Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 5 DECEMBER 1901

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

QUESTIONS.

LOW-LEVEL LINE, ROCKHAMPTON.

Mr. CURTIS (*Rockhampton*) asked the Secretary for Railways—

What decision has the Government arrived at respecting the proposed low-level line at the Rockhampton end of the Gladstone-Rockhampton railway, as petitioned for by the people of Rockhampton and various local governing bodies?

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

The Chief Engineer informs me that it is absolutely impossible to get the plans, sections, and book of reference ready this session, but the said plans, sections, etc., will be proceeded with, and if it transpires that the work can be carried out at Mr. Phillips's estimate, alternate tenders will be called for, subject, of course, in the case of any alteration of route, to the sanction of Parliament. The action of the people of Rockhampton and the local authorities has done much to assist the Government is this matter, and the Government are anxious to meet their views as far as possible.

PETITION AGAINST KANAKA BILL.

Mr. BARBER (*Bundaberg*) asked the Premier—

1. Has his attention been directed to a report in the *Isis Recorder* of 27th November ultimo, stating that a Mrs. F. Nicol and others are soliciting funds from the Pacific Islanders in the Isis district for the purpose of forwarding a petition to His Majesty King Edward VII., protesting against the Kanaka Bill now before the Federal Parliament?

2. Did the Government, through their officials, give permission to Messrs. F. and J. Nicol, C. Tanna, and others to collect £30 for the purpose abovementioned?

3. Will the Chief Secretary inquire on whose authority the money is being collected?

4. Are the Government aware that a man was arrested a few weeks ago for collecting money from the Pacific Islanders?

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

1. I have not seen the *Isis Recorder*. My attention has been officially called to the matter.

2. No.

3. Information is already being obtained through the proper officers as to the circumstances in connection with the collection of this money.

4. Yes.

REINSTATEMENT OF LENGTHSMEN IN MURILLA DISTRICT.

Mr. BOWMAN (*Warrego*) asked the Secretary for Railways—

Is it true, as stated in the Press, that Mr. Moore, M.L.A. for Murilla, has secured the reinstatement of all the lengthsmen in his district whose services had been dispensed with?

The SECRETARY FOR RAILWAYS replied—

The question of the honourable member implies something to be a fact; as usual the implication is unfounded.

CANE GROWN BY GIN GIN CENTRAL MILL COMPANY.

Mr. BARBER asked the Secretary for Agriculture—

1. What was the estimated quantity of crushable cane grown by the Gin Gin Central Mill Company for season just finished?

2. What was the actual quantity cut and forwarded from the Gin Gin Central Mill Company to Bingera?

3. What was the average price paid per ton for the cane?

The SECRETARY FOR AGRICULTURE (Hon. D. H. Dalrymple, *Mackay*) replied—

1, 2, and 3. The information desired is not immediately available. Inquiries have been instituted, and, when replies have been received, answers will be given.

INSPECTOR MINEHAN'S INSTRUCTIONS AND REPORTS.

Mr. HARDACRE (*Leichhardt*) asked the Secretary for Railways—

Will he lay upon the table of the House—

1. A copy of the instructions given to Inspector Minehan with respect to his inspection of railway lengths for the purpose of retrenchment?

2. A copy of Inspector Minehan's reports on each railway where retrenchment has been effected?

The SECRETARY FOR RAILWAYS replied—

1. I have no objection to lay on the table of the House the instructions issued by the Commissioner. I do so now. (*Paper laid on table.*)

2. There is a large amount of work involved in this. I shall be glad to let the hon. member see the reports, if he calls at the Railway Offices.

PETITION.

LICENSING ACT—SUNDAY TRADING.

Mr. BARNES (*Bulimba*) presented a petition from the council of the churches *re* Sunday trading in intoxicants, which was on all-fours with those which had been previously presented.

Petition received.

AGREEMENT WITH DR. MAXWELL.

On the motion of HON. A. S. COWLEY (*Herbert*), it was formally resolved—

That there be laid on the table of the House copy of agreement, if any, between Dr. Maxwell and the Government, and all correspondence relating thereto.

CHURCH OF ENGLAND ACT AMENDMENT BILL.

INTRODUCTION AND FIRST READING.

On the motion of the ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*), this Bill was introduced and read a first time. The second reading was made an Order of the Day for to-morrow.

