

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 18 OCTOBER 1901

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

PAPERS.

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

- (1) Annual return of Local Deputy Curator (Rockhampton) of Intestate Estates.
- (2) Apportionment of Loan Appropriations and Expenditure to the 30th June, 1901.

QUESTION.

REPORT ON TIMBER REGULATIONS.

Mr. BARTHOLOMEW (*Maryborough*) asked the Secretary for Lands—

1. Has the report by Messrs. Board and Watts on timber regulations been completed?
2. Will he have the said report laid on the table and printed?

The SECRETARY FOR PUBLIC LANDS (Hon. W. B. H. O'Connell, *Musgrave*) replied—

1. The report has been received and is being considered.
2. It will be laid on the table before effect is given to the suggestions made in it.

PETITION.

LICENSING ACT—SUNDAY TRADING.

The TREASURER (Hon. T. B. Cribb, *Ipswich*) presented a petition from the Unity Lodge, No. 2A, Independent Order of Good Templars, praying that no alteration be made in the law relating to Sunday trading in intoxicants.

QUESTION OF PRIVILEGE.

"HANSARD."

The SPEAKER: I have observed on the business-paper a notice of motion standing in the name of the hon. member for Clermont, Mr. Lesina, which claims to raise a question of privilege. I was not aware until the revised "Votes" were issued that precedence had not been given to this motion. Standing Order No. 42 states that—

An urgent motion, directly concerning the privileges of the House, shall take precedence of other motions as well as of Orders of the Day.

I think it would be in conformity with our Standing Orders, and certainly in keeping with the practice of Parliaments generally, that this motion should be given precedence, and I propose to call upon the hon. member to proceed now with his motion.

ACCURACY OF "HANSARD" REPORT.

Mr. LESINA (*Clermont*), in moving—

That, inasmuch as a certain charge against me which appears at page 1280, *Hansard*, purporting to have been uttered on the floor of the House by Mr. John Hamilton, the hon. member for Cook, on the 16th October instant, was not so uttered, and in so far the record in *Hansard* is not a true report of the circumstances, and consequently is a breach of the privileges of the House, an inquiry be held into the matter, and that in pursuance thereof the chief of the *Hansard* staff be called to the bar of the House, and be directed to produce all papers, documents, etc., in connection with the report referred to—

said: I do not intend, in moving this motion, to detain the House more than four or five minutes, as I desire that the object of the motion should be secured as rapidly as possible. As hon. members will remember, a night or two ago

I rose in my place in this Chamber to make a personal explanation. That personal explanation appears on page 1332 of *Hansard*. When I made that personal explanation, which I was perfectly justified in making at the time, you, Sir, pointed out that I had opened up another question—namely, the accuracy of the report in *Hansard* of the speech of the hon. member for Cook as reported at page 1280; and you then indicated to the Chamber and myself that that was new ground, and that as I had challenged the accuracy of the official report in *Hansard*—raised a question as to the accuracy of the statements that were attributed to the hon. member for Cook, which appeared on page 1280 of *Hansard*—which statements referred to me personally, charging me with a personal offence, which I denied under cover of the explanation which I had made—I was, therefore, perfectly justified in placing upon the business-paper of the House a motion asking that a certain course be taken. If hon. members will refer to page 1332 of *Hansard* they will see the personal explanation which I gave, and the personal explanation in reply by the hon. member for Cook. In the course of his speech as reported on page 1280 of *Hansard* the hon. member charged me with having gone to his waste-paper basket—

An HONOURABLE MEMBER: No.

Mr. LESINA: The hon. member interjects "No." He charged me—to use the words taken from page 1280 of *Hansard*—with having gone to his waste-paper basket and taken therefrom certain pieces of waste paper, torn up letters, etc., and with having pieced them together, and that thereby I was enabled to supply to the editor of the *Worker* the names of certain shareholders in the *Street*; that he had laid this as a trap to catch me; and that he had thereby caught me; and that the evidence of that is that in a certain issue of the *Worker*—the date of which he refused to give—apparently was not able to give—the names of certain sham shareholders appeared, as contained in this sham agreement, which he had torn up under certain conditions at some indefinite date, and placed at some indefinite period in his waste-paper basket—thereby interfering that I had gone to that waste-paper basket—as I had been in the habit, inferentially, of doing—and that he had bowled me out, and proved that I was a Paul Pry. I would refer to the statement on page 1332 of *Hansard*, when I distinctly asked the hon. member for Cook the question—

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.

Then I told the hon. member what I thought of him, and I still think that.

The SPEAKER: Order, order!

Mr. LESINA: My contention is that the statement made by the hon. member for Cook—that he publicly charged me on the floor of this Chamber with having gone to his waste-paper basket personally and taken out torn pieces of paper, pieced them together, and supplied them to the *Worker*, and in consequence a report containing the names of some shareholders in the *Street* appeared in that organ—so far as I am personally concerned, is absolutely untrue, and I say that that statement was not made on the floor of this House by the hon. member on the night in question, and, therefore, the report which appears at page 1280 of *Hansard* of the hon. member's speech is not a correct official report of the proceedings of this Chamber. It is on that ground that I challenge the accuracy of the report, and it is on that ground—having

challenged the accuracy of the official report—that I demand that an investigation shall be made into the circumstances surrounding the taking and publishing of that report. I have referred this matter to many members, and under other circumstances it will be possible to obtain further evidence on this matter; and every member I have spoken to, without exception, in this House has maintained that he did not personally hear the hon. member for Cook charge me with that offence on the floor of this House. He said "An hon. member." He did not indicate me personally, for, if he had, the Chairman of Committees would promptly have called him to order for making a charge of that description; and, if the Chairman had not done so, I—who was listening intently to every word the hon. member said—would have promptly risen to my feet and drawn the attention of the Chairman of Committees to his statement. It matters not what attitude I assume towards many members on the other side of the Chamber in political matters, whoever I fight I fight openly, and members always know on which particular side I stand.

The SPEAKER: Order!

Mr. LESINA: I do not resort to any contemptible actions such as the hon. member indicated I was guilty of in approaching his waste-paper basket—I honestly and conscientiously declare I do not know where it is situated. I never saw it, and I was never inside the hon. member's room in this building. I therefore beg to move the motion standing in my name. I move that motion as a matter affecting the privileges of this Assembly. I believe that once you impugn the veracity or the accuracy of our official records, you might just as well abolish *Hansard* altogether. It is a matter which affects every member of this Chamber, for, if it can be done in my case, it can be done in the case of any other hon. member of the Chamber sitting on any side of the House; and, therefore, in the interests of the House in a fair and accurate *Hansard*, setting forth the proceedings in this Chamber without any malice or bias, and without any inaccuracies of any sort, I hope that this House will consent to pass the motion either in its present or in such altered form as it may think fit and necessary, in order that a proper investigation may be made into this charge which has been made against me, and so that any suspicion respecting the veracity and accuracy of our official report of the proceedings may be done with once and for ever.

The PREMIER (Hon. R. Philp, *Townsville*): While I wish to have this matter thoroughly probed for the sake of *Hansard* and for the sake of this House, I am not disposed to let the motion go through in its present form.

Mr. BROWNE: Hear, hear!

The PREMIER: I do not think this is a question of a breach of the privileges of this House.

Hon. A. S. COWLEY: That might be raised every day.

The PREMIER: The point might be raised that it is not a question of privilege, but I do not take exception to your ruling, Mr. Speaker, and I am not going now to try and stop further inquiry into this matter. I think the proper plan would have been to ask for a select committee of this House.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: Not to inquire into the quarrel of the hon. member for Clermont and the hon. member for Cook.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: I do not think that this House should in any way consider that at all.

But a charge has been made with regard to the accuracy of our *Hansard*. Now, if there is one thing in Queensland that we are proud of it is the accuracy of our *Hansard*.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: In order to set that at rest, I have no objection to the hon. member moving that a select committee be appointed to inquire into the correctness of this report.

Mr. BROWNE: Hear, hear! That is the best plan.

The PREMIER: But this motion is a challenge, saying that the official report is not a true report.

Mr. MAXWELL: Not in this case, anyway.

The PREMIER: If the hon. member challenges the correctness of the report, and asks for a select committee to inquire into it, then I am quite agreeable that a select committee should be appointed to inquire into the charge that has been made. But this motion I could not entertain for a moment. I hope the whole afternoon will not be wasted—

Mr. BROWNE: Hear, hear!

The PREMIER: Over any quarrel between two members of this House, because we know the rule of the House is that, if a member makes a charge against another member, and the other member denies it, the House must accept the denial, and there is an end of it. But this is a much more far-reaching question. The *Hansard* report is certainly the one true account we have of what happens here. If there is any doubt thrown on the truthfulness of the report, it certainly should be inquired into; and, if a select committee is appointed, I shall not oppose it.

Mr. BROWNE (*Croydon*): Like the Premier, I hope there will not be much time wasted over this matter. Most certainly I do not intend to waste any time. I agree with the Premier that it is a thing that requires the most searching inquiry, and I believe with the hon. gentleman that a select committee is the best form that can be adopted for conducting that inquiry. I may say that I am authorised by the hon. member for Clermont to say that he is quite prepared and willing to accept the motion in that form, and I am also informed by him that an hon. member on the other side has already suggested that course, and is prepared to move an amendment in the direction of referring the matter to a select committee.

Mr. J. HAMILTON (*Cook*): I think that would be a highly desirable course to adopt, but I would like to make a few remarks referring to what the hon. member for Clermont said just now. On the third occasion, I charged him I made a statement which does not appear in *Hansard*. It was that "any person who would be guilty of such conduct would, of course, deny it." Of course, if that statement had been made by him in any other place except this House, my reply would have been very different. He states that it was untrue, and was not made on the floor of this House. I will show that neither of these statements—the first statement I cannot go into exactly since there will be an inquiry—at any rate, I will show that it was made on the floor of this House. On Tuesday, the 15th, I made a statement regarding the hon. gentleman, and on Wednesday, I, in common with others, received the proofs which all members are supposed to correct before they are issued as a *Hansard* on the following Thursday morning. When I went through them I saw that my speech was naturally cut down, being made in committee. For instance, I made a number of statements regarding the *Street*, but of course I thought it unnecessary to have them in the report, realising that it was a committee report, but the report of what I said

regarding the hon. member for Clermont, though jumbled, was accurate in the whole. I then altered that report to read thus—

However, he had been very much amused for the last few months at the way in which the hon. member for Clermont had insisted that he (Mr. Hamilton) was connected with the *Street*—

I put “hon. member,” but I have been informed that that was wrong. Of course, we know very well that when an hon. member corrects his speech, if the shorthand writers see that his speech does not tally—if they see that the correction does not tally with the notebooks, they alter it. I put “hon. member,” and they put “Clermont”; therefore I suppose I said it. At any rate, the hon. member knows that whether I did or not I replied to him, and it could have no application to anyone but him—

But he would let hon. members into a secret as to how the hon. member got this information. 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.

Mr. LESINA: Another invention.

He again stated that it was absurd. I have looked it up myself, and I find it is on the 28th, 1900. Jack Annear—

The SPEAKER: Order!

Mr. J. HAMILTON: If they read that they will see that the names are duly printed.

The SPEAKER: Order!

Mr. J. HAMILTON: I did that to prove that the statement he made was not correct. The hon. member stated that my assertion that their names were printed in the *Worker* after that time was not proved, and I was going to prove by the *Worker* that they were printed.

The SPEAKER: Order!

Mr. J. HAMILTON: Well, I won’t do it. The point the hon. member for Clermont wishes to make is that if he had known that he had been referred to on Tuesday night he would have given the statement the lie.

The SPEAKER: Order!

Mr. J. HAMILTON: I can show that it is substantially correct. I wish to explain, also, that I made the same statement—exactly the same statement, almost word for word—on the 30th July, in the member’s hearing, and if I am not out of order I will quote from *Hansard*—

The SPEAKER: Order!

Mr. J. HAMILTON: The hon. gentleman stated the other night that he would be agreeable to let the country put my word beside his. I was going to say I would be only too delighted and give reasons why. Well I don’t wish to go into personalities unless it is desirable. If it is necessary to move an amendment on this motion in reply, I may do so; but at present I shall simply sit down stating that I shall only be too happy for this to go to an inquiry and then I can prove everything. I may say I saw Mr. Glassey on Thursday—I was not aware that he was in town—I showed him the report and he said it was perfectly right. He said, “I recollect you telling me in Queen street.” And the hon. member for Maryborough has a distinct recollection of it.

Mr. BELL (*Dalby*): I think a number of reasons could be advanced as to why this motion is not properly one of privilege at all. It is very

often a debatable point—it is almost invariably a debatable point—as to what constitutes privilege; and I am of opinion that a great many reasons could be given against this motion being properly a matter of privilege. But there can be no question that though it is not a matter of privilege it at all events relates to a subject sufficiently important to make it worth the while of the House not to put it aside as a merely personal quarrel between two members. It seems to me that there is a question involved in it which relates to the efficiency and to some extent to the probity of the *Hansard* staff attached to this Chamber; and as it seems to me that we are not likely to arrive at any definite or satisfactory conclusion by a discussion upon the matter on the floor of this Chamber, I think the intimation of the hon. gentleman at the head of the Government, and adopted, I understand, by the leader of the Opposition, that the matter should be referred to a select committee, points to the most satisfactory way of dealing with the matter, and I therefore submit this amendment to the motion moved by the hon. member for Clermont. I beg to move to omit all the words after the word “That” with the view of inserting the following words:—

The complaint of the hon. member for Clermont respecting the report of the proceedings of this House appearing in *Hansard* No. 27 of the current session be referred for the consideration and report of a select committee.

2. That the committee have power to send for persons and papers, and leave to sit during any adjournment of the House.

3. That the committee consist of Messrs. Cowley, Stephenson, Jenkinson, Airey, and Bell.

The PREMIER: I cannot accept this amendment, because by it we would condemn *Hansard*.

The amendment says that the [4 p.m.] report is not a true report of the circumstances. We cannot say that.

We want to hold an inquiry to find out if such is the case. We propose to appoint a committee for that purpose, but this amendment condemns *Hansard*.

Mr. BROWNE: But those words are all left out.

The PREMIER: No, they are not. After stating that the report in *Hansard* is not a true report, the amendment goes on to say “and that a select committee be appointed.”

Mr. BELL: No. I move to omit all the words after the initial word “that.”

The PREMIER: I did not understand that. It is my mistake. Under the circumstances I have no objection to the appointment of a select committee.

Mr. LESINA: I shall be very pleased to accept the amendment moved by the hon. member for Dalby. I believe now, on reconsideration of the matter, that that would undoubtedly be the best plan to adopt for the purpose of obtaining evidence challenging the correctness of the report. As I am not desirous that this matter should occupy any great length of time, I have much pleasure in accepting the amendment of the hon. member for Dalby, and express my pleasure at the constitution of the committee. I believe they will do justice to the matter.

The SECRETARY FOR AGRICULTURE: (Hon. D. H. Dalrymple, *Mackay*): I desire to point out, without entering into the question of whether an incorrect report is a breach of privilege, that the error, if any, occurs on page 1280, whereas, according to the resolution of the hon. member for Clermont, the error occurs on page 1208.

Mr. LESINA: That was pointed out and corrected.

The SECRETARY FOR AGRICULTURE: I am quite in favour of the course which the

House is about to pursue. The hon. member for Cook says he did what members very frequently do when proofs are furnished to them—he made a correction.

Mr. LESINA: He made an indefinite charge in the House, and then definitely fixed it upon me. It is cowardly.

The SECRETARY FOR AGRICULTURE: I should like to say that I was sitting in close proximity to the hon. member for Cook when he spoke, and he appeared to me to allude specifically to the hon. member for Clermont.

Mr. LESINA: That is a charge against the Chairman of Committees.

The SECRETARY FOR AGRICULTURE: Fortunately perhaps for hon. members, the Chairman does not hear every word that they say. It is not always possible when hon. members are addressing the House to hear distinctly every word they say.

An HONOURABLE MEMBER: They do not speak loud enough.

The SECRETARY FOR AGRICULTURE: Quite correct. Hon. members do not speak loud enough. Very frequently from the Ministerial bench it is impossible to hear all that hon. members say, and when the hon. member for Clermont says he did not hear the hon. member for Cook say something to which he admits he was listening very attentively, it does not at all follow that the hon. member for Cook did not say something which the hon. member for Clermont did not catch. In this particular case I was listening—not very intently, I admit, as it did not affect me—

Mr. BROWNE: You are inviting everyone to discuss this.

The SECRETARY FOR AGRICULTURE: I do not know why the hon. member should object to someone who sits in the vicinity of the hon. member for Cook—

An HONOURABLE MEMBER: Leave it to the committee.

The SECRETARY FOR AGRICULTURE: Saying that his impression of the speech is what *Hansard* actually records. Indeed, the hon. member for Cook has already admitted it.

