the introduction of Japanese to Queensland.

LEGISLATIVE ASSEMBLY.

WEDNESDAY, 16 OCTOBER, 1901.

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

QUESTIONS.

ILLITERATE JUSTICES OF THE PEACE.

Mr. W. HAMILTON (*Gregory*) asked the Chief Secretary—

1. Are there any justices of the peace appointed in Queensland who can neither read nor write?

2. If so, how many, and by whom recommended?

PORT NORMAN, NORMANTON, AND CLONCURRY RAILWAY BILL.

RESUMPTION OF COMMITTEE.

On clause 24—"Leases"—

Question—That the following words be inserted after line 18:—

In every mineral lease exceeding 25 acres, a portion of the surface area not exceeding one-half of the area over and above 25 acres shall be reserved for residence and business purposes (*Mr. Maxwell's amendment*).

Mr. BROWNE (*Croydon*): After the discussion which had already taken place on the amendment, he hoped the Minister would see his way to accept it. The hon. member for Burke would be prepared to show where such a difficulty had already cropped up. A township was laid off by the Government, and after a number of allotments had been taken up, a mineral lease was taken up right in the middle of the main street, which was monopolised by the company, and business people were at the mercy of the company. If such an amendment as this had not been inadvertently omitted from the Mining Act that trouble would not have arisen. The preamble mentioned that the company had the right to erect workmen's dwellings, and if they were allowed to monopolise those large areas of land, and then, in addition, erect those residences, a similar state of affairs to that existing in America would be brought about, the company having the employees and business people at their mercy, and immediately any friction arose, they could turn them off the ground and they would have no remedy.

The SECRETARY FOR RAILWAYS (Hon. J. Leahy, *Bulloo*): At the last sitting they had had a great deal of discussion on that amendment, extending over three hours. He had told hon. members opposite that he would make all the provisions of the mining laws applicable to the Bill, with the single exception of the labour conditions. Hon. members said that special conditions were being given to the owners of the leases, but in that case they were imposing harder conditions. He would not object to the amendment if it was the ordinary law, and applied to other leases.

Mr. BROWNE: We are going outside the ordinary law.

The SECRETARY FOR RAILWAYS: Not with regard to mineral leases, except so far as labour conditions were concerned. Against that the company were paying £1 an acre for their leases, and he would like to see 10,000 or 50,000 acres taken up at that price. What he was afraid of was that the company would not take it up. He had considered the matter carefully, and if he had seen that there was anything to be gained by the amendment he would have accepted it at first. He did not believe in taking three hours talking over a thing, and then changing the opinion he had arrived at upon it, unless some fresh information was given to lead him to do so. Nothing has arisen to induce him to change his mind, and he did not think there was any use in continuing the discussion. He had tried to meet hon. members opposite in every fair way. He had promised to bring the company within the pale of the ordinary law, and as far as the ordinary law applied to mineral fields, it would apply to this company. If there was any amendment of the Mining Act in the future in relation to mineral leases, it would apply to this company as well. What was the use of putting in a clause like this, which would only apply to a small patch of country taken up by this company, and not to the leases taken up by every one else all over the State? If any provision was made, it should be of general application to all mineral leases. He had made up his mind not to accept the amendment, but of course if the Committee insisted upon it being inserted, it was a matter for them.

Mr. MAXWELL (*Burke*) pointed out that wherever work was carried on on a mining field settlement followed. Wherever there was a mine working, the men employed in connection with it endeavoured to get as close to their work as possible. He knew that at Einasleigh men had erected houses on the mineral field, thinking that they would have an opportunity afterwards of buying the allotments. Instead of that, some persons came along and took up a lease for the whole of the area on which they had built.

The PREMIER: Did they get the lease granted to them?

Mr. MAXWELL: Yes.

The PREMIER: I do not think so.

Mr. MAXWELL: He was certain that they did, because he had been to the hon. gentleman's department and seen about it.

The PREMIER: Subject to the rights of the people already there.

Mr. MAXWELL: These people had no rights. They took up the allotments without applying for a residence area, thinking in time that they would have an opportunity of buying them. Why were not these allotments put up for sale, instead of being allowed to be taken up under mineral lease? As it was, the people who had put up the buildings had no rights, and could simply be told to clear out. He doubted even whether they had the right to shift their houses. He believed the same thing would occur in the Cloncurry district, and it was with the object of preventing that, that he had moved his amendment.

* Mr. JENKINSON (*Wide Bay*): He would support this amendment because he believed it to be reasonable, and for the reason that his experience on goldfields and in connection with mineral fields led him to believe that it was absolutely necessary that some such provision should be inserted in the Bill. He believed that at the time they were passing the Mining Bill it was purely through an oversight that the same provision was not inserted with regard to mineral leases as was inserted with regard to gold-mining leases. When Gympie was first discovered the township was at what was called the "Two Mile," but owing to the discovery of the gold leads going south nearly the whole of the township had been built to the south, and what was originally known as the Gympie township was almost deserted, while what was then outside the pale of the goldfield was now dotted over with houses as far as the Monkland, which was 4 or 5 miles distant from the previously allocated township. It was the same with regard to the Kilkivan Gold Field, and the Jimna Gold Field, at the other end of the Wide Bay district. If this had been the experience in the past, surely they had some reason for expecting the same thing to occur in the Cloncurry district. There was not the slightest doubt, as had been pointed out by the hon. member for Woothakata, that men desired to get their homes as near their work as possible, and, that being so, some provision should be made for them which would not leave them entirely under the thumb of this company.

The SECRETARY FOR RAILWAYS: If that is so, there should be a general measure dealing with this, and not a patchwork amendment of this kind.

Mr. JENKINSON: They had pointed out that it was purely an oversight that it was not included in the Mining Act, and if they had made a mistake three years ago that was no reason why they should perpetuate it. They should take the earliest opportunity of rectifying

it. Surely hon. members would realise that what they were asking for was reasonable! There was not a single mining member but who would endorse the general principle that they had been asserting from this side of the House. The principle was a very reasonable one, and this was the first opportunity members had had of pressing it on the attention of the House. He hoped the Minister would reconsider his decision and accept the principle, even though he could not see his way to accept the whole of this amendment.

[4 p.m.]

Mr. J. HAMILTON (*Cook*): The hon. member was perfectly right in saying that this regulation with regard to miners' residences was omitted from the section relating to mineral leases in the Mining Act through an oversight, but the hon. member did not appear to have understood what the Minister for Railways had just said. He said the Mining Act would be so altered that a regulation which exists in the Act empowering miners to reside on goldmining leases would also be made to apply to leases held under the Mineral Lands Act. That being the case, what was the good of this suggested patchwork legislation, which would only apply to 5,000 acres out of the hundreds of thousands of acres of mineral country in Queensland? He considered it desirable that a law should be introduced, which would apply to all mineral leases taken up in the colony, enabling miners to live on them. That would be introduced, and if it was introduced by no one else, he himself would introduce it.

Mr. BROWNE: Two matters had been pointed out by the Minister for Railways and reiterated by the hon. member for Cook. The Minister said that this Act was on all-fours with the Mining Act, but he (Mr. Browne) said "No." If the hon. member for Burke withdrew his amendment, would the Minister allow this clause to be amended so as to bring this Bill into line with the provisions of the Mining Act?

The SECRETARY FOR RAILWAYS: Yes, with regard to mineral leases, with the exception of the labour conditions.

Mr. BROWNE: Would the Minister accept an amendment on line 26, cutting down the period from fifty years to twenty-one years?

Mr. J. HAMILTON: That is a specific provision.

The SECRETARY FOR RAILWAYS: No. I referred to all the conditions of mineral leases affecting the rights of the public. At any rate, it is only a question of eight years.

Mr. BROWNE: No. By this Bill the company were given a term of fifty years, but the term under the present Mining Act was twenty-one years? What was the good of the hon. member objecting to special legislation for this company, when right through the Bill they were making special terms and conditions. They were overriding the present Railway Acts, the mining law, and the Lands Acts. If this company was going to get the same rights as other people, why should they not be subject to the same restrictions as other people? Only this session they had passed an amendment of the Mining Act of 1898, which had been mutilated in another place, and when it was introduced by the Minister for Mines, he (Mr. Browne) and other hon. members were anxious to introduce an amendment of this kind; and he believed that if the officials of the Mines Department were referred to, they would be found in favour of it. He had asked the Minister for Mines if he would accept any other amendment in the Mining Act besides this one, and he said he would not.

Mr. J. HAMILTON: He did not, and there is nothing to prevent any hon. member introducing another Bill distinct from this.

Mr. BROWNE: This was special legislation. As had been pointed out, business people might settle down in this district. Miners might make their homes there, and this company would have the right at any time to take up mineral leases there and order them off that ground, and they would have no remedy.

The PREMIER: Not if they took up homesteads.

Mr. BROWNE: As the Bill stood now the company could take up these leases wherever they liked. There was no provision that they should put up notices or mark out where the ground was—nothing of that sort.

The PREMIER: You were told that all that will be altered.

Mr. BROWNE: The amendment of the Minister for Railways was to omit the whole of clauses 26 and 27.

The PREMIER: All that will be omitted.

The SECRETARY FOR RAILWAYS: I will omit them.

Mr. BROWNE: This company had the power, as the Bill now stood, to take up 200 or 300 acres of these leases, and they could prevent anyone coming anywhere near them, although the land might be very valuable and convenient for the people there to live on. If this company were going to have all these rights, the people who settled there should at least have enough room to live upon.

Mr. RYLAND (*Gympie*): It had been said that 5,000 acres was a small patch, but he thought that was a very big patch indeed; and if the company took up that area, where would the miners live?

The PREMIER: Where do they live now?

Mr. RYLAND: As a rule they lived on goldmining leases. Previous to the legislation which reserved a certain area of land for residence purposes it was an understood thing that miners had a claim to the surface rights, and in no case that he knew of had the holder of a goldmining lease interfered with a miner selecting a homestead on residence areas. He remembered that in one case where a prospectus was placed on the London market it was stated that a considerable amount of revenue would come in from the letting of surface rights for residence purposes, but among the mining community it was always acknowledged that the working miner had a right to build his home on mining leases. The miners had hitherto enjoyed this privilege, and it would be taken away from them under this Bill. No amendment of the mining law that might hereafter be passed providing for reservations for residence purposes would apply to this company.

The SECRETARY FOR RAILWAYS: The company will not be exempt from future legislation.

Mr. RYLAND: The company would have the surface rights given to them by their leases, and those rights could not be taken away from them without compensation. There was a provision in the Bill which exempted the company from the Mining Act and any amendment of the Mining Act. There might be a large population in that part of the country, and where would the miners live when all the surface rights were given to the company? The miners would have to go cap in hand to the company, and ask for permission to live on the leases, and for that permission they would have to pay a high rent or a high price.

HON. G. THORN (*Fassifern*) rose to a point of order, and called attention to Standing Order 258, which provided that a member must speak to the amendment before the Committee.

The CHAIRMAN: I have followed the hon. member for Gympie in his speech, and I think he is in order.

Mr. RYLAND: He was sorry that the hon. member for Fassifern did not understand the question before the Committee. He thought the Minister should consider the amendment, and not take away from the mining community the privilege which they had enjoyed in the past.

Mr. GIVENS (*Cairns*): The amendment moved by the hon. member for Burke provided that where the area of a lease exceeded 25 acres one-half of the area over and above 25 acres should be reserved for residence and business purposes. One of the arguments against the acceptance of that amendment was that the company would require a very large area for carrying on their smelting and other works in connection with copper-mining. He would remind the Secretary for Railways that the Chillagoe Company and the Mount Garnet Company had very large works erected on their mineral leases, and that in neither case did those works occupy more than 10 acres. Even if the amendment was accepted, the company would have the total area of their lease where such area did not exceed 25 acres, and if a lease was 50 acres in extent all that was asked was that they should give 12½ acres to miners and business people living in the vicinity for residence and business purposes. This was not much to ask, and the Minister might very well accede to their request without inflicting any hardship on the company, or forfeiting any of his own dignity. With regard to the statement that these leases would be brought under the provisions of the mining law in every particular, that had been effectually refuted by the leader of the Opposition, who had pointed out that there were exceptional terms with regard to the length of the lease. These would be for fifty years, whereas every other leaseholder would have a term of twenty-one years only. As was pointed out by the hon. member for Gympie, if any amendment was made in the mining law providing that a certain portion of the surface area on mineral leases should be reserved for residence and business purposes, that reservation could only apply to leases granted after the amendment was passed, and could not apply to these 5,000 acres of mineral leases, as there could be no revision of those leases for fifty years. Unless the amendment was accepted, the company would have an indefeasible right, not only to the minerals in their leases, but also to the surface rights for fifty years, and the Government would have no power to revise those leases. It was said that this was patchwork legislation, and that if such an amendment was passed it should apply to mineral leases all round. Well, it was necessary to make the provision apply to the mineral leases which would be granted under this Bill, so as to bring them into line in that respect with other leases, to which a subsequent amendment of the law would make it apply, otherwise the company would be exempt from that condition for fifty years. Besides, it had been found by practical experience that such a provision was necessary for the protection of the miners, who always wanted to live as near to their work as possible, and not to have to walk three or four miles to their work. It would be no hardship to the company, while it would meet with the general approval of the people of Queensland, and most certainly of everyone connected with the mining industry. They were told that this was patchwork legislation, but most of their legislation was of a patchwork description. They were always adding patches to their land legislation, and only last night they had been discussing the question of a superannuation fund which affected only a small section of the community.

The CHAIRMAN: Order!

Mr. GIVENS was only bringing it in to show that there was ample precedent if it was patchwork legislation. The point he particularly wished to make was that those leases would be granted for fifty years, and would not be subject to the ordinary conditions of mineral leases, so that any amendment of the law with regard to mineral leases that might be made subsequently would not affect those leases at all. He trusted that the Minister would see his way to accept the amendment.

Mr. J. HAMILTON: It was agreed on both sides that in all mineral leases there should be a reservation for residence purposes, and that consensus of opinion would undoubtedly lead to the introduction of some amendment of the law in that direction soon. The suggestion of the hon. member for Cairns that, because the company's leases would have a longer term of duration than other mineral leases, therefore any amendment of the law with regard to residence on mineral leases would not apply to the company's leases was nonsense. The only provision in connection with those leases which was different from the ordinary conditions was in regard to the length of the leases and labour conditions. Of course, where there was a specific agreement, such as that the company should have a fifty years' lease free of labour conditions, any amendment of the law would not apply; but where there was no specific provision the amendment would apply to those leases exactly the same as it did to all others. There was no specific provision in the Bill that the company should be allowed to hold the surface of the ground, so that any amendment in that direction would apply equally to those leases.

Mr. JACKSON (*Kennedy*) thought that those who had spoken on his side of the Committee had made out a good case. He fancied that the Minister was not opposed to the principle of the amendment at all, but the hon. gentleman's contention was that, as they were not amending the Mining Act, it was not worth while putting in the amendment, but that the Government would make due provision for it by and by. The hon. gentleman further argued that the amendment he intended to propose in line 30 of the clause would cover the ground; but that amendment would not meet the case the way it was worded.

The SECRETARY FOR RAILWAYS: It will put them in the same position as the holders of any other mineral leases. I intend to alter that amendment.

Mr. JACKSON had not seen the altered amendment that the hon. gentleman spoke of, but it was certain that the amendment he had now in print would not meet the case at all. It was necessary that some provision should be inserted in the Bill so that the miners employed by the company would be able to take up residence areas near their work. It did not seem desirable that they should be at the mercy of the company in the matter, and it would put the men to great inconvenience if they had to live a considerable distance from their work. If they made a reservation of that sort, it would be an inducement for married miners to take employment under the company and to settle down. The country, of course, would benefit very much by that, instead of having single men living in public-houses, the same as obtained on many of the goldfields.

Mr. FORSYTH (*Carpentaria*) thought it was quite right that miners should be afforded an opportunity of living as near to their work as possible. At Cloncurry, at the present time, there was a very large township, and a great deal of land had been sold there. There was a sale some fifteen or twenty years ago, and he then secured some allotments for which he would be glad to get one-third of what he gave

for them. There was any quantity of land for sale, so that there would be no difficulty about Cloncurry. With regard to the 5,000 acres, it would be most exceptional for any company to take up 5,000 acres in one block. Very likely it would be split up into many blocks, the area of which would not exceed 100 acres or 200 acres. Of course no enactment could possibly touch the company's freeholds; but if they took up blocks of 100 acres or 200 acres, the miners could obtain residence areas outside the leases, or the Government might do as they had done in the analogous cases of Chillagoe and Mount Garnet. What was the position there? The Government laid aside an area of land which was [4·30 p.m.] put up to public auction and sold as freehold. The same thing applied to Mount Garnet. As far as the land at Chillagoe was concerned, people had put up expensive improvements costing £600 and £700, and the consequence was that when the land was put up for sale compensation had to be paid, and instead of the miner benefiting it was the outside speculator who benefited. So far as Cloncurry was concerned, as soon as the Government saw that a township was likely to be wanted he would suggest that they should put up land as near to the works as possible, and put it up at a nominal price for the benefit of the working miner. In fact he would go so far as to say that the working miner should have a prior right to take up, say, a quarter of an acre at £5. As for the land being too far away from the works, there was any quantity of land outside the leases which the Government would no doubt reserve for residential purposes. He did not see any reason why that should not be done, and it would meet the case in every particular.

Mr. BURROWS (*Charters Towers*): The practice of selling land on goldfields had proved a hindrance to the mining industry, and he therefore did not think the speech delivered by the hon. member for Carpentaria had much bearing on the question. It did not matter how much land there was outside the leases, the fact remained that the people wanted land close to their work. Even on Charters Towers people had to go a long way outside the town in order to get a piece of land on which to live. The Premier made an interjection to the effect that once a man obtained a homestead it could not be taken from him, but that was altogether a mistake. On Charters Towers the cyanide people had thrown their residue on the allotments, and the people had had to go outside the boundaries of the town altogether in order to get residence areas. That was a very great injustice, and he thought it was a matter that should be taken into serious consideration. The Minister said it was not certain that the company would take up all the leases to which they were entitled; but if it was only a question of "may" the hon. gentleman would not have been so stubborn about the 5,000 acres. The hon. member for Cook had said that subsequent legislation would be introduced to deal with that matter, but it was a most absurd thing for any member to contend that subsequent legislation could be made retrospective without compensation being given. There were numbers of desirable allotments on Charters Towers not in use by the companies, and yet the miners were not allowed to use them. Many companies had also made capital out of selling their surface rights. The Secretary for Mines at one time expressed the opinion that companies who did that forfeited their leases, but he noticed that no such thing had been enforced. The surface rights of leases were never intended for any other purpose than to give sufficient room to the companies on which to erect the necessary machinery to carry on operations with. This was the only chance they would have of making any alteration, and the Minister in charge of the Bill could give no valid reason why they should not avail themselves of it, and insert this amendment. It had been shown that this company were going on the same lines as the American companies. They were going to build workmen's dwellings, stores, etc., and they were going to carry on the business of landlords, and rackrenting, in addition to their mining operations. There was evidence of this intention in this Bill, and it was idle for any member to say that there was no probability of their doing so. They knew that when a company of this kind had opportunities of this kind, they were going to exercise them to the fullest extent. If this amendment was not allowed to pass, it meant that the people who settled on the company's land would belong body and soul to the company.

Mr. DUNSFORD (*Charters Towers*): He could not understand the object of the Minister in refusing this reasonable amendment.

The SECRETARY FOR RAILWAYS: I cannot give it to you; it is for the House to give it.

Mr. DUNSFORD: They could not get it unless the Minister agreed.

The SECRETARY FOR RAILWAYS: You will not get the Minister to agree. I told you that before, and I tell you again.

Mr. DUNSFORD: They wanted to convince the Minister, and he was sure that the Minister was open to conviction. He could understand the opposition of the Minister if they had asked that the whole of the surface of the 5,000 acres should be reserved for residential purposes, but they did not ask for that. They did not seek to deprive the company of any right to any portion of the surface that they required for their own works. They only asked that portion of the surface should be reserved for residence purposes. If the company took the 5,000 acres in different 50-acre leases they would have 37½ acres of it reserved for their own purposes, and only 12½ acres would be reserved for residence purposes. If they took it up in 100 acres they would get 62 acres of the surface for their own purposes, and only 37½ would be reserved for residence purposes. If they took it up in 200-acre blocks 112½ acres would be reserved for their own purposes, and only 87½ for residence purposes; so that in all cases there would still remain a sufficiency of the surface for all the purposes of the company, and that was why members on his side asked that this reasonable amendment should be included in the Bill. His experience of the ill effects which had followed upon not reserving the surface rights for residential purposes had been such that he felt that it was absolutely necessary that the surface rights should be reserved by the Crown, except of the portions of the surface required for mining purposes. In no other way could they secure that reservation, so far as this company was concerned, except by inserting this amendment in the Bill.

Mr. MULCAHY (*Gympie*) would like to make a protest against the attitude taken up by the Minister in regard to this amendment. He could not, for the life of him, see that any reasonable man could object to it. It had been admitted from the other side that if this provision had been inserted in the Mining Act, in regard to mineral leases, there would have been no objection to it; and yet they had an objection to dealing with the matter in this Bill. They were giving away these rights for fifty years, and he said that any Act passed later on would not be retrospective in its effect. The whole thing was a deliberate attempt to compel the miners to vote with the other side.

The CHAIRMAN: Order! The hon. member must confine his remarks to the amendment.

Mr. MULCAHY: He was not far from the mark, at all events. If this provision were not inserted, the miners employed by the company would be nothing more or less than their slaves. Everyone recognised that the miner liked to live as near his work as he possibly could, and that being so, it was necessary that he should be able to live within a reasonable distance from the mine. The Premier had put it clearly the other day. He said they had no objection to the miner as long as he behaved himself. That meant as long as he voted and thought as the company wished. He regretted very much that the Minister could not see his way clear to accept the amendment. If the argument held good in one case it should hold good in the other, and no valid reasons had been advanced from the other side why this provision should not be inserted in this Bill. He would support the amendment.

Mr. AIREY (*Flinders*) pointed out that many big powers were given to the company under this Bill: they had magnificent opportunities, and he thought that the House had not been at all ungenerous to them; on the other hand, they had been altogether too generous. In return for all this kindness and good nature on the part of the House he thought they should give a *quid pro quo* in the shape of the small concession to the working miners contained in the amendment. If that were done it would to a very large extent do away with the danger which members of the Opposition always saw, of the working miners becoming slaves, or serfs, or being too much under the power of a syndicate like this. It was not a big thing they were asking for. It had been asked by the Minister, Why not make it general? But they had that sort of logic from the other side every day of the week. As soon as hon. members on the Opposition side moved a particular amendment, they were asked, "Why not make it general?" And if they did make the thing general, they would be told that it was altogether too sweeping, and that they should start in a small way first. This company would have the right to take up 150,000 square miles and 5,000 acres of mineral leases, which they could select anywhere they liked, and members of the Opposition were only asking that, as these privileges were being allowed to this company, some small portion of these leases should be left for the convenience of the working men. They did not want to see the same set of conditions prevailing which had prevailed at Broken Hill some years ago, when men were turned out of their homes at tweny-four hours' notice. Let this company be content with their mineral rights, and allow men to put up tents and humpies on their land. The Premier said that these men could stop there as long as they liked, as long as they behaved themselves. But what was the definition of good behaviour? Sometimes it meant a man behaving like a decent citizen, but oftener it meant him acting like a slave. The Minister said that he wished to harmonise the law with regard to goldmining leases with that dealing with mineral leases, and that was quite right. The granting of this concession would not prevent that; neither would it do any harm to anyone, and it would give great satisfaction if the Minister accepted the provision.

HON. G. THORN thought this debate would have been finished some time ago, and he was astonished at the tedious repetition which had been allowed. He thought the Chairman would have pulled up some hon. members long before. The hon. member for Gympie was under the impression that miners were slaves, but he should know that they were the most independent men on the face of the earth. He knew a great deal about working miners, although he did not represent a mining constituency, and he knew that if these miners did not get what wages they wanted, or if their wages were reduced, they immediately went out on strike. The owners of this land, whether syndicates or capitalists, or anyone else, would take precious good care that these men were well provided for—that they would get good sites for their homes. The question should be looked at from both sides. If he owned a copper-mine, he knew that he would study the interests of his men. The hon. member should also remember that what would apply to a goldmine would not apply to copper-mining. He thought they should come to a vote at once on the matter.

Mr. LESINA (*Clermont*): The hon. member for Fassifern talked about the independence of the miner, and the Queensland miners should be deeply grateful to the hon. member, who was an ex-Premier of this colony, for the way in which he had extolled their virtues, but he should remember that in nearly every instance their independence led up to candidates being returned who rejected this capitalistic business.

The CHAIRMAN: Order!

Mr. LESINA: He was replying to the hon. member for Fassifern.

The CHAIRMAN: The hon. member for Fassifern only made a passing reference to the matter, and the hon. member for Clermont is not in order in debating it.

Mr. LESINA said he was only making a passing reference to the hon. member's statements, and he thought he was quite in order.

The CHAIRMAN: Order, order!

Mr. LESINA: The independence of the miner was very largely the outcome of the conditions under which he worked, and if this clause was not amended in the direction suggested, these men would be under the dominance of this company, and would lose their independence. That independence had been achieved in the past under fair laws, but if this [5 p.m.] reasonable amendment were not adopted the independence of the miners would become a thing of the past. It was a curious thing that there was no practical miner on the other side of the House who looked at this question from a practical point of view. Even the Secretary for Mines was not a practical miner.

Mr. FORSYTH: Are you one?

Mr. LESINA: No, but he was born on a mining field, and his father was a miner, and he would rather die on a mining field and be buried by miners than by boodlers. He did not pretend to be an authority on the question, but he could see what effect certain laws would have on the miner in his effort to gain a livelihood. If there had been mining members on the other side of the House the amendment would have been carried before now, because they would have got up and insisted upon it at any cost, but as it was it was utterly useless to appeal to hon. members opposite, because they had made up their minds on the subject. Their idea was that if the corporation secured 5,000 acres of mineral land under the conditions laid down in the Bill, the men who would have to live and work there would be completely at the mercy of the company, and would not be able to make homes for themselves except on conditions dictated by the company. The hon. member for Carpentaria pointed out how the company would treat the men.