MEAT AND DAIRY PRODUCE ENCOURAGEMENT BILL — OFFICERS OF CUSTOMS AND EXCISE BILL—SPECIAL AGRICULTURAL HOMESTEADS BILL — SLAUGHTERING ACT AMENDMENT BILL.

THIRD READINGS.

These Bills were read a third time, passed, and ordered to be transmitted to the Council for their concurrence by message in the usual form.

LOCAL AUTHORITIES BILL.

FIRST READING.

On the motion of the HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*), this Bill was presented, and read a first time, and its second reading was made an Order of the Day for to-morrow.

PROPOSED GRATUITY TO MRS. JAMES GARTSIDE.

Mr. PETRIE (*Toombul*), in moving—

That the House will, on Friday the 20th instant, resolve itself into a Committee of the Whole to consider the following resolution:—

That an address be presented to the Lieutenant-Governor, praying that His Excellency will be pleased to cause to be placed upon the Supplementary Estimates for 1901-1902 a sum not exceeding £500, as a gratuity to the widow of the late Mr. James Gartside—

said: I regret very much indeed that the Secretary for Railways should have seen fit to call "Not formal" to this motion. I thought he would have let it go as formal.

The SECRETARY FOR RAILWAYS: It was not I who called "Not formal."

Mr. MCMASTER: It was the Premier.

Mr. PETRIE: I beg the hon. gentleman's pardon. I thought it was the Secretary for Railways. This is a matter I have been negotiating with the Government upon for the last two or three sessions, in the hope that I might have been able to settle it outside the House. Most hon. members who have been in the House any time were acquainted with the late Mr. Gartside. He was a most zealous and efficient officer who had been in the service for sixteen years, and during that time he only had one month's holiday. More than that, the strongest part of this claim is that on one occasion he worked a considerable amount of overtime—I am sorry that I have not got the list with me, but I left the papers with the Secretary for Railways, and through some unaccountable reason they have gone astray—but at all events this overtime amounted in value to £150, for which he never put in any claim, although other officers of the department who worked overtime put in their claims and were paid. I do not know that all members are aware that Mr. Gartside was chief draftsman in the Railway Department, and it has been proved by medical and other evidence that he overworked himself, and that really was the cause which brought about his death. I have not got the exact date of his death, but he has been dead some few years now, and I do think that when the Government have such a good and zealous officer who has been so long in the service, who had no holidays to speak of during his service, and who worked overtime to the value of £150 for which he never put in a claim, they should, in justice to his widow, see that she receives a sum of money equal to one year's salary which I am now asking for. Mrs. Gartside wrote to Mr. Stanley with regard to this overtime, and the following is the letter which she received:—

DEAR MADAM,—I have to acknowledge receipt of your letter of the 20th instant, relative to your late husband's overtime, and, in reply, to inform you that I have done all I could in the matter by making the necessary recommendation to the Commissioner, and it now rests entirely with the Government.—I am, etc.,

HENRY C. STANLEY.

I have interviewed the late Chief Engineer, Mr. Stanley, and the Commissioner, and they both admitted to me that Mr. Gartside did work this overtime. I then interviewed the Premier and the late Secretary for Railways, Mr. Murray, and the present Secretary for Railways, and I have been kept on the string for the last two or three years, and put off from time to time. Otherwise I should have brought the matter forward two or three sessions ago. I know that it is a very bad time to ask for this grant, and that the finances of the colony are not in a good state, and probably that will be the reason given for not doing an act of justice to the widow, but I think Mrs. Gartside is much more entitled to this gratuity than some other widows who have received grants. I do not wish to say anything disparaging about the grant of money to any other widow, because I think that in all probability they deserved what was given to them, but this case is a stronger one than many which have been brought before the House, and I hope hon. members, in their wisdom, will support the motion, and enable me to get it carried. I have here another letter from the department, which I may read—

MADAM,—I am desired to acknowledge the receipt of your letter of the 20th instant, relative to the payment of a gratuity on account of the death of your late husband, and, in reply, to inform you that this matter is now out of Mr. Gray's hands.

I am, etc.,

T. S. PRATTEN.

In the interviews I have had with Mr. Gray he has met me in every possible way he could, and I am sure he is in sympathy with Mrs. Gartside getting, if not a year's salary, at all events some compensation from the Government. However, as I have said, I have been put off from time to time. I did think that I should have received the assistance of the present Secretary for Railways and the Premier, but I am sorry to say that I have been disappointed, the reason probably being that the state of the finances is so bad that no money is available. I believe that is really what is at the bottom of the refusal. All the same, I do not see that Mrs. Gartside ought to

suffer on that account when her husband had a real claim upon the Government for £150, for overtime.