Mr. PLUNKETT (*Albert*): I would like to know what day of the week this is? I think it shows very bad taste on the part of the Secretary for Agriculture to make such a speech after the Premier has agreed to accept the amendment of the hon. member for Dalby. What he has to say he should say before the committee.

Mr. J. HAMILTON: Speaking to the amendment, the hon. member for Clermont stated just now that I did not make a definite charge against him to the House. I made a definite charge on three occasions. On the first occasion the hon. member did not object in any way, and it was made so definitely that it was referred to in the papers.

The SPEAKER: Order!

Mr. J. HAMILTON: He also says that in the report I inserted "the hon. member for Clermont." I may say that when the proof came to me for correction "the member for Clermont" was in, and, not being sure whether I said so, I struck it out, and *Hansard* has repeated it again. When I saw that, I saw that I had made a mistake, and they must see on referring to their notes that I did say "the hon. member for Clermont."

Mr. LESINA: You have written in whole lines. Mr. J. HAMILTON: We know very well that in committee the reports are abbreviated, and when they are abbreviated they are altered to a certain extent. On the following day when *Hansard* came down to the House, I corrected the proofs and they went back, and I will let hon. members decide for themselves whether the

corrected proof is not exactly what I stated in the House. I should like to say that if the committee is going to make inquiries into the correctness of the report, it should make inquiries into my charges against the hon. member at the same time.

The SPEAKER: Order!

The SECRETARY FOR RAILWAYS (Hon. J. Leahy, *Bulloo*): I will not take up a great deal of time. The hon. member for Albert certainly astonished me in making the statement he did on a question of this importance. A question of privilege is one of the most important questions that could be considered by this House, and that is the reason, I presume, why it takes precedence over all other questions. In a matter that has taken about fifteen minutes, and upon which only some six members have spoken, the hon. member gets up and protests against waste of time. I say this is a most important question. I will not discuss it, although I submit that I would be in perfect order in doing so, because the House has not yet decided that this matter shall go to a tribunal at all. If the House had decided that it should go to a tribunal, it would then be bad form to discuss a matter which was *sub judice*. But that has not yet been decided, and therefore if I wish to go into the question, at whatever length I choose, I should be in order in doing so. What I rose mainly to say was that if we were to take notice from a privilege point of view of everything that occurs in the Chamber in the way of alterations in speeches, however great or small, I do not know where it would lead to. The usual practice I have noticed is that if anything is wrong in *Hansard* opportunity is taken before formal business is disposed of to correct the report. Of course I admit at once that this is a more serious statement than usually appears in *Hansard*. It is a statement which reflects seriously on the hon. member for Clermont. I am prepared to admit that. If that statement were made about me by the hon. member for Cook I should feel very sore, but it is the very irony of fate itself that the hon. member for Clermont should be the hon. member to get up in this House and protest against things that are said. A great many things are said in this House under the protection of privilege that would not dare to be said outside, and I say that no one has made more use of it to make charges than the hon. member for Clermont.

MEMBERS on the Government side: Hear, hear!

Mr. LESINA: I rise to a point of order. Are we discussing the charge that the hon. member for Cook has made against me, or are we discussing the important charge of the correctness of *Hansard*?

The SPEAKER: Order! The Secretary for Railways is quite in order.

The SECRETARY FOR RAILWAYS: I do not think I was saying anything reflecting upon the hon. member for Clermont at all. I was saying that if everybody about whom remarks of this kind were made were to get up and move that a similar course be pursued, there would be nothing else done in this Chamber. It is unprecedented, and the last man to complain of a thing of this kind should be the hon. member for Clermont. I venture to say there are a dozen members of this House holding important positions about whom he has said a great deal worse things than the hon. member for Cook has said about him.

Mr. LESINA: I deny that.

The SECRETARY FOR RAILWAYS: The hon. member has called them thieves and robbers.

The SPEAKER: Order

Mr. LESINA: I most emphatically deny that I ever called them thieves and robbers.

The SECRETARY FOR RAILWAYS: The hon. member does not understand me. I am glad he has taken the course he has, because he would not be doing that unless he disapproved of such charges being made.

Mr. LESINA: I say that the report in *Hansard* is not correct.

The SECRETARY FOR RAILWAYS: I am very glad that the hon. member has taken the course he has. I rather approve of the action of the hon. gentleman, and I hope that his actions and sayings in future in this House will be tempered with a sense of responsibility, and a sense of the keenness of feeling, which is now upon him.

Mr. LESINA: That is not the point at all.

The SECRETARY FOR RAILWAYS: That is the point. I have no objection to the motion. I say that it is a most important motion, and I do not think it is a motion that any hon. member should cavil at.

Mr. BURROWS (*Charters Towers*): It has been said by hon. members on that side that the error, if an error has been made, has been caused by condensation; but the majority of members on this side think that it is an interpolation and addition, and not condensation at all.

Mr. LESINA; Hear, hear!

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*): I may say I intend to risk the condemnation of the hon. member for Albert. (Laughter.) Now, my inclination is to vote against—and I am speaking purely personally—the amendment and against the original motion, because I think it is giving a great deal too much prominence to what, after all, is a very trivial matter, and that is—the question whether a few words have been omitted from the *Hansard* report or not.

Mr. MAXWELL: It is not what was omitted, but what was inserted.

The HOME SECRETARY: If hon. members think that they are aggrieved, the usual course is to get up in this Chamber and announce that they have been misrepresented, and the matter ends there. Now I am correcting the proof of my speech last night, and I find that there are several omissions, and one or two slight additions—is it to be considered that I am at liberty, and it is a precedent to be followed that I am to move that a select committee be appointed to inquire into whether the statements which are put into my mouth by the *Hansard* reporters are absolutely and strictly correct as a verbatim report? I say that that is bringing the whole thing into ridicule.

Hon. A. S. COWLEY: Hear, hear!

The HOME SECRETARY: It may be, for the hon. member who introduced this motion, a matter of considerable interest, inasmuch as he is personally affected, but that, as he himself has pointed out, is not the question that we are discussing, and it is not the question that this select committee will have to deal with. It is merely a question whether a few words have or have not been inserted or omitted in the report of a speech. Under these circumstances I consider that to table a motion of this sort, especially describing it as a matter of privilege, is too absurd to warrant this House in passing either the motion for the select committee, or to have, as the original motion requires, the chief of the *Hansard* staff brought to the bar of the House. For these reasons, and because I believe it would be a pernicious precedent to establish, my present inclination is to vote against both the amendment and the original motion.

Mr. BROWNE: Just a word on this amendment. I am not going into the other question at all. I only rise to say that I hope there will not be many hon. members who will follow the example of the Home Secretary in his objection to the appointment of this select committee. If the matter were purely a personal one between members on this side of the House and the other, I would feel that we should not give any prominence to it, but as was truly said by the hon. member for Dalby, in moving his amendment, this is a very serious matter indeed. There has been a very serious charge levelled against a member on this side of the House—a charge of mean, paltry prying into some member's private affairs—and it is reported in *Hansard*. I think the Home Secretary will see that that makes a great deal of difference. The hon. member for Cook is prepared to have this inquiry. I think that much the better way, instead of having all these matters gone into over and over again by hon. members, is for hon. members to agree to the appointment of this committee, and allow that committee to hear what there is to be said on the matter. It will be much better to do that than that all those statements shall appear in *Hansard* again, for it is all repetition over and over again. I hope that hon. members on both sides of the House will vote for the appointment of this select committee.

Mr. GIVENS (*Cairns*): The Home Secretary, in speaking on this matter, has misjudged the case and its importance. He says that it is a very trivial matter. I say that it is a matter involving the personal honour of one hon. member in this Chamber.

The HOME SECRETARY: Not at all. It is a question whether certain things have been or have not been omitted from *Hansard*.

Mr. GIVENS: I submit that it is a matter which impugns the honour of a member of this Chamber, as well as the accuracy of the *Hansard* report. Now, I think the personal honour of a member is one of the most serious matters that can be brought under discussion. The honour of a member has been called in question by a statement which has been made, and it is disputed that that statement was made. I consider that that is one of the most serious matters that could be brought forward. Of course, as a matter of personal honour, it may not be a matter of very deep concern to the Home Secretary.

The SPEAKER: Order!

Mr. GIVENS: But I think it is a matter of very deep concern to almost every other member in this House. The Home Secretary also said that there was a way in which this could be corrected without going to any of this trouble. For instance, he said that the hon. member could get up in the House and announce that he had been misrepresented. That is quite true with regard to an hon. member's speech, but he could not get up and make a correction in some other member's speech.

The HOME SECRETARY: What is to stop him? Why not?

Mr. GIVENS: He may challenge the truth of an hon. member's speech, but he cannot question the accuracy of what he is reported to have said.

The HOME SECRETARY: Why not?

The SECRETARY FOR RAILWAYS: Of course he can.

Mr. GIVENS: How is he going to prove that it is inaccurate? It has been said that such a statement was never made on the floor of this House, as appears in *Hansard*, and we are now asking for the appointment of a select committee to find out whether it is true that such a statement

was made on the floor of this House, as appears in *Hansard* on the page in question. Now, the Home Secretary said hon. members had an opportunity of correcting their proofs, but what has that got to do with the matter?

The HOME SECRETARY: A lot.

Mr. GIVENS: The hon. member for Clermont never got a proof of the speech of the hon. member for Cook; he is not supposed to get that, and I don't suppose he wants to get it. I think when the Home Secretary makes use of an argument like that he is simply throwing dust in the eyes of hon. members and the public who read *Hansard* outside.

The HOME SECRETARY: You are misquoting my argument.

Mr. GIVENS: I am not misquoting the hon. gentleman's argument at all.

The HOME SECRETARY: Then have a select committee appointed on it.

Mr. GIVENS: The hon. gentleman said that hon. members had an opportunity of correcting their proofs. A great deal has been said about it which would have been better said before the select committee, notably by the Secretary for Agriculture. That seems to me to be an attempt to prejudice the case—

The SECRETARY FOR AGRICULTURE: The whole motion is an attempt to prejudice the case.

Mr. GIVENS: To prejudice the case, for evidence is being given on the matter before this tribunal is properly appointed. I think that is doing something that is calculated to prejudice and prejudice the case. I was present during the whole of the debate referred to in this motion, and if I wanted to prejudice the case, I might speak in such a manner as would prove that the contention of the hon. member for Clermont is correct, and that his challenge as to the accuracy of the report is correct; but as the matter is proposed to be referred to a select committee, I shall refrain from taking that course, which I think would be an improper one under the circumstances, and also a course which would show very bad taste.

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

Amendment put.

Mr. ANNEAR (*Maryborough*): I am very glad the motion has been moved for the appointment of a select committee to inquire into the charges which have been made. I agree with what other hon. members have said—that *Hansard*, our official record, should at all times truthfully report what hon. members say. But up to the present I have never known but that *Hansard* has carried out that duty most faithfully.

HONOURABLE MEMBERS: Hear, hear!

Mr. ANNEAR: All that is said in this House is not heard at all times, not even by the Chairman of Committees and you yourself, Mr. Speaker. Now that the matter is going to a select committee for inquiry, I trust that the parties interested will not indulge in language such as has been indulged in this afternoon by the hon. member for Clermont. I dare say very few hon. members heard what the hon. member said.

Mr. LESINA: What is that?

Mr. ANNEAR: I took down what the hon. member for Clermont said. He said: "When you saw me at the waste-paper basket, why did you not take me by the collar?"—and he put his hand to the collar of his coat—"and turn me out; you are big enough and ugly enough." Language of that kind is not going to tend to create that harmony amongst hon. members, which I feel sure we all desire to see. I regret that the whole of the charges which have been made are not going to be inquired into by this proposed

select committee. I have no desire to cast any reflection on the hon. member for Clermont, or on any hon. member of this House. If the statement made by the hon. member for Cook is not true, it is not a fair statement to make against any hon. member.

Mr. LESINA: *Hansard* contains a statement which was never made on the floor of this House.

Mr. ANNEAR: I have seen some of the reports taken by the shorthand reporters, and I believe they never report the words "hon. member." for we are all hon. members—

An HONOURABLE MEMBER: Are you a shorthand reporter?

Mr. ANNEAR: They only report the electorate, such as "Maryborough," or "Clermont," and so on. I suppose that the shorthand writers' notes will be produced before this committee, and if the word "Clermont" appears on them, then it must refer to the hon. member for Clermont.

An HONOURABLE MEMBER: Can you read their notes?

Mr. ANNEAR: I have no desire to take up the time of the House, and I am not like the hon. member for Cairns. It seems to me that that hon. member has the feeling that he must on every occasion speak or die. (Laughter.) I recollect on one occasion, a certain hon. member, who is not now a member of this House, told his constituents that if they would elect him he would speak on every matter that came before the House, and he did, whether he knew anything about it or not. I quite agree that the constitution of this committee is a good one. I believe that the members of this committee will conduct this inquiry in a fair and impartial manner, and we can rest satisfied that they will arrive at the right result.

HONOURABLE MEMBERS: Hear, hear!

Mr. W. HAMILTON (*Gregory*): With reference to what the last speaker and to what other hon. members have said, this is not merely a question of the accuracy of the *Hansard* report. I say that if this report is true, and that the hon. member for Clermont was caught doing what he is accused of doing in *Hansard*, he is not fit to be a member of this House, and if the statement is found to be false, then the hon. member for Cook is not fit to be a member.

Mr. J. HAMILTON: Hear, hear! That is my opinion.

The SPEAKER: Order! The question before the House is that the words proposed to be inserted be so inserted—that is for the appointment of a select committee.

Mr. BARTHOLOMEW (*Maryborough*): It is not my intention to say anything against *Hansard*. I would draw attention to the fact that if this select committee is appointed I presume the chief of the *Hansard* staff will be called as a witness. I do not think we should pass any reflection on our *Hansard* reporters in any shape or form, and personally I shall object to a select committee being appointed as a tribunal of this House simply for the purpose of washing the dirty linen of one hon. member. I hope the House will throw out the amendment.

Mr. JACKSON (*Kennedy*): This is a very serious matter, which I think a select committee should be appointed to inquire into. But I think the committee should also inquire into another matter—a much more serious charge—the most serious charge of all. I understand the hon. member for Clermont does not mind that charge being made again, and that he is willing that the hon. member for Cook should make it again. This is the most serious charge of all.

The SPEAKER: Order!

Mr. JACKSON: If I am ruled out of order, I shall not pursue that matter any further. I cannot help saying that this is a very serious business. I am quite willing to support the hon. member when he asks for the appointment of this select committee. That is a very proper thing to do. Seeing that this is such a serious matter, and that it is stated that hon. members may correct the proofs in the manner suggested, it simply means that for the future members of this House may correct the proofs of other hon. members as well as their own. However, I think it is a very proper thing [4.30 p.m.] that a select committee should be appointed, though I should prefer to see such committee inquire into the other charge which has been made.

HON. G. THORN (*Fassifern*): I agree with the hon. member for Maryborough, Mr. Bartholomew, that it is not worth while occupying the time of the House with this matter. There is a blank created in the motion, and I move it be filled up with the words "that the House do now pass on to the next business on the paper."

Mr. BROWNE: I really hope hon. members will not allow this motion to be carried. I think the matter should be referred to a select committee. The Premier has said that he is willing to accept the amendment of the hon. member for Dalby, and other hon. members have expressed their approval of the amendment. It will certainly be more satisfactory to the House if this matter is inquired into, but if the majority of hon. members are of opinion that it should not be inquired into, surely they have the courage to vote against the amendment without shelving it in the way proposed by the hon. member for Fassifern. I think hon. members should vote either for an inquiry or against it and not pass the matter on and keep it hanging over by passing to the next business. I do not believe that the hon. member for Fassifern has proposed his motion with any connivance of Ministers, for I feel certain that Ministers were not aware of the hon. member's intention to move his motion. The hon. member for Dalby has moved an amendment and the Premier has said that he has no objection to it, and I ask hon. members to dispose of the matter by deciding whether they will or will not accept that amendment.

The PREMIER: I can assure the House that I never spoke to the hon. member for Fassifern on the subject. I think it is well that a committee should be appointed to inquire into the charge against *Hansard*. Personally, I believe that *Hansard* is—I will not say the only true publication in Queensland, but is the most correct publication in Queensland.

HONOURABLE MEMBERS: Hear, hear!

Mr. LESINA: I trust that the House will not adopt the suggestion of the hon. member for Fassifern, as it will simply burke any inquiry into this charge. You, Sir, pointed out, when I made my personal explanation the other day, that there was another way of getting an inquiry into this charge. I challenged the correctness of the report, and if *Hansard* reports may be altered in the way suggested, they may be cooked to any extent. Hon. members appear to be under the impression that what I want is an inquiry into the charge against myself. I do not, and this motion is not for that purpose. I would not walk the length of this Chamber to get an inquiry into any charge made against me by the hon. member for Cook. What I do want is an inquiry into the report of a statement, as reported in *Hansard*, at page 1280, which I quoted at page 1332. That statement is attributed to the hon. member for Cook, and I say it was not uttered on the floor of this Chamber.