Mr. FORSYTH: I never mentioned how the corporation would treat the men; I did not say a single word on the subject.

Mr. LESINA: The hon. member referred to the men employed about the mines in that particular district; but if the corporation were going to have an absolutely free hand to grant or refuse to grant permission to the miners to occupy their leases, it stood to reason that precisely the same condition of affairs would result as had resulted elsewhere, as, for instance, in America. The Pennsylvanian coal barons were the proprietors of hundreds of acres of coal-bearing land in that region, and the miners could only live in the district by the permission of the company who owned the land. Where townships sprung up all the sites were owned by the company, and the men had to pay rent to the company, deal at the company's stores, and patronise the company's medical officers. Precisely the same thing would result in the case of this Cloncurry company. So great was the power exercised by the coal barons in that region that if a man expressed an opinion which was distasteful the directorate of a company he was black-listed, not at one colliery only, but at every colliery in the district for hundreds of miles. The men had practically lost all soul and sense of independence, and become serfs. That was a kind of thing he did not wish to see develop under the laws of Queensland.

Mr. ANNEAR: The miners in America maintain their independence.

Mr. LESINA: Did they maintain their independence? A strike took place at Coleraine the other day, and the marshal went out and read a proclamation in English to men who did not understand a word of English—foreigners imported from Hungary to work in the mines—calling upon them to disperse, and many of the men were shot, the majority in the back.

The CHAIRMAN: Order! I think the hon. member is wandering from the subject before the Committee. There is an amendment moved, and the hon. member must confine his remarks to that amendment.

Mr. LESINA: Was it not manifest that if they gave those leases as proposed in the Bill, without the reservation suggested by the hon. member for Burke, that conditions which had grown up in other countries would grow up in Queensland? If no reservation was made for business and residence purposes, then the company would build shops and labourers' dwellings, and lay down their own conditions as to occupation, which the men would have to accept or leave the district. That was a blow at the independence and liberty of the miner, and for that reason he was opposed to the clause as it stood. It was proposed in another part of the Bill to give the company the right to erect certain works. Then why not give the miners the right to establish homes for themselves on the leases where they would be employed? But the idea of hon. members opposite appeared to be to so leave the matter that the miner must buy at the company's store, and live in the company's dwelling. Under such a condition of affairs the miner would lose his independence, and become a mere chattel of the company. Of course the tendency under those circumstances would be for independent men to leave the district, but some would no doubt be forced to remain behind. Force of circumstances often compelled men to agree to conditions which at other times they would trample upon with contempt.

Mr JENKINSON: That would be an argument for getting outside labour from Hungary, or somewhere else.

Mr. LESINA: The clause had a tendency to lay down conditions which would imperil the independence of the miner. In referring to the condition of affairs in America he had omitted to say that so overwhelming was the power of the corporations that, if they chose to issue a ukase ordering their men to cut their hair in a certain way, or that they should shave their beards off, or that they should patronise a certain church, they had either to do so or leave the district. This company might be composed of Christian philanthropists—of Christian Englishmen—who would scorn to exercise that power against the miners of North Queensland; but corporations, it had been stated, possessed no souls, and this corporation might be soulless. It might be a very excellent Christian philanthropic association of English gentlemen, or it might be a cold business-like body of men who would exercise those powers.

The CHAIRMAN: Order! I must again call the hon. member to order for irrelevancy, and ask him to speak to the amendment before the Committee.

Mr. LESINA contended that he was trying to show the condition of affairs which would result if they passed the clause without the amendment moved by the hon. member for Burke. The hon. member for Wide Bay suggested that the company might bring in outside labour to work in their mines under that clause if the miners did not agree to the conditions imposed by the company. It was impossible to avoid coming to the conclusion that if the clause was passed in its present form, they were giving the company altogether too much power.

The CHAIRMAN: I would remind the hon. member that the clause is not now before the Committee, but an amendment; and hon. members cannot discuss the whole clause on an amendment to insert words.

Mr. LESINA was aware of the fact that an amendment was before the Committee. No reasons had been advanced why that amendment should not be adopted. He and other hon. members had given several reasons why it should be accepted. Why should not the miners be allowed to make homes for themselves, without being dependent upon the company for the right to build those homes? Why, under the clause as it stood, even the mighty firm of Burns, Philp, and Co., with all the power of the Government at their back, would not be able to open a store, as the company would own all the land where they established their townships, and the miners could be prohibited from dealing with anyone else, as the Bill gave the company entire power. If there was any valid objection to the amendment he would be glad to listen to it, and even to vote against the amendment, but hon. members could not possibly change their opinions unless they heard some good reasons why the amendment should not be adopted. He hoped the Secretary for Railways would take the gag off his supporters and let them discuss the matter in a fair-minded, honest manner.

Mr. J. HAMILTON: For the last thirty or forty years the regulations under which mineral leases had been taken up had contained exactly the same residence provisions and absence of residence as applied to the company. Yet, during all that time, miners had not been shot in the back, or compelled to shave in a peculiar way, nor had they been subjected to those horrible atrocities which it was asserted would follow if the company was granted mineral leases on exactly the same conditions as those which had hitherto prevailed all that time in Queensland.

Mr. JENKINSON: There never was a monopoly like this.

Mr. J. HAMILTON: Since the passing of the Mining Act in 1898 tens of thousands of acres had been taken up under mineral lease on exactly the same conditions regarding residence as it was proposed to impose upon the company;

but during the three years which had elapsed since the passing of that measure, hon. members on the other side, who were so imbued with the desire to relieve the minds of the miners just previous to an election, had never offered any objection, or had even suggested any alteration of the law in this respect.

Mr. JENKINSON: We objected in 1898.

Mr. J. HAMILTON: But when it was proposed to give 5,000 acres to these horrible capitalists—who were going to invest hundreds of thousands of pounds in finding employment for labour—and regarding whom Mr. Phillips, the engineer, told him that it would cost them £1,000,000 to construct the railway—all those horrible suppositions were submitted to them, although the Secretary for Railways had distinctly stated that he considered it desirable to introduce legislation—and he (Mr. Hamilton) hoped it would be done shortly—to enable miners to reside upon a certain area of mineral fields. When that legislation was introduced, it would apply to these leases in common with all others.

Mr. JENKINSON: The hon. member for Cook said that no effort had been made to safeguard the interests of the miners previously.

Mr. J. HAMILTON: With regard to residing on mineral leases. Don't put words into my mouth that I did not use.

Mr. JENKINSON: They had never had an opportunity of discussing that particular measure until the last few weeks. They never had had an opportunity of dealing with a monopolistic company like that until the last two or three weeks. They knew very well—particularly mining members—that there had been a strong agitation, because there was a grievance, prior to the passing of the Mining Act of 1898, in favour of some such alteration as they were now discussing.

Mr. J. HAMILTON: You have had an opportunity for years to move that miners could reside on all mineral leases.

Mr. JENKINSON: The first opportunity that Parliament had of altering the conditions was taken when the Act of 1898 was under consideration. The conditions were altered with regard to goldmining leases, and it was only by the purest oversight that similar conditions were not made to apply to mineral leases. It was pure bunkum for the hon. member for Cook to talk as he did. He posed as the miners' friend, and said that it was necessary that such an alteration should be made. When? In the future. They knew how long it took to get an alteration in the mining laws before the Act of 1898 was passed. No one knew better than the hon. member for Cook the grievances under which the miners laboured with regard to mining on private property, and what chance was there of getting the law amended with the Government as at present constituted? The miners and the mining industry were being thwarted in every direction, and he protested as strongly as he could against the infliction of a grievance of that kind.

Mr. KERR (*Barcoo*) had listened very carefully to the arguments both for and against the amendment, and he thought the balance of testimony was in favour of it. He thought it was a fair concession that was asked for. They had been told that such a condition had never existed previously, and that they must be guided by past experience. Well, some of them had had experience, if not in this colony at all events in adjoining colonies, of the difficulty under which miners laboured in regard to residence sites. If there had been a provision in the laws of New South Wales on the lines of the hon. member for Burke's amendment certain things that had taken place would never have taken place. During the big strike in the Illawarra district he knew the experience which his own father had. He had erected a building of his own on the company's ground, and he paid them ground rent for a number of years. When the big dispute occurred, although he was not employed by the company, every person on the company's ground was turned off. One man especially he had in his mind's eye. He had spent £60 on a cottage, he was paying ground rent to the company, and was ejected during the strike, and lost every penny he had spent. If there had been a clause in the New South Wales Mining Act whereby the surface rights were reserved for miners' dwellings, such a thing could never have happened. Besides that, in a mining community a great variety of business people were required to supply the wants of the miners, and it was necessary that they should have ground on which to erect their stores without being beholden to the company. He would ask the Minister to consider the state of affairs which existed where large companies kept stores of their own on the works. In the old country a very distinguished politician had brought in a Bill some years ago to do away with the "truck" system, and it was well known that where large bodies of men were congregated together and had to deal at stores belonging to a company which employed them, they were at a great disadvantage. Unless the amendment was accepted no other business people could come in and establish stores, and the company would sell to the miners at their own price. Then, again, if the miners could only live in the company's houses they would have to pay the company's rent, which might be very high and oppressive; whereas if the amendment was accepted the miners would be able to erect their own homes, thus encouraging men to marry and settle down, and introducing a large settled population into the district. If a person were discharged by the company, he might, if he had the right to portion of the surface on which his home stood, start a little business, and thus earn a living for
[5·30 p.m.] himself and his family without being under any compliment to the company, and without being under the fear of the bann of the black list of the company. Therefore he said that the Minister for Railways, who was in charge of this Bill, ought to take these things into consideration, and he ought to consider not only the interests of the company, but the interests of the men who were going to work for the company. Unless he allowed a provision of this kind to be inserted in the Bill, he would find that married men would not seek the employment of the company, because they would know they would have to travel a great distance to get employment elsewhere should they be dismissed, and they would have no right to the house in which they and their families lived. The result of that would be that no permanent population would be settled in this part of the colony, but the population would continue to be of a nomadic character. He took it that that was not what they wanted. They wanted to encourage permanent settlement, and unless the reservation of the surface rights asked for by the hon. member for Burke was granted, there would be no encouragement for married men to make homes for themselves in this portion of the colony. Men had been turned out of their homes by companies carrying on operations eleswhere, and the same thing would be done here unless this provision was inserted.

Mr. PLUNKETT (*Albert*): He could not see why the Minister would not accept this amendment, because nothing in the world could be fairer. The hon. member for Cook and other hon. members on that side had spoken strongly in favour of it, and that being so he was at loss to understand why the Minister would not accept it. The hon. member said in his speech that if good

reasons were given he would accept the amendment. Well, good reasons had been given, and he thought the Minister should now accept the amendment, and let them get on with the Bill.

Mr. RYLAND: Reference had been made to the independence of the miner, and the bedrock of his independence had been his freedom from landlordism. He could go on a piece of land and by paying the Crown 5s. a year was able to become lord of his home, and no one could interfere with him. If he got out of employment he had at least a home for his wife and family, and he could go abroad prospecting. If this amendment was not accepted they would be bringing mining under a system of landlordism as great as existed in the old country. They would have all the evils and all the horrors connected with those mining companies that they had witnessed in evictions in Ireland and in England. He was quite satisfied that if the Minister who was in charge of this Bill could only realise what the state of affairs would be if this amendment was not carried, he would accept it. He (Mr. Ryland) would do his best to impress its importance upon the hon. gentleman, and he trusted that every hon. member would do the same. They might some time pass a minimum wages Bill, under which no miner would be allowed to work for less than £3 or £2 10s. a week, but if the mining companies were to be the landlords of the miner, they could simply take back the whole of the advantage in the form of rent. No storekeeper or business man would be able to carry on his business at the place without the consent of the company, and it seemed to him that if this Bill passed without the amendment which had been proposed being embodied in it, it would be one of the cruellest pieces of legislation that had ever been passed in Queensland. He was astounded that the Minister for Railways, knowing as he did how dependent people were on the will of those who owned the soil on which they lived, should refuse to accept this amendment. He considered the amendment was one of the most vital importance, and he would like to hear mining members on the other side say something upon it. He was sorry that the hon. member for Burnett was not here, for there were a lot of miners in his district, and that district would soon become a very important mining district. Was that hon. member prepared to go back to the electors who voted for him and tell them that he was not in his place this afternoon to defend their right to have a home and a place to live on? The hon. member for Cook admitted that this was a right and just proposition, and he even went so far as to say that he would introduce this legislation himself if no one else did; but that would be too late for this district. It was no use locking the stable door when the horse was stolen. He hoped the Minister would give this question the consideration it deserved. He would like to be able to go back to the miners at Gympie and tell them in public meeting that although the Minister for Railways was against this proposal at the beginning, that as soon as the members of the Opposition pointed out the injustice which would be done if this amendment was not accepted, he rose in his place and said he would accept the amendment. He would like to be able to say that to the miners at Gympie——

The CHAIRMAN: Order! I call the hon. member's attention to the irrelevancy of his remarks. The question before the Committee is the amendment of the hon. member for Burke.

Mr. RYLAND said he was trying to convince the Minister in charge of this Bill——

The SECRETARY FOR RAILWAYS: I have not heard a word you have said.

Mr. RYLAND: In that case he would go all over it again. (Laughter.) He was talking about the independence of the miner. The Premier said that the miners would not be interfered with so long as they behaved themselves in the station of life which it had pleased God to place them, but as soon as they misbehaved themselves this company had the power to say to them: "Get out of this. You have no right here; you are only trespassers on our land, so you had better get." Now, these men might have spent £50, £60, £100, or £200 in building their homes—in fencing, in making a garden, in planting flowers, in planting rose-trees—in fact in making his home a little Paradise in the wilderness; and in spite of all this, they might be told that they had no right to be there—that they were vagabonds on the face of the earth, and they would have to get. He was sorry the Minister could not see his way to accept the amendment. Hon. members on the Opposition side were very sympathetic in this matter, and he thought the Minister should also be sympathetic. The hon. member for Barcoo had pointed out that he had suffered injustices when he had lived on land the surface of which belonged to the other fellow. He had seen these injustices, and the Minister for Railways had also seen them. He had seen how the poor man had suffered in the old country, and what difference would it make if this debate was delayed for half-an-hour. Should hon. members sit still in their places and say nothing when there was a chance of these injustices happening in the portion of the country which this Bill affected? In some cases these men who had suffered injustices in the old country had taken the law into their own hands, and even went to the extent of shooting when they had seen the homes of their boyhood wrecked—in those cases these men hardly knew what they did. And still the Minister sat still and did not rise in his place and say that he would accept the amendment, but he thought the Minister was coming round.

The CHAIRMAN: Order! I must call upon the hon. member to speak to the amendment and leave the Government alone. I would remind the hon. member that he is repeating himself, and he is also repeating what other hon. members have said. I will just read what "May" says on the point—

> A member who resorts to persistent irrelevancy may, under Standing Order No. 24, be directed by the Speaker or the Chairman to discontinue his speech, after the attention of the House has been called to the conduct of the member; and akin to irrelevancy is the frequent repetition of the same arguments, whether of the arguments of the member speaking or the arguments of other members; an offence which may be met by the power given to the Chair under Standing Order No. 24.

I would remind the hon. member that that should be carried out for the sake of the despatch of business. If the hon. member continues to repeat the arguments which have been used by other hon. members I shall have to call him to order.

Mr. RYLAND did not think any hon. member had dealt with the amount of the area that the amendment asked to be reserved for business and residential purposes. The area was very reasonable. The company would have the right to the whole of the surface where the area of the lease did not exceed 25 acres. It was only where a lease was a large one and exceeded 25 acres that there was any reservation proposed, and that reservation was only half the area in excess of 25 acres. It was the reasonableness of that proposal that he was trying to point out to the Committee.

The SECRETARY FOR RAILWAYS: That has been said hundreds of times.

Mr. RYLAND: No, it had not been pointed out before.

The SECRETARY FOR RAILWAYS: It has been pointed out by every member who has spoken on that side. I have a lot of reasonable amendments to propose if you don't talk so long as to prevent us dealing with them.

Mr. RYLAND: All right, he would sit down.

Mr. W. HAMILTON (*Gregory*): The threat of the gag and the guillotine would not deter him from expressing his opinion on the subject, though he did not suppose that anything he might say would have any effect on the Minister if the remarks of the last speaker, concerning the evils resulting from giving the surface rights to an individual or company, had no influence with the hon. gentleman. With regard to the ruling of the Chairman that the last speaker should leave the Government alone, it would be just as well if the Chairman told members on the other side to leave members of the Opposition alone. As to tedious repetition of arguments, it would be very hard for any hon. member to say something that was not akin to what had been said by somebody else.

The CHAIRMAN: As Chairman I have to carry out the Standing Orders, and it was my duty to remind hon. members that they were acting contrary to the Standing Orders.

Mr. W. HAMILTON: With regard to the amendment, he was of opinion that if it was not adopted they could not afterwards impose such a restriction in connection with the leases granted under the Bill, because it would be repudiation, and the company would want very large compensation if portions of their leases were reserved for residence and business purposes. At Broken Hill, where the company took up the surface rights, the miners could not get sites on which to build their houses, and the consequence was that they had to live miles away from their work. The experience there and in other places showed that it was desirable that they should make provision which would enable miners and business people to secure sites for their dwellings and stores without any fear of interference on the part of the company. Some hon. members had said that the Government would survey townships in the places where mineral leases were worked, and that the miners could buy allotments on which to build their homes. But he would point out that every miner had not sufficient cash to buy an allotment and build a home straight away. Members on that side had once or twice been twitted with having entered into a conspiracy of silence, but he thought that on this matter hon. members opposite might be twitted with having entered into a conspiracy of silence, as the mining members among them seemed afraid to express their opinions, or were not allowed to do so. The Minister said he tried to meet members on that side half-way. He said the hon. gentleman had never met them half-way, and that they had only secured the acceptance of a few paltry amendments.

The SECRETARY FOR RAILWAYS: I am going to move important amendments in this clause after this amendment is disposed of.

Mr. W. HAMILTON: That might be so; but he thought the hon. gentleman ought to accept the amendment now before the Committee.

The SECRETARY FOR RAILWAYS: I have told you that I will not accept it.

Mr. NEWELL (*Woothakata*): The Secretary for Railways had said that he would propose an amendment providing that all the leases granted to the company under this Bill should be subject to the mining regulations and the provisions of the Mining Act, and that being so he did not see any reason for discussing the matter any further.

Mr. BROWNE: The Secretary for Railways certainly did say that he was going to propose such an amendment. But they passed a new Mining Act in 1898, and it contained the very defect that they were now trying to remedy in this particular instance, and nothing had been done to meet the difficulty during the past three years. When the Mining Bill of 1898 was before the House, and after it had passed its second reading, a little measure was introduced in the direction of legislating with regard to mining on private property. That measure was not passed, and though three years had elapsed since then the Government had not done one hand's turn towards passing such a Bill. Why then should they not deal with the matter before them in the present Bill? The condition under which the mineral leases were granted would be inserted in the contract, and he doubted whether any subsequent legislation could take away from the company the rights conferred by their leases. If the House attempted anything of the kind it would be called repudiation. The only way to prevent the evils which were likely to arise from the company possessing all the surface rights on their leases was to adopt the amendment, and he would support it as strongly as he could.

[7 p.m.] Mr. RYLAND pointed out that the rents received for mineral leases were for the minerals only, and did not include the surface rights. For goldmining leases the State received a rent of £1 per acre per annum, but it also received rent for the surface rights in the shape of homesteads, residence areas, or business areas. The amendment proposed to give the surface of the first 25 acres to the company, and to divide the second 25 acres equally between the company and the State. The usual rent in a municipality was 5s. per quarter-acre. That would mean an additional rent of £50 that the State would receive for each 50-acre lease, so that, having regard to the revenue as well as the welfare of the miners, he trusted that the Secretary for Railways would accept the amendment.

Mr. JENKINSON: The Secretary for Railways did not seem inclined to accept the amendment. The hon. gentleman had not indicated to the Committee his particular reasons for objecting to it, but it might be that he thought the proposed reservation was too large. He therefore desired to move as an amendment on the amendment the omission of the words "twenty-five" with the view of inserting the word "fifty." That was a reasonable amendment which should commend itself to the hon. gentleman. Of course if a lease contained only 50 acres the miners would not have very far to go, even though there was no reservation; and as under the present mining law a distinction was drawn between goldmining leases and mineral leases, perhaps it would be just as well to make a distinction in the present case. He moved the amendment in the belief that, if they could not get the full loaf, it was far better to accept half-a-loaf.

Mr. GIVENS thought the amendment would make the whole thing perfectly ridiculous, because 50 acres was a very large lease. If the company were allowed to take up 50 acres without any reservation whatever, they might take up their leases in 50-acre blocks adjoining one another, so that no reservation whatever could be made. In his opinion, the original amendment was a very fair one; and as the amendment moved by the hon. member for Wide Bay would entirely destroy the usefulness of that amendment, he hoped that the hon. member would withdraw it.

Mr. JENKINSON: Will you accept the amendment?

The SECRETARY FOR RAILWAYS: The amendment is not mine.

Mr. MAXWELL: If the Secretary for Railways would accept that amendment, he would not mind withdrawing his.

The SECRETARY FOR RAILWAYS: It had not been from any want of courtesy to hon. members opposite that he had not risen to reply to several of the speeches that had been made; in fact, he had intended to reply to the hon. member for Flinders, who had made a very nice speech, but he did not get the opportunity. If he had risen at that time, he would not have agreed to the amendment, but he would have given some reasons to meet what the hon. member said. The only thing that he would like to say now was that he had heard nothing that evening that he had not heard in the three hours' discussion that they had on the last night the Bill was under discussion. It had been stated that men would have to walk 6 or 7 miles. Now, supposing the leases were taken up in blocks of 160 acres—which was the maximum area allowed by the Mining Act—instead of in 50-acre blocks, they would not have to walk more than a quarter of a mile to get off a leasehold. It would be absolutely impossible for men to have to walk more than half a mile with 160-acre blocks, and with 1,000-acre blocks 1½ miles would be the greatest possible distance they would have to walk. As far as he could see there was nothing whatever in the amendment, because a great deal of land had been taken up under the ordinary law which made no provision, so far as mineral leases were concerned, for preserving the surface rights. He did not think, therefore, that anything was to be gained by discussing the proposal of the hon. member for Wide Bay, although if hon. members chose to discuss it until midnight he was quite prepared to sit and listen to them. He thought hon. members knew him well enough to know that unless some new reasons were forthcoming in favour of the amendment of the hon. member for Burke, or any similar amendment, he was not likely to back down on his previous decision. He might state again that he was quite prepared to amend the clause so as to make mineral leases conform in all particulars to the same conditions as gold-mining leases except as far as the labour conditions were concerned. In fact as far as possible he was anxious to meet the wishes of hon. members opposite. He was not actuated by any spirit of stubbornness, and hon. members must admit that he had met them in a spirit of compromise, but he was not prepared to give way in a matter of that sort when he believed himself to be in the right. He would point out to hon. members that there were several important amendments to be made in the clause, and it was advisable that they should get on with them, but he could not see his way to accepting either the amendment or the amendment upon the amendment.

Mr. DUNSFORD: The Minister had stated clearly that he could not accept the amendment or the amendment upon the amendment because he had not yet been convinced. Well, he thought he could advance a reason which had not yet been given. By handing over to the company the surface rights of 5,000 acres they were placing them in the position that they could not use all the surface themselves or give a right to anyone else to use it. They were locking up in a dog-in-the-manger style the surface of leases which might be put to good use by residents of the locality.

The SECRETARY FOR RAILWAYS: That is not a new argument. I have heard that before.

Mr. DUNSFORD: He well remembered one warden stating before the Mining Commission that no company could give a right to anyone else to use the surface of a lease. They could give no title at all. Therefore, if the company secured the privileges which were sought to be conferred upon them, they would have no right to allow anyone to acquire residence sites on the leases. Why not keep to the Crown itself the direct right of saying who should reside on the surface of the leases, and on what terms? He thought it was exceedingly foolish to adopt a dog-in-the-manger policy and lock up the surface so that neither the company nor anyone else could use it.

Question—That the words proposed to be omitted from the proposed amendment stand part of the amendment (*Mr. Jenkinson*)—put and passed.

Question—That the words proposed to be inserted be so inserted (*Mr. Maxwell*)—put; and the Committee divided:—

AYES, 24.

Mr. Airey	Mr. Jackson
,, Barber	,, Jenkinson
,, Browne	,, Kerr
,, Burrows	,, Lesina
,, Curtis	,, Maxwell
,, Dibley	,, McDonnell
,, Dunsford	,, Mulcahy
,, Fitzgerald	,, Plunkett
,, Fogarty	,, Ryland
,, Givens	,, Smith
,, W. Hamilton	,, Tolmie
,, Hardacre	,, Turley

Tellers: Mr. Dunsford and Mr. W. Hamilton.

NOES, 27.

Mr. Armstrong	Mr. Leahy
,, Bartholomew	,, Lord
,, Bridges	,, Macartney
,, Callan	,, Mackintosh
,, Campbell	,, McMaster
,, T. B. Cribb	,, Newell
,, Dalrymple	,, Philp
,, Forrest	,, Rutledge
,, Forsyth	,, Stephens
,, Foxton	,, Stephenson
,, J. Hamilton	,, Stodart
,, Hanran	,, Story
,, Kates	,, Tooth
,, Kent	

Tellers: Mr. Stephenson and Mr. Kent.

Resolved in the negative.

Mr. MAXWELL: He had an amendment to move here, but he understood the hon. gentleman in charge of the Bill intended to omit the next paragraph.