Mr. J. C. CRIBB: What was the cause of his death?

Mr. PETRIE: The cause of his death was overwork. I have here a certificate from Dr. Joseph Bancroft, which I will read—

> I have been consulted by Mr. James Gartside, whose family I have attended for many years, about the state of his health. Mr. Gartside has been in continuous work as draftsman in the Railway Department for a long period, and his health has kept good, but lately he suffers from nervous irritation and attacks of headache, now becoming more frequent. Remedies he has tried do not give the necessary relief, and, from a careful examination of his case, I am led to recommend that he apply for a fairly long period of rest from his duties, with the hope that his health may be strengthened and the nervous attack warded off. I therefore recommend him to apply for leave of absence for a period of six months.

He did not get that leave of absence.

The PREMIER: Did he apply for it?

Mr. PETRIE: Yes, he did. He took very il shortly after that.

The PREMIER: He got leave of absence before his death.

Mr. PETRIE: I have no documents to show that he did apply. I have it on very good authority that Mr. Gartside was doing work which it now takes two men to do, and not only that but the other day the chief draftsman obtained six months' leave of absence. I have nothing to say agaainst the present draftsman getting a holiday, but I think when a man has worked such a long time in the service, devoting the whole of his energies to the work of his employers, receiving only one month's holiday in sixteen years, and working overtime to the value of £150, which he was never paid, there is some justification in bringing forward a motion for a gratuity to be granted to his widow. I will not detain the House longer, but I hope hon. members in their wisdom will see their way clear to agree to this gratuity of £500. Mrs. Gartside has had a lot of trouble; there have been other deaths in the family since her husband's death, and she is in a very bad way so far as her financial position is concerned. I am sure that whatever the House in its wisdom sees fit to do for her will be most acceptable to her and her family. I do not know that I can say any more than that a more faithful or zealous officer to the Government never existed in the service than the late Mr. James Gartside. I hope the matter will receive due consideration, and that hon. members—and the Ministry—will see their way to help Mrs. Gartside.

The PREMIER (Hon. R. Philp, *Townsville*): I have every sympathy with Mrs. Gartside, and I believe the late Mr. Gartside was a very zealous and faithful officer, but I must [4 p.m.] oppose this motion. I think two years ago when the question of a gratuity to the widow of the late Mr. Gartside came up—I think the payment of £200 was recommended—the matter was referred to the Chief Commissioner, because the plea was that he had worked extra hours. We asked the Commissioner to certify if this amount of money was owing to the late Mr. Gartside, and said that if it was owing it would be paid; but, though it was admitted that the late Mr. Gartside had done extra work, there was no record of it in the office, and the Commissioner could not certify that any money was owing, and therefore the Government could not pay the money. If this motion is passed, I know a good many more widows who will make claims on this House, and I do not think in the present state of the finances we can afford to be generous. Besides, I may point out that the late Mr. Gartside received a very good salary. I think he was getting a salary of £500 a year. I presume that his life was insured, and he ought to have made provision for his family.

Mr. PETRIE: He was appointed on the 10th March, 1890, as chief draftsman at £500 a year.

The PREMIER: Then for seven years he received a salary of £500 a year, and I think it is not for the people of the country to make provision for civil servants who do not make provision for their families. How many people are there outside the service who work very hard for very much less money and do not get the consideration in many ways that civil servants get? I think the civil servants of the colony ought to thoroughly understand that they themselves must make provision for their own families.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: At one time we had a Superannuation Act, and it is a great pity that Act was abolished. But the civil servants of the colony met, and by a vote of seven to one stated that they wanted their money back; and it was given back to them. When they have taken it on themselves to make provision for their families, I think they ought to do it.

Mr. PETRIE: The officers of the Railway Department did not come under that Act, did they?

The PREMIER: At one time the Commissioners—I think it was when Mr. Mathieson was here—made it compulsory that all the officers of the Railway Department should insure their lives. The result was that, not only outside, but inside this House, there was agitation to repeal that clause. I think Mr. Wilkinson, who was the special representative of the railway employees at that time, carried a motion in this House to the effect that the clause should be repealed; and it was repealed. The argument used then was this: "We can look after our families ourselves; we don't want the State to help us." That being so, I think the House will be quite justified in rejecting this motion. I have every sympathy with Mrs. Gartside, and I regret that she should have been left in poor circumstances, but I must point out that her husband received a good salary for seven years before his death, and that he had leave of absence at the time of his illness. If the House is to recognise all these claims I know of my own knowledge three or four widows who will come to this House with equally good claims. I hope the House will assist me in defeating this motion.