Mr. J. HAMILTON: I will repeat it again.

The SPEAKER: Order! The hon. member is not speaking to the question before the House, which is a motion that the House pass on to the next business on the paper. That must be first decided.

Mr. LESINA: If the House passes to the next business on the paper that will simply burke inquiry into this matter. It will simply prevent the statement made publicly in this House, which I shall repeat over and over again whenever opportunity offers, being inquired into. That is not the desire of the Premier, or of any responsible member of the House, or of any members who are not animated by mere personal or party bias. What appears to be the desire of every fair-minded member on either side of the Chamber, who is broad enough to consider the matter on non-party lines, is to have an inquiry into the matter. If those members vote against the motion of the hon. member for Fassifern, we can then vote for the amendment of the hon. member for Dalby. Certainly, if inquiry into the matter is burked, there will be left behind a certain amount of suspicion which no later inquiry and no amount of criticism will allay.

Mr. McMASTER (*Fortitude Valley*): I agree with the Premier that it is desirable that a select committee should be appointed so that *Hansard* may be cleared. It is not a question as to whether what is said by the two hon. members concerned is correct or otherwise. I should like to see it placed on record that the *Hansard* people are clear. Whether it is in *Hansard* or not the statement was made—

The SPEAKER: Order!

Mr. MAXWELL: No such thing.

Mr. McMASTER: If we go on to the next business as proposed by the hon. member for Fassifern, *Hansard*, as the hon. member for Clermont says, may be cooked; it will be everlastingly said in the lories and at the street corners that the *Hansard* staff allow hon. members to qualify their statements, and put statements into *Hansard* that were never made in the House. I believe that a committee should be appointed so that the *Hansard* staff may be cleared.

Question—That the House now pass to the next business on the paper—put and negatived.

HON. A. S. COWLEY (*Herbert*): It appears to me that what is actually involved in this case is that certain words not used by the hon. member for Cook were inserted in *Hansard*. I should like the work of the committee to be better defined, because the amendment distinctly refers to the charges which have been made in the motion. Now the charge which has been made, and which the committee is to inquire into is—

That inasmuch as a certain charge against me, which appears at page 1280, *Hansard*, purporting to have been uttered on the floor of the House by Mr. John Hamilton, the hon. member for Cook, on the 16th October instant, was not so uttered, and in so far the record in *Hansard* is not a true report of the circumstances, and consequently is a breach of the privileges of the House.

I should like the hon. member for Dalby to clearly define what the committee has to inquire into. What are the actual words—because the only thing I could gather from the hon. member for Clermont was that he did not wish the committee to inquire as to whether the charges against himself were true or whether they were untrue—

Mr. LESINA: That is not the business they are asked to do.

HON. A. S. COWLEY: No, that is not the question. But I should like the House, and the committee especially, to know exactly what they are to inquire into, and what are the words. I understand that certain charges were made; but

the hon. member does not want the committee to inquire into those charges, but whether those charges were connected with his name—

Mr. LESINA: In the House. Whether the charge was distinctly made against me, or distinctly against some hon. member.

HON. A. S. COWLEY: I understand that what the hon. member wants to arrive at is this: Was it stated distinctly by the hon. member for Cook that the hon. member for Clermont was guilty of those charges?

Mr. LESINA: That is the point.

HON. A. S. COWLEY: Well, would it not be better that the committee should have something definite to go upon, because the amendment of the hon. member for Dalby is based upon this resolution, which will disappear? I would like the resolution of the hon. member for Dalby to assume a definite shape and form, and to state that the committee are to inquire whether the name of the hon. member for Clermont was mentioned—because I believe that is all the hon. member for Clermont wishes to be inquired into.

Mr. LESINA: Yes.

HON. A. S. COWLEY: There is no question as to whether the other part of the statement of the hon. member for Cook was made or not.

Mr. LESINA: No, I have not raised that point. I have deliberately denied it, and that denial is supposed to be taken.

HON. A. S. COWLEY: The only question then is whether the hon. member's name was mentioned. There is no question as to whether the charge was not made against someone.

Mr. LESINA: And, if it was not made, how it got into *Hansard*.

HON. A. S. COWLEY: The only information the hon. member wants to obtain is whether his name was actually used in connection with this charge, or whether it was not.

Mr. MAXWELL: And how it got into *Hansard*.

HON. A. S. COWLEY: If that is the case, I should like it distinctly stated. If that is done, the committee's labours would be confined to a definite object, and I think it would be much better if the words proposed to be inserted should be amended in that direction. It is not proposed that the committee shall inquire whether the hon. member for Cook actually used every one of those words which appear in *Hansard* or not. I quite agree with the Home Secretary that the proper course for the hon. member was to rise in his place and utterly disclaim the statement, and insist upon a correction being made in *Hansard*.

Mr. LESINA: I did that, and then I challenged the hon. member for Cook, and the Speaker informed me that I must pursue another course.

HON. A. S. COWLEY: I should like that the matter to be inquired into should be distinctly stated, and it appears to me that the only thing the hon. member for Clermont wants to know is whether his name was used by the hon. member for Cook, and, if it was not, why it appears in *Hansard*. I should like that clearly defined as the scope of the inquiry of this select committee.

Question—That the words proposed to be inserted be so inserted—put and passed; and motion, as amended—providing for reference to select committee—put and passed.

INTERSTATE FREETRADE AND AGRICULTURAL RAILWAY RATES.

Mr. KATES (*Cunningham*), in moving—

That, in view of the shortly expected interstate free-trade, and in the face of recent substantial reductions made in New South Wales in respect to railway freight on grain and other agricultural produce from up country districts to ports, it is not only desirable, but

absolutely necessary, that to save our now rapidly rising grain industry from injury, our agricultural railway rates be brought into line with those of New South Wales—

said: The necessity for this motion arises from two different causes—first, the abolition of the protective duties on agricultural produce; and second, the action of the New South Wales Government—which, I contend, is selfish, hostile, and unfriendly—in trying, not only to flech away from us the trade from our own border district, but also to flood our markets with their produce.

An HONOURABLE MEMBER: Serves you right.

Mr. KATES: Then it serves the whole country right. The duties hitherto existing on our agricultural produce were:—Bacon, 3d.; barley, 9d.; bran and pollard, 4d.; butter, 3d.; chaff, 15s. a ton; cheese, 4d.; flour, 20s.; hams, 3d.; hay, 15s.; honey, 3d.; maize, 8d. a bushel; malt, 4s. 6d. a bushel; oats, 8d.; potatoes, 15s. a ton; and wheat, 4d. a bushel. Now, the question is as to whether it is worth our while protecting our agricultural industry. We have heard hon. members saying in this House—like the hon. member for Balonne and the hon. member for Carpentaria—that the pastoral industry is dying out. I do not believe it is possible for it to die out. The great pastoral companies may have their holdings reduced, and their places may be taken by fifty small squatters, but I say that the production then will be greater, and that the industry will never die out. We are also told that the sugar industry is going to be wiped out.

Mr. GIVENS: Who said that?

Mr. KATES: Well, if you look at the papers you will see column after column every morning to show that the sugar industry will be wiped out and will be a thing of the past.

Mr. CURTIS: "Trust the people."

Mr. KATES: When we are losing our sugar industry, when our pastoral industry is in such a bad way, and when our mining industry is going back also, there is nothing left but the agricultural industry to save the colony from retrogression. (Hear, hear!) I was pleased to hear from the Premier yesterday that we are likely to receive an influx of desirable people from Bessarabia and the southern colonies. I think there is plenty of room for them. The Wide Bay district, East and West Moreton, and the Darling Downs are capable of sustaining 2,000,000 people.

Mr. BARTHOLOMEW: And another 1,000,000 in the Burnett.

Mr. KATES; I contend that agriculture will be the salvation of this colony. I know the Minister for Railways will tell you that if we look at the agricultural rates and compare them with the rates in Victoria we shall find that the Victorian rates are higher, and even the passenger rates are higher; but it is not Victoria that we have to fear—it is our nearest neighbour, New South Wales. As far back as fifteen years ago I had to move the adjournment of the House when the Narrabri-Moree railway was before the New South Wales legislature, when the statement was made there that if that line was extended to the border they would get the whole of the Queensland trade along the border. Since that time they have been extending their railways, and arranging their rates to get the trade; and are we to be idle and see our trade going away? The difference of rates between here and New South Wales is considerable. We find that in New South Wales they are carrying produce for nearly half the price paid in this colony.

Mr. ARMSTRONG: Do you mean produce generally?

Mr. KATES: The important produce.

The SECRETARY FOR RAILWAYS: What produce is it?

Mr. KATES: Chaff, hay, fodder, and wheat. Our railways are not made to pay; they are made to develop our resources and establish close settlement until we have such a large number of people that they will be paying naturally on that account. In Queensland hay and chaff are carried for £1 12s., the same distance as they are carried in New South Wales for 12s. 6d.

The SECRETARY FOR RAILWAYS: What distance is that—between what places?

Mr. KATES: From Warwick to Bundaberg, 371 miles, the rate on flour is £1 2s. 2d., and in New South Wales the rate is 13s. for the same distance. Wheat and maize are carried at £1 7s. 6d. a ton in Queensland, and the rate is 14s. in New South Wales. From Warwick to Maryborough, 321 miles, the rate for wheat and maize per ton is £1 0s. 1d., and in New South Wales it is 11s. 6d. for the same distance. And so on all along from Warwick to places like Gladstone and Brisbane. It would take me a couple of hours to give the whole list.

Mr. BARTHOLOMEW: Give the rate for sugar from Bundaberg to Brisbane.

Mr. KATES: I cannot give that, but I can give the rate for coal. I was informed by the hon. member for Burnett that the Commissioner carries coal from Ipswich to Maryborough at 1s. 6d. a ton.

The SECRETARY FOR RAILWAYS: We will bring it for you the same distance, under the same conditions, at the same price.

Mr. KATES: If I want a ton of coal brought from Gowrie to Allora, a distance of 50 miles, I am charged 6s. 6d. The distance in the other case is 250 miles. To show the value of the agricultural industry and the rapid rate of progress in that industry during the last few years, I shall refer to the report of the Commissioner for Railways. He says it will be observed that there is a decrease of 77,000 tons compared with last year in the carriage of agricultural produce; at the same time he tells us that it does not arise from the agricultural district of Darling Downs or West Moreton, but that the deficiency arises from the sugar district of Bundaberg. The return of agricultural produce imported for the last three years at the three principal ports of the State will give a general idea of the effect of the seasons upon this traffic. Last year has been a fairly good one for agriculture in other than the sugar districts, as may be seen from the decreased importations of maize, wheat, bran, and pollard. He gives a very encouraging report which shows last year a great decrease in the importation of wheat and other agricultural products, because our agricultural industry has taken such a rapid stride. I am glad to see the Attorney-General in the Chamber, because as member for Maranoa I am sure he ought to be in sympathy with this motion. It is not long since a deputation from Roma came to Brisbane asking the Commissioner to reduce the rate on wheat from the Maranoa district to port to enable them to send their surplus wheat to Brisbane, Maryborough, and Rockhampton. I have received a sample of wheat from Roma, and it is one of the best samples of wheat in the Commonwealth. The Commissioner charges 7d. a bushel for bringing wheat down from Roma to Brisbane, while in New South Wales the Commissioner carries it over the same distance for

[5 p.m.] 4d. a bushel. From Roma to Brisbane it is £1 2s. a ton, and in New South Wales for the same distance it is 11s. 2d. a ton. We have also a report here from the Minister for Agriculture. He says—

Much more encouraging are last year's figures relating to wheat. The area under that crop for grain rose from 52,527 acres in 1899 to 79,304 acres in 1900.

And this year, I am pleased to say, they will have 120,000 acres under wheat. I should be very glad if hon. members would come to the Darling Downs and see for themselves the wealth of wheat produced there this year, some crops yielding as high as 40 bushels to the acre. In a very short time we shall arrive at the point when we shall not require to import any wheat at all.

Mr. KERR: Is it good quality?

Mr. KATES: First-class quality. If wheat cultivation has advanced in such a rapid way, the dairying industry has advanced much more quickly, and the Secretary for Agriculture says in reference to it in his report:—

None of our agricultural pursuits seems to have made more rapid or enduring progress than the dairying industry. The very last of them to establish a footing, it is already one of the most important of them. In 1900 there were at work fifty-three butter and cheese factories, and 146 creameries, employing 595 persons. The output that year was 3,875 tons of butter and 886 tons of cheese, valued altogether at £658,177.

This year, with the large quantity of fodder we are growing, we shall be able to export a great deal more. There are a million cows in Southern Queensland waiting to be milked, and we have not got the population to milk them. Look at the mine of wealth in that direction alone! I will now give some authentic information in regard to the difference in rates between this colony and New South Wales, because my principal object is to induce the Government to reduce the rates on agricultural produce. I will not touch upon the flour rates, but refer to chaff and green fodder. For 20 miles, with 6-ton loads, they charge in New South Wales 1s. 8d., and in Queensland 3s. 3d. less 20 per cent.; 25 miles, New South Wales 2s. 4d., Queensland 4s. 5d. less 20 per cent.; 40 miles, New South Wales 3s. 3d., Queensland 6s. 5d. less 20 per cent.; 60 miles, 4s. 1d. in New South Wales, against 8s. 9d. in Queensland; 100 miles, 4s. 8d. in New South Wales, against 13s. 9d. in Queensland; 150 miles, 6s. 6d. in New South Wales, against 17s. 11d. in Queensland; 200 miles, 8s. 1d. in New South Wales, against £1 2s. 1d. in Queensland; 250 miles, 8s. 11d. in New South Wales, against £1 5s. 3d. in Queensland; 400 miles, 11s. 2d. in New South Wales, against £1 14s. 7d. in Queensland; and 500 miles, 12s. 6d. in New South Wales, against £2 0s. 9d. in Queensland. That is an enormous difference. It is impossible for our farmers to compete with the people in the south, and moreover we are a younger colony than New South Wales. In that colony they have 2,000,000 acres under wheat, whereas we have only 120,000 acres; and we all know that if a man cultivates 1,000 acres of wheat, he can sell his produce cheaper than the man who only cultivates 50 acres. I hope the Secretary for Railways will see the correctness of my statement. The New South Wales people are trying to get our trade from us. They are carrying flour from Newcastle to Bourke, 600 miles, for 19s. a ton, whilst in Queensland, for the same distance, we charge something like £4.

Hon. G. THORN: There is the water carriage.

Mr. KATES: No, there is no water carriage. The hon. gentleman has forgotten his geography. Now, we are losing our trade between Roma and Cunnamulla. Hitherto we had to pay £1 a ton duty on flour. Now it is coming across without duty, and the trade from Roma is all gone.

An HONOURABLE MEMBER: You ought to have thought of that before.

Mr. KERR: You voted for federation.

Mr. KATES: We are not at all afraid of federation. We can hold our own as far as the import duties are concerned, but on the top of that we have hostile neighbours attacking us in

two directions. They are attacking us on the border and by sea. We cannot stand a double blow, and I call upon the Secretary for Railways to help us in that respect. I am sure he will lose nothing by it. It is much better to carry truck loads to Brisbane at a lower rate than half-truck loads at a high rate. Take a truck containing 10 tons. If that is carried at 8s. a ton that is £4, but if 6 tons are carried for 12s. a ton that is only £3, and the Government lose £1. Very often I have seen train trucks coming down half empty, and I should say it is better to have them filled up at a lesser price. It is not very long since deputations from the Chambers of Commerce at Warwick and Toowoomba, and a deputation from Allora, asked the hon. gentleman to grant concessions in this direction, and I am sure he will lose nothing if he enables people to send their wheat and corn to Brisbane at the same rate at which they are sent in New South Wales. The hon. member may say that it is only 3s. or 5s. a ton, but that is 2d. on the bulk of the wheat that comes down here from the mills of Brisbane, Maryborough, and Rockhampton. It may be said that that is very small, but if the millers find that they can get wheat from Sydney at ½d. cheaper they will let the Darling Downs wheat-growers slide and get their wheat from Sydney. I say that that is not the wish of hon. members, nor do I think it is the wish of the Minister for Railways. I expected the Minister for Agriculture to be here. It was his business to bring this matter before the House. He is the guardian and protector of the farmers, and it is he who ought to have moved this motion instead of me. I am really surprised that they have not found out that this last year or two our agricultural industry has taken such rapid strides and done more than has been done. Of course I must give the Government credit for what they have done in that direction more than previous Governments. I must also give the Minister for Railways credit for what he has done so far. I am sure his sympathies are with us, and if he would allow this motion to be passed, and sympathise with it, and promise me and every member representing agricultural districts, that he will on 1st December bring our rates in line with the rates in New South Wales, I am sure he will not lose by it. I will not ask him for anything else, except to press on with the border line as soon as he can. This border line ought to have been built forty years ago—

The SPEAKER: Order!