The SECRETARY FOR RAILWAYS: Yes. In speaking on the second reading of this Bill the Premier said that if it was necessary it would be made perfectly clear that all the mining laws in force in the colony for the time being would be applied to this company, with the exception of the terms of the lease and labour conditions. They had now arrived at the stage in committee where they should do that. For that reason he had asked the Parliamentary Draftsman to make amendments which would give effect to the promise of the Premier. He had submitted the drafts to the leader of the Opposition, to the hon. member for Kennedy, and the hon. member for Wide Bay, and they thought that a word or two would make the matter absolutely clear. He had also had these words put in.

HONOURABLE MEMBERS: Hear, hear!

The SECRETARY FOR RAILWAYS: He was speaking now of amendments in addition to those he had given notice of. He wanted to carry the matter further, but these amendments which he had given notice of would be inserted also. He begged to move that all the lines from line 19 to line 24 be omitted.

Question—That the words proposed to be omitted stand part of the clause—put and negatived.

The SECRETARY FOR RAILWAYS moved that after the word "Act," in line 30, the following words be inserted:—"relating to the performance of labour covenants, but, save

as by this section is otherwise provided, such leases shall be subject to all the other provisions of that Act or any Act amending or in substitution of that Act."

HONOURABLE MEMBERS: Hear, hear!

Mr. BROWNE said he had an amendment printed and circulated which would come in on line 11, but, of course, the amend-
[7·30 p.m.] ment moved by the Minister practically did what he wanted. He had wished to omit the whole of the words from line 28, with a view of inserting the same conditions that were in the Bills of last year. He thought it was a mistake to have different wording in different Bills, especially of this kind. In the Callide Bill and the Glassford Creek Bill of last year the whole matter was embraced in one small clause. The paragraph, which said—

> The company shall be entitled to grants from His Majesty of leases of lands so selected and surveyed for a period of fifty years, commencing at the date of the passing of this Act,

was left in, and then they had the proviso which the hon. gentleman had just moved. In the Glassford Creek and Callide Bills the whole thing was embraced in one clause, which read as follows:—

> The leases shall be deemed to have been granted on the first day of January, 1901; shall be severally for a term of fifty years, and with respect to rent, royalty, labour covenants, and all other matters shall, save as by this section is otherwise provided, be subject to the provisions of the Mining Act of 1898. Provided that—
>
> (1) Until the completion of the tramway the owners shall be relieved from the obligation to observe any of the labour covenants contained in the respective leases.

He was sure that every mining man would be very glad to see the position the Minister had taken up.

HONOURABLE MEMBERS: Hear, hear!

Mr. BROWNE: This was the matter which came up in every private railway Bill of last year, and which hon. members on the Opposition side spoke so strongly about on the second reading of this Bill. As the Minister had proposed this amendment, he would withdraw his amendment, but he thought they should make one clause cover the whole matter.

The SECRETARY FOR RAILWAYS said he had no option in the matter. He had consulted the Parliamentary Draftsman, and had not suggested any particular form to him. He thought there should be uniformity in such cases.

Mr. GIVENS: When the Committee was discussing an earlier amendment on this clause the Minister said he would be quite willing to make these leases subject to all the conditions that would be imposed by the present general mining law—save the labour conditions—or which might be imposed by any future Act which might be passed in that connection. Although it had been stated by the Minister a while ago that an Act would probably be brought in amending the present mining laws so that the mineral leases would come into line with goldmining leases with regard to the surface rights to be reserved for residence areas, he (Mr. Givens) contended that that amendment of the law would not apply to these leases at all, because the Government could not go back on what they were granting to this company without repudiation. He therefore proposed to add to the Ministers amendment another amendment which would meet the hon. gentleman's objection; so that if there was any amendment of the present mining law dealing with mineral leases saying that a portion of the surface should be reserved for residential and business purposes, these leases to this company should come under that amending law. He thought that could be done by adding to the conclusion of the Minister's amendment the following words:—

> There shall be reserved to the Crown the right to resume by Act of Parliament one-third of the surface of such leases for residence and business purposes without payment of any compensation whatsoever to the company.

He appealed to the Minister to allow the amendment. It should be remembered that they were giving to this company a very large area for a long period—5,000 acres for fifty years—and hon. members on both sides, and some of the strongest supporters of the Government, thought this was a very desirable provision. The Committee should safeguard the interests of the miners by seeing that this provision was inserted.

Mr. RYLAND thought this amendment was a very suitable one, and should be accepted by the Minister. There was no misunderstanding its object. It did not go as far as the amendment which had just been disposed of, inasmuch as it only proposed to reserve one-third of the area of a lease for residence or business purposes. Moreover, the amendment would not take effect unless Parliament amended the present mining law in this particular.

The SECRETARY FOR RAILWAYS: The trouble he had in dealing with the Bill was that he did not know where he was. He accepted an amendment, which was approved of by the leader of the Opposition, the leader of the Independent party, and the hon. member for Kennedy, who was a mining member, and then, when he thought everything was right, some other hon. member got up and said his conscientious scruples were not quite satisfied. He had consulted the Parliamentary Draftsman with regard to the amendment of the hon. member for Cairns, and he informed him that everything was covered by the amendment he (Secretary for Railways) had submitted to the Committee. The words "or any Act amending or in substitution for that Act" covered the whole ground. With reference to the statement that future legislation could not affect these leases, he would point out that when in 1889 it was discovered that, under the provisions of the Act of 1884, persons who had got a license to cut timber on pastoral leases had no right to take their stock there, but would be trespassers if they did so, Parliament passed an Act giving teamsters the right to take their teams on those leases. If Parliament could do that in respect of leases which were granted five years previously, he took it that it could also deal with these mineral leases, if necessary. This amendment was an attempt to get in by a side wind the amendment which they had discussed for two nights, and it was altogether unnecessary, as everything was covered by his amendment. He was prepared to make a further amendment later on in the clause, so as to make it as good and as clear as possible, and he hoped that hon. members would assist him in that endeavour. It had been just pointed out to him by the Parliamentary Draftsman that the amendment of the hon. member for Cairns might hamper future legislation.

Mr. JACKSON: The Chairman has not put the amendment yet.

The SECRETARY FOR RAILWAYS: He thought it had been put. He had been out speaking to the Parliamentary Draftsman, and when he came in he found the hon. member for Gympie addressing the Chamber, and so came to the conclusion that the amendment had been put to the Committee.

The CHAIRMAN: The proposed amendment has not been put from the Chair.

Mr. GIVENS again moved his amendment. Without the amendment Parliament would not have the power to deal with these leases the

same as with other leases which might be granted. The leases would include the surface and mineral rights, and Parliament could not then resume any portion of the surface without the payment of compensation to the company.

The PREMIER : Your amendment might bind future Parliaments.

Mr. GIVENS: The amendment would not bind future Parliaments. It was perfectly permissive, and Parliament could resume a portion of the surface or not as it chose. He was, however, willing to meet the Government and make the amendment read "not exceeding" one-third or one-half if that would meet the views of the Minister. What he desired was that Parliament should reserve to itself the power to make such resumptions at any time during the fifty years' currency of the lease.

The CHAIRMAN: I have looked over this amendment proposed by the hon. member for Cairns, and I am of opinion that the principle is the same as that of the amendment which has been already negatived, and on that ground I cannot accept it.

Mr. BROWNE pointed out that there was a difference between the two amendments, inasmuch as the amendment on which they had just divided proposed to provide in the Bill that a portion of the surface of the ground should be reserved for residence and business purposes. The amendment now proposed by the hon. member for Cairns was a declaratory proviso that any future Parliament should have power to bring in legislation to amend the Act in that direction.

The SECRETARY FOR RAILWAYS : He had no intention of taking advantage of the ruling given by the Chairman to go back on the promise he had given. The Premier said, and he (Mr. Leahy) said, that, with the exception of the fifty years' term of the leases and the labour conditions, they were prepared to make every other portion of the law, present or future, apply to those leases that would apply to mineral leases generally. He had asked the Parliamentary Draftsman to draft an addition to his amendment, and, with the permission of the Committee, he now begged to move that the following words be added to his amendment:—

So that the provisions of the law in force for the time being relating to mineral leases generally shall, save as by this Act is provided, apply to the mineral leases granted under this Act.

Mr. GIVENS: It was doubtful whether the hon. gentleman's proposed amendment would apply to the specific object for which he was contending. In fact, he felt as positive as a layman could be that it would not, because it stated that the "provisions of the law in force for the time being" should apply to those leases the same as to any other mineral leases. But the reservation of the surface rights could only be made at the time the leases were issued. Once the leases were issued he contended that the company had an exclusive right to the whole of the surface as well as to the minerals contained in those leases, and they could not take it back by any Act of Parliament without being guilty of repudiation or without paying compensation unless they specially reserved the right to take it back. If the Minister was really in earnest he would have accepted his amendment,
[8 p.m.] which was an honest attempt to give effect to what the Minister most desired. He might say that he had intended to move that the Chairman's ruling be disagreed with, had not the Minister intervened with his amendment. He still contended, notwithstanding the declaration of the hon. gentleman, that under the proposed amendment the miner would have no claim to the surface rights of a lease for business or residential purposes. Times out of number they had heard a Minister declare that so-and-so would be the law if a certain Bill was passed, and yet when the law courts interpreted that Bill they had said that the intention of the law was disclosed in the Bill and not by the declaration of the Minister.

The SECRETARY FOR RAILWAYS : He had no intention whatever of taking advantage of the Chairman's ruling, but had left the matter entirely to the Parliamentary Draftsman, who was listening to the views of hon. members. The leader of the Opposition himself seemed to be satisfied with the amendment, and if the hon. member for Cairns was not satisfied he would invite him to consult the Parliamentary Draftsman and discuss the matter with him. All the hon. member could expect him to do was to accept the word of the Parliamentary Draftsman after he had asked to give effect to a promise made to the Committee. The matter was left entirely in his hands. He had not desired to take any point at all, but merely to give effect to the pledges which both he and the Premier had given to the Committee.

Mr. JACKSON : The Minister had referred to the fact that his amendment met with the approval of the leader of the Opposition, and he took it that he referred to his first amendment. He quite agreed that the addition of those words was necessary, and the hon. gentleman had added further words, which made his position stronger still. For all that he thought there was a great deal in the contention of the hon. member for Cairns. Let them suppose that a future Parliament did legislate in connection with the reservation of surface areas of mineral leases ; they could hardly suppose that the legislation would be retrospective. Immediately Parliament proposed to legislate in connection with mineral leases that had been granted there would be a cry of repudiation. Of course, if any future Parliament proposed to reserve one-half or one-third of the surface area of leases he had no doubt such a proposal would be accepted, because no private rights would be jeopardised. While he should be very glad to see the amendment which was before the Committee accepted, he still thought that it might be made clearer and stronger. However, as they had taken a division on the principle of the amendment, and been defeated, it was no use persisting further. He was quite satisfied with what the Minister had said about the Parliamentary Draftsman's opinion. They recognised the ability of that gentleman, but he was only one man, and from another lawyer they might get an entirely different opinion. There were many other important matters in the clause to be considered, and he thought perhaps it might be more useful to discuss them at length than to occupy more time over the matter before them.

Mr. LESINA : They were told last night that if they did not vote £14,000 for the police superannuation fund it would be repudiation. For all practical purposes past Parliaments had bound this Parliament in that respect. In entering into a contract like the one before them they were binding the present and future Parliaments for half a century, and that was a matter that required serious consideration. Every word and line of every clause should be scanned as closely as possible so that there should be no possible doubt as to the meaning of the law to which they agreed. They could not be too careful in matters of this kind. There was a well-known lawyer at Gympie, Mr. F. I. Power, who had a big hand in framing our present mining law, and he was practically building up a fortune in interpreting that Act, which was full of loopholes and escapes. They could not trust lawyers too far in matters of this

kind. Lawyers could only give them expert advice, and they must exercise their own commonsense in dealing with matters. That being so, they ought to be very careful to see that the language of each clause was as clear as it could possibly be made, so that no doubt would arise in the future, and no litigation would result from its want of clearness.

Mr. BROWNE: The question had arisen whether the Act could be retrospective or not; personally, he did not think it could. The present Mining Act, which there had been so much talk about, was perfectly ambiguous, and it was another of these beautiful lawyer-made things. Even in regard to the clause about leases there was litigation as to the rights under it. Clause 27 said—

> In every goldmining lease exceeding 6 acres a portion of the surface of the area not exceeding one-half of the area over and above 6 acres shall be reserved for residence purposes.

That did not say that it should apply only to leases taken up after the Act was passed, and he believed that even the lawyers who took part in the framing of the Act would be prepared to argue both for and against. He therefore did not believe in trusting the lawyers too implicitly; there was too much of this sort of thing. Lawyers were very much like the tinker at home, who would patch up one hole, and contrive, by scratching the tin very thin, that his services should be required afterwards to patch up another. It was very much the same in parliamentary drafting. Now that the amendment of the hon. member for Cairns could not be gone on with he did not think there was any use in prolonging the discussion about it. There was one way of getting out of the difficulty, and that was by inserting a clause in the lease. His side had done all they could to try and protect business men and miners and the people generally against this syndicate, but the Government had made up their minds that they would not give in. They had had a division on it, and they had been beaten by a small majority, and the only thing they could do was to accept the decision of the Committee.

Question—That the words proposed to be added to the proposed amendment be so added (*Secretary for Railways*)—put and passed.

Question—That the amendment, as amended, be inserted in the Bill (*Secretary for Railways*)—put and passed.

The SECRETARY FOR RAILWAYS moved that after the word "gold," on line 34, the following words should be added :—

> Other than gold found in association or combination with other minerals, and in respect of such gold so found in association or combination the royalty provided by section 35 of the Mining Act of 1898 shall be payable by the lessee.

Mr. BROWNE: He admitted that it was quite necessary that there should be a provision of this kind, but this amendment furnished him with another occasion to find fault with the Parliamentary Draftsman. The words of the amendment could be easily embraced by using the words "except as provided by clause 35 of the Mining Act," because, as a matter of fact, the amendment only contained the substance of that clause, which provided—

> When gold is found associated or combined with any other mineral in land held under a mineral lease, and the nature of the mining operations is such as to lead to the extraction of such gold, the lessee shall pay to the Treasurer a royalty of 1 per centum of the value of the gold extracted.

The SECRETARY FOR RAILWAYS: He had no objection to the suggestion of the hon. member. He had held a similar opinion; but he had consulted the Partiamentary Draftsman, who had informed him that the amendment would make the matter clearer.

Mr. GIVENS: The hon. gentleman said that this amendment made it clearer and better expressed the intention of the Act. The intention of the Act he took it was to include all gold found in combination with other mineral, and this amendment would exclude all the gold that had ever been found in Queensland. There had never been an ounce of pure gold found in Queensland. It was always in combination with some other mineral. He believed the gold found on the Palmer was the purest that had been obtained, but even it was not absolutely pure.

The PREMIER: The Cloncurry gold is pure.

Mr. GIVENS: There had been gold mined for in various fields which could hardly be called gold at all, because it was associated with such a large quantity of silver and other minerals. Very often gold had been got which was only worth £1 an oz.—not a quarter of the value of pure gold—because it was associated with other minerals. If the amendment proposed by the Minister was adopted it would mean that all the gold in the colony would be excluded from the provisions of the Act reserving the gold to the Crown, which only showed that although the Parliamentary Draftsman might be a perfect exponent of the law from a purely technical and legal standpoint, yet, not being acquainted with the application and the practical working of these Acts, he was liable to err in that direction. If the clause was allowed to go as the Minister proposed it, there would not be 1 oz. of gold that the company might not mine for and win without having it reserved to the Crown at all, except by way of royalty as provided in section 35 of the Act of 1898. That was the practical aspect of the question which should be taken into serious consideration.

Mr. BURROWS believed that the object aimed at was to provide that in the operations of this company in winning copper or other minerals when associated with gold, they should be allowed to retain the gold by paying a royalty to the Crown. But a different interpretation could be placed on the present proposition, because, as the hon. member for Cairns had pointed out, there was hardly any gold produced in the colony which was absolutely pure. The majority of the gold won at Charters Towers was worth from £3 to £3 11s. per oz. so that it was necessary to provide that this only applied to gold found in conjunction with other minerals.

Mr. BROWNE agreed with what the hon. members for Charters Towers and Cairns had said.

The PREMIER: The Mining Act covers the whole thing.

Mr. BROWNE: He understood that the Minister for Railways was going to alter the Bill so as to bring it under clause 35 of the Mining Act of 1898, which read—

> When gold is found associated or combined with any other mineral in land under a mineral lease, and the nature of the mining operations is such as to lead to the extraction of such gold, the lessee shall pay to the Treasurer a royalty of 1 per centum of the value of the gold extracted.

The PREMIER (Hon. R. Philp, *Townsville*) explained that the Mining Act would cover the whole matter—save the labour conditions—without the amendment at all. All the conditions would prevail. No one could mine for gold without the permission of the Minister.

Mr. BROWNE pointed out that this proposition would block the company from working for gold at all. If they worked for gold which was associated with copper or other minerals, anyone

could raise a big lawsuit and block them from working copper or other minerals because there was gold associated with them.

Mr. JACKSON: What the leader of the Opposition had pointed out was quite correct. Men who had practical experience knew that in copper ore there was a small percentage of gold, and the hon. member for Cairns was correct in saying that you could hardly get pure gold. There was nearly always a little silver associated with it, and very often gold associated with copper. The clause required some amendment, for as it stood the company would be prevented from mining for copper because there might be a little gold associated with it.

The SECRETARY FOR RAILWAYS thought he could settle the matter in a way that would satisfy everybody. He begged, with the leave of the Committee, to withdraw his amendment with the view of proposing another amendment.

Amendment, by leave, withdrawn.

The SECRETARY FOR RAILWAYS moved that the following words be inserted after the word "gold" in the 34th line:—"Except as provided by section 35 of the Mining Act of 1898, and such royalty shall be payable by the lessees."

Amendment agreed to.

The SECRETARY FOR RAILWAYS moved the omission of all the words on the 36th line, after "therein," down to the end of the 47th line, inclusive.

Amendment agreed to.

Mr. JACKSON pointed out that, under the clause as it now stood—

> Every lease of such land shall reserve an annual rent of £1 for every acre comprised therein

The Minister had stated that, with the exception of the term and the labour conditions, [8·30 p.m.] these mineral leases would be subject to the provisions of the Mining Act of 1898. But in this instance the Mining Act of 1898 did not apply, as the annual rent for a mineral lease under the Act was 10s. per acre. The Government were certainly getting the best of the bargain in this instance, but hon. members might find that there were other respects in which the Mining Act of 1898 did not apply. As was stated when the Chillagoe Railway Bill was before the House, the company might just as soon pay £1 an acre as 10s. an acre, because it would look better on the English market.

The CHAIRMAN: The hon. member is not in order in discussing a part of the clause previous to that in which an amendment has been made.

Mr. NEWELL: The last paragraph of the clause provided that—

> In addition to the Crown lands taken, used, and occupied by the company for the railway, the company may at any time before the expiration of five years from the date of the passing of this Act select and shall be entitled to grants in fee-simple of sites along and contiguous to the route of the railway for subsidiary works, or any other works which the company may consider it beneficial to erect or construct.

"Contiguous to the route of the railway" was a very indefinite expression, and he should like to see it stated more clearly where the land should be selected. In America, where thousands of acres were given to companies for constructing railways, it was provided where the lands so granted should be situated, and when it was proposed in Queensland to build land grant railways the measure provided that the land granted to the constructing company should be alternate blocks along the railway. But in this instance there was no indication as to where the land would be, except that it was to be "contiguous" to the railway, which might or might not mean abutting on the line. He should like to hear some explanation from the Minister on this point.

The SECRETARY FOR RAILWAYS: He could not give any explanation except what was contained in the clause. It was provided that the land should be contiguous to the line of railway, and he presumed the company would get it as near the railway as the Governor in Council would allow them, because the further away the land was from the railway the less value it would have for commercial purposes. The clause simply provided that the land should be selected wherever the Governor in Council approved.

Mr. MAXWELL: For township purposes?

The SECRETARY FOR RAILWAYS: Certainly not. He should be very sorry to see the company get land for township purposes, and if he was in the Ministry when the matter was going through he could assure the House that they would not get it for township purposes. The Government have the right to sell the company land anywhere they liked apart from the provisions of that Bill, and the value of the land in the market—10s. an acre or whatever it might be—was not a matter of very great consideration. If, however, hon. members thought that mineral lands might be granted under the clause, he had no objection to insert an amendment providing that the land so selected should not be mineral lands, and his own opinion was that it would probably be desirable to insert some such provision.

Mr. BROWNE: The hon. member for Woothakata was perfectly right in asking for an explanation. The clause provided that the company should be entitled to—

> Grants in fee-simple of sites along and contiguous to the route of the railway for subsidiary purposes, or any other works which the company may consider it beneficial to erect or construct.

That meant beneficial to the company. The Secretary for Railways said that that would not give them power to build towns, but the definition of "subsidiary works" gave the company power to erect "stores, warehouses, labourers' dwellings, freezing, smelting, crushing, and other works, and wharves and wharfage accommodation." Well, if those things would not make a tidy little township, then there were no townships in Queensland at the present time. In the correspondence laid on the table last session it was distinctly laid down by the late Sir J. R. Dickson that the terms to be given to this company should be exactly on the lines of those granted to the Chillagoe Company; and there was nothing in that correspondence, or in the correspondence laid on the table this session, to show that the company ever asked for those lands.

The SECRETARY FOR RAILWAYS: He was prepared to make it perfectly clear that no portion of the 10,000 acres should be used for township purposes. He was just as anxious as any member on the other side that the company should not be allowed to go outside the proper scope of its mines and railway, and score off the country.

Mr. JACKSON asked if he would be in order in moving an amendment in line 52, after the word "works."

The CHAIRMAN: Yes; that is subsequent to any amendment that has yet been moved.

Mr. JACKSON: The leader of the Opposition had pointed out that the clause proposed to give the company 10,000 acres of land, not only for railway purposes or other subsidiary works, but for any other purposes which they might consider beneficial. That was going too far, and he proposed to move the omission of the words "or

any other works which the company may consider it beneficial to erect or construct," with the view of inserting the words "used for mining or railway purposes."

The SECRETARY FOR RAILWAYS: I have no objection. That includes smelting, I suppose?

Mr. JACKSON: Yes.

The SECRETARY FOR RAILWAYS: I have no objection at all.

Amedment agreed to.

Mr. NEWELL moved the insertion in line 55, after the word "line," of the words "not classed as mineral lands."

The SECRETARY FOR RAILWAYS: He had already said he was quite prepared to accept an amendment to that effect so as to reserve any minerals there might be in the land. He had no objection to the amendment, but he wanted to see that the thing was *bonâ fide*; that there was no sharp practice, but that the land was required for ordinary purposes.

Mr. MAXWELL moved the omission of the word "ten" on line 55, with the view of inserting the word "two." They had heard that the syndicate would not stand any reduction in the number of years they were to have possession of the railway, but there was nothing to show that they would not stand a small reduction in the amount of land they were to get.

The SECRETARY FOR RAILWAYS: He did not expect that an amendment of this kind was going to be made, considering that when certain other amendments were proposed they were taken in conjunction with the advantages the company were going to get in connection with this 10,000 acres of land.

Mr. JACKSON: Do you think we are taking a mean advantage of you?

The SECRETARY FOR RAILWAYS: No. Judging by the way things were going, there was no such thing. He did not think the country was giving away anything of importance in giving this 10,000 acres. It was not to be for township purposes, and it was not to be for mining purposes, but it was to allow them to carry on their business in connection with the railway and the mines. The land was really of very little value to the State, and it would be of value to those people for the erection of smelting works and subsidiary works. He could not accept the amendment.

Mr. BROWNE did not know why the hon. gentleman should express any surprise at this amendment being moved, seeing that it was one of the earliest amendments that had been printed. What they had been dealing with so far was with regard to mineral lands and mineral leases; but now they came to 10,000 acres of land in fee-simple. In the first demand the company made they wanted 20,000 acres; and on the top of that, as reported by the Parliamentary Draftsman, they wanted a grant for a railway terminus and for wharfage and storage accommodation. He reported that a comparison of this concession with that in the Chillagoe Act left small room for doubt which was the more liberal. That report was minuted by the Chief Secretary, Mr. J. R. Dickson, to the effect that if the measure was to receive consideration from Government it must be so framed as to run on exactly parallel lines with the Chillagoe Act. He was at a loss to understand from any information afforded to that Chamber how it was that they were to have 10,000 acres of land. There was nothing in the correspondence to show it.

The SECRETARY FOR RAILWAYS: That correspondence is not dealing with this company at all.

Mr. BROWNE: Last session they asked for correspondence and it was laid on the table and printed. This session they asked for the same thing and the hon. gentleman brought down partial correspondence and refused to have it printed. In that correspondence there was not a single line in reference to these concessions. Whatever had been said about them had been said verbally by the Minister and the agent of the company, and he protested against being asked to legislate on an agreement drawn up secretly by any Minister and any secret agent of the company.

The SECRETARY FOR RAILWAYS: The hon. gentleman stated that he refused to legislate on any private agreement between any Minister and the company. There was no such agreement. This Bill was the agreement.

Mr. W. HAMILTON: You made private arrangements.

The SECRETARY FOR RAILWAYS: No. There was no correspondence but what was laid before the House. The representatives of the company came to see him in his office. He let them understand his views verbally, and what he thought were the views of the Government; but, notwithstanding his views and the views of the Government, they were submitted in the Bill, subject to the broader wisdom of the Assembly. He thought he was making a good bargain in the interests of the country; but, like most Ministers, in bringing Bills before that Chamber he did not expect the Bill to go through exactly in the form in which it was introduced. There were always certain points reserved; that was to say, there were certain things upon which the opinion of the Chamber was invited. In connection with this Bill there were certain things on which he had not come to a final conclusion when the measure was introduced, and he had shown that by accepting amendments proposed by members on both sides. There were certain things, however, which no amount of evidence could alter. For instance, no evidence was wanted with regard to the sun setting at 6 o'clock or about 6 o'clock. There were some things which were self-evident, and on which he had made up his mind. When it was proposed to make an amendment in a case of that sort he simply told the Committee that he could not accept the amendment.