Mr. BROWNE (*Croydon*): Just a word. I think every hon. member must agree with a great deal of what was said by the Premier as to these repeated calls for those left behind by the chief officers of State departments. As far as asking for a sum of £500 is concerned, I may say I would certainly not vote for a sum like that. I remember when the case came before the House previously, the statement was made as to the amount of overtime worked by the late Mr. Gartside, and I may say that if that was the case, and if that money is owing, I think it would be only a fair thing for that money to be paid to his widow. But the Premier has placed that matter in a different light now, because he says there is no record in the department of that overtime having been worked, and I don't see how the money can be paid merely on the word of any individual that the overtime was worked. If, as the Premier says, Mr. Gartside had a salary of £500 a year for seven years, and he made no provision for his widow, I hardly see how this House can grant £500 as a gratuity. If the overtime was worked, surely there ought to be some record of it in the department.

A man could not be working overtime, amounting as I have heard stated in this House, to somewhere about £200—I think the hon. member for Toombul stated £150—without there being some record of it. If there is any record it can be hunted up, and then if it is found that there is something due for overtime, it would be a fair and reasonable thing for the Government to pay it to the widow of the late Mr. Gartside. As it is, I cannot vote for the large sum asked for by the hon. member for Toombul.

Mr. ANNEAR (*Maryborough*): I may say that I knew the late gentleman who is referred to in this motion for many years. I believe he was a man who stood very high in his profession, and did good service to his country. I may say that I am somewhat disappointed at the way in which the hon. member for Toombul has introduced this motion. I think he must have been somewhat unprepared, because I feel sure that there must be some correspondence in reference to the late gentleman other than that which the hon. member has read to the House to-day. For that reason I trust that hon. members will allow this motion to go into committee. I feel sure that should it go into committee, the hon. member for Toombul will be better prepared with the correspondence that I have referred to. Now, under the Act known as "the 1863 Act," we have known that officers in the Government service have died, and on their death the widows on every occasion, I believe, received one year's salary.

The PREMIER: They were paying into a fund then.

Mr. ANNEAR: They were paying into a fund; but I do not know whether Mr. Gartside paid into a fund.

The PREMIER: No.

Mr. ANNEAR: I know, however, that he was a very frugal and careful man, and if the hon. the leader of the Opposition, the hon. member for Croydon, had known Mr. Gartside as I knew him—that is, for four or five years, when I had occasion to go to the Chief Engineer's office, when carrying on a railway contract with my partner, he would have known that he was to be found there at all hours in the evening. If plans or tracings had to be prepared, Mr. Gartside was always at his post with the other officers of the department to complete the work, and in every way to facilitate the work in the department of the Chief Engineer. Should the House decide in favour of this motion, I do trust that the Government will see justice done to the widow of the deceased gentleman, and at any rate pay her the amount due to her husband for overtime.

The PREMIER: If the Railway Department certify that it is due, it will be paid.

Mr. ANNEAR: If you have the certificate of the late Chief Engineer, or the present Acting Chief Engineer, Mr. Pagan, it ought to be sufficient for the Minister to pay this amount. They are gentlemen who are thoroughly conversant with the work performed by the late Mr. Gartside.

The PREMIER: They would not certify.

Mr. ANNEAR: They would not? Well, I know the late gentleman was a very competent man, and if you go to the other States of Australia and go into the departments of the chief engineers there, I do not think you will find a more competent man, and in the other States they receive a higher salary than that gentleman received. I do trust that hon. gentlemen will allow this question to go into committee. If they do I feel sure that further correspondence bearing strongly upon this question will be placed before the Committee.

The SECRETARY FOR RAILWAYS (Hon. J. Leahy, *Bulloo*): The hon. member for Toombul, who introduced this motion, referred to some correspondence which he gave me at the Railway Offices.

Mr. PETRIE: There was a list of overtime in it.

The SECRETARY FOR RAILWAYS: This correspondence has not been found up to the present time. The hon. gentleman told me that I put it into one of my drawers, but it certainly is not in any of them; and my recollection is that I gave it back to the hon. gentleman.

Mr. PETRIE: I never got it.