Mr. KATES: I have not much more to say. I can give other items to show the differences between the agricultural rates in Queensland and New South Wales. I am willing, if the Minister desires, to give him the whole list, for I have a big list which I can read. I know hon. members will say that we carry dairy produce here cheaper than in New South Wales, and cheaper than in Victoria. I have nothing to say in respect of the dairying rates. I am quite satisfied with those rates. It is the rates on grain, and especially on fodder, which are twice as high as they are in New South Wales, that I wish to have altered. If the hon. gentleman desires me to give him any more information—

The SECRETARY FOR RAILWAYS: No; I am quite satisfied.

Mr. KATES: I am glad to hear the hon. gentleman say so. I hope that he will give us his word that he will attend to this question of rates on grain and other agricultural produce.

Mr. BRIDGES: What do you consider our ports?

Mr. KATES: Brisbane, Maryborough, Bundaberg, Rockhampton, and Ipswich.

Mr. BRIDGES: Ipswich—is that a port?

Mr. MACKINTOSH: It used to be in the old days.

Mr. KATFS: As I said before, I hope the Attorney-General, who represents the Maranoa, will give us a little assistance in connection with this matter. I am sure that he will, and I am sure that his constituency will be very glad if he will assist me in getting this motion accepted. I do not wish the motion to be talked out, and having said this much I will conclude by moving this motion. I shall have something to say probably in reply.

The SECRETARY FOR RAILWAYS (Hon. John Leahy, *Bullo*): The motion proposed by the hon. gentleman is a very important motion indeed.

Mr. DUNSFORD: It will secure fifty votes.

The SECRETARY FOR RAILWAYS: I do not know; I have not considered that question as closely as the hon. gentleman. It is possible that he has a greater insight into those matters than I have. I do not pose as an expert in those matters. To go into a question which the hon. member has given his lifetime to consider—that is the agricultural relations between the Darling Downs and the ports of the colony—would be rather too large an order for me to undertake. Besides, I do not think the House can deal with this matter. This House, or the members representing the different electorates of Queensland who met here years ago, discovered that it was a very bad thing for the interests of the colony generally that the railway rates of this country, and the railways generally, should be managed by the politicians of the House.

HONOURABLE MEMBERS: Hear, hear!

The SECRETARY FOR RAILWAYS: It was for that reason, in their wisdom, the House in 1889 passed what is known as the principal Railway Act. That principal Act made the Commissioner absolute master, or master of the rates and freight on produce and passengers within this State. Not only can the Commissioner, as has been suggested by an hon. member in an interjection, defy me, but he can defy the whole Ministry in fixing the rates for the Darling Downs or any other portion of Queensland, if he thinks fit to do so.

Mr. DUNSFORD: He would have a bad time if he did.

The SECRETARY FOR RAILWAYS: The Commissioner is a servant of Parliament; he is not even the servant of this House. He is the servant of both Houses of Parliament. If there are any grounds for disagreeing with the Commissioner, of course Parliament may get rid of the Commissioner altogether, but this House itself cannot do it. It requires the resolution of both Houses to do it. If we get rid of the Commissioner we should only get back to the condition of things which we desired to get rid of years ago. Do I understand from this House, or the hon. gentleman who proposed this motion, that he wishes to take the management of the railways out of the hands of the Commissioner and put them into the hands of this House? If he does not mean that, what is the object of this motion? Of course the Commissioner cannot alter the present current rates without coming to the Government to have his by-laws or rates approved, but the Government are absolutely powerless to alter those rates, unless the initiative is taken by the Commissioner. That is the position. The Government only approve of them. I am just laying down a preliminary, and I am telling the hon. member for Cunningham and the country the exact position which the Minister for Railways and the Government are in with regard to these railway rates. I know that a great deal of political capital is being made out of the lowering of these rates, but no one can come to me and ask me to prostitute my position and the position of the Commissioner by forcing on him certain

things which he may not deem advisable to do. No one is going to squeeze me into bringing influence to bear on a man in such a responsible position. If hon. members think that, they are very much mistaken, and I think the House will support me in that.

HONOURABLE MEMBERS: Hear, hear!

The SECRETARY FOR RAILWAYS: Leaving that aspect of the question alone, I now come to the details of the resolution, and to see how the different lines of products in Queensland compare with the same lines in New South Wales and Victoria in the matter of rates. The hon. member will see that he is wrong in the conclusions he has drawn.

Mr. KATES: I am not.

The SECRETARY FOR RAILWAYS: I do not say the hon. member is wrong in all respects, but I say he is wrong in some of his deductions. The arguments and generalisations he has arrived at in this way: He has selected a certain lot of figures and from them he has arrived at certain generalisations and deductions, and I may point out that the value of deductions and generalisations depends on the merits of the figures or facts selected, and the inference should be compared with the figures not selected. The hon. member selected two or three isolated cases of no importance, and he showed that the matters on which he based his deductions were very insignificant. The great bulk of the figures available he rejected. I do not think the hon. member has made out a case at all; he has not reasoned properly. The hon. member dealt with chaff and hay mainly, and I will admit at once that there is a considerable difference between Queensland and New South Wales with regard to the rates for these lines of produce. Queensland farmers would not be put to very much disadvantage if they sent this stuff in bulk, but they send it in a loose form.

Mr. KATES: There is a great difference in grain, too.

The SECRETARY FOR RAILWAYS: The hon. member referred particularly to the carriage of chaff from Warwick to Gladstone, and to Bundaberg, and to Maryborough, and he quoted New South Wales in this connection. But it must be remembered that New South Wales has a very much smaller seaboard as compared with Queensland. They have only one or two ports there. I have always contended that the districts in this country—everyone of them—Roma, Toowoomba, Warwick, Maryborough, or Gympie—each one has a right to get every benefit from its geographical position. Roma and Warwick get the benefit of their geographical positions, and why should not Maryborough get the benefit of its geographical position? I say it should, and the rates have been so devised that it gets that benefit, the same as Roma and Warwick. I don't want to disparage Roma or Warwick or Toowoomba, for I think they are some of the most important centres in Queensland—that is, in connection with the productive line—and no person has a higher opinion of the importance of those centres than I have. I do not wish to be misunderstood. The hon. member for Cunningham only singled out two or three isolated cases. We have to consider the producers and growers of the agricultural products all over the colony, and see how they stand compared with the same class of people in the other colonies. I say that their position, with regard to railway rates, is much better than the positions of the similar class of people in the other colonies, and the hon. member knows that. The hon. member had particularly touched on one line of products.

Mr. KATES: A very important line.

The SECRETARY FOR RAILWAYS: He said that one article of produce was carried in the south at half the price for which it was carried in Queensland.

Mr. KATES: From Roma to Brisbane—wheat.

The SECRETARY FOR RAILWAYS: Roma has not sent much wheat to Brisbane yet this year, and the rate for this product has been reduced. When wheat has to come in a certain direction and cannot find a local market it will be time enough to consider the matter. The Railway Department deals with contingencies as they arise. I say that Roma has not yet been able to more than supply the local demands.

Mr. KATES: They do so now—this year.

The SECRETARY FOR RAILWAYS: We have not yet arrived at the state in which they have done that, and if they can do it this year, I shall see that they will have an equal advantage with regard to getting their produce to market as people in other districts have, and that they will equally benefit by their geographical position; and I think then they will be perfectly satisfied. The Attorney-General was present at the Roma deputation, and I think he will bear me out when I say that that deputation was perfectly satisfied that they were met in a fair and reasonable way.

Mr. KATES: Why not give the same concession to the Darling Downs?

The SECRETARY FOR RAILWAYS: I will come to the Darling Downs directly. I want to deal with Warwick and Toowoomba by themselves, and I want there to be some sequence of argument. I am perfectly willing to meet the hon. member in argument in this matter. I recognise the great importance of the districts he refers to, and everything that the Railway Department and the Government can do for the encouragement of industries in those districts will be done. I may say that the rates for wheat and flour are the same. The rates from Warwick to Brisbane for these products are 12s. 2d. per ton.

An HONOURABLE MEMBER: How many miles?

The SECRETARY FOR RAILWAYS: I don't know the exact distance. These figures were prepared for me by the Railway Department. For the same distance in New South Wales the rate is 10s. 4d. per ton, and in Victoria it is 11s. 8d. per ton.

Mr. KATES: I am not talking about Victoria.

The SECRETARY FOR RAILWAYS: The hon. member's motion is—

That, in view of the shortly expected interstate freetrade, and in the face of recent substantial reductions made in New South Wales in respect to railway freight on grain and other agricultural produce from up-country districts to ports, it is not only desirable, but absolutely necessary, that to save our now rapidly rising grain industry from injury, our agricultural railway rates be brought into line with those of New South Wales—

and he says it is necessary to do certain things to meet the wishes of the people in the South. Now, the great bulk of these products come from South Australia and Victoria, and I am talking about Victoria now.

An HONOURABLE MEMBER: The whole Commonwealth?

The SECRETARY FOR RAILWAYS: Yes. The hon. member for Cunningham, by some method of the most extraordinary [5.30 p.m.] ordinary arithmetical reasoning, said that 12s. 10d. was twice 10s. 4d. I don't think it is. For a ton of wheat we pay exactly 6d. a ton more in Queensland for a distance from Warwick to Brisbane than they pay in Victoria.

Mr. KATES: I rise to a point of order. My motion says distinctly that "our agricultural railway rates be brought into line with those of New South Wales."

The SPEAKER: There is no point of order.
 The SECRETARY FOR RAILWAYS: The hon. member must be mistaken in his contention. In his motion he says, "In view of the shortly expected free-trade"—that includes Western Australia and Tasmania—"and in the face of recent substantial reductions made in New South Wales." The whole motion refers to free-trade between the colonies. If flour from the southern colonies has to come to Warwick, look at the protection which is given to the Queensland article. We charge a higher rate on flour going West, for the simple reason that it gives to the Toowoomba and Warwick men the benefit of their geographical position. Let me illustrate the advantage that the rate for flour going West is to the local man. Suppose it costs £3 a ton to carry flour from Brisbane to Charleville, and the man at Toowoomba, which is 100 miles on the road, has the benefit of £1 per ton; and suppose we reduce the rate from Brisbane to Charleville by 10s. a ton, then the man at Toowoomba will be in a worse position by 10s. than he is at the present time. In connection with wheat and flour exported from the south, we have to consider that the wheat is not grown in Collins street, Melbourne, or in George street, Sydney. It would cost a man in Victoria £1 or £1 5s. to send a ton of chaff to Brisbane. But I will continue my argument with regard to flour. It costs 15s. to send a ton of flour from Victoria to Brisbane after it is brought down from the Mallee country to Melbourne, and has paid freight and charges and other things. Compared with the Darling Downs man the producer has only an advantage of 6d. per ton in the carriage of his produce from the place where it is grown to Melbourne, and the freight from Melbourne to Brisbane for a ton of flour is 15s., in addition to which there are wharfage charges, harbour dues, and such like, so that the Victorian man sending flour here is at least 15s. a ton worse off than the local producer in Queensland. Now we come to New South Wales, and we find that a similar argument applies there. With the exceptional rate for flour in force in New South Wales at the present time they charge 10s. 4d. a ton for the same distance as 12s. 2d. is charged in Queensland, that is a difference of 1s. 10d. a ton in favour of New South Wales for a distance equal to that from Warwick to Brisbane. The New South Wales man sending flour to Brisbane would have to pay 10s. 4d. a ton carriage in New South Wales, also freight to Brisbane and wharfage charges, etc., so that he would be 8s. 2d. a ton worse off than the grower in Queensland. In other words the New South Wales man would be handicapped to the extent of 8s. 2d. a ton.

Mr. KATES: What about Killarney?

The SECRETARY FOR RAILWAYS: Does the hon. member dispute those figures?

Mr. KATES: Yes.

The SECRETARY FOR RAILWAYS: If the hon. member disputes them, he can consult the Commissioner for Railways, who is in the gallery, and has got all the printed regulations from which the statement I hold in my hand is prepared. This statement is signed by the traffic auditor, J. Davis, as being absolutely correct. What is the use then of the hon. member saying that he disputes the figures? Any hon. member can go and see the regulations if he chooses. So much for flour. The rate for wheat is exactly the same as that for flour, and there is the same rate for maize, potatoes, and other produce from Warwick to Brisbane. But the great maize district is not Warwick—it is Laidley.

An HONOURABLE MEMBER: And Rosewood.

The SECRETARY FOR RAILWAYS: And Rosewood. For 50 miles from Brisbane, which covers the Laidley district, the rate for maize is 4s. 7d. per ton; for the same distance in New South Wales it is 4s. 9d. per ton, and in Victoria 5s. per ton, so that our rate for maize from the maize field is the cheapest in Australia.

Mr. KERR: Maize is grown on the rivers in New South Wales.

The SECRETARY FOR RAILWAYS: It is grown on the land in Queensland, and our maize is much better than the weedy maize grown in New South Wales, which must be saturated to a certain extent with water. It costs them 6s. a ton to bring their stuff up to Brisbane, so that there is an advantage of at least 6s. a ton in favour of the local producer in Queensland. But I know that they grow only a very small quantity of maize in New South Wales. The same argument as I have used with regard to maize applies to several other articles. I admit that there is a considerable difference in the rate for chaff and hay, and that the difference is against Queensland. That is one article in regard to which the producer in Queensland does not stand in as favourable a position as the producers down south, but at the same time the statement made by the hon. member is outrageous. The hon. member quoted a certain rate from Warwick to Gladstone, and asked why we did not give a similar reduction for that distance to that given in New South Wales, so as to enable the Warwick farmer to send his produce to Gladstone. If we did that we should be wiping out the geographical advantage which belongs to Maryborough and other places. It would be inferred from what the hon. member said that a quantity of chaff comes to Gladstone from oversea, and that our farmers would supply that if there was a cheaper rate by rail. Well, I have gone into the matter, and I find that 6 tons of chaff were imported into Gladstone last year from oversea. If it did not come from oversea it must have come from somewhere on land, and if it did not come from Warwick, it must have come from some other place which was entitled from its geographical position to supply that chaff to Gladstone. Why should we deny to that other place the advantage of its geographical position?

Mr. KATES: Take from Warwick to Brisbane.

The SECRETARY FOR RAILWAYS: I will take every place which the hon. member mentioned—Maryborough, Bundaberg and Gladstone. I am not going to skip anything, but I am going to tie the hon. member down. Let us take Maryborough. Last year there were imported into Maryborough 206 bushels of maize. Now, supposing we carried maize from Warwick for nothing to supply that market, what would it amount to? What is a case worth that is based upon a fabulous thing like that? I suppose that market is supplied by local growers, and surely they are entitled to it? Now, take chaff. In the year 1899-1900 there was imported into Maryborough 1 ton of chaff; and there was imported in the year ending 30th June last, *nil*. That 1 ton disappeared. It is supplied by local growers, and the hon. member wants me to destroy the local growers for the benefit of other people. I am not going to do that. It would not be a proper thing to do. There is no market there.

Mr. KATES: The rates are too high—that is the reason.

The SECRETARY FOR RAILWAYS: It must have come from somewhere. It did not come from oversea. The rates from Sydney to Maryborough are the same as the rates from Brisbane to Maryborough—they may be 2s. 6d.

more, but no rates that we could give them could compete with ocean carriage. If we carried it for nothing, the handling of it would cost more than it would cost to take it by sea; so that this matter which has been raised really does not exist, except in my hon. friend's imagination. There is no market there to cater for. Now I come to Bundaberg. There were imported into Bundaberg oversea last year 11 bushels of maize and 22 tons of chaff. I have dealt with Gladstone, Bundaberg, and Maryborough.

Mr. KATES: What are the rates from Warwick to Brisbane?

The SECRETARY FOR RAILWAYS: The hon. member has selected Warwick, and I will meet him on his own ground. Taking the distance between Warwick and Brisbane, the rate is 6d. in favour of the Victorian grower for the same distance from Melbourne, and 1s. 10d. in favour of the New South Wales grower for the same distance from Sydney. But to equalise that, you have to add 15s. from Victoria and 10s. from Sydney, because they do not grow agricultural produce in either George street or Collins street.

Mr. KATES: What is the rate in Queensland, from Warwick to Brisbane, for hay and chaff?

The SECRETARY FOR RAILWAYS: The rates for hay and chaff for 50 miles in Queensland is 6s. a ton, and, if it is dumped, the rate is 4s. 7d. In New South Wales the rate for 50 miles is 4s. a ton dumped or undumped, so that the difference is only 7d. a ton if they like to dump it.

Mr. KATES: What is the rate for 150 miles? It is 14s. 8d. in Queensland and 6s. 8d. in New South Wales.