Mr. BROWNE: The hon. gentleman had either misunderstood him or had tried to draw a herring across the trail. He did not accuse the hon. gentleman of suppressing correspondence.

The SECRETARY FOR RAILWAYS: You said "partial correspondence."

Mr. BROWNE: It was partial, because there was only correspondence on one side, with the exception of two memos. from the Secretary for Railways and the Commissioner and an interview of a Railway Department clerk with Flower and Hart. The hon. gentleman had told them distinctly that there were certain amendments which he could not accept because the company would not accept them.

[9 p.m.]

The SECRETARY FOR RAILWAYS: Some of them are in that position.

Mr. BROWNE: The hon. member distinctly said on the second reading that it was no use attempting to propose certain amendments, because they would not be accepted. What he wanted to know now was, when and how the terms of the Bill had been altered?

The SECRETARY FOR RAILWAYS: It is not the same company at all.

Mr. BROWNE: That made the matter all the more curious. It was a new company, and negotiations would have to be opened up in some way, yet the hon. gentleman had no record of any negotiations. Surely he must have had something to do with agents of the company.

The SECRETARY FOR RAILWAYS: I said so; I said Flower and Hart came to my office.

Mr. BROWNE: The hon. gentleman got very indignant when he protested against any

Minister of the Crown and a private individual carrying on negotiations in that way, yet there had been alterations made in the Bill of last year, about which they had no evidence whatever—alterations that were refused in 1899 by Sir J. R. Dickson. He thought they ought to have some evidence upon those alterations, and the reasons why they had been made; yet the hon. gentleman's only reply was—"It is no use discussing these things, I know the company will not accept them." If hon. members opposite were prepared to accept that kind of legislation, most distinctly he was not; and considering that it was stated in 1899 that the company were to get no land at all, it was a very nice thing now to give them 10,000 acres. Certainly it was provided that the matter was subject to the approval of the Governor in Council, but they knew what that meant; it would go before the Cabinet, there would be a minute by the Secretary for Railways, and it would be accepted. He intended to support the amendment of the hon. member for Burke.

The PREMIER: Some day the leader of the Opposition would be a member of a Government, and it was possible that he might have to arrange for a private railway. When anybody called upon him to arrange terms he would not ask all his colleagues to come in and discuss them; he would make arrangements subject to his colleagues agreeing. That he understood had been done by the agents—Messrs. Flower and Hart—and the Secretary for Railways. The terms had been arranged between them, and afterwards submitted to the Cabinet, who had agreed to them.

Mr. BROWNE: And do you not think the Minister ought to give us some reasons why he made the alterations?

The PREMIER: The Bill was very much like the Bill of last year. As far as he could see the conditions of the present Bill were much more severe than the conditions of the Chillagoe Act; there were conditions as to wages, and regulations by the Railway Commissioner, which were not in the Chillagoe Act—and there were other things which were more drastic. No one knew better than the leader of the Opposition what the value of the land was between Normanton and Cloncurry. The railway would go through between 300 and 400 miles of country, and he thought it would pay the Government very well to let the company have 10,000 acres, when they were increasing the value of 2,000,000 or 3,000,000 acres of Government property. The company were restricted as much as possible, being confined to mineral land and land necessary for subsidiary railway works. All the township land the Government kept for themselves. Already they had sold at Chillagoe £8,000 or £10,000 worth of land, and they hoped to do the same in connection with that railway. The Government would certainly take care to keep all the township sites in their own hands, and whatever money was to be made by selling land would go into the Treasury. He hoped that the company would put up large railway and smelting works, for the more money they spent the better it would be for the colony, and the more valuable would they make Government property in that district. He thought it was a splendid arrangement for the colony, and he was quite sure that if the leader of the Opposition was a millionaire he would not give 10s. an acre for the 10,000 acres proposed to be granted.

Mr. W. HAMILTON had met several Cloncurry people this year, and they had one great objection to the granting of 10,000 acres to the company. They contended that it could be distributed all along the railway line, and wherever a railway station or siding was established they could take up 1,000 acres, and then any person who wanted to go there and establish business would have to get permission from the company. Everyone he had spoken to, although strongly in favour of the railway, though they would prefer that it should be constructed by the Government, was strongly against a land concession being granted. Who would say that that was not a land grant railway? What did they call a grant of 10,000 acres? Could any company in the world occupy 10,000 acres in the erection of buildings? Why, not the greatest works in the world would ever cover one-half of the land. The idea of giving them 10,000 acres of freehold land—it was going back to the land-grant principle. The Minister had said that he had nothing in writing, and that they had all the correspondence before them.

The SECRETARY FOR RAILWAYS: I did not say that. I said I gave nothing in writing.

Mr. W. HAMILTON: No, writing was dangerous. He thought the Minister should have had it in writing, and he thought the members of the House were entitled to see all the correspondence that had taken place.

The SECRETARY FOR RAILWAYS: So you have.

Mr. W. HAMILTON: All transactions with public departments had to be put in writing, even when the matters dealt with were of an unimportant character. It was a strange thing, therefore, when they were giving one of the greatest concessions that had ever been given in Australia, that there was nothing in writing between the syndicate and the Government. This was a hole-and-corner way of doing business. It looked as if there was something which they did not wish to have brought to light. The names of the gentlemen connected with the company appeared to have changed, but the corporation was practically the same as the one they were dealing with last year, and Mr. Withers knew too much about it not to be still a member of it.

The CHAIRMAN: Order! I must call the hon. member to order. The question before the Committee is the omission of the word "ten."

Mr. W. HAMILTON: Yes. He was giving a reason why it should not be done. He objected even to giving them 2,000 acres; he would not give the company 1 acre. If they wanted land to build their subsidiary works, let them get it on lease, or acquire it as anybody else would have to do. There should be some safeguard put in the Bill providing that they should not be able to take this 10,000 acres up and occupy the land in the vicinity of the railway stations and railway sidings. He objected to giving any concessions in land to this corporation at all, and he thought the amendment stipulating that the grant should be only 2,000 acres did not go far enough.

* Mr. ANNEAR (*Maryborough*): He was very glad that the Minister had seen the necessity of putting his foot down at last, because every concession that had been asked by hon. gentlemen opposite the Minister seemed disposed to agree with. In his opinion there was very little left for the company. If this company would proceed to construct this line under the terms in this Bill as it was now, he was greatly mistaken.

Mr. KERR: They would be only too glad to get it.

Mr. ANNEAR: The hon. member for Gregery said they were giving this company half the colony.

Mr. W. HAMILTON: We do not know how much we are giving them.

Mr. ANNEAR: This company, to construct this railway of 250 miles, must spend £750,000. At the present time the country was not in a position to spend that money on this railway, and he did not think it would be in that position for the next fifty years.

MEMBERS of the Opposition: Oh, yes.

Mr. ANNEAR: He did not think they would. He was going to oppose this amendment. Why didn't the hon. gentlemen opposite make a clean breast of the whole affair? Could they deny the statement he was going to make? Could the hon. member for Gregory or the hon. member for Flinders deny that the large majority of the people in their electorates and throughout the North were clamouring for the construction of this railway by this company.

MEMBERS of the Opposition: Yes.

Mr. ANNEAR: He would guarantee that the leader of the Opposition was not game to produce all the telegrams which he had received during the last ten days. He maintained that an overwhelming majority in the hon. member's district was in favour of this railway.

An HONOURABLE MEMBER: That is not true.

Mr. KERR: You are making a statement which cannot be proved.

Mr. MAXWELL: I will get the wire and see if it is.

Mr. ANNEAR: If the company were going to spend this large sum of money, what were they giving them? He had quoted before from what had been done in Canada——

MEMBERS on the Opposition side: Oh, oh! and laughter.

Mr. ANNEAR: Canada was a British possession, and it had a progressive people, and he thought the House would not go very far wrong if they imitated Canada or the Government of Canada. He showed the other night that the Canadian Government had given £5,000,000 in cash and 25,000,000 acres of land as a subsidy for the construction of the railway from Vancouver. Here they were giving the company a lease of 5,000 acres for which the company had to pay rent of £1 per acre per annum, and 10,000 acres. He would now quote the case of the Great Northern Railway in Canada. To build 800 miles of that railway the Government of Canada gave the company 3,500,000 acres of land, and they guaranteed half the cost of the railway. They also received from the Government 80,000 dollars, or £16,000 per year for the carriage of mails. Therefore they were giving this company very little in giving them 10,000 acres of land for works and other purposes. He was sorry the Minister accepted the previous amendment, because it had taken away almost all the company had asked for. It seemed to him that the Minister was too pliable.

Mr. FORSYTH: Too soft altogether.

Mr. ANNEAR: He believed he was within the mark when he said that 80 per cent. of the people in North Queensland were supporting the construction of this railway by this company.

Mr. MAXWELL: You do not know anything at all about it.

Mr. ANNEAR: The leader of the Opposition could tell us something about it. He would like to hear the hon. member for Croydon read all the telegrams he had received from the North asking him to support this railway, and advising his supporters to do the same. He (Mr. Annear) had no interest in this railway whatever. The only interest he had in the matter was the interest of the colony, which he wished to see progress, and for that reason he would oppose the amendment.

* Mr. CURTIS (*Rockhampton*) said he could not support the amendment moved by the hon. member for Burke. He thought the subsidy of 10,000 acres of land to this company was a very small matter in comparison to the magnitude of the work, and compared to the enormous concessions in land and cash given to railway companies in the United States and Canada, and in some of the South American States. The present value of this land was small, and it was inevitable that the construction of this railway, and the opening up of this country, and the giving of easy means of transport to the coast, and thence to the outside world, would only have one result, and that was to enormously increase the value of the public estate. There was no doubt that the construction of this railway would do a vast amount of good, and he hoped it would be constructed, and that it would be followed by many other undertakings of a like character. If this company found it would be sufficiently payable, and it would be worth while to take up leases and work them, that would be a great advantage to the State. He was firmly of opinion that if they had a mixed system of railways—that was, railways owned by the State and private railways—it would be a very good thing for the colony.

The CHAIRMAN: Order! The hon. gentleman is wandering from the amendment before the Committee.

Mr. CURTIS thought he might be allowed some little latitude, considering he had not had an opportunity of speaking on the second reading of the Bill. But to come back to the amendment, he could not see his way clear to vote for it.

Mr. MAXWELL: We did not expect you to vote for it when we moved it.

Mr. CURTIS: He did not suppose the hon. member did, but he could tell him that he took an independent stand with regard to matters that came before the Chamber. It was only the other day that he had come across a work in the library which was only published last year with regard to this subject, and after reading it he was more than ever satisfied that it would be a good thing for the colony if the line was constructed by this company under the terms and conditions laid down in this Bill, and also that it would be a good thing for the colony if lines of a similar character were constructed.

Mr. BROWNE: The hon. member for Maryborough, Mr. Annear, had referred to himself and to certain resolutions which had been passed by the Croydon Municipal Council——

Mr. ANNEAR: I said telegrams.

Mr. BROWNE: Well, telegrams. Resolutions had been passed by the Croydon Municipal Council and the divisional board there the week before last—in response to a resolution sent from Townsville—in which they stated that they had not the slightest sympathy with coloured labour, and that they were decidedly opposed to it.

Mr. ANNEAR: I referred to this railway.

Mr. BROWNE: There were two telegrams referring to this railway. The first was sent by the mayor of Croydon, Mr. Barnett, to himself, and it read—

> At the ordinary meeting of my council held yesterday it was unanimously resolved that the construction of the Cloncurry-Normanton Railway line by private enterprise, as per conditions of Bill now before the House, receives the hearty approval of this municipality. Similar wire forwarded to Premier.

The following day he received a wire from the secretary of the Croydon Miners' Union and Workers' Association, dated 9th October. Tha wire read—

> Council's action not endorsed by majority, who are still opposed to principle of private enterprise and conditions of Cloncurry Bill.

Those were the two wires he had received. He held himself responsible for the opinions of the majority of the men of Croydon, but he did not hold himself responsible for the opinion of five or six individual members of the Council. He hoped both wires would get into *Hansard*. If the hon. member for Maryborough obeyed the orders of a municipal council he (Mr. Browne) did not. The second wire he had read distinctly overrode the first one.

The SECRETARY FOR RAILWAYS did not think these wires made any difference. He had received bundles of wires on the matter, but he would not read them, for he thought the Chamber could do its own business itself. He had not taken much notice of them. He would ask hon. members to get on with business, and come to a vote.

Mr. AIREY said he had also received telegrams on the matter, and his predecessor, Mr. Charles McDonald, had also received some, and they showed that the people in the Flinders electorate were opposed to syndicate railways. When he came out for the district one of his chief points was syndicate railways, and he said he was an uncompromising opponent of them; and he had heard nothing to cause him to alter his views. The hon. member for Rockhampton, Mr. Curtis, spoke about increasing the value of the public estate. That hon. member seemed to be of the opinion that unless this syndicate received some large land grants they would get into serious trouble, and that they would not be able to pay their way. This company was getting the railway, a large section of the public estate, also 5,000 acres of mineral leases, and surely that was enough. The hon. member was also very much concerned about the condition of this unfortunate company, which it appeared was in a condition of rags and tatters—a poverty-stricken company, and unless they got these 10,000 acres they would have to go insolvent. The hon. member for Burke was doing a very sensible thing in moving the reduction from 10,000 acres to 2,000 acres. The Secretary for Railways told the Committee that there was no such thing as taking a mean advantage in dealing with this syndicate. He quite agreed with him.

The SECRETARY FOR RAILWAYS: I did not say that.

Mr. AIREY: He was sorry if he misunderstood the hon. gentleman.

The SECRETARY FOR RAILWAYS: I said that as things go generally there is no such thing.

Mr. AIREY: At any rate he thought that if they cut down the area to 2,000 acres, and the company obtained twenty blocks of 100 acres each, it would be a considerable
[9·30 p.m.] time before they covered that area with all sorts of buildings and apparatus necessary for their various operations. The principle of land grant railways had been thrashed out in the Assembly twenty years ago, but it appeared that every few years attempts had been made to reintroduce the principle, and this proposal was a form of land grant. Perhaps if the Government were not inclined to reduce the area to 2,000 acres they would be disposed to reduce it to 5,000 acres.

Mr. BURROWS: The Minister in charge of the Bill had emphatically stated that he would take all sorts of care that the syndicate did not use their land for township purposes. Well, what were the syndicate going to do with those 10,000 acres which it was proposed to grant for subsidiary works?

The SECRETARY FOR RAILWAYS: They want some parks for their employees.

Mr. BURROWS: Yes, they knew all about that. The land required for stations, approaches, the erection of permanent machinery, and other structures and buildings in connection with the railway was provided for in clause 11, so that these 10,000 acres were all for subsidiary works. Since the Bill had been so altered as to prevent the company making use of this land in a way which he believed they intended to do, that was using it for town sites, what were they going to do with the land? It was a farce to say that the syndicate would require 10,000 acres for the erection of machinery to treat the ores from 5,000 acres of mineral land. He was inclined to think that 500 acres would be more than sufficient for all such works, but certainly 2,000 acres was ample, and he should support the amendment.

Mr. GIVENS: They had been repeatedly assured by the Minister at various stages of the discussion on the Bill that this was not a land grant railway. He wondered if the hon. gentleman was sincere in that statement; and, if he was sincere, what was the meaning of the provision stating that there should be a grant of 10,000 acres to the company for subsidiary works?

The SECRETARY FOR RAILWAYS: Talk a little sense.

Mr. GIVENS: If he was quoting correctly—and he did not think the Minister could deny that he was doing so—then the hon. gentleman himself was responsible for the want of sense in the statement, for he was merely quoting his own statement. There was no provision as to where the company should select the land, and undoubtedly they would select it in the most valuable places. If all the freezing and smelting works and other works of a similar nature at present existing in Queensland were put together he did not think they would occupy 1,000 acres, and yet it was coolly proposed to give this company 10,000 acres for the purpose of erecting similar works. That was out of all reason. The company were getting leases of mineral lands for fifty years, but this concession in regard to the 10,000 acres was for all time. The amendment proposed to reduce the amount to be granted to 2,000 acres, and he submitted that that was a reasonable proposition, unless the company wanted to own the townships, and act as landlords for all their employees, and do various other things which would not be for the benefit of the community. In his opinion, 2,000 acres would be quite sufficient for their purposes. If the company got the concessions which were embodied in the Bill, they would be for all time the bosses of the situation in the Gulf. He was opposed to granting any monopoly to any corporation, as monopolies were inherently bad; but still if, through force of circumstances, a Government who believed in monopolies got into power, it was undoubtedly the duty of the Opposition to limit the monopoly proposed to be granted by them as much as possible, and to surround it with conditions to safeguard the interests of the general public. If the company were granted 10,000 acres they would be able to control all the townships. It was no use for the Minister to say that he would not grant them any land for townships, because the company would be able to start townships in spite of the Government. Wherever a large number of men were at work, there townships would be established, and the company would be the landlords, and would practically control every individual in those townships. And further, as they had the right to erect stores, freezing works, and everything of that kind, by and by the company would have a monopoly of the railway communication, of the wharfage, of the townships, and of the stores; and, under those circumstances, it would be wise to cut down the concession as much as possible. If they did not keep it within reasonable limits, the syndicate would be practically princes of the Gulf country, and would have the power of life and death over every person living in that portion of the State, because they would be in a position to say to every individual, "You will have to agree to our terms or we will not allow you to live here." Two thousand acres should be quite sufficient. No other private company had received a grant of land of anything like the area contemplated to be given to this company, It was admitted all round that this was the

most valuable concession of them all, and it was proposed to make it still more valuable by granting the company an enormous area of what would be the most valuable lands in conjunction with the railway, because the company would select the most valuable lands that they could lay their hands on. So far, he was afraid that all the amendments they had succeeded in getting the Secretary for Railways to accept were amendments which did not affect the company very much. When any vital amendment was proposed which would protect the people of Queensland from that monopoly, the hon. gentleman put up his back, and refused to accept it. The reason appeared to be that the interests of the syndicate were dearer to the hon. gentleman than the interests of the people of Queensland.

Mr. LESINA could not allow the amendment to go without further explanation from the Minister. The amendment appeared a reasonable one, especially as it was proposed to give the company the land in fee-simple. He would rather see them get 20,000 acres on perpetual lease than 10,000 or even 5,000 acres in fee-simple. If it was found necessary for the development of the territory he would sooner give the company 100,000 acres on perpetual lease.

The SECRETARY FOR RAILWAYS: What do you mean by a perpetual lease? Do you mean a perpetual lease, or a lease in perpetuity?

Mr. LESINA meant that they should have a lease of the land for ever, provided they fulfilled the conditions laid down by the Government of the day, and that the land was subject to periodical reappraisements in the matter of rent. The hon. gentleman said that the land was practically valueless. What was the good of giving them a valueless concession?

The SECRETARY FOR RAILWAYS: They are going to make it valuable by expending money.

Mr. LESINA: Apparently the contract had been entered into, and Parliament was helpless. They wanted to vary the contract so as to preserve certain things to the people of Queensland, but the Minister and the company said they would not accept the Bill if they did that. Was that provision a vital part of the Bill? He believed 2,000 acres was sufficient to give as a freehold; 10,000 acres meant 4 acres for every mile of railway constructed—that was 2 acres on each side of the line; so that if the company took up a narrow strip right along the line they could prevent access to the railway except under conditions laid down by themselves.

The SECRETARY FOR RAILWAYS: They can only get the land where the Governor in Council likes.

Mr. LESINA: The representatives of the people might hand over to the Governor in Council the right to dispose of 10,000 acres of land wherever they chose to give it. Supposing they desired to give the company the 10,000 acres in one block, or in blocks surrounding each township and railway station along the line, the company could completely block settlement. There should be a schedule to the Bill distinctly specifying what land the Government were going to give the company, and Parliament should have an opportunity of discussing that schedule. At present they were altogether in the dark; they were asked to give the Ministry of the day a map, and upon that map they might score here and there a plan showing where the land was situated that might be given to the company. It was asking for a blank cheque. They were willing to trust the Government as far as they could see them, perhaps, but no further; and it was too much to ask them to trust them implicitly with regard to 10,000 acres. If the concession was valueless, what did the company want it for? Could it raise money on a valueless concession? The matter was of such serious import that it should get considerably more discussion than it had had so far. No reasons had been given why this 10,000 acres should be granted to the company. The Minister in introducing the Bill said he had attempted to secure a reduction in the number of years from fifty to something reasonable.

The SECRETARY FOR RAILWAYS: I did not say "something reasonable."

Mr. LESINA: The hon. gentleman said on page 944 that he did his best to get a reduction of this fifty years.

The CHAIRMAN: Order!

Mr. LESINA: He even sent a cable to the company in London.

The CHAIRMAN: Order!

The SECRETARY FOR RAILWAYS: I did not say I sent a cable; I said a cable was sent.

Mr. LESINA: He was only referring to this for the purpose of illustration. The Minister tried to get a reduction from fifty years, but the hon. gentleman was unsuccessful because the company considered that it was a vital point in the Bill. Now, the question was whether they considered this 10,000 acres a vital point. He wanted information. If the reduction from 10,000 acres to 2,000 acres would imperil the passage of the Bill or the construction of the line, why did not the Minister tell the Committee so? The company practically said in the correspondence that if any material alterations were made in any vital points in the Bill they would demand back the £10,000 in the Savings Bank, and not go on with the construction of the line. If this was a vital point in the arrangement made by the Minister with the company, and Parliament was simply asked to ratify without alteration the agreement made by the hon. gentleman with the company, it was simply a farce to discuss the thing. What was the Minister's objection to putting the information before the Committee? Could he not trust hon. members, or did he think members on the Opposition side, like members on the Government side, were willing to swallow any Bill that was brought forward by the Government? He was in favour of the amendment because this land was freehold. If it was proposed to give the company 20,000 acres of leasehold, and there was a proposal to increase that amount of leasehold to 100,000 acres he would prefer that to giving them even 2,000 acres of freehold. He hoped the Committee would agree to the amendment, because the giving away of this valuable concession was a serious matter. It was tantamount to adopting the principle of land grant railways, which had [10 p.m.] never been adopted by the people, and which Parliament had no right to adopt in connection with this matter.

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

AYES, 35.

Mr. Annear	Mr. Kates
„ Armstrong	„ Kent
„ Barnes	„ Leahy
„ Bartholomew	„ Lord
„ Bell	„ Macartney
„ Bridges	„ Mackintosh
„ Callan	„ McMaster
„ Campbell	„ Newell
„ Cowley	„ O'Connell
„ T. B. Cribb	„ Petrie
„ Curtis	„ Philp
„ Dalrymple	„ Rutledge
„ Forrest	„ Stephens
„ Forsyth	„ Stephenson
„ Fox	„ Stodart
„ Foxton	„ Story
„ J. Hamilton	„ Tooth
„ Hanran	

Tellers: Mr. Barnes and Mr. Bridges.

NOES, 22.

Mr. Airey	Mr. Jackson
,, Barber	,, Jenkinson
,, Browne	,, Kerr
,, Burrows	,, Lesina
,, Dibley	,, Maxwell
,, Dunsford	,, McDonnell
,, Fitzgerald	,, Mulcahy
,, Fogarty	,, Plunkett
,, Givens	,, Ryland
,, W. Hamilton	,, Tolmie
,, Hardacre	,, Turley

Tellers: Mr. Maxwell and Mr. Lesina.

Resolved in the affirmative.

Mr. DUNSFORD moved on line 56 the insertion of the following words after the word "acres":—

And provided further that the minerals under all such lands shall be reserved to the Crown.

That would bring the clause into line with clause 9. Under that clause they reserved to the Crown minerals under all the lands upon which the railway was built. He failed to see why they should have any difference between those lands and the land proposed to be granted.

The SECRETARY FOR RAILWAYS: He did not know whether the hon. member was in the House at an earlier hour when a similar amendment was proposed. He had expressed his willingness to accept one or two amendments, either one like that which the hon. member proposed, or one providing that the land should not be mineral land. He gave the Committee the choice of the two, and they accepted the latter. Under the circumstances he trusted the hon. member would withdraw his amendment.

Mr. DUNSFORD: He would accept the statement of the Minister and withdraw his amendment.

Amendment, by leave, withdrawn.

Mr. FORSYTH said some members opposite thought that the whole frontage to Port Norman was likely to be taken up by the 10 acres proposed to be granted for wharfage purposes. There was a great deal of truth in their contention, and it was quite right that the Government should reserve a large proportion of the land for wharfage sites. Therefore he begged to move that after the word "Norman," on the 24th line, there be inserted the words "and not exceeding a frontage of 800 feet to the River Norman." That would mean that the company would only be able to get a frontage of 800 feet, and it would meet the objection that the company might make their grant of 10 acres practically take in the whole of the available frontage.

The SECRETARY FOR RAILWAYS: He had no objection to the amendment. He thought it was necessary.

Mr. BROWNE: He agreed with the Minister that this ameliorated the clause. It was much better restricting the company to this amount of frontage than allowing them to extend their frontage in whatever way they liked. It would leave more for the public, and he would therefore support the proposal. At the same time, the hon. member for Carpentaria, in speaking on the second reading of the Bill, said he would endeavour to induce the Minister to introduce a provision compelling the company to give access to their railway from any other wharves. He (Mr. Browne) intended to propose an amendment to clause 28, empowering the Government to resume the company's wharves at the same time that they resumed the part of the railway from Port Norman to Normanton.

Amendment agreed to.

Mr. FORSYTH: He thought the suggestion made by the leader of the Opposition was one that would meet with the approval of the whole of the House, and he was sure the company would not object to it. He understood that the hon. member practically wanted to force the company to run their railway or to connect their railway with lines running from outside wharves belonging to the local bodies or to other people. If the hon. member made a proposal to that effect he would support it.

The SECRETARY FOR RAILWAYS: He would have no objection to the proposal if he knew how it was to be carried out. He did not see how they were going to compel the company to run their railway over wharves belonging to other people.

Mr. FORSYTH: Anyone who had a wharf there would be able to build a line, and join it on to the company's line.

The HOME SECRETARY: You would compel them to connect?

Mr. FORSYTH: Yes.