The SECRETARY FOR RAILWAYS: Well, I have not been able to find it, and in any case there is no correspondence, among that which the hon. gentleman handed to me, which would assist the hon. member.

Mr. PETRIE: There is the list of overtime.

The SECRETARY FOR RAILWAYS: But that is not an official list, nor is there an official record in the department at all. Of course if there was any list I am not going to dispute the accuracy of the hon. member's figures in any way, but I say that there is nothing in the department in any shape or form to assist the hon. gentleman. I would like to be generous myself at times—I suppose many people would be generous if they could afford it, and legitimate means or opportunities present themselves to enable them to do so—but the intention or desire to be generous is not always a proper ground for being generous, particularly if you are being generous with money which is not your own. There are a great many cases in the Government service and among other departments in the railway service, that if we were to take the good-hearted and generous view taken by the hon. members for Maryborough and Toombul we might think well deserving of consideration at the hands of the State, and also there are a good many citizens outside who find the money to keep these people in the employ of the State that have an equally good claim upon the purse of the State if they are in a difficult position. I do not think it is a proper position to take up—that because I know a man to be a good fellow I must subsidise that good fellowship out of the funds of the country.

HONOURABLE MEMBERS: Hear, hear!

The SECRETARY FOR RAILWAYS: I think that when we have to deal with public matters of this kind it is preferable not to know the man at all, and, as a matter of fact, I make it a practice to know no more persons in my department personally than I must, because cases frequently come before me, and I find that the less I know the individuals personally the better. The wisest thing it is to deal with these matters from their cold business aspect, and then you are almost certain to do right. The hon. member for Toombul brought these papers to me, and I went very carefully through them at his request. At first I declined to go into the matter, because it had already been before two or three Railway Ministers before me, and before the Premier, and I did not wish to review the decisions of my predecessors in office, and show or appear to show that I was capable of coming to a more just conclusion than they were. I refused to go into the matter on that ground, but the hon. gentleman pressed me as a personal favour to go over these papers and I did so. I can assure the House that all the papers go to show that this gentleman, Mr. Gartside, was a very worthy officer indeed, but there are a good many other officers who are equally as good officers as he was. He worked overtime like a great many other officers when a stress of business comes, and if there is not a press of business they may have an easy time. If any compensation is to be paid for overtime,

then there is scale in each department on which overtime is paid, and it is a proper thing that a record should be kept of how much overtime has been worked and how much has been paid or should be paid for it. Under those conditions it does not become a generosity but a debt which has a right to be paid and which would be paid. In this case the Government went so far as to say that if the Commissioner or the department would certify that he had worked that overtime —that he had worked it in the interests of the State without payment—the Government were prepared to pay for it But they would not certify. What is the position? The Commissioner would have to take the opinion of Mr. Stanley or the engineers over him in his particular department, and they refused to take the responsibility of saying he was entitled to that money. What could the Railway Department do? They went out of their way as far as possible, not to be generous, but to see that if this man had given labour to the State outside the hours of office without recompense, they would pay for it in the ordinary way if the heads of his department would say the State owed him that money. I call that common justice, common honesty, not generosity or anything of that kind. We want to treat all persons alike—that is my intention, at all events—and there is nothing in the papers to show that this money is owing and ought to be paid. No doubt he was a good officer, but if he was a good officer he got very good pay. Assuming he was a man of forty years of age, £40 a year out of his £460 would have enabled him to insure his life for £1,000. I take it people have a reasonable right to take ordinary precautions with regard to themselves and their families; and if they do not take ordinary precautions, or something happens over which they have no control, they may be entitled to, and sometimes find, friendly assistance. But this is not a case of that kind. He was paid a good salary for a long time, and he seems to have made no provision whatever. There seems to be an idea in the minds of some people that if a person gets into the employment of the Government it is the duty of the Government to provide for his family after his death. No Government can do that. If we were to initiate such a system here, Parliament would be introducing a principle, and nobody knows where it would end. There are numbers of other people who have equally as good claims against the country, and if it is given in one case I see no reason why it should not be given in every case. There is no injustice in the present case, and if we give this money we shall be doing an injustice to other persons who have an equally strong claim against the State if we do not treat them in a similar manner. Much as I sympathise with the hon. member's motion, I do not see my way, as head of the department, to supporting it.