The SECRETARY FOR RAILWAYS: In Queensland it is 11s.—not 14s. 8d.—undumped; and, as I have said, if they like to dump it, they can get it carried at a considerably reduced rate. I prefaced my remarks by saying that we had to take everything together. Now, let us take cream, for instance. Cream is carried for 3d. a gallon in Queensland for 50 miles; in New South Wales, for 2d. a gallon; and in Victoria for 1½d. For 100 miles, in Queensland the rate is 1½d.; in New South Wales, 2d.; in Victoria, 2½d.; and for 200 miles the Queensland rate is 2d., New South Wales 3d., and Victoria 4½d. Milk is the same.

An HONOURABLE MEMBER: It is too low.

The SECRETARY FOR RAILWAYS: I do not think it is too low. I believe that dairying is going to be a great thing in this colony in the near future. I was reported in one of the Darling Downs papers to have said the other day that dairying would take the place of wheat on the Darling Downs. I did not say anything of the kind, although I believe it will to some extent. What I said was that dairying would take the place of chaff-growing and that their chaff would come to market in the form of butter and cream to a very large extent, and that it was much more necessary and desirable in the interests of the railways of the State generally, and of the Treasury, that people should be encouraged to send their chaff to market in a manufactured form. We have constructed our railway rates on that principle. Let me give some other examples. We carry butter, honey, eggs, and cheese 200 miles in Queensland for 17s. 8d. a ton; for the same distance in New South Wales they charge £1 11s. 4d., and in Victoria £3 8s. 9d. Those are very important articles in the daily life of the country, and it will be seen that we do not charge one-third of the rates charged in Victoria for the same distance. The people up country have a right to be considered—we have to consider the rates both ways. If a man is living, say, in the district of the hon. member for Warrego, it is desirable that he should get cheap rates for the

necessaries of life. Let us compare the rates on potatoes and produce generally for 100 miles, or 200 miles if you like. In Queensland we charge per ton for this class of article from port westward, for 200 miles 15s., and in New South Wales they charge 18s. 8d.

Mr. KERR: The people up country are not complaining.

The SECRETARY FOR RAILWAYS: No; but I say we have to take the country as a whole. I say these people are entitled to consideration.

HONOURABLE MEMBERS: Hear, hear!

The SECRETARY FOR RAILWAYS: Of course, I cannot accept the principle for a moment that we should alter our railway rates every day because New South Wales alters hers. I presume New South Wales alters them in the interests of New South Wales, but if we altered ours whenever New South Wales made an alteration it would be running Queensland in the interests of New South Wales. I want some better reason than that the New South Wales Commissioner does it. We do not want a Commissioner at all if that is the position we are going to take up. I can give hon. members the figures for New Zealand if they like. There they reduced their rates six months ago, and even with their present rates the Queensland rates taken all round are cheaper for the producer than the New Zealand rates. I shall be pleased to show the New Zealand figures to the hon. member.

Mr. KATES: New Zealand has not such a bad neighbour as we have in New South Wales.

The SECRETARY FOR RAILWAYS: I say that the Queensland rates, with the exception of those on chaff, are cheaper than in any colony in Australasia. Our railways are not built for the producers only; they are run in the interests of the people generally. If a man wants to go from Warwick to Brisbane first-class he pays £1 8s. 9d. single or £2 3s. 2d. return; if he wanted to go the same distance in New South Wales he has to pay £1 13s. single or £2 10s. return. The second-class rates for the same distance in Queensland are 18s. 8d. single and £1 8s. return; in New South Wales they are £1 2s. single and £1 13s. 3d. return. I quote this distance because the hon. member referred particularly to Warwick. If we take Toowoomba as a centre, the rates will compare more favourably in Queensland—

Mr. KATES: Toowoomba is not the centre.

The SECRETARY FOR RAILWAYS: It is an important centre. The carriage on wheat or flour from Toowoomba to Brisbane is 8s. 9d. a ton; in New South Wales for the same distance it is 8s. a ton, and in Victoria it is 8s. 4d.

Mr. KATES: Take Killarney.

The SECRETARY FOR RAILWAYS: Yes. I am glad to meet the hon. gentleman on his own ground. Our passenger rates are lower than in New Zealand, and workmen's tickets are infinitely cheaper here than in any other country. There is only seven minutes left, and I cannot go into all these things in that time.

Hon. A. S. COWLEY: You can continue another time. It is too important a subject to be hurried.

The SECRETARY FOR RAILWAYS: I have a good deal to say on the question, and I think it will be very instructive to the country, and perhaps it will be as well for me to go into it somewhat more fully. (Hear, hear!) We lost £500,000 odd on our railways last year, and I want the House to understand that this has been lost to a large extent on the lines on which we are asked to make a further reduction now. I am prepared to do anything I can if it comes to a fight with the other colonies, and they want to destroy the agricultural industry of this State. The Commissioner is prepared to deal with it when the time comes, but the time has not come

yet, and in the meantime I ask hon. members to follow me over some of the principal lines the reduction would apply to if we made a reduction. Let us take for instance the line from Warwick to Killarney. In 1896-1897 there was a loss of £451 on the working of the Killarney line. There was no interest paid. The year afterwards there was a loss of £438, in the year 1898-1899 there was a loss of £545, in the year 1899-1900, £889, and in the year 1900-1901 there was a loss of £990. There is an increasing loss every year.

Mr. KATES: I challenge those figures.

Mr. CURTIS: The line does not pay expenses.

The SECRETARY FOR RAILWAYS: Not by a long way. I am told that this will bring traffic to the main line.

Mr. KATES: You have been debiting the Killarney branch with losses on the main line.

Mr. TOLMIE: The main line pays £4 odd per cent.

The SECRETARY FOR RAILWAYS: The hon. member will excuse me, but it does not pay anything of the kind. The hon. member is speaking about the line from Toowoomba to Brisbane, not the line right through. It paid £1 5s. 3d. per cent. this year from Gowrie Junction to Wallangarra, last year £1 4s. 6d., and 16s. 7d. the year before, that is with the traffic from Killarney thrown in. If you take the line from Toowoomba to Brisbane, which does pay interest on the cost of construction, that must be averaged with the traffic over the line right through to Charleville and Cunnamulla. The traffic between here and Toowoomba by no means belongs to that particular part of the line. It is very interesting to go over the table and compare the losses on the different lines. The hon. member for Cambooya has no line to his electorate. I have no line to my electorate. Some of the farmers in the Cambooya electorate have to cart their produce 20 or 25 miles to a railway station, and that is a great disability. We cannot be charitable altogether with regard to our railways. Railway construction is costing the country £500,000 at the present time and is likely to cost more next year, so that we cannot afford to be charitable even on the eve of a general election. Before we are politicians we have a right to be statesmen. If we cannot be statesmen as much as we would like we can be statesmen as much as possible under the circumstances. If I never come into this House again I will not give way to the pressure of any person to do something I do not think for the general advantage of the State.

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

MINING ACT AMENDMENT BILL.
LEGISLATIVE COUNCIL'S AMENDMENTS.
COMMITTEE.

The SECRETARY FOR MINES (Hon. R. Philp, *Townsville*) moved that the amendment in clause 3, substituting a new clause amending 62 Vic. No. 24, s. 2, be agreed to. It really had the same meaning as the clause sent up to the Council, but expressed more neatly the intention.

Mr. BROWNE (*Croydon*) agreed with the hon. gentleman that the clause bore the same meaning as the one sent to the Council, but he thought it rather a bad state of affairs when they had almost a new Bill returned to that House. It was a case of lawyers differing. Two lawyers drafted the Mining Act of 1898, one of whom was the author of the amendment under discussion. The Parliamentary Draftsman had drafted the clause which the Council rejected, and another lawyer introduced a new clause bearing

the same meaning. He could see nothing to be gained by such action. He was not objecting to the amendment, because there was no harm in it, but there was no good in it either. He might point out that if a member on that side introduced an amendment he was told that the Government had had the best possible advice. The Secretary for Railways had told them repeatedly, when discussing another Bill, that he had had the opinion of the Parliamentary Draftsman, and that that must be final; but directly another lawyer introduced an amendment, although the difference was a mere matter of words, members were at once asked to accept it. He thought that was a very bad state of affairs, more especially as the author of the amendment had been addressing party political meetings, mentioning the Bills that he was going to oppose, and saying what he was going to do with them. It was something new for a member of another Chamber to take action of that kind.

The SECRETARY FOR MINES said they could not take notice of a matter of that kind. The author of the amendment was a very able mining lawyer, and he did not care where the amendment came from so long as it was a good one. The amendment expressed the same idea as the original clause, and was much shorter.

Mr. MAXWELL (*Burke*) said the Bill had been altered to such an extent that its own father would not know it. It might not be out of place to refer to the previous clause which dealt with the definition of the word "drive." There was considerable difficulty likely to arise in connection with that matter over a case pending at Charters Towers, and he thought it would be better to clear it up now than leave it to be settled by law.

Mr. DUNSFORD (*Charters Towers*): It appeared to him that clause 2 was clear enough, but they were not dealing with that clause. Some men would go to law no matter how clear the matter was. They delighted in law, and nothing would stop them taking legal proceedings. In connection with clause 3, he certainly thought the amendment an improvement, because the same meaning was conveyed in fewer words, and that was an advantage.

Question put and passed.

The SECRETARY FOR MINES moved that the Legislative Council's amendment on clause 5 be disagreed to. He thought the intention of the Act was better expressed by the clause as it stood.

Question put and passed.

The SECRETARY FOR MINES moved that the amendment of the Legislative Council on clause 6 be agreed to. There was no objection to this amendment, because section 42 gave the Minister power to grant or refuse leases.

Mr. MAXWELL asked the Minister if he could not move an amendment in the previous clause to deal with the reservation of the surface area?

Mr. BROWNE: He thought that this would be a very good time to introduce that amendment of the mining law. The hon. gentleman had promised to introduce it at the earliest possible opportunity, and he thought he might now add to clause 5 a proviso similar to that in the Mining Act with regard to coalmining, seeing that this clause dealt wholly with mineral leases.

The SECRETARY FOR MINES: He thought it would be as well to leave the matter as it was until they were amending the Mining Act.

Mr. BROWNE: We are amending the Mining Act now.

The SECRETARY FOR MINES: Yes, but if he made this amendment every member in the House could bring in amendments if they wanted to do so.

Mr. MAXWELL: It is the only one we will ask you to make.

The SECRETARY FOR MINES: He did not think there was the urgency about this that some hon. members thought.

Mr. MAXWELL: You can see the urgency in the case I referred to.

The SECRETARY FOR MINES: He thought that was through the action of the mining surveyor. If he had surveyed a lease over a lot of allotments and did not show them on his plan, there was something wrong. He intended to hold a very strict inquiry into it, and he had given instructions to that effect.

Question put and passed.

The SECRETARY FOR MINES moved that the amendment of the Legislative Council on lines 17 and 18 of clause 7 be agreed to. The amendment would not prevent anyone mining on the surface, provided he paid for any damages which occurred.

Mr. BROWNE: He thought that this clause was decidedly better the way the Minister had it when it left the Chamber. It gave the right to mine to the miner, but at the same time it respected the rights of the tramway people, and if the miner caused any damage he had to pay for it. Now, this amendment seemingly gave the right to do what they liked. They might mine on the surface or anything, but there was a condition attached that they must first of all lodge the estimated cost of the deviation of the line. That would be all right if the width of the line was fixed by the Act, but it was not; it was like everything else in the mining laws, it was left for regulations. When the first regulations came out after the passing of this Act, one of them—regulation 94—provided in subsection (iii).—

A lease of land for the purpose of cutting and constructing thereon water-races or tramways to be used in connection with mining, may be applied for in any shape approved by the Minister, but the width of the area so applied for shall not be less than one chain.

Since that we had fresh regulations issued. On the 19th of January of this year there were regulations issued, in which it was provided with regard to subclause 3 of section 94, that the words "one chain" were repealed, and the words "fifteen feet" were inserted. It was just possible that for some reason they might widen this to 1 chain or more. There was nothing in the Act to prevent them doing that; it was all left to the regulations. In that case it would be a different thing to give miners or prospectors the right to look for gold, if the line was 1 chain wide, and they were not allowed to go on that without paying down a sum likely to be sufficient to pay the cost of the deviation of the line. That would make a great deal of difference—it would simply block them from going on the line. He thought the clause was better as it stood, as it gave the right to men to mine under the tramway, but fenced them in with restrictions, so that they could not run over it and do as they liked. That was a better protection to the tramway people, and it was better for the miners. If they caused any damage they had to pay for it; but if the strip on which they were not allowed to mine was widened, they would not be able to do anything—they could simply raise an objection and send it in to the warden, and the warden would consider the whole case and the damages that were likely to occur. He thought the Minister should stick to the clause as it was originally in the Bill. That would be better for the tramway people and the mining community generally.

The SECRETARY FOR MINES also thought that it would be better for the tramway people

if the original clause was left in. He did not think any miner would seek to mine on either side of a tramway 15 feet wide.

An HONOURABLE MEMBER: There is no guarantee that the distance will not be widened at any time.

The SECRETARY FOR MINES: It depended on what they wanted. He was quite indifferent as to whether the Council's amendments were accepted or not.

Mr. BROWNE: It was provided now that the tramway should not be less than 15 feet wide, but they could make it much wider if they chose, and in this clause a man would have to plank down a certain sum of money. He did not think this provision would be as good as the old law. The clause as it originally stood would be very much better for the mining community and the tramway people. He would like to see this amendment disagreed to, for the Minister recognised that his own clause was better as it originally stood.

Mr. DUNSFORD agreed with what the leader of the Opposition said—that it would be better to retain the clause as it originally stood. Although at a first glance it may be thought that it would be a good thing to give mineral leaseholders the right to the surface also, still, when the matter came to be analysed, he thought the poor man would not be able to go inside the fence of the tramway and break the surface without having to pay for so doing. The operation of the clause would not apply to the small man, but it might apply to a big company.

The SECRETARY FOR MINES: There were at present about 3,000 miles of railways in the State, and he had not known of anyone breaking the surface on these lines for minerals.

Mr. DUNSFORD: If the tramway is kept to a reasonable width, there will be no trouble.

The SECRETARY FOR MINES: He had not known of anyone seeking to mine on these lines.

Mr. BROWNE: Very close, though, they are working, in some cases.

The SECRETARY FOR MINES: By the Mining Act it was provided that miners must not go within a certain distance of a line. In some cases it would not matter if people mined within 10 feet of a line on account of the rock being very hard. In other cases, if men worked for minerals within 100 feet of a line it might endanger the safety of the line. A provision had been put into the Mining Act that the Commissioner and the Inspector of Mines should decide what was dangerous ground—that was done more particularly with regard to the Croydon line—and if there was any damage those who did it were compelled to pay for it. It would be better to leave the clause as it originally stood. He begged to withdraw his motion, and he moved that the Council's amendment on lines 17 and 18 be not agreed to.

Question put and passed.

The SECRETARY FOR MINES moved that the Legislative Council's amendment on lines 24 to 31 be not agreed to.

Question put and passed.

The SECRETARY FOR MINES: There was another amendment to the Legislative Council's amendment in subsection 4 of clause 7, which he thought might be agreed to, that was, to omit the word "estimated" and insert the word "the." He moved that the amendment with that amendment be agreed to.

Question put and passed.

The SECRETARY FOR MINES moved that all the other amendments of the Council in clause 7 down to the end of subclause 6 be disagreed to.

Question put and passed.

[7:30 p.m.]

The SECRETARY FOR MINES moved that the amendment of the Council omitting sub-clause 7, which provided that "Nothing in this Act shall confer on any holder of a tramway lease the rights or privileges of a common carrier," etc., be agreed to.