The SECRETARY FOR RAILWAYS: He did not see how it was to be done, but he had not the least objection to the proposal. They had already given the Commissioner running powers over this part of the line, and he supposed the Commissioner would take goods from any of the other wharves over this part of the company's line and over his own line to Croydon. He thought that the matter was fully provided for.

Mr. BROWNE: He might say at once that he was not the father of the suggestion. It emanated from the hon. member for Carpentaria, and personally he thought it would make the clause better. He was of opinion, however, that the only solution to the difficulty was to give the Government power to resume the company's wharves at the same time that they took over the railway. He did not see that the Commissioner should be required to connect lines from the other wharves with the company's line, because that would be making the country pay for work that the company would benefit from. He thought the company should be required to make the necessary connections with outside wharves.

The SECRETARY FOR RAILWAYS had no objection to a proviso to the effect that if the holder of an adjoining wharf wished to connect with this railway he should have the right to do so in a manner to be determined by the Commissioner for Railways.

Mr. BROWNE: That would improve the clause.

Mr. GIVENS: A man might own a wharf a little lower down, but not adjoining.

The SECRETARY FOR RAILWAYS: He should also have the right to connect, if he so desired. He explained that there was a provision of a similar character in connection with the Kooniana Railway, which gave the Commissioner that power, and his decision was binding on all parties.

Mr. FORSYTH moved the insertion of the following words after the word "accommodation":—

If at any time the owner of any wharf desires to connect any railway from his wharf with the railway of the company, the company shall, if so required, at the expense of such owner, make openings in his railway and such additional lines of railways, as may be necessary for effecting such connection in places where the Commissioner may direct.

Amendment agreed to.

Mr. LESINA asked how that would affect the grant of 10 acres at Port Norman.

Mr. FORSYTH: The company would only have 800 feet frontage to the river.

The SECRETARY FOR RAILWAYS: Yes. That has all been settled.

Clause 24, as amended, put and passed.

Clauses 25 and 26 put and passed.

On clause 27—"Company carrying on public service"—

Mr. BROWNE said he had referred to this clause on the second reading of this Bill. It dealt with the carrying of mails, and he did not know, now that they had federation, and the matter of mails had been taken over by the Federal Government, whether the State Parliament had power without the authority of the Federal Parliament to give effect to this provision, and if they did not first get the authority of the Federal Parliament for making such a contract with this company, whether this would be binding on the company or not. He was assured in the House at the time that this was all right, but since then he had taken the trouble to consult two legal members of the Federal Parliament, and also in Brisbane three legal gentlemen who were not members of the House. Strange to say the two legal gentlemen in the Senate differed entirely. One of [10·30 p.m.] them said he thought this Parliament had the right to make this condition, and the other said the clause was not worth the paper it was written on, unless it was passed with the authority of the Federal Parliament, or the Federal Parliament afterwards endorsed the provision, and that any agreement made by this Parliament with the company in respect to this matter was no more binding than if it had been made by a municipal council or a divisional board. One of the Brisbane legal gentlemen who were consulted was very positive that Parliament had the power to make this agreement, and another was equally as positive that this Parliament had no power to make any arrangement with regard to the carriage of mails and telegraphic and telephonic communication, without the authority of the Federal Parliament. The third gentleman consulted thought it was all right, but would not give a decided opinion on the matter. He should like to hear from the Minister whether he had any legal authority assuring him that the Committee would be acting rightly in passing the clause.

The SECRETARY FOR RAILWAYS: There was no doubt a good deal in what the hon. member had said. The clause would bind the company, as far as this Parliament could bind them, to carry such mails free of charge as they might be directed by the Commissioner to carry. The railways belonged to the State, and not to the Commonwealth, and were not likely to belong to the Commonwealth, and as the Postmaster-General of the Commonwealth must make an arrangement with the Commissioner for the transport of mails, it was desirable that the Commissioner should be in a position to make such arrangements with regard to private railways in the State. Of course, the State Parliament had no power to bind the Federal Parliament, but he held that they had a right to bind the company. That was perfectly legal, and such a contract could be enforced. There was a similar provision with regard to telegraphs, and he thought it was a good thing to have that provision in the Bill.

Mr. JENKINSON: What is the definition of "public service"—the State service or the Commonwealth service?

The SECRETARY FOR RAILWAYS: There was no interpretation of the term "public service" in the Bill.

Mr. BROWNE: Would not the company require to get power from the Commonwealth Parliament to erect telegraph and telephone wires?

The SECRETARY FOR RAILWAYS: Well, it practically meant the authority who owned and controlled telegraphic and telephonic communication. Anyhow, he thought it was desirable that the clause should be inserted. If it was not of any force it could do no harm. He had consulted the Attorney-General on the subject, and they had decided that it was best to leave the provision in the Bill.

Mr. LESINA: In a prospectus recently published by the company in London, they stated that they intended to carry on the business of railway, telegraph, and telephone proprietors, engineers, makers of rolling-stock, miners, and metallurgists. Section 51 of the Commonwealth Constitution Act provided that the Commonwealth Parliament should deal with "postal, telegraphic, and telephonic, and other like services," and he contended that the State Parliament had no power at all to deal with those matters. How could they give this company, which had no dealings with the Federal Government, power to construct telegraphs and telephones?

The SECRETARY FOR RAILWAYS: We are not giving them that power.

Mr. LESINA: On second thought he saw that that was correct. They were merely providing that if the company got that power the Government should have the right to transmit messages free of charge.

The SECRETARY FOR RAILWAYS: Yes, that is so.

Mr. LESINA: With respect to another provision in the clause he was against requiring the company to carry members of Parliament free. He maintained that by expecting the company to carry members of Parliament free it would place members under a certain obligation to the company, and they might attempt to make use of the legislature. That was the opinion expressed by the present Crown Solicitor in 1892 in his pamphlet on land grant railways. He strongly resented the bribe that was offered to members of Parliament by the clause. If it was retained there ought to be a further provision inserted to the effect that those members who had voted and "barracked" for the Bill should be given free passes for life, because the company certainly owed a deep debt of gratitude to the hon. members on the other side for their support.

Mr. JACKSON moved the insertion after the word "railway," in the 1st line of the clause, of the words "or tramways." If that was accepted, there was a consequential amendment to the same effect to be made in line 30.

The SECRETARY FOR RAILWAYS: I have no objection whatever to that. I really thought it was so.

Amendment agreed to.

Mr. RYLAND moved the omission of the words "Parliament of Queensland," with the view of inserting the words "several Parliaments of Australasia." A similar provision appeared in the Callide Railway Act.

The SECRETARY FOR RAILWAYS: There is no objection to the amendment.

Amendment agreed to.

On the motion of Mr. JACKSON, the words "or tramways" were inserted in line 30 after the word "railway."

Mr. GIVENS: As they were imposing obligations on the company to carry individuals free of charge, he thought the principle might be extended to carrying school children under sixteen years of age free in cases where there was no public school within 2 miles of their homes. That was in accordance with the by-law under which the Commissioner carried school children free on State lines. He thought a subclause could be drafted to meet the case in very little time.

The SECRETARY FOR RAILWAYS thought the matter was already provided for in the clause dealing with the rates. The company could only charge 50 per cent. more

than the Commissioner charged ; and if there was no charge by the Commissioner there could be no 50 per cent.

Mr. GIVENS : If that was the case with regard to school children it was equally the case with regard to members of Parliament, and there was no necessity to make a special exemption in their case.

The SECRETARY FOR RAILWAYS : I don't think there was, either.

Mr. GIVENS: It had been distinctly provided that members of Parliament should travel free ; but if the company chose to refuse to carry school children free, the case would probably have to go to the Privy Council to be decided. To put the matter beyond all doubt, he thought the provision should be included in the Bill.

Mr. BROWNE was at first inclined to think that the reply given by the Minister met the difficulty, but now he was of opinion that the suggested amendment should be made. The carrying of school children free was one of the exceptions in connection with State railways, and there was nothing in the Bill to say that school children travelling on this railway would not be rated the same as other passengers.

Mr. LESINA : Apparently there was some doubt whether school children would be carried free by the company or not, and in
[11 p.m.] order to put the matter beyond cavil he thought provision should be made specifically whereby they would be allowed to travel on the company's line under the same conditions as those under which school children travelled on State railways to and from school.

Mr. GIVENS moved the insertion of the following new paragraph :—

> The company shall also carry upon the railway or tramway, free of charge, all scholars under sixteen years of age residing where there is no public school within two miles of their homes to the nearest public school to which a train service is available.

That brought the matter into line with the concession granted under similar circumstances on the State railways.

The SECRETARY FOR RAILWAYS could not accept the amendment, for the reason that the fares charged at the present time amounted to next to nothing. He was speaking now as if the matter were not provided for. It was all right for the State to do that kind of thing, but he never heard of compelling a company to do it. They might as well compel an omnibus company to carry free. Such a provision would impose difficulties and obligations on the company. Nevertheless, he believed that the carriage of children was provided for already, and that was an additional reason for not accepting the amendment.

At 11·5,

The CHAIRMAN said : Under Standing Order 171 I call upon the hon. member for Maryborough, Mr. Annear, to relieve me in the chair.

Mr. ANNEAR accordingly took the chair.

Mr. GIVENS : The Minister told them in one breath that the matter was already provided for and that children would be carried free, and in the next he objected to the company being called upon to carry free, and said that the charge of 50 per cent. extra would not be a severe tax. Why should the unfortunate children of a working man be compelled to pay the exorbitant charges of the company ? The train service would be running all the time, and he failed to see what loss would be sustained by the company. It would certainly be more in accord with the fitness of things if they provided for the free carriage of school children rather than the free carriage of themselves. It would certainly come as a very graceful concession from the Minister if he would accept the amendment.

The SECRETARY FOR RAILWAYS pointed out that they only compelled the company to run two trains a week, and those trains might not suit children going to school. In any case the charge, if made at all, would be merely nominal. The proposal would only harass the company, and he would not consent to put harassing conditions into the Bill.

Mr. RYLAND : It was more than likely that the company would run a train every day, and in any case it was only fair that the children living along the route of this railway should be put in the same position as children living along the Government lines. Then he thought some encouragement should be given to people to settle in the district, and to send their children to school, and if there were, as was sometimes the case, eight or nine children in a family, it would entail a considerable outlay on the parents if they had to pay railway fares. As the Government built the schools, and provided the teachers, it would be no great injustice on the company to require them to carry school children on the same terms as the State railways.

Mr. HARDACRE (*Leichhardt*) : He thought the Minister ought to provide some means by which school children would be charged less than 50 per cent. above the present railway rates. There should be some provision for taking the children free, or, at any rate, at very cheap rates. That was as much an absolute necessity as it was to have the mails carried free. It was necessary in the interests of education. He would suggest, that if the Minister would not consent to provide that the children should be carried free, he should provide that they should be carried under rates and regulations fixed by the Commissioner, who would then fix reasonable rates.

The SECRETARY FOR RAILWAYS : He thought the matter was already provided for in the clause that they had already passed, but if it was not let them look at it from a practical point of view. If the company wanted to encourage people to settle in the district they would have to run the railway with as cheap rates as possible. Their object would be to encourage settlement, and one of the ways in which they would do that would be by facilitating the travelling of children to and from school. They would do that much better if left to themselves than if they were bound by any hard-and-fast rules that Parliament might make. As a matter of fact there were no such restrictions as the hon. member sought to place on this company in regard to the State railways, and the system in existence on the State railways was only of use where the train service was frequent, and the trains ran at times suitable for the children to go to and from school. However, he had decided that he could not accept the amendment.

Mr. GIVENS : The Minister had said that rates were already so low that it would be no tax on the children to pay them, even if they were charged. He wanted to say that that statement was not in accordance with fact. He found that the rates for scholars, who were not under the exemption that he had quoted on the Government lines, was one-half the full season-ticket rate. The season-ticket rate, second-class from Brisbane to Indooroopilly, which is about 4½ miles, was £2 8s. 3d. Half of that would amount to £1 4s. 1½d. for six months, but as this company would have the right to charge 50 per cent. above that rate they would be entitled to charge three-fourths of the rate now charged for an adult on the Government railways, and that would not be the mere trifle that the Minister would have them believe it was.

The SECRETARY FOR RAILWAYS : Much less under sixteen.

Mr. GIVENS: The by-law was as plain as could be. It said—

> Season tickets at half the full season ticket rates may be issued to scholars (irrespective of age) attending any school upon the certificate of the master of the school. Scholars under sixteen years of age, residing where there is no public school within 2 miles of their homes, will be granted free second-class season tickets to enable them to attend the nearest public school to which the train service is available.

He had given due regard to that regulation when framing his amendment. This was a concession which was greatly required, and it was one that he believed the people outside would appreciate, and it was very necessary to be inserted in this Bill in the interests of the children living along the route of this 260 miles of railway.

Mr. LESINA: It was very evident from the attitude of the Minister on this matter that one at least of the prophecies that had been made was going to turn out to be a true one, for the Minister refused to give this ordinary concession —a concession which was in operation on the State lines. Why should not this syndicate be compelled to do the same thing as the State did on its railways? He had read that in several places parents had been prosecuted for not sending their children to school, and along this railway line there would be lengthsmen and timber-getters and others who would have children, and they would want to send them to school. Why should not this company be compelled to carry these children to school at the same rates as on the Government railways? The Minister said it would be harassing the company, the members of which were all absentees, but he was quite prepared to harass the children of those men. Let the Committee come to a division so that the public could see how each hon. member voted on this matter.

Mr. HARDACRE: It seemed to him that from the remarks of the Minister that hon. gentleman was not so much opposed to the principle as to the wording of the amendment.

Mr. LESINA pointed out that the matter was of sufficient importance to justify a division being taken. He thought it would be an excellent thing for the public outside to see precisely how hon. members voted on the matter, and it would be an excellent point to bring up at the next general election, to tell all the timber-getters and lengthsmen along the line that the Government were against the proposal of the hon. member for Cairns.

Mr. HARDACRE thought the Minister should accept some provision which would give the Commissioner power to make whatever rates and regulations he deemed reasonable with regard to the carrying of these children to school.

The SECRETARY FOR RAILWAYS: It is provided for already.

Mr. HARDACRE: Where?

The SECRETARY FOR RAILWAYS: Section 15 says the Commissioner must approve of the by-laws.

Question—That the words proposed to be inserted be so inserted (*Mr. Givens's amendment*)—put; and the Committee divided [11·30 p.m.]:—

AYES, 19.

Mr. Airey	Mr. Hardacre
,, Barber	,, Jackson
,, Bowman	,, Kerr
,, Browne	,, Lesina
,, Burrows	,, Maxwell
,, Dibley	,, McDonnell
,, Dunsford	,, Mulcahy
,, Fitzgerald	,, Ryland
,, Givens	,, Turley
,, W. Hamilton	

Tellers: Mr. Bowman and Mr. Hardacre.

NOES, 30.

Mr. Armstrong	Mr. Hanran
,, Barnes	,, Kent
,, Bartholomew	,, Leahy
,, Bell	,, Macartney
,, Bridges	,, Mackintosh
,, Callan	,, McMaster
,, Campbell	,, Newell
,, Cowley	,, O'Connell
,, T. B. Cribb	,, Petrie
,, Curtis	,, Philp
,, Dalrymple	,, Rutledge
,, Forsyth	,, Stephens
,, Fox	,, Stodart
,, Foxton	,, Story
,, J. Hamilton	,, Tooth

Tellers: Mr. Forsyth and Mr. Macartney.

PAIRS.

Ayes—Mr. Plunkett, Mr. Fogarty, and Mr. Jenkinson.
Noes—Mr. Lord, Mr. Kates, and Mr. Forrest.

Resolved in the negative.

Mr. LESINA suggested that all coloured aliens should be carried free on the railway for the purposes of deportation. If aliens had to be deported from the Commonwealth under any Acts passed by the Federal Parliament from time to time, then it would be advisable to have their deportation made free.

Mr. JENKINSON wished to know how it was that the provision with regard to telegraphic and telephonic communication was drafted on different lines from that in the Glassford Creek Tramway Act, the Albert River and Lilydale Tramway Act, and the other private railway Acts passed last session. When those measures were presented to the House they contained a clause similar to the one now under consideration, but he called for the production of correspondence between the Post and Telegraph Department and the other departments of the State to ascertain if the rights of the State were properly safeguarded, and, as a result, moved an amendment on the clause, which was adopted by the then Secretary for Railways. Section 14 of the Glassford Creek Tramway Act provided that—

> The owners may establish and maintain on or alongside of the tramway such telegraph and telephone communication as the Commissioner approves, and such communication, when established, shall be deemed to be part of the tramway.
>
> The owners shall have the right to demand and receive rates for the transmission of telegraph and telephone messages over and by means of such telegraphs and telephones established by it; but such rates shall not exceed the rates charged for the time being by the Postmaster-General in respect of the transmission of messages by telegraphs or telephones under his control.
>
> The owners shall be entitled to connect any telegraph or telephone established by them with any telegraph or telephone now or hereafter to be established in connection with the North Coast Railway, and for such purpose may use, in conjunction with the Commissioner or Postmaster-General, and free of charge, any telegraph posts, poles, or standards erected, or to be erected, on or alongside such railway at its junction with the tramway.
>
> All matters connected with the business of through communication over or by means of telegraphs and telephones established by the owners, and telegraphs and telephones under the control or which may be used by the Commissioner or Postmaster-General, shall be subject to the approval of the Commissioner or Postmaster-General, as the case may be.

It was the Post and Telegraph Department who were exceedingly anxious that those safeguards should be established, and the then Secretary for Railways readily adopted the suggestion to amend the clause, stating that it safeguarded the interests of the State. Why, then, should this Cloncurry Company be allowed to make any charge they might choose to levy? He would also draw attention to section 78 of the Federal

Post and Telegraph Act, as it was necessary that they should not tie themselves up in a knot—

The Postmaster-General shall have the exclusive privilege of maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Commonwealth, and performing all the incidental services, and receiving, collecting, or delivering such telegrams or communications, except as provided by this Act or the regulations.

Provided that the Government railway authorities of each State, or any existing private railway or tramway already constructed, or in course of construction, shall have authority to erect and maintain within the railway boundaries telegraph lines required for the working of the railways, but, except by the authority of the Postmaster-General, no such telegraph lines shall be used for the purpose of transmitting and delivering telegrams for the public. Where such authority is obtained, the revenue derived from such telegrams shall be divided between the department and the railway authorities in such proportions as may be mutually arranged.

Then clause 88, which was inserted at the instigation of the hon. member for Kennedy, Mr. McDonald, read—

The Postmaster-General may, after giving six months' notice, resume any private telegraph or telephone line.

The compensation, if the amount cannot be otherwise agreed upon, shall be settled by arbitration.

The provision that they were now asked to accept did not contain the same safeguards as appeared in the other private railway Acts, and the clause appeared to conflict with clause 78 of the Federal Post and Telegraph Act.

Mr. LESINA: If the hon. member for Wide Bay had been present earlier in the evening he would have discovered from the Minister that the clause did not give the company the right to erect telegraph or telephone lines. The company would have to ask the Federal Government for authority to do that; and then the clause provided that, when they had that authority, public messages should be transmitted over the lines free of charge.

Clause, as amended, put and passed.

Clause 28, as follows :—

(1.) The Minister, on behalf of the Government, may at any time after the completion of the line of railway from Port Norman to Normanton or to its junction with the Normanton-Croydon Railway, as the case may be, by notice in writing, require the company to sell, and thereupon the company shall sell to the Government such line of railway exclusive of rolling-stock, upon the terms of payment by the Government to the company of the actual cost of the construction thereof, of which cost the certificate of the Commissioner hereinbefore provided for shall be conclusive evidence :

Provided that if such purchase is made, the company may thereafter run over, work, and use such line of railway upon the terms that :—

(i.) The company shall, in respect of all traffic carried on the line by the company, pay to the Commissioner the same rates which are charged to the public by the company, or such other rates as may be mutually agreed upon between the Commissioner and the company ; and

(ii.) The Commissioner shall continue to have and exercise full and exclusive control over all traffic carried on such line.

(2.) The Minister, on behalf of the Government, may at any time after the expiration of fifty years after the completion of the railway, by notice in writing, require the company to sell, and thereupon the company shall sell, to the Government the railway, or so much thereof as remains unpurchased by the Government, and rolling-stock, upon the terms of payment by the Government to the company of the then value thereof, such value in case of difference to be ascertained by arbitration according to the provisions of the Interdict Act of 1867. But the value of the railway for the purposes of this subsection shall not under any circumstances be taken to be more than the actual cost of construction, of which cost the certificates of the Commissioner, hereinbefore provided for, shall be conclusive evidence.

(3.) Whenever any sale in pursuance of this section is made to the Government the railway shall vest in the Commissioner as fully and effectually to all intents and purposes as if the same had been transferred and conveyed to him by the company, but nevertheless the Commissioner may, if he thinks fit, demand a transfer or conveyance thereof, and the company shall thereupon execute the same—

put by the ACTING CHAIRMAN, and declared carried.

The ACTING CHAIRMAN then proceeded to put clause 29, when Mr. BROWNE and Mr. JENKINSON both rose.

Mr. JENKINSON: I was on my feet, Mr. Annear, before you declared clause 28 carried.

Mr. BROWNE: I was talking to the Premier, and I thought the hon. member for Wide Bay was talking about telegraph and telephone lines.

The ACTING CHAIRMAN: I wish to remind hon. members that I put clause 28 distinctly, and then I made a pause, and, as no hon. member rose to his feet, I declared the clause carried.

Mr. JACKSON: The hon. member for Wide Bay addressed you as "Mr. Grimes," and that is how the mistake arose.

Mr. BROWNE said he was speaking to the Premier at the time the clause was put through, but he had circulated printed amendments on the clause immediately after the second reading, copies of which the Acting Chairman had before him.

The SECRETARY FOR RAILWAYS: The Acting Chairman had put clause 28, and he wondered that no hon. member rose. Of course the thing was done, but he supposed the Committee could undo it. Members on the Government side had no intention to take advantage of anyone, and perhaps the Acting Chairman would put the question again.

The ACTING CHAIRMAN: I will put the question again. The question is, "That clause 28 stand part of the Bill."

Mr. BELL rose to a point of order. He would not press the point of order, but it was just as well that they should know exactly what they were doing when they were making any departure from the regular practice. However convenient it might be at one moment to depart from the orthodox and recognised rules, sooner or later it would be a rod to thrash the Committee with. There was no question that clause 28 was passed, and they should now be considering clause 29. The proper course was to recommit the Bill.

Mr. W. HAMILTON said that the hon. member for Wide Bay had called "Mr. Grimes," instead of "Mr. Annear," and the Acting Chairman put clause 28 quickly and went on to clause 29. At the same time the leader of the Opposition was busy talking to the Premier.

The PREMIER said that he was talking to the leader of the Opposition at the time the clause was put through, so that he was perhaps to blame for the leader of the Opposition not having risen. No one desired to take advantage of the mistake, and it was quite regular for the Acting Chairman to put the clause again, with the consent of the Committee.

Mr. BROWNE did not think that either the Minister or the Acting Chairman had any desire to go in for any sharp practice. He quite agreed with the hon. member for Dalby that it should not be made a common practice to go back, but the hon. member himself must admit that on this occasion an exception might be made. He would move his amendment. He felt very strongly on the matter, and was going to take a division on it, but he did not propose to take up much time discussing it. There was no provision in the clause for resuming the wharf and the wharfage accommodation, and it would be distinctly unfair after the railway was

resumed to leave the wharfage and storage accommodation in the hands of the company. According to the correspondence, what the company asked for in 1899 was the right to retain the wharfage and storage accommodation for the same term as the term they were to retain the whole railway; and, strange to say, the Government gave the company more than they asked for. Clause 30 of the Bill of last year provided for the purchase, at any time after completion, of the line from Port Norman to Normanton; and for the purchase, at the end of fifty years, of the railway or so much of the railway as remained unpurchased; but it said nothing about wharfage, although the correspondence showed that in drafting the Bill it was the intention of the Government to resume the wharfage and storage accommodation at or near the township of Karumba at the same time as they purchased the railway from Port Norman to Normanton. Considering the demand there was for railways in the Southern part of the colony, it would probably be many years before the railway from Port Norman to Normanton was resumed. If a proposal was made in Parliament to give from £120,000, £130,000, or £150,000 for that railway, there would be lots of members who would consider that the money would be better employed in building railways in their districts. But whenever the railway was repurchased by the Government, he considered that they ought to resume the wharfage and storage accommodation at the same time. He moved the insertion on line 41, after the word "railway," of the words "wharves and wharfage accommodation."

The SECRETARY FOR RAILWAYS: The hon. member must admit that there was not the same necessity for the amendment that there was some time ago, seeing that the company had been restricted to 800 feet. He understood from the Premier and the hon. member for Carpentaria, who knew the place, that there were miles of water frontage. A company like this, who would be doing a large carrying business, should be allowed to have wharfage accommodation as long as they did not inconvenience the public. If it was found advisable to resume it at any time, it could be done under the Public Works Lands Resumption Act; and this gave the company no right above high-water mark. If they found it necessary to resume they had the power under the Public Works

[12 p.m.] Lands Resumption Act, and, in addition to that, the company would be trespassers as soon as they put their piles in above high-water mark.

Mr. BROWNE: Have you not power to resume the railway in the same way?

The SECRETARY FOR RAILWAYS: Yes, but then compensation would have to be paid for the goodwill; but there was no goodwill connected with the wharf because the company had no right to the foreshore. He trusted the hon. member would accept his explanation and withdraw his amendment.

Mr. BROWNE did not see the matter in the same light as the hon. gentleman. If the Government had that power of resumption it seemed waste of time to pass an Act giving those privileges. If the Government thought fit to resume the wharf when they were taking over the railway it would do the company no harm, because it would be a Government wharf with a State railway running to it, and the company would have the same rights as other individuals. Indeed it was well understood that those who most largely used Government wharves were allowed special privileges and concessions. It was more than evident that the original intention of the Government, the draftsman, and the Railway Commissioner was that the Government should have power to resume the wharf at the same time as the railway, and it would be an anomaly after the line was taken over to have a Government line running to a private wharf.