Mr. BROWNE: This was a most important part of clause 7. The subclause which the Council proposed to omit was inserted in the Bill when it was passing through that Committee, and it was agreed to on the voices. He thought it was a very necessary provision. Since it had been passed by the Assembly, the matter with which it dealt had been repeatedly discussed in the House, and in some newspapers. He did not regard the Bill or any of the amendments as in any way a party question. It was purely a mining question, and members on either side could take their own view of the matter. He had read very carefully the arguments that were used in another place when the amendment was proposed. He had since spoken to several mining men, some of whom agreed with it, but they had not looked at it from the point of view that he was about to place before hon. members. The contention was that it would lead to a monopoly if people were allowed to build those tramways and carry for other people. Until within the last few years there was no notion of building mining tramways for such lengths as they were now. The original intention when the Act providing for the construction of mining tramways was passed was to provide a cheap and easy means of transport for ore from the mines to the crushing, smelting, or reducing works, and the intention was that the companies should not be cumbered with any unnecessary expense, and so they were allowed to use any sort of locomotion or material that they chose. He did not think they were even subject to inspection by the Inspectors of Mines under section 195 of the Mining Act. Other tramways or railways, or even vehicles, that desired to carry passengers or goods for hire were subject to all sorts of inspection, and had to take out licenses. It would be unfair to other private railways or tramways, whose construction they had authorised, if these mining tramways were allowed to act as common carriers. In addition to that, they had to consider the safety of the travelling public. During the last two years several private railway Acts had been passed, the owners of which had been put to a great deal of expense in getting their Acts passed, and they were bound down by their Acts in all sorts of ways with regard to the gauge of the lines, the rolling-stock, and so on; and they were subject to the supervision of the Commissioner for Railways. Of course, it might be argued that it was right to compel the owners of tramways to come under the jurisdiction of the Commissioner for Railways; but that might defeat the original intention of the legislature with regard to these tramways, which was to provide miners and mining companies with a cheap and easy system of transit for their ores and mining appliances. There might be a number of small companies, or bodies of poor men, who were able and willing to build a light tramway for their own purposes, but who had not the money to go in for a railway which would pass the inspection of the Commissioner. He saw that the Minister had an amendment to propose fixing the rates, and that the hon. member for Kennedy had another amendment to propose, but they did not deal with the question of the inspection of the tramlines. He thought that the clause might be so framed as to meet all requirements. Some of these mining companies had no desire to become common carriers, so that the Secretary for Mines might leave the clause as it originally stood,

and have another clause drafted providing that if any company wanted to come under the provisions of the Act they could apply to the Minister, and could then be brought under the jurisdiction of the Railway Commissioner. It might be made permissive for a company to come under the Act, and it might also be provided that if the people in that part of the country found that a monopoly was created, they could send a requisition to the Governor in Council asking that the company might be compelled to come under the supervision of the Commissioner for Railways. It would be decidedly unfair to everyone in the country to allow anyone to construct cheap lines of tramway without any restrictions, and then allow those people to become common carriers. Even a drayman, or men in the outside districts who had teams, had to be licensed, and were subject to supervision, and, if tramway companies acted as common carriers, it was only right that they should be subject to the same restrictions that were imposed in the private railway Acts.

The SECRETARY FOR MINES: Of course, the amendment opened up a big question. In accepting the amendment moved in committee by the leader of the Opposition, he had been thinking of the time when the owners of the tramways did not wish to carry passengers, but only wanted to carry their own ore. Since the Bill had passed through Committee he had had visits from people interested in the Herberton district, who said that they wanted to build a tramway to join on with the Stannary Hills tramway. They were building a tramway now to Watsonville. The divisional board of Irvinebank wanted to connect with the Stannary Hills tramway. He thought all those mining tramways would come under the Inspector of Mines, and the Minister would take care, before he gave them permission to become public carriers, that there was proper rolling-stock to carry passengers.

Mr. GIVENS: Why not give the Minister power to make regulations for the carriage of passengers?

The SECRETARY FOR MINES: He would not object to that. He was sure the people in the districts where tramways were constructed would be very glad to use those tramways, and they would open up districts sufficiently for the Government to come in some day and build a railway. If tramways could settle 4,000 or 5,000 people in a district, there was nothing to prevent the Government constructing a proper railway. If there was no law in connection with the carriage of passengers and goods on these tramways, people would travel on them at their own risk, and they would have to pay almost any price. And the owners of tramways would very likely buy goods themselves and sell them at a bigger profit than if they were compelled to carry traffic on the same terms as private railways.

Mr. BROWNE: If the owners of a tramway obtained permission to carry goods and passengers under certain restrictions, it should also be subject to the inspection of the Commissioner's officers. If people constructed a tramway for their own traffic, and if they had their own stores, it was not likely they would ask permission to carry stores for the public. They would stick to the monopoly. He maintained that it should be made compulsory for the company to come under the regulation if the public wanted to have the use of the tramway. It was very much better to leave the clause as it was, and provide that as long as the tramways were only mining tramways they could remain so, but as soon as the owners asked to be allowed to carry for the public, or as soon as the public requested

the Government to compel them to do so, then they should be subject to all sorts of inspection, both for the benefit of the public as well as themselves. Another thing, it would be hardly fair to allow tramways, without any inspection, to be running in competition with private railways which cost a great deal of money.

The SECRETARY FOR MINES: If a man wanted to run a tramway 3 or 4 miles long, and there were no passengers to be carried, why should he have to apply to the Commissioner to put on carriages for passengers? If there was any traffic at all he felt perfectly certain that if there was money in it the company would carry passengers and goods, but who would compel them to do so if there was no one to be carried?

Mr. BROWNE: If there is no one to be carried the public will not ask.

The SECRETARY FOR MINES: If there was anyone to carry the company would be only too glad to take them, but an obstinate Minister might say, "I will compel these people to put on a lot of carriages," when there might be no one to occupy them. Mining companies did not build tramways for the purpose of carrying passengers; they built them simply to carry the products of their mines, but if they could oblige the neighbourhood by carrying goods and passengers he was perfectly certain they would apply for permission to do so, and no Minister would refuse that permission. He thought the clause would work very well. The wants of the miners would be well served if the amendment was agreed to, and he was willing to accept an amendment providing for the making of regulations.

Mr. JACKSON (*Kennedy*): It certainly was very satisfactory to know that the hon. gentleman was willing to agree to making regulations in connection with the traffic on those tramways. The leader of the Opposition had pointed out that an inspector under the Mining Act would not have power to inspect tramways.

Mr. BROWNE: I said I doubted whether he would.

Mr. JACKSON: The hon. gentleman was one of the oldest miners in Queensland, and there was no better authority on the mining laws, but he thought, with all due respect to the hon. gentleman, that he had not looked into the matter sufficiently. He would refer the hon. gentleman to the interpretation of the word "machinery" in the Act of 1898. He was rather astonished to think that the hon. member had missed the interpretation of that word. It seemed to him, while section 195 of the Mining Act did not specially give the inspector power to examine or supervise tramways, yet on referring to the interpretation of "machinery," a tramway would, in his opinion, come under the inspector's supervision. The definition of machinery was as follows:—

"Machinery"—Steam or other engines, boilers, furnaces, stampers, rollers, winding and pumping gear, chains, trucks, tramways, tackle, blocks, ropes, tools, and all appliances of whatever kind used in or about a mine, or in or about any works used for the treatment of metals or minerals.

It was quite clear, therefore, that the Inspector of Mines would have power to see that those tramways were kept in proper working order; but whilst contending that, he would not contend that it was sufficient. It was another matter altogether whether the Inspector of Mines would have sufficient knowledge to supervise these tramways, or whether he could possibly do it and attend to his other mining duties. Seeing that they had made a good many provisos in connection with private railway Bills, he thought they should have some more safeguards than even this, as it was proposed to give the lessees of tramways the right—or to

give the Minister power to permit them—to carry goods and passengers. He did not know whether that was the proper place to move the amendment of which he had given notice—

The SECRETARY FOR MINES: Not yet.

Mr. JACKSON: The Minister's amendment was before the Committee, and he would move his later on.

Mr. DUNSFORD: The speech of the Minister showed to him how very dangerous it was to build any line of railway or tramway—after all there was very little difference between a railway and a tramway—except under Act of Parliament, especially when that tramway was to be used for public carrying purposes. That was just where the danger came in. They were now bringing into existence a third system of railways carrying for the public. They had already the State railways and a private syndicate system of railways under the control, to some extent, of the Commissioner; and now they were bringing into existence an entirely new lot of public carriers, who would not be under the control of the Commissioner—who would be slightly, perhaps, under the control of the Minister for Mines, but not under any ordinary railway control. He thought that was a very dangerous system, and should teach them how very foolish it was to build tramways or railways on any general principle. They should take every application on its own merits, and deal with it by Act of Parliament. He was, of course, speaking of all tramways and railways which were to be used for public carrying purposes, and not of tramways which were to be used only for mining purposes. As the Bill left the House before, it clearly stipulated that those tramways were to be only used for mining purposes, and could not, under any condition at all, be used for public carrying purposes. With that he entirely agreed, because that carried out the principle of the Mining Act when it was originally passed. He would refer hon. members to the Mining Act. Clause 24 of the Mining Act provided that leases might be obtained among other purposes for tramways to be used in connection with mining. A lease might be given by the Minister for the construction of tramways in connection with mining. There was no provision that the lessees could act as public carriers, and it appeared to him that to go beyond the purposes laid down in the Mining Act would be dangerous. It would be much better to provide that those who wished to construct a private railway or tramway should have to get separate and distinct Bills introduced into the House for that purpose. Clause 24 of the Mining Act also provided that leases might be granted for buildings, machinery, or roads. It would be absurd for the Minister, because it was possible for him to grant a mining lease for the purpose of a road, to come down and state that he would grant a mining lease for a main road. The expression "purposes of a railway or for carrying purposes" assumed something larger than the narrow intention of this Bill. According to the provision in the Mining Act, the tramway could only be used for the purposes of mining, which he took it meant for the conveyance of material or ore from the mine to the mill or smelting-works. That clearly was the original intention of the Act, and if they went beyond that they would be introducing a dangerous innovation.

The SECRETARY FOR MINES: Of course the hon. member for Charters Towers was thinking of Charters Towers. If he would leave that and go to a mineral district he would find that there were mines that wanted to build tramways to get their ore to the mill. At the present time they knew there were any amount of tramways that had been built able to carry passengers and

goods for which there was no Act of Parliament at all. Look at the tramways in the sugar districts.

Mr. DUNSFORD: The Commissioner has no control over them.

The SECRETARY FOR MINES: No. He (the Secretary for Mines) had travelled on those tramlines, and he had not heard of any accident occurring. You could get from Lucinda Point to Ingham by tramway.

Mr. GIVENS: They carry passengers for nothing.

The SECRETARY FOR MINES: He believed that there was an arrangement with the divisional board, whereby they charged for the carriage of goods, but not for passengers. He thought that this tramway had been a great convenience to the people in that district. He knew that at one time going up the Herbert it used to take two days, whereas now you could land at Lucinda Point, and you were at Ingham two hours afterwards; and if any attempt were made to pull up those lines, and prevent the tramways being used to carry passengers, there would be a great deal of trouble in that part of the world. At the present time there was a company—the Stannary Hills Company—which had spent from £30,000 to £40,000. He supposed that seeing the trouble experienced in the House in getting private railway Bills through they decided not to ask for a Bill themselves. They applied instead for a number of mining leases, for which they paid 10s. an acre, and they were paying more money than the private railway companies were—they would rather do that than come to the House and be called hard names by some gentlemen. That company had built a very substantial tramway. The divisional board wanted to join with the Stannary Hills tramline, but they could not carry goods and passengers on that line. It was to satisfy this demand that this clause had been put in. He could see no harm in it. Quite the reverse; he thought it would open up this district, and some day it would pay the Government to build a line there, and they would do it. The Government were not abrogating any of their powers, but at present it would not pay them to build a railway there. That being so, they ought to be glad for people to come here and construct tramways which could be used in this way. If they would carry goods and passengers at the same rates as the private railways, he did not think the public would complain.

Mr. GIVENS: At cheaper rates than the private railways.

The SECRETARY FOR MINES: Well, at 50 per cent. higher than the Government rates. When they remembered that the Stannary Hills people had to pay the Government for the carriage of rails for their line, and they had to pay the Chillagoe Company for taking them over their line, he thought if they only charged 50 per cent. more than the Government lines they would be only charging moderately. He thought this clause would be a benefit to that and other districts. The Government were anxious to see that country opened up. There were plenty of people looking for work, and the more work they could find for them the better. He hoped the clause would now go through, and they would have a discussion again on the subject of private railways. He thought the members for the district would see that it would be to the advantage of the district. It would hurt no one, and it would benefit the people who lived in that particular part.

Mr. KYLAND (*Gympie*): The argument against this amendment was that it would give the owners of a tramway in a mineral district a monopoly. Other people who had mineral leases in the district, and who wished to have their goods or

ore carried, would be entirely at the mercy of the company which owned the tramway. They would either have to agree to their terms or build a tramway for themselves.

The CHAIRMAN: Order! The hon. member is under a misapprehension; the question before the Committee is the consideration of the Legislative Council's amendment omitting sub-clause 7.

Mr. J. HAMILTON (*Cook*): It would be in the interests of the public if these tramway people were allowed to carry for other people, and it would, he thought, be detrimental to the public interests if they were not allowed to do so. The people of one particular district were up in arms already because the tramway people there were not allowed to carry for the public in that district, and he could quite understand that. This tramway would be about 90 miles in length, and if the owners were not allowed to carry for other people the result would be that the company could carry their own ore at 7s. 3d. per ton at the highest; whereas other miners having small mines would have to pay £5 per ton; but if the ore of the small men was allowed to be carried on this line, instead of paying £5 a ton, they would get it carried for 15s. a ton. The line passed through nineteen stations, and there were 120,000 head of cattle in that district, and there were meatworks six miles from Mareeba, and at one time sixty or seventy men were employed at these works at good wages, but they had been shut down because they could not get sufficient cattle. If they had the tramway these sixty or seventy men would be working at good wages instead of the works being shut down.

Mr. DUNSFORD: That does not disprove the necessity for an Act of Parliament dealing with this matter.

Mr. BROWNE did not think anyone would deny that it was a benefit to a district to get cheap carriage, but it was the system he and other hon. members were going on. The Premier said that he (Mr. Browne) was illogical, because he wanted to compel the company to do what he suggested, but he thought he was perfectly logical. He would allow the company to build the line as cheaply as possible.

Mr. J. HAMILTON: And allow them to carry ore for others?

Mr. BROWNE: They could make any arrangements with others that they liked. There was nothing in this Bill about them acting as public carriers. Supposing some persons had a mine in the vicinity of that tramway, they could get permission from the company to make branch lines, and use their own trucks, and pay so much towards the maintenance of the line. His argument was that as long as this tramway was used only as a mining tramway they should allow them to build it as cheaply as they liked; but immediately they became public carriers they should compel them, even as they compelled cabmen, to come under certain supervision. The Minister for Mines had nothing to do with regard to regulations concerning rolling-stock. If this company were going to become public carriers the public should have a say in the matter as well as the company. Immediately they wanted to become public carriers they should be dealt with the same as other public carriers were dealt with. The Premier said that the company might make application to act as public carriers, and if they wanted to, let them do so. Instances had been given where a monopoly had been created in this connection—in allowing such a company to choose whether they would do this or not. If that company had a monopoly they could carry their own goods without coming under the Act at all, but if a large section of the people in the district were crying out for the

company to come under the Act, and they refused to come under it, then he thought it was the duty of the Government to compel them to come under the Act, whether they liked to or not. There was nothing illogical in that. In fact, the Minister proved that in the case he had alluded to. He thought his suggestion was a good one. This company should be allowed to become public carriers with certain safeguards—under special regulations—

Mr. J. HAMILTON: That will be hardly necessary if they only carry their own ore.

Mr. BROWNE: That was so. The company should be compelled to come under the regulations if they acted as public carriers. If there were only one or two people there, that would not be necessary. He agreed with the hon. member for Cook in what he said about the Mareeba Meatworks. This clause, as it was drafted, would not compel the company to come under the provision he referred to. If the public wanted the company to act as public carriers, and the company did not care about doing that, the public had a right to get up a requisition and apply to the Governor in Council to compel them to do so. The private railways which had been passed were fenced in with a great many safeguards for the travelling public, and

[8.30 p.m.] those sending goods over them. All those railways were under the

supervision of the Commissioner for Railways, but if the proposed amendment in this Bill were adopted they would have a system of private railways over which there would be no control whatever, with the exception of an occasional inspection by the Inspector of Mines. Even admitting that the Inspector of Mines did undertake that work, the extent of country over which he had to travel in mining districts was so great that he would have very little time to inspect tramways. He hoped the Minister would accept his suggestion, and make two classes of tramways—one of which should be restricted to the carrying for the owners, and the other of which should be under certain control and carry goods and passengers.

The SECRETARY FOR MINES: If the condition suggested by the hon. member were imposed, he was satisfied that mining lessees would not build tramways, except such as would be sufficient for carrying their own ores, for it would cost double the money to build a tramway such as would be required to comply with the conditions the hon. member desired to see adopted. At the present time people could build tramways under the Mining Act without any authority under that Bill, and could carry their own ore and could also monopolise the whole trade of the district by erecting their own stores and carrying their own goods. They would have to buy the ores of other persons, because they could not carry them unless they were their own property.

Mr. DUNSFORD: Your amendment will not prevent that.