The SECRETARY FOR RAILWAYS: We can build another wharf.

Mr. BROWNE: It would be many years before the Government would be game to put money on the Estimates for that purpose. Indeed, the answer of Southern members would be, "They have a good wharf there already, and it is waste of money to build another." In fact, every privilege granted to the company made it morally certain that very little Government money would be spent in the Gulf for many years. If the Bill passed in its present form, and the wharfage was given over in fee-simple, there was absolutely no chance of Government assistance being given at the mouth of the Norman for an indefinite period.

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

AYES, 19.

Mr. Airey	Mr. Hardacre
,, Barber	,, Jackson
,, Bowman	,, Kerr
,, Browne	,, Lesina
,, Burrows	,, Maxwell
,, Dibley	,, McDonnell
,, Dunsford	,, Mulcahy
,, Fitzgerald	,, Ryland
,, Givens	,, Turley
,, W. Hamilton	

Tellers: Mr. Turley and Mr. Barber.

NOES, 29.

Mr. Armstrong	Mr. Kent
,, Barnes	,, Leahy
,, Bartholomew	,, Macartney
,, Bell	,, Mackintosh
,, Bridges	,, McMaster
,, Callan	,, Newell
,, Campbell	,, O'Connell
,, Cowley	,, Petrie
,, T. B. Cribb	,, Philp
,, Dalrymple	,, Rutledge
,, Forsyth	,, Stephens
,, Fox	,, Stodart
,, Foxton	,, Story
,, J. Hamilton	,, Tooth
,, Hanran	

Tellers: Mr. Armstrong and Mr. Stephens.

PAIRS.

Ayes—Mr. Plunkett, Mr. Fogarty, and Mr. Jenkinson.
Noes—Mr. Lord, Mr. Kates, and Mr. Forrest.

Resolved in the negative.

Mr. BROWNE: He had another amendment, which had been printed and circulated. It was on line 2, to omit the word "fifty," with a view to inserting "twenty-five." Not only himself, but several hon. gentlemen on the opposite side, had spoken very strongly about handing over these great powers to the company for fifty years. They were giving the company these rights for a period equal to the present lifetime of Queensland, for it was not more than fifty years since Queensland had been a colony, and all the progress and the added wealth had been made in that time. Many of them hoped that the progress would be twice or treble what it had been in the past, and yet they were handing over all these concessions to the company for fifty years. He believed that twenty-five years was too long. He thought the Government should have the right to resume the railway at any time, but knowing the opposition to that, he had reduced his proposal to what the collective wisdom of Great Britain fifty-five years ago decided was long enough a tenure to give any private railway company in Great Britain. Notwithstanding the tremendous amount of money that they had to spend on their railways, the restrictions they

had to work under, and the responsibilities which they had to undertake, no British railway company was allowed a longer tenure than twenty-five years. Another thing which was very unfortunate with regard to this Bill was that it was so much more liberal than the people themselves asked. According to the correspondence which had been laid on the table, the company only asked for thirty years.

The SECRETARY FOR RAILWAYS: Not this company.

Mr. BROWNE: The company was practically the same, or practically the same men were in it. There was a letter in the correspondence from a gentleman named Harrower, who stated with regard to the gentleman who was such a favourite with the other side last year—that was Mr. Withers—that he trusted Mr. Withers, and was prepared to follow Mr. Withers and give him all his support. That was in the very latest correspondence, and he would read it if the hon. gentleman wished him to do so.

The SECRETARY FOR RAILWAYS: Who is it addressed to?

Mr. BROWNE: Either to the Minister for Railways or the Commissioner.

The SECRETARY FOR RAILWAYS: I get scores of these things, and I chuck them aside.

Mr. BROWNE: This letter had not been chucked aside; it was in the official correspondence.

The SECRETARY FOR RAILWAYS: I mean I chuck them aside, so far as considering them.

Mr. BROWNE: He did not wish to protract the debate by going into these things. Why could not they be honest? Did not they know it was the same company? Did not the *British Australasian*, containing the company's own circular and the correspondence, show that it was the same company? Let the hon. gentleman, now he had introduced the matter, tell them how many of the gentlemen who were named in the correspondence were not in the company at the present time?

The SECRETARY FOR RAILWAYS: I really do not know who is in the company.

Mr. BROWNE: The hon. gentleman said that he did not know who were in the company, after saying it was not the same company.

The SECRETARY FOR RAILWAYS: I have the assurance of Flower and Hart, a most respectable firm of solicitors, that it is not the same company.

Mr. BROWNE: He noticed that one name was that of Sir R. G. W. Herbert, of London. That gentleman was one of the old company. Then they had Peter Coates and Archibald Coates, owners of selections in the Leichhardt. Were not they members of this company? Was not W. K. D'Arcy, a member of this company?

The SECRETARY FOR RAILWAYS: I have not the names before me.

Mr. GIVENS: The same snake under a new skin.

Mr. BROWNE: The hon. gentleman laid the correspondence on the table, and it had been officially through his hands. It lay on the table for a few minutes, and he and other hon. members looked through it, and after the Minister had perused it, he coolly challenged him (Mr. Browne) with inaccuracy, and yet he admitted that he did not know the names of the men in this company.

The SECRETARY FOR RAILWAYS: I can't carry all their names in my head.

Mr. BROWNE: It was stated in the correspondence that this was practically the same company under another name. He admitted that in one place some of them said that they had no connection with a certain gentleman. In the correspondence there was a long letter from Mr. P. Harrower, who was a big mercantile man in the old country, stating that he placed implicit confidence in Mr. Withers, and he was prepared to support that gentleman.

The PREMIER: That was last year.

Mr. BROWNE: That appeared in the correspondence. He had no wish to keep up this discussion, but he only wished to refer to what Mr. Harrower, who was evidently a big gun, said.

The PREMIER: Last year he said he would not be a promoter of this company. He said that after considering the matter he could not see his way clear to become one of the promoters of this company. That was in July, 1900.

Mr. BROWNE said he was in the company this year. This letter of Mr. Harrower's was dated 20th October, 1898, from 134 Bath street, and 136 Cowcadden's street, Glasgow. It read—

> Dear Sir,—I wired you on the 18th and 19th, as per copies enclosed, which I trust you received correctly and understood. These wires were sent in order to satisfy you that the copper syndicate which I represent is working in harmony with Mr. Withers, it having been the intention of our syndicate to amalgamate with the railway syndicate after the concession was obtained. We have very representative men in our syndicate who no doubt would influence the floating of the railway. I might mention a few, such as Sir John Cuthbertson, Archibald Coates, Esq., and Peter Coates, Esq., both of Paisley; Mr. Aikman, manager of the Commercial Bank, Edinburgh; and about a dozen others equally responsible and representative men. I shall be glad to learn that Mr. Withers has been successful in securing the railway concessions, and thanking you in anticipation for assisting him in doing so, etc.

Then there was this cable by Mr. Harrower—

> Can testify that owners of Cloncurry and Leichhardt mines intend combining their properties with Withers' Normanton-Cloncurry railway scheme and financially supporting same Coates London brokers agreeable bring out company.

This was sent to the Minister for Railways, Brisbane. Then there appeared in the correspondence this—

> Minister for Railways, Brisbane: Yesterday's cable sent by Harrower member Australian Copper Syndicate. —18-10-98.

Later on, Mr. Harrower said that he regretted sending the first letter, seeing that Mr. Withers had made certain indiscretions, but the matter was not really very material. The company was really the same company under another name. On page 14 of the correspondence it was stated—

> The numerous copper selections on the Leichhardt and Cloncurry, now owned by Messrs. Coates, of Paisley, and their friends will be incorporated with the railway and land, etc.

Here was the proposal—

> The company to construct a railway, with a 3-foot 6 gauge from the mouth of the Norman River to Normanton. The Government to have the right of resuming the said line at any time after completion by paying the company the cost of construction. The company to have the running powers over the said line upon payment of proportionate cost of maintenance or an annual rental. The company to construct a line with a gauge of 3 feet 6 inches from Cloncurry to junction with the aforesaid line. The company to have the power to resume the said line after a period of thirty years on payment of the *bonâ fide* cost or on valuation.

That was the company's offer, and he thought they would be very generous if they acceded to that offer. The company said—

> Broken Hill is a striking instance of this in connection with minerals only. Within a comparatively few years 20,000 people have settled in that neighbourhood. There is no reason whatever why the present scheme should not in time outrival Broken Hill, as the agricultural and pastoral advantages of Queensland far and away exceed those of Broken Hill district.

He thought the amendment he had moved was a very reasonable one, for fifty years in a country like Queensland amounted to more than 200 years in the old country.

The SECRETARY FOR RAILWAYS: This question of reducing the term within which the Government might purchase the [12·30 a.m.] railway had been discussed and fought, not only on the second reading of the Bill but also on the clause which they amended so as to provide that there should be a readjustment of rates and fares every ten years. It was also discussed last year on a similar clause in the other measures providing for the construction of railways by private enterprise, and the Committee in every instance insisted upon retaining the term of fifty years. The objection then urged was that the time would extend over a couple of generations, and that during that period the company might be absolutely plundering the colony. He had met hon. members on that point by providing that the rates should be revised every ten years, taking as a basis the average rates for the preceding ten years. There was not much time to further discuss the question at that hour of the morning, and he might say at once to hon. members that the term of fifty years was a vital part of the Bill. He knew that there would be objections to that provision in the House, and though he did not think the time was too long he had tried to get it reduced.

Mr. GIVENS: Didn't they offer last year to make the term thirty years?

The SECRETARY FOR RAILWAYS: No, the hon. member was entirely wrong; that was four years ago. However, he had secured the best terms he could. The papers gave full particulars about the formation of the new company and of whom it was composed, and in those papers the company stated distinctly that they were prepared to go on the basis of the Bill of last year, that was giving the Government the right of purchase at the expiration of fifty years.

Mr. HARDACRE: They did not say they would not make the term less; they did not refuse to reduce the term.

The SECRETARY FOR RAILWAYS: They did refuse to reduce the term. He tried to get the company to reduce the time, and Flower and Hart cabled to London on the question, and they informed him either verbally or by telephone that the company refused to reduce the time. If he could have reduced the time he would have done so, but the company would not agree to any reduction.

Mr. LESINA: The hon. gentleman stated on the second reading of the Bill that he had caused a cablegram to be sent to London asking the company to reduce the time below fifty years. There was no copy of that cablegram in the correspondence which had been laid on the table of the House.

The SECRETARY FOR RAILWAYS: I said Flower and Hart sent a cable.

Mr. LESINA: If the hon. gentleman, acting on behalf of the Government, had that cable sent to the company through the office of Flower and Hart, why was it not included in the correspondence laid on the table for the information of hon. members? They were being kept in the dark with respect to many of the negotiations carried on by the Minister with the company. The hon. gentleman said he had tried his level best to get a reduction of the terms of fifty years, and that he got a cable sent to London asking the company to make a reduction in the time. But that cable was not in the possession of hon. members.

Mr. BROWNE: The cable is in the papers; Flower and Hart state that they received a cable from home.

Mr. LESINA: They wanted to know what was in the cable sent home in order that they might see if the Minister did his level best to secure a reduction of the time. They knew that previously the company were willing to make the time thirty years, and it was possible that they might even accept twenty-five years as proposed in the amendment. The Minister could only say that they would not. How did the hon. gentleman know? He had not given the Committee the facts, he might be concealing something, or he might not have the information in his possession. Under the circumstances it would not be fair to dispose of the amendment in the offhand fashion that the hon. gentleman proposed. In a matter like that time was a vital point in the charter, as undoubtedly it was far better for the company to get a fifty years' lease than one for twenty-five years; and in the last letter in the correspondence, the company said that if any change took place in any of the vital principles of the Bill, they would refuse to go on, and would demand the return of their £10,000. If it was true that in the first place the company was prepared to accept a thirty years' lease, and they now wanted fifty years, it was a good thing that another Withers had not cropped up, otherwise the Secretary for Railways might introduce a Bill next year proposing to give them a lease for seventy-five years, and if another Withers should crop up next year, he might come down the following year with a proposal to give them 100 years. He believed that the Withers who had the negotiations in hand now was not of the blundering type of the Withers of twelve months ago. He concealed his tracks very artfully, and did all the business by interview. There was very little correspondence, and none of it was of a compromising character. There was much left unsaid that he would like to see in print, but unfortunately it was not there.

The PREMIER thought that this letter would satisfy any reasonable man—

MESSRS. FLOWER AND HART *to* THE HONOURABLE THE MINISTER FOR RAILWAYS.

Adelaide street,
Brisbane, 6th August, 1901.

SIR,—Referring to our recent interview with you, we cabled to our London principals for instructions to authorise us to agree to a reduction of the period of fifty years within which the Government may purchase the line. We are in receipt of a reply reading as follows:—"Success cannot be depended upon unless period same as Chillagoe." As the period inserted in the similar clause (32) of the Mareeba to Chillagoe Railway Act of 1897 is fifty years, we do not see how we can consent to any reduction in time. We presume that our clients consider that they would be unable to raise the necessary capital if the period were reduced.

We have the honour to forward, herewith, a draft of the proposed Bill, in which we have inserted provisions to provide for the deposit of £10,000.

We have the honour to point out that we have deleted the amendment of clause 3 which was inserted in the previous draft we sent you. We trust that you will make no objection to the alteration.

Of course the Minister could not communicate direct with those people. When Sir Hugh Nelson was interviewed in London four years ago, thirty years was thought to be ample, but, seeing that the Chillagoe people got fifty years, they might have thought they were entitled to the same term. The Chillagoe Company had some trouble in getting money in London as it was. The Coates's were reputed to be very wealthy, and it was people with money that were wanted in Queensland just now. In another letter it was stated—

We understand that the company has been floated with a nominal capital of £50,000. As this may excite comment as being very small, we would point out that the company has, however, reserved full power to increase its capital by resolution. It is manifest that it would have been a great waste of money to register a company with, say, £1,750,000 of capital in the first instance, as the stamp duty on such a company would amount to nearly £4,500 in England, and £7,750 in this State.

For your information we might mention that we are instructed that subscribers to the memorandum and articles of association are Messrs. Archibald Coates and Peter Coates, of J. and P. Coates, Ltd., Paisley; Sir J. N. Cuthbertson and Mr. Peter Harrower, of Glasgow; and Messrs. R. L. Alston, W. D. Gillies, and John Coubrough, directors of the New Cloncurry Copper Company, Ltd., and the Hon. John Ferguson, of Rockhampton, and that the brokers of the company are Messrs. Coates, Son, and Co.

Certainly Mr. Ferguson had not been a member of the syndicate last year. He thought that they were dealing with *bonâ fide* men, who had money of their own to lose or make. Taking it all round, it was certainly the most powerful syndicate, so far as he knew, that had offered to come to Queensland.

Mr. BROWNE: We were told the same with regard to the Glassford Creek syndicate last session. Mr. Ferguson was a member of that, too.

The PREMIER: Well, Mr. Ferguson could build that line himself. He was sorry that he had not, because until the line was built, the copper deposits at Glassford Creek could not be worked at a profit.

Mr. GIVENS agreed with the Premier that this was the most powerful syndicate that had yet offered to come to Queensland. It was so powerful that it appeared to have hypnotised the Government, and induced them to accede to any terms they chose to dictate. The Premier's statement that the company would not undertake to build the line unless they had fifty years, as it would not be sufficiently remunerative, was directly contradictory of some of the statements which had been put forward in support of the Bill. The Government had told them that the company wanted the Bill in order that they might develop their freeholds at Cloncurry, and now they were told that their principal object was to get a long concession, so that they might make the line very remunerative.

The PREMIER: I did not say so.

Mr. GIVENS: That was the gist of what the Premier had read. The term was the most important point in the Bill. The objection of hon. members to the Bill would be greatly minimised, if it did not entirely disappear, if the Government had the right to purchase the railway at any time, so that the greatest objection was to the length of time for which the concession was to be given to the syndicate. The length of time for which this concession was to be given was longer than Queensland had been in existence as a separate State. Queensland had been a self-governing State for the period of forty-two years. A young country like Queensland could make enormous strides in fifty years. If New South Wales had fifty years ago given a syndicate the right to construct a private railway from Brisbane to Roma, with the right to retain the railway for fifty years, Brisbane would now be at the beck and call of the syndicate instead of being a free city.

The PREMIER: It might have had double the population.

Mr. GIVENS: Pigs might fly, but they were unlikely birds. Queensland at the time of separation was no bigger than Normanton and the Gulf were now. Fifty years ago there was not an individual in either Rockhampton or Townsville. They knew the progress of Queensland during the last forty-two years, yet it was proposed to give this company a concession that would enable them to control every industry and almost every individual in the Gulf country for half-a-century. This line was not on all-fours with the other syndicate railways that had been passed. In the first place, it was about three times the length.

The PREMIER: You are making a second reading speech.

Mr. GIVENS: He was pointing out facts to show why the clause should not appear in its present form. During the next twenty or thirty years the line might act disastrously on the affairs of the colony by competing unduly with the State railways from Rockhampton and Townsville. In order to carry on their freezing works successfully the company must have a direct line of steamers between the Gulf and European ports, and they would draw a considerable amount of traffic, which would otherwise go over the Central and Northern lines. Though there were hon. members on the other side who did not believe it was a good thing to give this concession for so long a period, they were prepared to vote for it, because they said the company would not build the railway if the period were reduced. If the company had a right to dictate to that Committee, and say they would not build the railway unless the Committee accepted the company's terms, the Committee had an equal right to say that the company should not build the railway at all unless they accepted the terms imposed by the Committee. He believed they would be quite prepared to build the line, even if the term were reduced to twenty-five years.

Mr. MULCAHY would not like to give a silent vote on that question. He hardly thought that the Government could realise
[1 a.m.] the great concession they were giving away. Over and over again members had pointed to the great strides the colony had made in fifty years. For a number of years they had been fighting a great battle against long odds. White men had been compelled to work alongside of black men, but now that the federal Premier was about to abolish the blackfellow there would be a great boom in Queensland, and a great rush of population. It had been admitted that Queensland was the best colony in the group, and what had kept the North back was simply the fact that white men had to live among coloured people. Fifty years was altogether too long a term for which to hand over such privileges to a company. In the old country they did not dream of giving such concessions for longer than twenty-five years, and he could not understand how any sane Government would allow any company to dictate such absurd terms, especially as last year they were prepared to accept a thirty years' term. The company contended that they could not ensure the success of the undertaking unless they had a fifty years' term. It was a wonder to him that they had not named 100 or 150 years, in which case he believed the Government would have granted it. It seemed that any terms they dictated would be acceptable to the Government. But surely, as the Secretary for Railways pointed out, there were two parties to a bargain, and Parliament had a right to say what terms it would allow. It seemed to him, however, that they were simply there to accept what terms the company offered.

The SECRETARY FOR RAILWAYS: You know better; you are talking to the gallery.

Mr. MULCAHY: The hon. gentleman knew very well that he was giving away concessions, which, as a private individual, he would no more think of giving away than he would think of jumping off the balcony. He had been sent there to oppose such bargains, and even if his opponent had been returned it would have made no difference, for it was part of his platform to oppose private railways. The 3,000 electors of Gympie were almost to a man against the system of private railway construction, because, as sensible men, they could see what great concessions it was proposed to give away. He protested against the clause before them, and would, if he stopped there a month, use every endeavour to defeat it.

Mr. AIREY hoped to see the term modified. If they could not get twenty-five years he hoped they would get thirty, though for his own part he much preferred fifteen, but they had to be thankful for small mercies. He noticed that the Secretary for Railways himself practically admitted that the term was altogether too long.

The SECRETARY FOR RAILWAYS: I did not.

Mr. AIREY: The hon. gentleman said he endeavoured to have it reduced.

The SECRETARY FOR RAILWAYS: I said that personally I did not think it was too long.

Mr. AIREY: Then why did the hon. gentleman try to reduce it?

The SECRETARY FOR RAILWAYS: Out of respect to your side.

Mr. AIREY: He was pleased to have that admission. Evidently as time went on they were commanding respect. The term of fifty years seemed to him to be the greatest evil in the Bill. If the conditions of the Bill were bad for a term of twenty-five years, then for a term of fifty years the evil was intensified. It had been pointed out again and again what an enormous period in the lifetime of this colony fifty years was. Fifty years ago there was practically no colony of Queensland, and there was very little settlement in Australia. He would suggest to the Minister that he should modify this Bill, and reduce the term of its operation. If he desired to modify any injurious effect it would have, and it was admitted that it would have some injurious effects, he would reduce the term. In England the term given was twenty-five years, and he did not see any reason why they should double the time here. The country around the Gulf of Carpentaria in fifty years would probably have a large number of mineral fields opened up within its confines, there would probably be big pastoral industries, and probably some towns with considerable population, and the circumstances generally would be so altered that the conditions which now might make the introduction of a private syndicate railway desirable, would no longer exist. The experience of Melbourne with its chartered tramway company, which was able to resist all attempts to make it extend its lines, and otherwise conform to the desires of the people, would be repeated, only in a worse form, in the case of this railway. The men who voted for the Bill, and assisted to make it law, would have died, but this company would remain a fetter on the people of one part of the colony for fifty years. The Minister had made many concessions to the company; surely he might now make this concession to those members who were opposed to granting the term which it was proposed to give to the company. To seek to bind the country for fifty years was absolutely absurd.

Mr. BURROWS: He had been trying to fathom the reasons which were operating with the Minister to induce him to refuse to accept this amendment, but he had been unable to do so. It appeared to him that the term fifty years was preposterous and absurd. Even in England—which was an old and settled country—the longest term that they were allowed, as had been stated, was twenty-five years. Yet, in the face of that, the Government proposed to give this tremendous concession. He thought if this Bill was passed through it would have a blighting influence on the colony. Every clause in it, or nearly every clause, was absolutely in the interests of the syndicate, and the interests of the public apparently were not considered at all. The company themselves said they were prepared to accept a term of thirty years. There was no proof that the company would not accept a term of thirty years. Last year, when the matter was before the House, a certain gentleman who was acting as agent for the company was so indiscreet as to write certain letters, and one of those letters being produced, the Bill was withdrawn. It was quite clear that the agent of the company was preventing anything of the kind occurring this time, for he appeared to have written nothing at all, and all the negotiations had been conducted verbally.

The SECRETARY FOR RAILWAYS: All mine.

Mr. BURROWS: And certain communications had not reached this Chamber.

The SECRETARY FOR RAILWAYS: Yes. Every one.

Mr. BURROWS: There was no doubt a cable was sent and a cable was received in reply, but hon. members did not know the contents of both those cables. How did they know but that the reply was dictated for the edification of Queensland? The transactions which had been exposed had been of such a shady nature as to lead hon. members to suspect all sorts of trickery. He thought this syndicate was insatiable—the more they got the more they wanted. Fifty years ago the population of the colony was under 25,000, but now it was about 500,000, and if the population increased in the same ratio during the next fifty years, what sort of an asset would this concession be to the company? Why, it would be equal to a Mount Morgan or something better. What were Charters Towers, Ravenswood, and Gympie thirty years ago, and what was the output of the colony fifty years ago, and what was it now? He did not think hon. members opposite fully grasped what the concession amounted to. Sufficient importance was not attached to the matter, and he maintained that no valid arguments could be adduced to justify the Minister in refusing to accept the proposal of the leader of the Opposition. He hoped the amendment would be carried.

Mr. LESINA also entered his protest against the company being granted these concessions for fifty years. There was no doubt that a cable had been sent home at the instigation of the Minister in charge of the Bill, suggesting that the term should be reduced; but the company said "No." If their terms were altered they would withdraw the £10,000 from the bank and not one inch of railway would be constructed. The whole scheme would fall to the ground, and the time that had been spent in discussing this Bill on the second reading and in committee would be so much time and money wasted. Under the circumstances, was it not wise to insist on the proposed reduction in the term? The State should have most of the say in a matter of this kind. This was said to be a wealthier and more respectable and more responsible company than any of the other private syndicate companies, but at present they had only £50,000 at their command, and that sum would not build the line. In half-a-century from that time hon. members would be food for worms, and their children would be grey-headed. Fancy giving away such magnificent concessions for such a long period! Twenty-five years was a reasonable period, and ought to be adopted by the Government, especially as they had no evidence [1·30 a.m.] that the company would not agree to that reduction in the time. In all the other colonies the period within which the Government might purchase private railways was something less than twenty-five years, and in the case of the Melbourne Tramway Company, it was twenty-one years. If wealthy corporations had been willing on a twenty-one years' lease to construct and maintain tramways and railways in other States, why should not the Government agree to make the time in this case twenty-five years, or at any rate thirty years?

Mr. MCMASTER: The Brisbane Tramway Company have twenty-five years.

Mr. LESINA: And that company had spent a large amount of money on their tramways. It struck him that it was nothing but the generosity of the Government which had induced this company to stick to fifty years, if they did stick to that period. Even the hon. member for Fortitude Valley quoted approvingly the fact that the Brisbane Tramway Company had only twenty-five years.

Mr. McMASTER: That is in a settled district.

Mr. LESINA: The Brisbane Tramway Company got no mineral leases, or land grants, or other valuable concessions.

Mr. McMASTER: They have got what is much better; they have got the population to give them traffic.

Mr. LESINA: This Cloncurry company had large mineral concessions, and land grants for smelting and freezing works, and for wharfage accommodation, and yet it was proposed that the Government should not have the right to purchase the railway before the expiration of fifty years. The fact that the Minister would not accept the amendment showed that he was completely in the hands of the company. It was pitiable to see the hon. gentleman struggling feebly in the hands of this huge company like some unfortunate victim in the embrace of a python, and he would ask the hon. gentleman to exercise some of the square-jawed independence of which he was possessed, and accept the proposed reduction of the term to twenty-five years. They had no right to hand over unborn generations to the dominance of this company for fifty years, and he strongly protested against the proposal.

Mr. JACKSON: This amendment was the most important amendment which had been proposed in connection with the Bill. He thought that even twenty-five years was too long, and was rather astonished that the leader of the Opposition had not proposed the omission of the words "after the expiration of fifty years," so as to give the Government power to purchase the line at any time.

Mr. BROWNE: The Minister stated that he would meet us half-way, and I thought he would do so.

Mr. JACKSON: He believed that the Minister would accept the amendment if the company would agree to it, and that as the company would not agree to twenty-five years, he did not wish to wreck the Bill. However, hon. members on that side did not look at it from that point of view. The leader of the Opposition wanted to make the Bill as reasonable as possible, as it was evident that it was going through. He was inclined to take up a similar position to that taken last year by Mr. Glassey, who declared that he would not support any proposal to give a syndicate the right to build a railway, unless the State reserved the right to purchase the line at any time it pleased. They ought to remember that syndicates said that they only wanted to build the railways because the Government would not make them, and it followed from that that syndicates should not object to the Government purchasing the lines from them at any time. He would have very much pleasure in supporting the amendment, although he believed that the leader of the Opposition was, if anything, too moderate in proposing to grant the company a concession for twenty-five years, which was practically a generation. If he thought that the Minister could be got to accept the amendment, he would advise the party to go on talking, but, as there was no chance of that, he thought they should go to a division. They had done their duty in making a protest, and they could follow up that protest by voting for the amendment.

Mr. HARDACRE: That was one of the prices they had to pay for the railway. He supposed that, if they could sell the value of the concession on the London money market, they would get ten times as much as it would cost to build the railway.

The ACTING CHAIRMAN: I would remind the hon. member that the question before the Committee is the omission of the word "fifty" with the view of inserting the words "twenty-five."

Mr. HARDACRE was quite aware of that. He was speaking to that question. The concession was worth many times what was going to be spent on the railway, and that was a reason for objecting to the proposal. It would be far better not to have the railway at all than pay such a price for it. The New South Wales Government had found out what a tremendous mistake had been made fifty years ago in giving the A. A. Company the right to certain lands provided they did certain things. So far as he knew there was no other private railway in Australia that had got a concession of fifty years, and he entered his strongest protest against the Government paying such a price for the line. The success of the late loan showed them that they could easily have borrowed the money and built the line themselves.

Mr. McDONNELL (*Fortitude Valley*) entered his protest against the clause. All that had been said against the proposal to give the concession for fifty years was quite justified. He remembered the time when his colleague had been a strenuous opponent of the Brisbane Tramways Bill because it proposed to give the company a monopoly of the streets of Brisbane for twenty-five or thirty years. The hon. member was fully justified, as other members were, in opposing that concession, and if there was anything that would justify hon. members in their opposition to this concession, it was the benefit that had accrued to the Brisbane Tramway Company at the expense of the people of Brisbane. It was true that the company provided a good service; at the same time they rode roughshod over everything in the shape of traffic in the city and suburbs. The company proposing to construct this railway were getting more concessions than the Brisbane Tramway Company, and eventually there would be big towns in the Gulf country completely at their mercy. The Brisbane people to-day bitterly regretted the concessions granted to the Tramway Company; and the people of the Gulf would in time bitterly regret the concessions being granted by the Government to this company. It was lamentable that the Government had not shown a little more backbone in dealing with the company, and that they had not insisted on the term being reduced to twenty-five years. The Brisbane Tramway Company had so extended their tram service that the only place left for an electric tramway under Government supervision was from Toowong to North Quay; and he believed the people of Toowong had decided—blindly in his opinion—to abandon that right, and actually pay the syndicate for running their trams from Toowong into Brisbane. And the revenue from the suburban railway traffic, so far as passengers were concerned, was rapidly declining, simply through the competition of the electric trams. No measure had been brought before Parliament for many years that was of such vital importance
[2 a.m.] to the people of Queensland, and it was lamentable that such little interest was taken in it by hon. members opposite. They on their part could only protest as strongly and earnestly as they could against the granting of that concession. They contended that at all events the Government should reduce the term to twenty-five years, but the Government apparently were not

prepared to yield a single inch. They simply accepted the dictation of the company, while four years ago they were only prepared to give a similar company a thirty years' term. He would be unfaithful to those who had returned him to Parliament if he did not enter an earnest and strong protest against that provision, and he believed that, apart from party politics altogether, the vast majority of the people were entirely opposed to such a provision. Last year, when the question was discussed, an article appeared in the *Brisbane Courier* advocating a reduction of the term, and pointing out that other concessions should be curtailed. Even the *Courier*, which supported the construction of railways by private enterprise, bucked at such enormous concessions being granted. He regretted that the Ministry had adopted such an uncompromising attitude in reference to the provisions of the clause before them, which under no circumstances could be justified, and which must do lasting injury to Queensland.

Mr. DIBLEY (*Woolloongabba*) had great pleasure in supporting the amendment. He did so because he had had some experience of concessions. He remembered the day fifty-one years ago when the first sod of the first railway constructed in Australia was turned, and no man at that time could have estimated the enormous progress that has taken place. In the same way no man could estimate the tremendous strides that were likely to be made in the Cloncurry district during the course of fifty years. The concession was so great that he did not like voting even for a twenty-five year period, and if that was granted the railway should become the property of the State at the end of the term. He remembered the Pyrmont Bridge Company of New South Wales receiving their concession for the building of a bridge which was to become the property of the State at the end of twenty-five years. There was something in a bargain of that sort which was a benefit not only to the company but to the colony of New South Wales. He also had some recollection of certain grants of land made in the city of Sydney to a gentleman named Cooper, for constructing a road from George street to South Head. At that time the land was of little value, but it had been leased for ninety-nine years, and the Cooper family, who resided in England, were receiving a revenue from it of something like £100,000 a year. There was no doubt that by the time the leases were out the Cooper family would be worth millions and millions of money. He hoped the Committee would look at the danger of these concessions. No man could conceive what would happen in fifty years, and yet they were giving this company the rights to this railway for fifty years. He would reluctantly vote for twenty-five years, and he hoped the Committee would see their way to vote for that lesser term.

Mr. BROWNE: He did not wish to prolong the debate, but he wanted to say one or two words of final protest. He reckoned that this was the most important part of the Bill. He thought the hon. gentlemen on the other side did not recognise what they were doing at the present time. This was not an ordinary Bill, because no subsequent Parliament could amend or alter it. They were entering into an indissoluble contract, and unless there was a civil war started by the people who were being oppressed by the company, this contract would not end for fifty years. The Minister for Railways in speaking on previous Bills had said that the term was too lengthy, yet he came there, and professing to be a strong Minister, strong enough to put in the pruning-knife to the hilt into unfortunate lengthsmen on the railways, said that he had received instructions by cable through a firm of solicitors in Brisbane—received instructions from his lords and masters in London. And then they talked about responsible government! They were told that the House was deteriorating. Good heavens, how could it help deteriorating when they were not a House of Representatives at all, and when Ministers of the Crown received their instructions from a syndicate in London, and for fifty years were handing over the whole of the interests of the best part of this colony to a syndicate! What earthly right had the Government to do that? What would hon. members and people in Brisbane say if the first Parliament of Queensland, forty-six years ago, had bound them by some hard-and-fast rule? Yet they had the audacity to bind for fifty years unborn generations, so that unless there were some violent outbreak, the sufferers would not be able to obtain relief. He and his supporters had done their duty to the people of Queensland in protesting against these concessions. He would compliment the Minister for Railways and his colleagues on having most loyally done their duty to the syndicate that employed them. His party had fought for the people of Queens'and and had done their best to protect their interests, but the Minister for Railways and his colleagues were deliberately selling the rights of the people of North Queensland.

Mr. DUNSFORD: It was a great pity that the Government had not a little more faith in the future of the colony. If they had, they would not hand over North Queensland to the tender mercies of this syndicate for fifty years. No one could tell the progress which would be made in that period. He estimated that in less than fifty years there would be a population in North Queensland, within the reach of this railway, of 5,000,000 people, and that at the ratio of increase since 1856 there would be at least a population of 13,500,000 in the whole of Queensland. That being the case, they should look ahead. The Premier had said that it would be madness for the Government to build this line, and that it only showed wisdom on the part of the company in asking permission to build it. The company depended on the properties which they would get for their profits—they did not depend on their being public carriers for profits. They would look to their mines to recoup themselves for the money they would expend. They only wanted this line to meet their requirements. There should be no opposition to the Government having the power to take over this line at any time. Once the line was built and trains started running, it did not matter to the company whether the Government continued to run it, or the company itself. They should not shackle the future population of Queensland by giving these concessions to the company for fifty years. That would be most unreasonable, for the future generation would have had no voice in the matter. It was the bounden duty of Parliament to give the company reasonable, and not unreasonable, concessions.

Mr. RYLAND: There was no instance where such large concessions had been given away for fifty years, and there was no sound business man who would make such a contract. Hon. members on the other side who did not vote for the amendment would be heartily sorry afterwards. If the population of the colony increased in the same ratio as it had been increasing the population, of Queensland in fifty years would be 13,000,000. Still hon. members were asked to vote for the term of fifty years. From all the [2·30 a.m. information he could gather from geologists and others the Northern portion of Queensland contained the part of Australia which was richest in natural resources, and it only required the advent of population to make it one of the grandest and

wealthiest portions of the British Empire. As intelligent men who believed in the possibilities of this great State, hon. members on that side were only asking a fair thing in proposing that, instead of giving this country over to an absentee syndicate for fifty years, the Government should reserve to themselves the right to buy the railway for hard cash at the end of twenty-five years; and he hoped that when they went to a division they would have a majority in favour of the amendment.

Mr. KERR entered his protest against giving the company the absolute right to this railway for fifty years. As one who had been over the country which the railway would traverse, and had travelled it, not in a coach but humping his bluey, he could say that he knew the country, and that it ought not to be handed over to any syndicate in the way proposed in this Bill. The A. A. Company in New South Wales received the same concessions as were proposed to be granted to the Cloncurry Railway Company, and anyone who knew what had taken place in connection with the monopoly enjoyed by that company must know that the same thing would occur in Queensland. The A. A. Company had not only the right to the coal beneath the surface of their land, but also to the surface, and they had wharfage in Newcastle just the same as was proposed to be given to the Cloncurry Company at Port Norman, the only difference being that wharfage sites were more limited at Port Norman than at Newcastle. He wondered whether the Government fully realised what they were doing in handing over a large portion of the colony to a syndicate, in view of the progress that Queensland had made even during the last twenty-five years. No doubt in time the Commonwealth would take over the railways, as the Federal Parliament had already seriously discussed the construction of a railway through Western Australia for the purpose of carrying troops. In the event of war taking place between China and Great Britain, and it was necessary to despatch troops from Australia, they could be most speedily despatched by sending them from a Gulf port, but this railway would be under the control of a syndicate. Although he had opposed federation, he was only sorry that federation had not been accomplished earlier, as it might have prevented the granting of concessions to some of the private companies which had obtained them. The construction of this line would practically place the whole of the people of a large district at the mercy of the company. The people of Hamilton, near Newcastle, had felt the effects of being in the power of the A. A. Company, and the same thing would result from granting this concession. There were other examples in New South Wales of the evils of allowing private persons to exploit wealth that should belong to the State. He had no doubt that there would be a majority against the amendment; but he believed that some of those who would vote with the majority would yet live to regret their votes, when they saw the evil effects of their action.

Mr. BOWMAN (*Warrego*) had no desire to allow the vote to go without entering a protest against the term of fifty years being granted. The amendment was a most reasonable one. The admission of the Secretary for Railways was proof that the Government were in the hands of the syndicate, and could be squeezed at their own sweet will. The experience of private railways in Australia showed that the Government were taking a retrograde step in proposing to hand over to a syndicate country that was so highly spoken of. When reasonable concessions were asked on behalf of the workers of the colony they were denied by the Government; and it made members on his side suspicious that members on the other side had some particular interest in this syndicate when they were so ready to grant them this concession of fifty years. Last year when it was shown that bribery was attempted——

The CHAIRMAN: The hon. member must confine his remarks to the question before the Committee.

Mr. BOWMAN: He was mentioning what had taken place last year as a reason why the concession of fifty years should not be given. The Secretary for Railways, when introducing the Bill, said that Mr. Withers and Mr. Daniels had nothing to do with this company.

The CHAIRMAN: The question with regard to Mr. Withers and Mr. Daniels does not come under this amendment.

Mr. BOWMAN: He was only pointing out that an attempt was made by one of those gentlemen to bribe the other, and that was a reason why this concession should not be granted to a company capable of sending out an agent to bribe one they knew of, and many others, he believed, of whom they had no knowledge.

The CHAIRMAN: Order!

Mr. BOWMAN: He believed this concession was one of the worst things brought forward by the Government this session. It was handing over the people's rights under circumstances which would reflect discredit as long as the Ministry and their supporters were in existence, and probably long afterwards. He would like to have the term reduced below twenty-five years, but he would support the amendment.

Mr. BARBER (*Bundaberg*) believed it was his duty, on behalf of his constituents, to enter his protest against such a long term being given to the syndicate. One of the points brought forward at his election was the question of syndicate railways, and he promised to do his best to oppose them. He was sure he had the electors of Bundaberg with him in protesting against this infamous and iniquitous measure. He thought twenty-five years was ample time to allow the company to take possession of the country to be served by this railway; and in granting the longer term the Government were simply handing over to the syndicate the interests, property, heritage, and birthright of the people of Queensland. Of course it was quite in keeping with the methods of legislation of the present Government. Probably the electors would not be surprised to know that the present continuous Government were anxious to push ahead private railways, but it was a standing disgrace to any Government that they should have the audacity to hand over one of the best portions of this State to a foreign syndicate. In a few years to come many persons would want to live in that part of the State, but with that vast stretch of country in the hands of a boodle company they would be prevented from obtaining an honest livelihood. He entered his strongest and most emphatic protest against the proposed action of the Government.

[3 a.m.]

Mr. LESINA asked whether the Secretary for Railways, after listening to the powerful arguments of hon. members on the Opposition side of the House, had not come to the conclusion that, after all, it would be better to reduce the term from fifty to twenty-five years? Was the hon. gentleman afraid to take the responsibility, and, if so, what was he afraid of? Would the syndicate visit him with condign punishment? Surely the hon. gentleman would not like the impression to go abroad that he—the strong man of the Ministry—was frightened to accept a commonsense amendment of that description. There was not one atom of evidence to support the statement that the syndicate would not accept the shorter period of twenty-five years during which they would have the full benefit of the railway. On

the contrary, he believed they would be only too willing to receive such a magnificent concession as even that would be. If the North was going to be thrown to the wolves it appeared to him that the sooner it obtained separation and governed itself the better it would be instead of having thrust upon it legislation passed by Southern members, who viewed that great portion of the colony through the spectacles of Queen street—glorified commission agents and retailers of rancid butter—who——

The CHAIRMAN: I call the hon. member to order for irrelevancy.

Mr. LESINA: It appeared to him that they should view the matter from the point of view of the interests of the whole colony, and not one particular part of it. Personally it did not matter to him whether North Queensland was handed over to a syndicate for fifty or a hundred years, but there were other people who, unlike himself, would have to live there. Say a Bill was introduced to construct a railway down here upon the same principle—why every representative of a Southern constituency would be up in arms against it, and the hon. member for Bulimba would walk indignantly across the Chamber. Why then was the hon. member so callous when the interests of the North were concerned? It was because he viewed national matters obscured by the haze, the smoke, and the dust of Queen street or George street. He saw nothing but the wretched little confines of this city. He did not think that North Queensland would have its teeming millions, its great industries. So it was with other members of the Chamber. They were content to look at this matter from a narrow Southern point of view. It was a pitiful thing to think that a matter involving such far-reaching consequences should be viewed through such narrow and prejudiced spectacles. There was one thing, if nothing else, had been proved by this discussion, and that was that the party with which he was associated had risen above the mere provincial, parochial view of this matter. They had taken a national view of it; they had taken the higher view of how it would affect the future population of Queensland. They had not considered it through the narrow prejudices of the man who sold rancid butter in Brisbane——

The CHAIRMAN: I call the hon. member to order for irrelevancy, and I warn him that if he continues to be irrelevant I shall call upon him to resume his seat.

Mr. LESINA: He was endeavouring to show that the proposition to reduce the term to twenty-five years was an eminently sound and reasonable one, and that hon. members opposite would be seeking to promote the best interests of the State if they supported the Opposition in that matter. It had been asked what was fifty years; what did it matter; it was only a couple of lifetimes; the railway would be run in the interests of the public, and certain benefits must result. He would point out that in one part of the Bill it was provided that the company might sell this railway at any time after its completion to the State. There was no doubt that if it was a failure the agents of the company would endeavour to get the Government to purchase it; but if it was a success it would be found that it could not be purchased until the fifty years had expired. He trusted that the good sense of the Minister would prevail, and that, casting prejudices aside, he would accept the amendment of the leader of the Opposition.

Mr. GIVENS: Some hon. members had expressed a hope that the Minister for Railways would be influenced by the strong arguments brought forward in favour of reducing the term from fifty years to twenty-five, but he thought they were over-sanguine. He was fully convinced that the Minister for Railways was more concerned about the interests of this syndicate than about the interests of the people of the State. Fifty years was a longer period than the whole period which Queensland had occupied as a separate colony. There was still a strong agitation going on in North Queensland for separation, and if they got that separation how would this proposal affect the people there?

The CHAIRMAN: Order! The hon. member is making a second-reading speech. The hon. member must remember that we are in Committee, and that there is a certain amendment before the Committee. I call upon the hon. member to speak to the amendment.

Mr. GIVENS said he was adhering strictly to the amendment, and he was trying to illustrate the need for it, and he thought he was perfectly in order.

The CHAIRMAN: I have ruled the hon. member out of order. If he persists in speaking as he has been doing for some little time I shall have to call him to order again, and I shall be compelled to call upon him to resume his seat.

Mr. GIVENS: He was only trying to show what the result would be if this amendment was not accepted. If the amendment was not carried, the people in the Gulf country, and especially in the country through which the line would pass, would be subject to the terms of this concession, and those people should not be subject to those terms, for the time would come when the Gulf country would become more prosperous than almost any other part of Queensland. The Government of the day should safeguard the interests of the people in the outlying districts of the colony, and he submitted that these concessions should not be given for fifty years. If this company got these concessions for twenty-five years they would be quite satisfied that the Government, if they resumed the line, would give every facility for the carriage of their material. There was evidence in the correspondence that the company had only asked for these concessions for thirty years, for it was common knowledge that the company of last year was practically the company of this year; and what was the reason for their demand for these concessions to be granted for thirty years being increased to fifty years? If the Minister for Railways was dealing with property of his own he would not accept such terms, and if he would not do that in his own case, where was the justification for his accepting these terms on behalf of the State? The hon. member for Maryborough, Mr. Annear, was very fond of making speeches when he knew they would be fully reported in *Hansard*. If they compared the

[3 30 a.m.] speeches of the hon. member for Maryborough, delivered when he sat on that side of the House, with the speeches which he made now, they would find a great contrast.

Mr. ANNEAR: I was never under the lash of the Trades Hall.

Mr. GIVENS: The hon. member was under the lash of the Government, and voted as he was told by the Minister.

The CHAIRMAN: Order! I again call the hon. member to order for irrelevancy.

Mr. GIVENS: He was trying to address himself to the question before the Committee, but had been drawn off the track by the irrelevant and disorderly interjections of hon. members opposite. The company were perfectly satisfied at one period of their negotiations with the Government to accept thirty years as the term of the concession, and now the Minister informed them that they would not accept a less term than fifty years, and that they based their claim on the fact that some other syndicates had

been given a term of fifty years. That showed the danger of giving any concession to any individual or company. There should be no concession granted to any person either inside or outside the State. The Government should hold the scales exactly even between man and man, and treat everybody with absolute justice. Why should they give this syndicate the right to work this railway for fifty years and charge rates 50 per cent. above the rates on Government lines? The district which would be served by the line consisted of very rich pastoral country, as well as mineral country, and the pastoral industry would be seriously affected by high charges. The amendment was a very reasonable proposal, and he asked hon. members who had any desire to promote the well-being of the general populace of the colony not to allow the people in the district in which this railway would be built to be handed over body and soul to a private syndicate for fifty years. If they showed a tender regard for the interests of the syndicate, and allowed the interests of the people to go by the board, they would be flagrantly failing in their duty to the citizens of the State. If the concession was granted for fifty years, it would inevitably entail hardship on the people up there, who had to help to pay interest on the cost of construction of State railways for the benefit of the people in the South. Although he appealed to the fairness of hon. members on the other side, he had no hope that his appeal would have any effect, because hon. members opposite were blinded by party interests, and were willing to sacrifice the interests of the people of the colony in order to pander to the moneyed syndicate. He was thoroughly ashamed that hon. members could not rise to a higher sense of their duty to the people of the State, but he hoped that the electors would teach them their duty at the next general election.

Mr. BURROWS had an entirely new point to lay before the Committee. The point which struck him was that the term of fifty years was such a long one——

Mr. BRIDGES (*Nundah*) rose to a point of order. At an earlier hour of the morning clause 28 was passed by the Committee, and he asked whether it was in order now to debate an amendment on that clause?

The CHAIRMAN: I am not aware that clause 28 was passed.

The SECRETARY FOR RAILWAYS: That was so, but it was owing to a misunderstanding. He had asked the Committee to allow the clause to be discussed, and that ought to be remembered. He had treated the Committee fairly, but nothing fresh could now be said. The clause was properly before the Committee now.

Mr. BURROWS: They had seen how, over such a small matter as the retention of the kanaka, the leading papers in the colony had advocated a revolution, and over such a vastly more important question as granting this concession for fifty years, there might be a revolution long before the fifty years had transpired. During the last few months information was cabled out from London that a concession not nearly so bad as this, which had been granted by the Parliament of Newfoundland to a gentleman called Reid, had been repudiated by the people, and the same thing would probably happen here. They were only asking that the colony should be allowed to buy the railway back at the end of twenty-five years. What could be more just or reasonable? The agents of the company in this Chamber had said that the syndicate had certain properties which they wished to develop.

Mr. LESINA rose to a point of order. Was the hon. member in order in referring to the agents of the syndicate in this Chamber? Were these agents of the syndicate in the Chamber?

The PREMIER: He knows it's not true.

The CHAIRMAN: There is no point of order.

Mr. BURROWS: After all the specious arguments about that country going to waste for want of railway communication, they now found that what the company wanted was this tremendous concession to suck the life-blood out of the colony for the next fifty years. He appealed to members on the other side to show their loyalty to Great Britain by providing the same term as was allowed in the case of private railways there. It was of more importance that the term should be shorter here, because in this young country we really did not know what we were giving away, whereas in the old country there was very little change going on. The Minister for Railways was showing more loyalty to the syndicate than to Great Britain or to this State. If this State had no claim on his conscience, he appealed to the hon. gentleman's loyalty to the mother country not to cast discredit on his own country by giving more than twice the concession that was given in England.

Question—That the word proposed to be omitted stand part of the clause (*Mr. Browne's amendment*)—put; and the Committee divided:—

AYES, 30.

Mr. Annear	Mr. Hanran
,, Armstrong	,, Kent
,, Barnes	,, Leahy
,, Bartholomew	,, Macartney
,, Bell	,, Mackintosh
,, Bridges	,, McMaster
,, Callan	,, Newell
,, Campbell	,, O'Connell
,, Cowley	,, Petrie
,, T. B. Cribb	,, Philp
,, Dalrymple	,, Rutledge
,, Forsyth	,, Stephens
,, Fox	,, Stodart
,, Foxton	,, Story
,, J. Hamilton	,, Tooth

Tellers: Mr. Campbell and Mr. Forsyth.

NOES, 19.

Mr. Airey	Mr. Hardacre
,, Barber	,, Jackson
,, Bowman	,, Kerr
,, Browne	,, Lesina
,, Burrows	,, Maxwell
,, Dibley	,, McDonnell
,, Dunsford	,, Mulcahy
,, Fitzgerald	,, Ryland
,, Givens	,, Turley
,, W. Hamilton	

Tellers: Mr. Givens and Mr. Maxwell.

PAIRS.

Ayes—Mr. Lord, Mr. Kates, and Mr. Forrest.

Noes—Mr. Plunkett, Mr. Fogarty, and Mr. Jenkinson.

Resolved in the affirmative.

Clause put and passed.

[4 a.m.]

Mr. BURROWS moved the following new clause to follow clause 28:—

It shall not be lawful for any member of the Legislative Council or Legislative Assembly to be or become a member of the company, and it shall not be lawful for any person to hold any shares in the company in trust for any member of the Legislative Council or Legislative Assembly, and all contracts by which any member of the Legislative Council or Legislative Assembly shall be or become beneficially interested directly or indirectly in any shares in the company are hereby declared void.

It shall not be lawful for any member of the Legislative Council or Legislative Assembly to hold any shares in the company in trust for any person.

It shall not be lawful for a member of the Legislative Council or Legislative Assembly to act as agent for, or employee of, the company.