The SECRETARY FOR MINES: It would prevent it; but if they compelled those persons to carry passengers under certain restrictions they would say they did not want the tramways under the provisions of that Bill. In the sugar districts tramways were carrying goods and passengers, and there was no law to regulate them. About 1,500,000 tons of cane were carried over these tramways in one year, and they also carried passengers and goods. So far, nothing but good had resulted from the building of these tramways, and he was sure that the same result would attend the building of mining tramways. But if they hampered lessees with obnoxious conditions they would say that they would not apply to the Minister at all, and they would simply carry their own ore and do the whole trade of the dis-

trict. He was prepared to accept an amendment from the hon. member for Cairns to the effect that the Commissioner for Railways should regulate the charges for goods on the tramways, and that before the Minister granted a permit the line should be inspected, and that after it had been inspected a mining inspector should periodically inspect the locomotives.

Mr. BROWNE: Suppose there are a large number of people in a district, and the company declined to ask permission to carry passengers.

The SECRETARY FOR MINES: That was the condition of things now, and he wanted to obviate it.

Mr. BROWNE: But you are not obviating it.

The SECRETARY FOR MINES: The amendment would give them permission to carry goods and passengers.

Mr. BROWNE: Suppose the owners of tramways do not avail themselves of that permission?

The SECRETARY FOR MINES: He supposed they were dealing with common-sense people. Anybody who had a tramway and could make a little more money by carrying goods on it would do so.

Question—That the Legislative Council's amendment omitting subclause 7 be agreed to—put; and the Committee divided:—

AYES, 29.

Mr. Armstrong	Mr. Leahy
„ Barnes	„ Linnett
„ Bartholomew	„ Lord
„ Boles	„ Macartney
„ Bridges	„ Mackintosh
„ Cowley	„ McMaster
„ J. C. Cribb	„ Newell
„ T. B. Cribb	„ O'Connell
„ Dalrymple	„ Philp
„ Forrest	„ Plunkett
„ Forsyth	„ Rutledge
„ Foxton	„ Stephens
„ J. Hamilton	„ Stephenson
„ Kates	„ Tolmie
„ Keogh	„ Tooth

Tellers: Mr. Barnes and Mr. Bridges.

NOES, 19.

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

Tellers: Mr. Dibley and Mr. W. Hamilton.

The SECRETARY FOR MINES moved that subclauses 7 and 8, inserted by the Council, be disagreed to, with the view of inserting a new subclause.

Question put and passed.

The SECRETARY FOR MINES moved the insertion of the following new sub-clause 7:—

The lessee of any tramway mining lease who desires to carry for hire upon his tramway passengers, or goods, live stock, or material for the public, shall make application in writing to the Minister for a permit so to do.

The Minister may grant such permit:

Provided that no lessee to whom such permit has been granted shall be entitled to demand or recover for the carriage of any passengers, goods, live stock, or material as aforesaid any tolls, fares, rates, or charges exceeding 50 per centum more than the amount payable in respect of similar services on the Government railways of the State under by-laws in force for the time being of the Commissioner or other officer charged with the control of such railways:

Provided further that the lessee shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or class of persons or any particular description of traffic, or subject any particular person or class of persons or any particular description of traffic to any undue or unreasonable disadvantage in any respect whatsoever;

and this provision may be enforced by the Supreme Court upon the application of any person aggrieved, by the issue of an injunction or other process according to the practice of the said court.

Mr. BROWNE would point out again to the hon. gentleman that, while he wished to prevent a monopoly being created, he was not doing a little bit to prevent it. In the first place, it was entirely at the option of a company whether they asked for permission to carry for hire. If they did not choose to apply for permission, they could get a whole district under their thumb. They could decline to carry stores or ore for other people, and in that way they could obtain a virtual monopoly.

The SECRETARY FOR MINES: They cannot carry passengers unless they get permission.

Mr. BROWNE: They could carry them free if they liked. With regard to stores and everything, they were not required to come under that subclause unless they specially asked to be brought under it. Another thing, they were not to be responsible to the wardens. If the company made differential rates, or refused to carry goods or passengers, they could only be proceeded against in the Supreme Court.

The SECRETARY FOR MINES: We can alter that to the warden's court or the District Court.

Mr. J. HAMILTON: He always understood it to be the policy of hon. members opposite to prevent these tramways carrying for the public under any conditions, but now the leader of the Opposition contended that they ought to be compelled to do so. It might retard mining if a man who built a tramway to develop his own mine were compelled to carry for others; at the same time, if it would be for the benefit of other miners in the district to take advantage of the line, he thought the owners of the tramway ought to be allowed to carry for others. Under this provision they must not exercise any discriminating policy; and if they once accepted the conditions to carry for anyone they must carry for all.

Mr. JACKSON: The contention of the leader of the Opposition was, he thought, that as syndicates would have the right to ask for permits to carry for the public, the Government should have the right to insist on the tramway people carrying for the public if the public so desired; but the tramway lessees only had the right to ask for the permit, and the Minister need not give it unless he wished. At the same time he was in favour of the hon. member's contention. He thought this was a favourable opportunity to move the amendment of which he had given notice. He therefore moved that after the words "The Minister may grant such permit" the following words be inserted:—

On the recommendation of the Queensland Railway Commissioner; but the Minister may, at any time, in the public interest, cancel such permit, and on any such cancellation, or on the Government constructing and maintaining any line of railway or tramway adjacent to any tramway mining lease, the lessee of such tramway mining lease shall not be entitled to claim any compensation from the Government for any losses that may accrue to such lessee from the action of the Minister or the Government.

He thought this was a valuable amendment, and he hoped the Minister would see his way to accept it. They could not put in everything they would like into the Bill; he thought there should have been a separate Bill to deal with this question. When the Minister saw that the Legislative Council proposed to give the owners of tramways the right to carry for the public, he thought the hon. gentleman should have introduced a separate Bill dealing with the matter.

The SECRETARY FOR MINES: I was not asked to do so.

Mr. JACKSON: No; still the hon. gentleman could see the difficulties confronting him

when he proposed to give lessees the right to carry for the public; and it was necessary to safeguard the interests of the Government and of the public. He admitted that a little while ago the hon. gentleman said he would not object to power being given to make regulations, but they did not know what those regulations might be. They might be held to be *ultra vires*, and somebody might fight the Government on them; but if it was put into the Bill it could not be disputed. In what the hon. gentleman proposed, the interests of the public were safeguarded in only two respects—namely, with regard to the rates and with regard to discrimination. Of course those were important matters. Still, while recognising they were improvements, there were many other safeguards that ought to

be provided, and he had provided [9 p.m.] two or three in the interests of the public. Hon. members would recognise at once the reasons for his amendment, and would see that it was necessary that the permit should only be on the recommendation of the Railway Commissioner. It might seem strange to give the Minister power to grant a permit, and not give him power to cancel one, and it might be argued that it followed as a matter of course; but he was not prepared to admit that, and it should be specifically dealt with in the Act. Then another safeguard that he proposed was that in the event of the Government making a railway or tramway adjoining the mining tramway, the lessees should not be able to come along and claim compensation. That was a proviso that had been inserted in other railway Bills that the House had passed, and it seemed very reasonable to include it in the Bill. He would point out that the Premier himself during the discussion alluded to the fact that townships might spring up, and the Government might want to build a railway, so that the hon. gentleman had given the best possible reason in favour of one portion of the amendment. If the townships were going to spring up, and the Government thought it desirable to build a railway, then, if the amendment was accepted, the lessee, of the tramway would have no good case for compensation.

The SECRETARY FOR MINES: There was no reason to object to the latter portion of the hon. member's amendment; but the first portion was rather a serious matter, once having given permission to the lessee to carry goods and passengers. Under the Mining Act the Minister had power to make regulations about anything he liked.

Mr. BROWNE: That is the worst of it.

The SECRETARY FOR MINES: They had a great many regulations under the Mining Act, and the clause giving power to make regulations wound up by saying "and for all other matters and things necessary to give effect to this Act." It would therefore be seen that they had power to make regulations for any purpose, and if they were not observed heavy fines were imposed.

Mr. GIVENS: Under what clause of the Mining Act have you power to make regulations for tramways?

The SECRETARY FOR MINES: Under clause 247.

Mr. LESINA: What did you put a similar clause in the Cloncurry Bill for?

The SECRETARY FOR MINES: The Cloncurry Bill was a railway Bill, and the clause they were discussing referred to tramways. The Minister could make as stringent regulations as he pleased. He hoped they would not be over stringent, but he had all the power necessary to make the carriage of goods and passengers as safe as on the Government railways. Any reasonable Minister would see that if the lessees

carried goods and passengers they must adopt due safeguards, and he thought the leader of the Opposition must be satisfied that they could make regulations to govern the traffic on the lines.

Mr. BROWNE: I am satisfied that you can, but I am not satisfied that you will.

The SECRETARY FOR MINES was sorry the hon. gentleman had such a bad opinion of the Government. He thought the hon. gentleman might give them credit for desiring to protect the lives of the passengers on tramways as well as on the State railways.

Mr. BROWNE was sorry the hon. gentleman could give no stronger reason for not accepting the amendment than that the Government had power to make regulations. Ever since he had been in Parliament the desirability of giving the Government power to make regulations had always been strongly contested, the great majority of hon. members not believing in government by regulation. Government by regulation had certainly been the curse of the Mines Department for many years, and it had never been a worse curse than since the passage of the Act of 1898. One Under Secretary succeeded another, altering the regulations and giving a totally different interpretation to them. The hon. gentleman quoted a number of different things which, under the Mining Act, he had power to make regulations for. They were now dealing with forty or fifty different things under the Mining Act, but apparently that was not enough, and they must now have railways in as well.

Hon. A. S. COWLEY: Aboriginal reserves, too.

Mr. BROWNE: Yes, aboriginal reserves and all the rest of these things were put under the Mining Act. There had been Bills passed in favour of building light lines into agricultural districts, and the Government had expressed themselves as highly in favour of them. He wondered if they would bring down an amendment of the Lands Act, or place the whole concern of these light lines in agricultural districts under the control of the Minister for Agriculture instead of the Minister for Railways.

The SECRETARY FOR AGRICULTURE: There are hundreds of miles of these light railways now running.

Mr. BROWNE: There was nothing of the sort.

The SECRETARY FOR AGRICULTURE: I am talking about the sugar lines.

Mr. BROWNE: They had had a lot of things introduced into this mining discussion, but he objected to the hon. member introducing sugar. He was referring to the light lines proposed to be constructed in the agricultural districts. If the reason the Secretary for Mines had given against accepting the hon. member for Kennedy's amendment was the only one he could advance, he thought it was the very one that should make members vote for it. With regard to the latter part of the amendment, he thought it would be very valuable in some cases; but, generally speaking, he did not think the amendment would do much good, even if the hon. member for Kennedy got it in. He thought that, for the simple reason that it was evident, now they had these private railways, that it was the determination of the Government not to spend any money on any railways in Northern Queensland for many and many a long day. There was a provision that the mining tramways were to be allowed to charge 50 per cent. higher rates than were charged on the State railways, and members had voted for that who only that afternoon had joined in urging the Minister for Railways to reduce the already low rates charged to farmers in Southern Queensland. Those hon. members would cry out for reduced fares down

here, but they would march into the Chamber without knowing what they were voting for, and vote to saddle the Northern miner with 50 per cent. or 75 per cent. higher rates than the farmers were paying down here at the present time. This showed that there was not very much danger of the Government constructing lines alongside these tramways and railways in the North, or of buying them back; and if there was any outcry in any of these districts to convert a private line into a Government railway they would have a large number of members in the House from all parts, who wanted a railway in their own districts, crying out why should they spend money in building railways up there, where the people already had certain means of communication? They would say, "We want a railway to Dove Creek or to Goombungee; we have no railway at all, but up there they have some sort of railway." That would be the argument that would be used, and he did not say that hon. members would not be justified in using it. But at the same time it would only be staving the matter off, and although he intended to support the amendment of the hon. member for Kennedy—

Mr. JACKSON: It cannot do any harm.

Mr. BROWNE: No; it would do a certain amount of good. Matters were so mixed up now in connection with the railways that he did not know where they would have to look for the various Acts relating to them. They had private railways up in the North; they had little private lines down here; they had State lines under different rules and regulations; and now it was proposed to have another system of railways administered by the Minister for Mines, under regulations framed under the Mining Act. He thought the more they curtailed the power of the Ministers to make regulations, and kept the power in the hands of the House, the better it would be for the country.

Mr. J. HAMILTON: He did not think that the hon. gentleman had any right to insult members of the House by saying that they would flock in and vote for the things they did not know anything about.

Mr. BROWNE: I did not say anything of the sort.

Mr. J. HAMILTON: Then he apologised to the hon. member, but that was what he understood him to say.

Mr. BROWNE: I said that members, who this afternoon were asking the Minister for Railways to reduce the rates on agricultural produce, without hearing what had been said on the question, would march in and vote for saddling those higher rates on the Northern miners.

Mr. J. HAMILTON: He did not think it was fair for the hon. member to say that the Government did not intend to make any railways in the North, or to give the North their due share of railways, because they allowed a private company to make a railway to Cloncurry—a railway which, in the first place, no member in the House had suggested the State should make.

Mr. GIVENS: Oh, yes, they did.

Mr. J. HAMILTON: The late member for the district said it would not pay for the State to build such a line. He did not see why a wealthy company which built a line of tramway should not be allowed to extend the advantages of that line to poor miners who were in their district. The hon. gentleman suggested that they might become partners in the making of portion of the line. Say a line of tramway 50 or 60 miles in length was to be built by a wealthy company, there might be a lot of miners in that district who had nothing at all. They might be quite unable to raise the money which would be necessary in order to become partners in the

construction of the line. The proposal was ridiculous. He had known the time in mining when he could have given his labour, but could not have raised a pound to put into the building of a line. Why should he and the company be deprived of the advantages of railway carriage in consequence of his want of money?

Mr. RYLAND thought hon. members should accept the amendment before the Committee in the interests of the country. Why should not the Minister have power to cancel an agreement if it was not carried out satisfactorily. If a company had the monopoly in that district, and if the Government proposed to build a light railway or a tramway in the same district, the company would claim compensation. He would support the amendment.

Mr. NEWELL (*Woothakata*) thought that it should be made compulsory for a company to carry generally—

Mr. GIVENS: I intend to move an amendment to that effect, and I hope you will support it.

Mr. NEWELL: There was already a tramway to Watsonville, and a lot of the working miners in that district had asked him to do his best to get the Government to see that they could make use of that tramway. He hoped the Government would see their way to do that, and that they would see that there was sufficient rolling-stock there to meet the requirements of the district.

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

AYES, 20.

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

Tellers: Mr. Burrows and Mr. Ryland.

NOES, 28.

Mr. Armstrong	Mr. Keogh
" Barnes	" Leahy
" Bartholomew	" Linnett
" Boles	" Lord
" Bridges	" Macartney
" Cowley	" Mackintosh
" J. C. Cribb	" McMaster
" T. B. Cribb	" Newell
" Curtis	" O'Connell
" Dalrymple	" Philip
" Forrest	" Rutledge
" J. Hamilton	" Stephens
" Hanran	" Stephenson
" Kates	" Tolmie

Tellers: Mr. Newell and Mr. Stephenson.

Resolved in the negative.

Mr. GIVENS moved that after the words "The Minister may grant such permit" there be inserted the following:—

Provided that the Minister may make regulations for the proper working of the tramway.

It was very necessary that such regulations should be made, otherwise the company might run a tramline or rolling-stock in a perfectly unsafe condition. It had been said that there was no necessity for this amendment, because the principal Act gave the Minister power to make regulations. Section 247 of that Act defined a large number of subjects on which the Minister might make regulations, but among those subjects the working of tramways was not included, and if they were going to give the companies who owned tramways the right to carry public traffic, it was necessary that the Minister should have the power to make regulations for the proper working of the tramways.

The SECRETARY FOR MINES: He had that power now, and it was not necessary to give it him a second time in this Bill. The principal Act did not specifically mention the working of tramways, but there was a drag-net clause under which regulations could be made on almost any subject. He accepted the amendment, though he did not think there was any necessity for it.

Amendment agreed to.

Mr. GIVENS had another amendment to propose, which he considered was of vast importance. It was one which he brought forward at the express wish of the local bodies in the districts especially concerned. The amendment was to the effect that a company owning a tramway for which a permit was granted should be compelled to make the necessary provision for carrying public traffic and to carry such traffic.

The SECRETARY FOR MINES: That will be in the regulations.

Mr. GIVENS: He contended that it need not necessarily be in the regulations. Under the proposed new clause a company might apply for a permit to carry public traffic, and such permit might be granted, but there was no power given to compel the company to carry public traffic. It was said that the persons who owned these tramways in the Northern portion of the colony, if they were not compelled to carry traffic for the public, would have a practical monopoly of the trade in the district, because they could open stores at the end of the line or elsewhere, and carry goods over them and refuse to carry for the public, or not provide proper facilities for carrying goods for the public, and by that means they would be able to undersell every other individual at the end of or along the line. The Premier had pointed out that there was a danger now of companies becoming monopolists in the districts served. But that danger would be quite as great in the new subclause unless a provision was inserted giving the Minister power to compel the companies to carry public traffic. The amendment he intended to move was copied from the Callide Railway Act so that there could be no cavil at its phraseology, and not because he could not draft a better amendment himself. A similar provision was contained in all the private railway Bills that had been passed, and if it was necessary in those Bills it was equally necessary in this mining Bill. He proposed that the following paragraph be added at the end of the proposed new subclause:—

Provided that the lessees shall at all reasonable times, after the permit has been granted, maintain and keep the tramway fit and ready for public traffic.