He thought it well for the honour of Parliament and for the protection of the public, that such a clause should be inserted. The people of the North had been placed in the iron claws of the syndicate, and were beginning to ask whether the price which was being paid was not more than the railway was worth. They were also asking what means were being adopted to get the railway through Parliament. One agent of the syndicate was reputed to have £60,000 to spend in that way, and last year an attempt was made to get at an ex-member of Parliament. Certainly, in that case, the agent made a mistake in putting his proposals in writing, and since then all negotiations had been verbal. It was only reasonable to suppose that as one person had been approached, others had been approached, and it was useless members opposite adopting a high and mighty attitude to make people believe that they were irreproachable. After all, members of Parliament were simply clay like people outside, and even Ministers were not entitled to be considered more immaculate than Ministers in other countries. It would be remembered that a great amount of sympathy was bestowed on Sir John McDonald, of Canada, because he was supposed to have been wrongly accused in connection with his railway transactions, but when he died he was incriminated by the documents in the pigeon-holes. Members of Parliament had been bribed in the past, and would be bribed in the future, and it was as well that no member should be connected with a railway syndicate in any capacity. Wherever private railway companies existed they had secured representation in Parliament, and in the House of Commons there were no less than 137 representatives of railway companies. Indeed Sir Charles Dilke had said that it was useless to agitate for State ownership of railways, because of the opposition that would be raised by the agents of the syndicates. This railway, with a trunk line from Cloncurry down to the port, would have its branches all over the North. There were provisions by which the company could take lease after lease under the Mining Act. There had been alterations made in the regulations whereby they could take up consecutive and contiguous leases, and run their tramways right across this particular portion of Queensland. Now was the time to get a provision like this inserted to prevent this company from attempting to exert the baleful influences on legislation which syndicates of this kind had exercised in other countries. Already it had gained privileges unparalleled in the history of the world. What might it gain in the future if members of Parliament or the Government were allowed to have shares in it? They could not hold shares in the company without being influenced by the fact, or without their duties as members of Parliament clashing with their interests as shareholders of the company. For that reason, and because they should be above suspicion, it should be impossible for any member to hold shares in this or in any similar company. Gold wardens were not supposed to hold shares in mining ventures in the district in which they were located; brewers were not allowed to sit on licensing benches; directors were not allowed to vote themselves overdrafts; justices of the peace were not allowed to adjudicate in cases in which they were directly or indirectly interested; and members of Parliament were not allowed to hold any interest in contracts with the Government. Why then should any exception be made in this case? If members of Parliament were allowed to hold shares in the company there was no telling what additional concessions they would not secure for this huge monopoly. They ought to be very careful to prevent the syndicate from exercising any further influence than it had already exerted. He trusted that the amendment which he had proposed would be accepted. It ought to be accepted gladly by hon. members, because it would be a shield to them, and would protect them from the slanderous attacks which would otherwise be made.

The SECRETARY FOR RAILWAYS: He could not accept the hon. member's proposal, because he believed it would be a slur upon every member of Parliament. If members of Parliament were inclined to be rogues and indulge in things of this kind, there were fifty ways by which they would be able to gratify their inclination. They could not make people honest by legislation. While he agreed with some of the sentiments which the hon. member had expressed, he considered it would be branding the legislature as dishonest to accept his proposal. He trusted that they would not spend any time in discussing it, but would go to a division.

Mr. LESINA: The late hon. member for Fortitude Valley, Mr. Higgs, had endeavoured to get a similar provision into similar Bills last session. The argument then used against the amendment was that if it was carried it would be a slur on members of Parliament, and that was the same argument that was used now. Section 6 of the Constitution Act laid it down that it was incompetent for persons who were interested in Government contracts to be members of either House of Parliament. Was that a slur on hon. members? A member who was interested in anything like this would very probably be able to bring a great deal of influence to bear on the Government of the day. Why, the hon. member for Cook was a shareholder in the Chillagoe Company.

Mr. J. HAMILTON: I do not happen to be a shareholder in that company.

Mr. LESINA: Then the hon. member must have sold his shares in a falling market.

Mr. J. HAMILTON: Well, I don't whine about it.

Mr. LESINA: By *Hansard* it could be seen that the hon. member for Cook admitted that he was a shareholder in the Chillagoe Company, and now he admitted that he had got rid of his shares; yet, when the Chillagoe Bill was being discussed, that hon. member took part in the discussion, knowing that he held shares in that company. Hon. members were not sufficiently safeguarded in this connection, for there was evidence in *Hansard* to show that some members publicly admitted that every penny they had was in the Queensland National Bank, yet when legislation came up for consideration in that bank, they all took part in it, and when their votes were challenged on the floor of the Chamber, they simply denied that they had any interest in that institution. They got up and stated that they had no interest in the bank, and their fellow-members on the other side stuck to them, and their denial was accepted by the House. Therefore the Standing Order was no protection, and it was necessary that they should have a special clause in the Bill preventing members of Parliament from holding shares in this company—either for themselves or in trust for some other person. When a man of such commanding intellect and wide experience as Mr. Gladstone was convinced that there was a necessity for legislation of this kind, and insisted that members joining his Cabinet should get rid of any shares they might hold in companies that might be affected by legislation, should they not also see the necessity for such a clause as that proposed by the hon. member for Charters Towers? Some time ago the question as to whether members of

[4·30 a.m.]

Parliament who were directors of profit-mongering concerns should be allowed to vote on private Bills in which their companies were interested was brought before the British House of Commons, and a long and warm discussion took place upon it. It was rightly contended that private interest should not be allowed to conflict with public interests, and that members of Parliament should be removed from temptation, and that the suspicion of self-interest should be eliminated from their decisions. Every member who spoke on the subject insisted very strongly on that argument. It was asserted by Mr. Keir Hardy that almost every member of the House of Commons had been approached some time or another with an offer of from £100 to £1,000, with a view to induce him to use his influence in favour of some company. If that was the case with the House of Commons, what might they expect to find in their own small Assembly, which consisted of only seventy-two members? According to the London *Critic*, there were from 150 to 200 members of the House of Commons who were to-day living as guinea-pigs, getting a fee of £1 1s. or £2 2s. a sitting as directors of various companies, some of which were good, but the majority of which were bad. As it was likely that big interests in connection with private railway operations would extend over North Queensland in time, they should protect present and future members of the House against the possibility of being approached with offers of shares by this particular company. Members might say that the amendment was not necessary. The Secretary for Railways said that it was a slur upon members; but they had found a person named Withers approaching an ex-member named Daniels, evidently thinking that he had some influence with his old colleagues, and that, if he could not prevent them opposing the Bill, he might induce them to make a formal protest, and then let the Bill go through. The present company was practically the same as that of last year. It was the custom in England to set aside a certain amount of funds for the purpose of securing the passage of Bills, and especially of railway Bills, through Parliament, and probably the company thought that money was necessary to secure the passage of their Bill through the Queensland legislature, and so they sent out Withers with the £60,000 which he stated he had been given with the object of securing support for the Bill. Bryce, the great authority on the American Commonwealth, showed conclusively that wherever syndicate railways had laid their track there had followed in that track a host of evils, chief amongst which was the professional lobbyist, who lived in the lobby, earwigged Ministers, purchased votes, and promoted legislation beneficial to the companies they represented. And in introducing syndicate railway legislation to Queensland in the passage of this Bill they were laying down the conditions that would breed those evils here. Queensland was not remarkable for the purity or for the corruption of its legislators; it stood about on an equality with the other States of Australia in that respect. He did not know that it was not better than the other States. New South Wales had a long record for log-rolling and corruption anterior to the advent of the Labour party. In Queensland they were to a large extent free from the influences of corruption; and it was with the desire to see the spirit of section 6 of the Constitution Act carried to a further degree of effectiveness that he would like to see the proposed new clause incorporated in the Bill.

Mr. BROWNE: When a member of the Ministry in Great Britain—the President of the Board of Trade—stated that it was impossible for him to enforce the Board of Trade restrictions on the railway companies in Great Britain, because of the number of representatives who were directors and shareholders in railway companies in the British Parliament, it was about time to consider the matter seriously. He could not understand how the

[5 a.m.] Minister could regard the proposed clause as an insult to members when it was provided that if a member of Parliament supplied articles of very small value to a Government institution he lost his seat. Such a clause was absolutely necessary when it was considered that the Bill had been fastened on to the people of Queensland for the next fifty years. During that time the syndicate would have occasion to come to Parliament many times for legislation, and it was therefore wise that legislators should be removed from the temptation which was offered to them through being interested in such companies. He agreed with the member for Clermont that if a man thought he could make more money by company-mongering than by serving the country in the legislature he should take up that occupation and confine himself to it, leaving parliamentary work to those who would keep their hands clean of anything of that sort.

Mr. RYLAND intended to support the amendment. They had been told that Standing Order 152 was ample protection, but last year they had the spectacle before them of a member denying that he was personally interested in a syndicate, and it subsequently transpiring that he was one of a partnership of two which was interested in it. As to the passage of such a clause being a slur upon hon. members, he did not think it was any more a slur than the prohibition of a goldfields warden from holding shares, or the prohibition of members of the Land Court from purchasing or selecting land which came under their jurisdiction. That was the object of the amendment that had been proposed by the hon. member for Charters Towers. They wished to keep members away from temptation. It was not very long ago that he saw that one of the judges refused to sit on a case, because he was a ratepayer of that division. Members of Parliament should have the same high sense of honour. They should not allow themselves to be placed in a position in which their duty would be brought in conflict with their interest. He did not want to refer to the experiences of last year, but Mr. Daniels's name had come up, and he would just touch upon that incident. In the discussion on that occasion the hon. member for Herbert justly condemned Mr. Withers's conduct, and said that he was not only a knave, but a fool. The impression that remark left was that the hon. member could forgive him for being a knave, but not for being a fool.

The CHAIRMAN: Order! I cannot see that what the hon. gentleman is referring to has to do with the question before the Committee. I must ask the hon. member to speak to the question.

Mr. RYLAND: The reason why they wanted this amendment adopted was that members should not hanker after a personal interest in these companies. The part taken by Mr. Daniels reminded him of the process adopted in plays, by which the villain, who in this case was the agent of the company, was entangled in his own schemes and ultimately exposed.

The CHAIRMAN: I have already called the hon. member to order. I hope he will confine himself to the question.

Mr. RYLAND said he wanted to bring forward the strongest arguments he could in favour of the acceptance of this amendment. It had been the experience with companies of this sort——

The CHAIRMAN: Order! The hon. member is tediously repeating his own remarks and the arguments which have been used by other hon. members.

Mr. RYLAND: When the late Mr, Dickson was a director of the Royal Bank, and he became a member of this House, there was a strong agitation outside against him holding the dual position, and to his credit he resigned from the directorship of that bank. This amendment was a very reasonable one—it was for the protection of members, and he hoped it would be carried.

Mr. MULCAHY said he did not wish to give a silent vote on the question, and he would support the amendment, for no man could serve two masters, and it was only natural that a man who was a member of Parliament, and who was also connected with any company like this, would consider his own individual interests first. The amendment was a very fair and reasonable one. A member of Parliament should have clean hands.

Mr. GIVENS thought that hon. members had made up their minds on this question, and no amount of argument or reasoning would cause them to alter their opinions. It was a well-recognised principle that a member of Parliament should have clean hands in order to properly serve His Majesty and his country. He only knew of one instance in which that salutary rule had been broken, and that was in the case of Mr. Mundella, and the result was that Mr. Mundella had to retire from political life. With all the experience they had they should be guided by the lessons that those experiences taught. This company would have constant dealings with the Government, and with the Commissioner for Railways, and that being so, it was absolutely necessary that this amendment should be accepted. Last year, when the Mount Garnet Company were seeking for power to construct [5·30 a.m.] a railway, they had a member of the House admitting in the most candid fashion that the firm in which he was the principal partner, and in which there were only two partners, actually owned shares in the company on whose application he was called upon to vote in this House. That was not a proper thing. Every member of the House should be entirely free from personal interest in any matter of legislation. The Attorney-General had recently expressed the opinion, and he believed it was sound in law, that if a member of a local authority sold even a shilling's worth of goods to that local authority that disqualified him from acting as a member of that body. If it was necessary in the case of small local authorities that members should be placed absolutely above suspicion, then it was equally essential that members of the State Parliament should be placed in a similar position, so that they would not and could not be called upon to vote on any matter in which they had a personal interest of any kind whatsoever. Where there was a conflict of public duty and personal interest that would be inimical to the interests of the general public. Centuries of practice had proved in the old country that it was a good thing that members of Parliament should be absolutely free from personal interest in any company which sought concessions from Parliament; and that principle should be adopted in Queensland. The Chillagoe Railway and Mines Syndicate still had dealings with the Government. Some few months ago they opened one-half of their line to Lappa for traffic, and they entered into an agreement with the Government to run the traffic over that half of the railway. Recently they opened the railway right out to Chillagoe, and as they had not sufficient rolling-stock to provide for the traffic efficiently, they entered into an agreement with the Commissioner for Railways for the use of Government rolling-stock. Under those circumstances it would be evident to everybody that Ministers should have no personal interest in the company. The Brisbane commercial agents of the Chillagoe Company were a company of which the manager was the present Secretary for Railways.

The SECRETARY FOR RAILWAYS: No, they have had their own agents in Brisbane ever since they started.

Mr. GIVENS: It could not be refuted that the Australian Estates Company, of which the Secretary for Railways was manager, had acted in various capacities for the Chillagoe syndicate in Brisbane.

The SECRETARY FOR RAILWAYS: We have shipped some timber for them.

Mr. GIVENS: They had done various other things for them, and, while not imputing anything to the Secretary for Railways, he held that the hon. gentleman occupied an unfortunate position. Like Cæsar's wife members of this House, and especially Ministers, should be above suspicion. They wanted to have not even a suspicion of corruption connected with the dealings of the Government or of Parliament with syndicates which might be seeking for concessions, or which might have to make agreements with Government departments. A similar amendment would be passed by the House of Commons without demur, and he was sure it would commend itself to the great body of the taxpayers of Queensland.

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

AYES, 19.

Mr. Airey	Mr. Hardacre
„ Barber	„ Jackson
„ Bowman	„ Kerr
„ Browne	„ Lesina
„ Burrows	„ Maxwell
„ Dibley	„ McDonnell
„ Dunsford	„ Mulcahy
„ Fitzgerald	„ Ryland
„ Givens	„ Turley
„ W. Hamilton	

Tellers: Mr. W. Hamilton and Mr. Mulcahy.

NOES, 29.

Mr. Annear	Mr. Kent
„ Armstrong	„ Leahy
„ Barnes	„ Macartney
„ Bartholomew	„ Mackintosh
„ Bell	„ McMaster
„ Bridges	„ Newell
„ Callan	„ O'Connell
„ Campbell	„ Petrie
„ T. B. Cribb	„ Philp
„ Dalrymple	„ Rutledge
„ Forsyth	„ Stephens
„ Fox	„ Stodart
„ Foxton	„ Story
„ J. Hamilton	„ Tooth
„ Hanran	

Tellers: Mr. Bell and Mr. Newell.

PAIRS.

Ayes—Mr. Plunkett, Mr. Fogarty, and Mr. Jenkinson.
Noes—Mr. Lord, Mr. Kates, and Mr. Forrest.

Resolved in the negative.

Clause 29—"Government may connect with company's railway"—put and passed.

On clause 30, as follows:—

Nothing in this Act shall give the company any claim to compensation in the event of the Commissioner being at any time authorised by Parliament to construct any line of railway or tramway, the construction of which may be deemed to injuriously affect the railway.

Mr. BROWNE moved the insertion, after the word "railway," in line 33, of the following:—

Or shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways now in force, or which may hereafter pass, during this or any other future session of Parliament, or from any future revision and alteration under the authority of Parliament of the maximum rates of fares and charges authorised by Parliament.

This provision was taken from a Victorian private railway Act, and he hoped it would be accepted, so that future Parliaments would have the same power in controlling this syndicate.

The SECRETARY FOR RAILWAYS: They had already provided for almost everything dealt with in this amendment. The main thing

in it was in regard to the fares, and they had provided for a revision every ten years. The provision was probably very well in the Victorian Act, but this Bill contained provisions that were not included in the Victorian Act. And they could not bind future Parliaments. Parliament would be free anyhow. For those reasons he was sorry he could not accept the amendment.

Mr. BROWNE: The Commissioner was supposed to have certain powers over the railway, but it was a farce to give him those powers in the Bill unless future Parliaments had power to back up the Commissioner.

Mr. GIVENS: The amendment proposed that Parliament should have a free hand.

The SECRETARY FOR RAILWAYS: Won't it be free anyhow?

Mr. GIVENS: It would not without the amendment, because when Parliament gave concessions to a company, it could not go back from those concessions without repudiation, unless the right for future dealing with the question was reserved in the Bill itself. It would not be honest to give the company those concessions now, and act as they liked afterwards; and Parliament must be at a low ebb if they refused to adopt this provision simply because they could deceive the company by passing the Bill, and afterwards do as they liked. The amendment only asked that any future legislation in connection with railways [6 a.m.] should be made applicable to the company's railway. Was that not reasonable? And if it was reasonable, why should it not be accepted? Again, the leader of the Opposition had proved conclusively that a similar provision was enforced in other countries where concessions were granted. They were twitted with wanting to go in for experimental legislation, but in that case it was the Ministry who wanted to go in for a new departure, because they wanted to give concessions without providing any safeguards. They, on that side, wanted to be guided by the experience of other nations, and he should imagine that no pleading should be necessary to induce the Government to accept such a provision. But it appeared as if nothing would convince hon. members. It had been said that if you wanted to punish a man you must punish his grandson, and he could imagine the hon. member for Fortitude Valley, Mr. McMaster, in the future looking down from above, and viewing his handiwork——

The CHAIRMAN: Order! I must call the hon. member to order for irrelevancy.

Mr. GIVENS submitted that it was in order to point out the effect of the amendment.

The CHAIRMAN: Order! We have nothing to do with the actions of hon. members either above or below.

Mr. GIVENS: Hon. members opposite cared nothing either for the present or the future, or for those who came after them. All they cared for was their own selfish interests, and if they could see their way to make 2½d. they would vote for any iniquity.

The CHAIRMAN: The hon. member is imputing very strong motives, and I call upon him to withdraw those remarks.

Mr. J. HAMILTON: He is only judging us by himself.

The CHAIRMAN: I ask the hon. member to withdraw those remarks.

Mr. GIVENS submitted that when he was asked to withdraw a remark he should be given time to do so.

The CHAIRMAN: I gave the hon. member time to do so. I now ask him to withdraw his remarks and apologise.

Mr. GIVENS: Well, I withdraw the remarks and apologise for having uttered them, and in reply to the interjection of the hon. member for Cook, who said I was judging other people by my own standard, I must say there is no standard sufficiently low or degraded by which I could judge him.

Mr. J. HAMILTON: Except yourself.

The CHAIRMAN: I must ask the hon. member to withdraw that remark also, and to apologise. It is highly disorderly to attack an hon. member in that way.

Mr. GIVENS: What about the interjection? Well, he withdrew and apologised; but he must say that if his reply to the interjection was disorderly, the interjection was disorderly, and the hon. member for Cook was never called upon to withdraw it.

Mr. LESINA rose to a point of order. The hon. member for Cairns had been compelled to withdraw his remark; but an equally objectionable remark was made by the hon. member for Cook, in which he characterised the hon. member for Cairns as falling to a very low standard.

Mr. J. HAMILTON: Utterly untrue.

Mr. LESINA thought if one hon. member was compelled to withdraw his remark, an equally reprehensible remark made by the hon. member for Cook should be withdrawn.

The CHAIRMAN: I did not catch the interjection of the hon. member for Cook. Had I caught an improper interjection, I certainly should have called upon him to withdraw it.

Mr. J. HAMILTON said his statement was that the hon. member was judging others by himself, and therefore he pitied him.

The CHAIRMAN: If that was the remark made, I certainly cannot call the hon. member to order except for interjecting.

Mr. GIVENS: Well, he treated the hon. member for Cook with the profoundest contempt.

The CHAIRMAN: I must ask the hon. member to cease these personal recriminations and confine his remarks to the words proposed to be inserted.

Mr. GIVENS: He considered the words proposed to be inserted were eminently suitable, and that they were absolutely necessary in order to safeguard the interests of the public. He did not think any reason had been adduced why the amendment should not be accepted by the Committee. If the Committee were animated by a proper sense of its duty to the public of Queensland, the amendment would be accepted unanimously and without demur.

Mr. LESINA: He was sorry that the hon. gentleman in charge of the Bill would not accept the amendment. The hon. gentleman had said that he was sorry that he could not accept it, and that, he took it, was an expression which conveyed by implication that he thought there was something good in the clause. He (Mr. Lesina) maintained that there was a great deal that was good in it, and he had no doubt if it had emanated from any hon. member on the other side it would have been accepted. As it emanated from his side of the House it was rejected. Not to accept it was equivalent to shackling the hands of future Parliaments. Not a solitary reason had been advanced why it should not be adopted. It seemed to him that the "gag" had been applied to members on the Government side this session, and he was sorry to see this legislation being so rushed through the Chamber. He and his colleagues were making one final despairing effort to protect the interests of the general public, and he thought posterity would bless them for their herculean efforts.

Amendment (*Mr. Browne's*) put and negatived.

Clause 30 put and passed.

Schedule put and passed.

On the preamble—

Mr. FORSYTH moved the omission of the words "some point near," on the 6th line.

The SECRETARY FOR RAILWAYS said he had no objection to that.

Mr. BROWNE: Did the hon. gentleman know whether the syndicate was agreeable to that amendment. He thought it was about time that hon. members on the Opposition side got up and looked after the interests of the syndicate. The hon. gentleman in accepting so many amendments was rather overdoing it.

Mr. LESINA said the amendment might be a very vital point. Did the Minister take the whole responsibility on his own shoulders?

The SECRETARY FOR RAILWAYS: Yes, I'll take it.

Mr. LESINA thought the interests of the syndicate were being imperilled, and also that they should have been consulted before the amendment was moved. Had the Minister received any instructions on this point? Now, on the suggestion of the hon. member for Carpentaria, the hon. gentleman accepted a vital amendment in the preamble of the
[6·30 a.m.] Bill. If they were going by that amendment to imperil the whole work of the last three or four days they would have wasted their time, and he would suggest that a cablegram be sent to the syndicate at the expense of the State asking their opinion on the amendment. (Laughter.)

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

The House resumed; and the CHAIRMAN reported the Bill with amendments.

The third reading of the Bill was made an Order of the Day for the next sitting of the House.

PERSONAL EXPLANATION.

Mr. LESINA (*Clermont*): I desire to make a personal explanation in connection with a report which appears in the proof copy of *Hansard* supplied to hon. members yesterday. At page 1280 the following paragraph appears in *Hansard*:—

> Hon. members might recollect that some time ago —he had told Mr. Annear and Mr. Glassey—that he had caught the hon. member for Clermont piecing together bits of paper out of his (Mr. Hamilton's) waste-paper basket, and he decided by virtue of the waste-paper basket to publicly proclaim that they were shareholders, in addition to himself, in this paper. He accordingly wrote out a sham agreement, in which the names of Mr. Story, Mr. Annear, Mr. Glassey, and his own name appeared as shareholders. He then tore it up and threw it in the waste-paper basket, and strange to say these names were published, not in the *Street*, but in the *Worker*.
>
> Mr. LESINA: What issue of the *Worker*—what date?
>
> Mr. J. HAMILTON said he did not know: hon. members could look that up for themselves.

That appears in a speech delivered by Mr. J. Hamilton, the member for Cook. The statement contained in that portion of the speech is a pure fabrication as far as I am personally concerned, is utterly untrue in every particular, has no basis in fact, and is, as I interjected at the time, a pure invention. I desire that this statement should get into *Hansard*, so that it should go to the country side by side with the statement of the hon. member for Cook. I have referred this matter to many members of the Chamber who were present during the debate which took place, and not a solitary member that I have spoken to heard the hon. member use the words "the hon. member for Clermont." No charge was made against me on the floor of the House. If a charge had been made the Chairman of Committees would immediately have demanded its retraction, or I, who was listening to every word, would have promptly risen and point blank denied it on the floor of the House. How those words got into *Hansard* is a matter with which I have nothing to do, but I take this opportunity of publicly clearing myself of this infamous charge, which is utterly baseless and a pure invention, and which was not made on the floor of this House.

Mr. J. HAMILTON: Mr. Speaker,—The statement——

The SPEAKER: Order! I would remind the hon. member that there is no question before the House, but the hon. member is entitled to make a personal explanation.

Mr. J. HAMILTON: I rise to make a personal explanation. Hon. members may know that on the 30th July last I made that statement in the hon. member's presence, and he did not deny it. I got my proof-sheet last night, and I found that, owing, I suppose, to one of the reporters being unwell and the matter being in committee, my remarks were condensed. My speeches are generally reported very well, but what I really did say on this occasion was as follows, and I corrected my speech to read in this way:—

> Hon. members might recollect that some time ago he informed the House that he had caught the hon. member at his (Mr. Hamilton's) waste-paper basket, piecing scraps of paper together. He had since made use of him. On one occasion he told Mr. Annear, and Mr. Glassey, and Mr. Story that he would by means of his waste-paper basket publicly proclaim that he and they were shareholders in this paper. He accordingly wrote out a sham agreement, in which the names of Mr. Story, Mr. Annear, Mr. Glassey, and his own name appeared as shareholders. He then tore it up and threw it in the waste-paper basket, and sure enough these names were published in the *Worker*.

That is the statement I did make. I spoke to Mr. Annear and Mr. Glassey yesterday about the matter, and they both remembered the circumstances.

Mr. LESINA: Did you charge me in that speech last night?

Mr. J. HAMILTON: I did.

Mr. LESINA: You did not.

Mr. J. HAMILTON: I did.

Mr. LESINA: Do you charge me now?

Mr. J. HAMILTON: Yes, I do.

Mr. LESINA: Then you are an infamous and deliberate liar.

The SPEAKER: Order! Hon. members must not prosecute personal quarrels in the Chamber.

Mr. BROWNE: I would like to rise to a point of order. After the hon. member for Clermont distinctly denied the statement of the hon. member for Cook, is the hon. member for Cook in order in reiterating that statement across the floor of the House?

The HOME SECRETARY: He read his proof.

Mr. KERR: He cooked his proof.

The SPEAKER: Order!

Mr. BROWNE: I always thought that an hon. member's denial had to be accepted.

The SPEAKER: The matter is one upon which the hon. member for Clermont was entitled to make a personal explanation, if he considered himself aspersed by the remarks of the hon. member for Cook. To that extent he was entitled to make a personal explanation. He, however, opened another question—the question of the accuracy of the report of the hon. member's speech. He raised new ground there, and upon that I think the hon. member for Cook was entitled equally to make a personal explanation. If, however, the accuracy of the official report is to be formally challenged, or the question raised as to whether statements have appeared in *Hansard* which were not uttered by hon. members, then that is a matter that should be raised in some other form than in the form of a personal explanation, in order that it may be discussed fully.

HONOURABLE MEMBERS: Hear, hear!

Mr. KERR: How can it be done?

The SPEAKER: Order! I cannot indicate that now. There will be opportunities for discussing it at the proper time, and in a proper manner. But the matter must not proceed further now.

The House adjourned at eighteen minutes to 7 o'clock a.m.