Provided further that the lessees shall, unless for any just reason excused by the Commissioner, in every month during such term run so many trains each way throughout the length of the tramway with sufficient accommodation to provide for the general requirements of the public traffic as the Commissioner, after making due allowance for the carriage by the company of its own products and materials, from time to time prescribes, and if in any month it fails or neglects so to do shall forfeit to the Commissioner, by way of penalty, a sum of £50, to be recovered by complaint before any two justices.

Provided further that every person, without distinction, who complies with the regulations and by-laws for the time being in force for the regulation of traffic on the tramway shall be entitled to use the tramway at all reasonable times.

If the Minister objected to the word "Commissioner," and insisted that the word "Minister" should be inserted instead, that was a mere verbal matter, which could be altered without difficulty. He thought the amendment was absolutely necessary to provide for the efficient working of the subclause which the Minister had proposed, and, without it, he was certain that the hon. gentleman's amendment would

be a dead letter. It had been found necessary to insert such a provision in all the private railway Bills they had passed, and what was the good of permitting the owners of a tramway to carry goods and passengers if they did not make it compulsory that they should carry the traffic? All the local authorities and various representative bodies throughout the districts mainly affected by the operations of the clause had asked for such a provision. They considered it did not go far enough to merely provide that the companies should be permitted to carry the traffic. They asked that they should be compelled to carry it, otherwise a monopoly was likely to be created, and he thought it was a reasonable request.

The SECRETARY FOR MINES: They already had the power to regulate the traffic, and there was not the slightest occasion for the amendment. On looking up the report of the special meeting of the Cairns Chamber of Commerce, he found the following paragraph:—

Mr. Walsh then proposed the motion in support of the resolution just carried—That the Progress Associations and bodies acting for the public in the Etheridge, Croydon, Burke, Walsh, Tinaroo, and Cairns mining districts be requested to urge on the Government, through their members, the urgent necessity of including in the Mining Act Amendment Bill, at present before the House, a clause permitting persons who hold tramways under mining lease to carry public traffic, subject to rules and regulations made by the Governor in Council for the due carrying on of the same.

They had done that, but he was certain that they had power already under the Mining Act. He had accepted the previous amendment of the hon. member for Cairns, and he thought that was all that was wanted. They had ample power. They did not want to import the Commissioner for Railways into the Bill at all. When a company asked for permission it would get that permission on certain conditions, and those conditions would be that they must carry goods and passengers. There must be regulations duly drafted, and no doubt the Secretary for Mines would seek the advice of the Commissioner for Railways. He thought they could trust the Commissioner to provide all the regulations necessary so that the public in the different districts would be inconvenienced by the tramways. What more the hon. gentleman wanted he did not know. If there was anything in the amendment he would not object to it, but there was nothing more in it than they had got now. They had the power without the previous amendment, but to make doubly sure the hon. member for Cairns put it in again, and now he proposed this third proviso. There was not the slightest necessity for the amendment, and he could not accept it.

Mr. BROWNE: With respect to the resolution passed by the Cairns Chamber of Commerce, he did not think too much importance should be attached to resolutions emanating from a chamber of commerce, because it was a body of practically self-elected men. If the people constructing a tramway applied to the Minister, he might grant the permit; but they need not apply unless they liked. And if they got a permit and did not like the conditions, they simply would not carry for the public. He thought provision should be made that in the event of a permit not being applied for and a demand being made by the public that they should have the benefit of the tramway, the Minister should have power at any time to compel them to act as public carriers. The resolution read by the hon. member for Cairns had been communicated to the Croydon Municipal Council, and they wired to him and asked him if he would support it, and he gave the same reason he was giving here—that he could not support it unless there were certain

restrictions placed on them the same as other common carriers, and everybody had a say in it as well as the company.

The SECRETARY FOR AGRICULTURE (Hon. D. H. Dalrymple, Mackay): The hon. member said, in connection with the same Bill, that if the persons who build these tramways were allowed to become common carriers it would be the thin end of the wedge, and he wanted to prevent them under any circumstances acting as common carriers. If the country had any sense of humour it could not help laughing at the position. The very hon. member who talked about the thin end of the wedge now said they must be compelled to accommodate the public whether they liked or not. He was now going to use coercion to make those companies carry for the public.

Mr. TURLEY: That should be satisfactory to you.

The SECRETARY FOR AGRICULTURE: It was; but it was not satisfactory to the hon. member for Croydon, and it must be painful to the hon. member for Charters Towers to find himself given away by his leader. He congratulated the hon. member for Cairns on having judiciously yielded to pressure in connection with this matter. They had been told by hon. members opposite that if they gave any kind of monopoly they would ruin the country and sacrifice the heritage of their children, and now those hon. members would compel people who did not want to become monopolists or octopi—who did not want to grasp the whole of the country in one huge net—they would compel those people to do it. It showed that their talk on the part of the Act they were now amending was either thoughtless and ill-considered, or was assumed.

Mr. GIVENS: Will my amendment of the Bill compel the lessees to do what you were saying?

The SECRETARY FOR AGRICULTURE: When the Bill was going through, the contention on the other side was that these people should not be allowed under any circumstances to carry for the public. Now, the hon. member for Croydon said that companies were not anxious to do those sinful acts, but pressure should be put on them to compel them. The public, so far from objecting, had

[10 p.m.] grasped the hon. member for Cairns and shaken him up and made him do something totally opposed to all that he had previously advocated in regard to such companies. Here was what the hon. member said before his constituents got hold of him—

He took it that the amendment would serve a very useful object, inasmuch as it would make clear the exact terms on which the right to build a tramway was given to any company. It was admitted on all hands that they had only the right to carry for themselves, but it was not clearly stated. All the leader of the Opposition wished to do by the amendment was to make it clear, and he failed to see why the amendment should excite the opposition it had excited.

And now what was the amendment?—

Nothing in this Act shall confer on any holder of a tramway lease the rights or privileges of a common carrier, or shall exempt any holder of such lease from any of the provisions, other than those specified, of present or any subsequent mining or railway Acts.

Hon. members said that if that was once yielded, the rights of the public would be trampled under foot. That was what the hon. member for Gympie had practically said. He apparently was the only logical member of the Labour party, and he knew how grossly inconsistent his colleagues were, because they were compelling people to do something which a very short time ago they said under no circumstances should be done. The whole question was whether the public should travel on those lines or whether they should not. The constituents of the hon.

member for Cairns said they wanted to travel, and therefore the hon. member took up exactly the opposite position to that which he took up on a previous occasion. The same thing applied to the hon. member for Croydon. Now he did not see why the company should be compelled to do that thing, which, according to hon. members opposite, was so improper and which would be attended with such terrible consequences to the public. He was not going to say that they should be compelled at all, but he said they should be permitted. It would be a grossly unjust and preposterous thing if men who simply wanted to run trucks from their mine to a crushing machine were compelled also to provide accommodation for the public as passengers or to act as carriers. Hon. members opposite would compel the company to double the cost of their tramway or call upon the shareholders to pay twice as much as they otherwise would be called upon to pay in order to provide accommodation which might not be wanted at all.

Mr. LESINA : They are not compelled to apply for a permit.

The SECRETARY FOR AGRICULTURE : If he understood hon. members, they wanted to compel the companies to carry for the public.

Mr. GIVENS : After they have applied for a permit.

The SECRETARY FOR AGRICULTURE : The whole tenor of the argument had been that they should be compelled to carry for the public, and if the hon. member for Cairns did not admit that, then everyone who read would see that that was what his constituents wanted.

Mr. GIVENS : Your leader said two minutes ago that my constituents did not want anything of the kind.

The SECRETARY FOR AGRICULTURE : Probably the hon. member did not know what his constituents wanted or did not want ; but what he wished to emphasise was that while hon. members opposed strenuously the right of tramway companies carrying for the public, they now turned round and said that if they did not carry for the public they would be monopolists of the most terrible character.

Mr. BROWNE : The hon. gentleman always introduced a little amusement into every discussion. The position was perfectly plain. He moved the clause because he did not believe it right to turn the Mining Act into a private railway Act, and he had acted up to that. He did not know whether the hon. gentleman knew what he voted for, but the majority decided that the clause he endeavoured to put in the Bill should be accepted, believing as they did that mining tramways should not be allowed to become public carriers. The majority reversed his action on that occasion, and what he said was that it was perfectly logical, when he found that the majority had overruled his objection to this being granted, that he should follow up his action and try to safeguard the public as much as he could.

The SECRETARY FOR AGRICULTURE : The Act under which the mining tramways exist has been in force for four years, and you helped to pass it.

Mr. BROWNE : Let him tell the hon. gentleman that the tramway clause under the present Act was in the Mining Act of 1874.

The SECRETARY FOR AGRICULTURE : Then so much the worse for you ; you were representing it as something new.

Mr. BROWNE : He was not ; but the hon. gentleman, in his ignorance, though he had been acting Minister for Mines, had talked of a clause being passed two years ago, when it was passed in 1874.

The SECRETARY FOR AGRICULTURE : The question is the Act, not the date on which it was passed, and besides that, it has been altered since.

Mr. BROWNE : It had not been altered since.

Mr. J. HAMILTON : There was some alteration.

Mr. BROWNE : There was no alteration in the Act.

The SECRETARY FOR MINES : No alteration in the Mining Act ?

Mr. BROWNE : Just a word or two had been added, but so far as the tramways clause was concerned, the Minister for Mines knew, and everyone else knew, that the alteration was in the regulations. Before that tramway sites were supposed to be taken up just the same as ordinary leases, but in the regulations, two years ago, it was provided that a mining tramway lease could be taken up in a continuous length not less than 1 chain wide. Since then there had been another regulation reducing the width to 15 feet, but that did not concern the matter at all. He had been overruled by the majority in his efforts to deal with the matter, and he bowed to the will of the majority. He did not think that it was a good thing to allow mining tramways to be used as railways, but the majority of the Committee decided that it was. He believed that it would have bad effects. Surely he had the right, and it was his duty as a mining member to endeavour to minimise those bad effects as far as possible ? The House had decided that the owners of these tramways might carry as public carriers, and he maintained that they should not leave it to the sweet will of the company to say whether they would carry for the public or not.

The SECRETARY FOR AGRICULTURE : Your argument was that the more they carry for the public, the worse for the public.

Mr. BROWNE : It was nothing of the sort, and the hon. gentleman knew it. His argument was that the company having been granted the right to carry for the public they should compel them to do so. They should not leave it to the company to say if the conditions of the permit did not suit them that they would not carry for the public. He wanted to compel them if the public demanded it. He could not see anything inconsistent in that. He was doing now as he had done with regard to the Cloncurry Railway Bill. He was opposed to the principle of that Bill, but when he and his side were beaten they did their best to make the Bill as beneficial to the public as they could. He objected to these mining company's tramways being converted into railways, but when it was decided that they were to be converted into railways he wished to provide that the public should have the use of them, and the company should be the servants of the public instead of the public being their servants.

Mr. GIVENS : He maintained that there was nothing inconsistent in the action of hon. members on his side of the House, in seeking to compel a company, when they had obtained a permit to carry for the public, to provide proper facilities for carrying for the public, and to insist that they should carry for the public. It was true that they were opposed to private railways ; that they believed in State railways ; but in this case they had to deal with a railway which was already built, and railways which might be built, and it was for them to say whether the owners should or should not be compelled to carry for the public. Now, under the provisions of this section as it was proposed to amend it by the Minister, the lessees or owners could apply for a permit or not as they pleased. No injury could be done if his amendment was accepted. The provisions of

the clause were entirely permissive, and the company would have to take the initiative as to whether they would come under it or not. He contended that if the company was going to carry for the public, they should provide proper facilities for so doing. That was all he asked. He pointed out that it was the express wish of the representatives bodies, as far as his knowledge went of the districts which would be mainly affected by the operations of this Act, and by the tramways constructed under it, that the company should be compelled to provide proper facilities for the carrying of public traffic, and that they should carry for the public. He had moved the amendment in accordance with their wishes. The Minister, when speaking a little time ago, said he was willing to move an amendment in this section—that was the insertion of the word “Warden’s” instead of the word “Supreme,” so, with the permission of the Committee, he would temporarily withdraw his amendment for the purpose of allowing the Minister to move the amendment he had promised.

The CHAIRMAN: Is it the pleasure of the Committee that the amendment be withdrawn?

HONOURABLE MEMBERS: Hear, hear!
Amendment withdrawn accordingly.

The SECRETARY FOR MINES moved the omission of the word “Supreme” with a view of inserting the word “Warden’s.”

Question put and passed.

Mr. GIVENS then moved the amendment which he had temporarily withdrawn, which he hoped would be accepted by hon. members on both sides of the Committee.

The SECRETARY FOR MINES said he could not accept the amendment. There was no necessity for it.

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

AYES, 18.

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

Tellers: Mr. Hardacre and Mr. Kerr.

NOES, 22.

Mr. Armstrong	Mr. Linnett
„ Barnes	„ Lord
„ Bartholomew	„ Macartney
„ Bridges	„ Mackintosh
„ Cowley	„ McMaster
„ J. C. Cribb	„ Newell
„ T. B. Cribb	„ O’Connell
„ Dalrymple	„ Philp
„ J. Hamilton	„ Rutledge
„ Hanran	„ Stephens
„ Leahy	„ Stephenson

Tellers: Mr. J. C. Cribb and Mr. Armstrong.

Resolved in the negative.

Mr. JACKSON moved that the following [10:30 p.m.] words be added at the end of the new subclause:—

Provided further that if the Government should at any time construct and maintain any line of railway or tramway adjacent to any tramway mining lease, the lessee of such tramway mining lease shall not be entitled to claim any compensation from the Government for any losses that may accrue from the action of the Government.

HON. A. S. COWLEY (*Herbert*) asked if the proposed amendment had not already been negated? He was under the impression that it had.

Mr. JACKSON: It was mixed up with another matter before.

HON. A. S. COWLEY: The words the hon. member had read formed part of an amendment which had already been negated.

The CHAIRMAN: I think the amendment is in order.

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

The SECRETARY FOR MINES moved that the Chairman leave the chair and report to the House that the Committee had agreed to some amendments of the Legislative Council, had disagreed to others, and had agreed to others with amendments.

Mr. BURROWS said he had an amendment to move in subclause 8.

The SECRETARY FOR MINES: It is too late now; we have disposed of subclause 8.

Question put and passed.

The House resumed. The CHAIRMAN reported that the Committee had agreed to some of the amendments of the Legislative Council, had disagreed to others, and had agreed to others with amendments.

The SECRETARY FOR MINES moved that the Bill be returned to the Legislative Council with the following message:—

Mr. PRESIDENT,

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

Disagree to the omission of clause 5 and to the new clause proposed to be substituted therefor, *because* the new clause does not provide that a lease granted for the purpose of mining shall specify the mineral to be mined.

Disagree to all amendments in subsections 2, 3, 4 and 5 of clause 7, *because* it is not desirable that mining should be permitted on the line of railway.

Agree to the omission of subsection 7 of clause 7, but disagree to the new subsections 7 and 8, *because* it is desirable that application should be made to the Minister for permission to carry passengers and goods.

And propose to insert a new subsection 7:—

The lessee of any tramway mining lease who desires to carry for hire upon his tramway passengers, or goods, live stock, or material for the public, shall make application in writing to the Minister for a permit so to do.

The Minister may grant such permit:

Provided that the Minister may make regulations for the proper working of the tramway.

Provided that no lessee to whom such permit has been granted shall be entitled to demand or recover for the carriage of any passengers, goods, live stock, or material as aforesaid any tolls, fares, rates, or charges exceeding fifty per centum more than the amount payable in respect of similar services on the Government railways of the State under by-laws in force for the time being of the Commissioner or other officer charged with the control of such railways:

Provided further that the lessee shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or class of persons or any particular description of traffic, or subject any particular person or class of persons, or any particular description of traffic to any undue or unreasonable disadvantage in any respect whatsoever; and this provision may be enforced by the Warden’s Court upon the application of any person aggrieved, by the issue of an injunction or other process according to the practice of the said Court:

Provided further that if the Government should at any time construct and maintain any line of railway or tramway adjacent to any tramway mining lease, the lessee of such tramway mining lease shall not be entitled to claim any compensation from the Government for any losses that may accrue from such action of the Government.

And agree to all other amendments in the Bill.

Question put and passed.

The House adjourned at ten minutes to 11 o’clock.