Mr. BOWMAN (*Warrego*): The motion before the House is one which calls forth sympathy from most hon. members, if they were in a position to give practical effect to it. But I agree with the Minister for Railways when he says that if generosity is to be shown to one it should apply all round. In 1899 there was a motion brought forward on behalf of the widow of one of our civil servants, and I think she received some £600. Then we had the hon. member for Moreton bringing forward the case of a widow who desired to get £100. There was some very strong feeling engendered during those debates, to the effect that certain civil servants, particularly in the higher grades of the service, got concessions which those in the lower grades did not get. One case in particular was mentioned—that of the late Captain Henderson, of the "Otter" and "Lucinda." That gentleman left a widow and five children. His life was uninsured, and the widow has had to struggle to this day. I claim that if we are going to pass a motion giving to the widow of the late Mr. Gartside the sum of £500, every widow who has been left in similar circumstances should also get the same generosity shown to her as the hon. member is desirous of having shown to the widow of the late Mr. Gartside.

The SECRETARY FOR RAILWAYS: There is no escaping from the position.

Mr. BOWMAN: The late Captain Henderson had been in the service some nine years. He was skipper of the "Otter" and the "Lucinda" for seven years, and the last two years he was in the pilot service, to which he was shifted through no fault of his own as a skipper, but simply owing to retrenchment at that particular time. His widow has, to my own knowledge, had a very hard time indeed to make ends meet. If this resolution is carried this afternoon, I, on behalf of that widow, will bring forward a similar motion to have a certain amount passed for the benefit of her and her family; and I suppose there are many other hon. members who will do likewise. In this particular case there seems to be some hardship. The difficulty is, how are we to be assured that such overtime was worked? There is no documentary proof. The Minister for Railways tells us that it was worked. We have to depend upon the word of a man who is dead that he did work overtime, and the hon. member for Toombul tells us that it practically hastened his death. I believe in paying the widow what she is justly entitled to, but I certainly object, under the circumstances, to paying her such a sum as £500; and, while I fully sympathise with the widow and the orphans, I think that if the principle is applied to this case it should be also applied to the unfortunate people in the lower grades of the service, who have no opportunity of making provision for the future. Therefore, I cannot support the motion.

Mr. SMITH (*Bowen*): While I do not think the hon. member for Toombul has made out a good case for applying for the sum of £500, at the same time if the question of overtime is to be considered we ought to allow the matter to go into committee. There is certainly some proof that overtime was worked and was not paid for.

The SECRETARY FOR RAILWAYS: All officers work overtime more or less.

Mr. SMITH: But it is paid for.

The SECRETARY FOR RAILWAYS: No. Is is a give-and-take business. A man may work overtime for the purpose of getting a holiday.

Mr. SMITH: If an officer gets a *quid pro quo* in the shape of a holiday that suffices. But if he was obliged to work overtime in the ordinary course of his business, and he did [4·30 p.m.] not get paid for it, then there is a clear claim for compensation. That is the only phase of the question that appears to me to be worthy of consideration. I think this matter should be allowed to go into committee in order that further inquiries can be made as to this overtime—whether it was due and whether it has been paid or not. On those grounds I will support the motion of the hon. member for Toombul.

Mr. PETRIE, in reply: I have probably not made out as good a case as I would wish; but I may say that I did not expect that this motion would be discussed this afternoon. However, I have one or two letters here I would like to read. With regard to the overtime, I think hon. members should allow this matter to go

into committe, because I may be able to produce more information on the matter in committee. I have already read Mr. Stanley's letter with regard to the question of overtime; but unfortunately I have not got a copy of the recommendation made by Mr. Stanley; but if the matter is allowed to go into committee, I may be able to produce that recommendation.

The SECRETARY FOR RAILWAYS: That was a recommendation with regard to a gratuity, not for overtime.

Mr. PETRIE: The letter refers to "your late husband's overtime." I would like the matter to go into committee, and if hon. members will not see their way clear to vote the £500, probably when evidence is brought forward in committee they will grant what the late Mr. Gartside is entitled to, which he worked for, and which has not been paid.

The SECRETARY FOR RAILWAYS: If the Commissioner will certify to that effect the amount will be paid without going into committee at all.

Mr. PETRIE: There is one other letter I would like to read, which I have overlooked. This is a letter from Mr. Gartside to the Chief Engineer in 1892. It reads—

I would ask your kind advice *re* obtaining a lengthened period of leave at the end of this year. I shall then have been in your service with, I am thankful to say, continued good health about sixteen years, during which I have had only one month's leave, in 1878, to visit the Sydney Exhibition. I did intend asking for this extended leave in 1889 to visit the Paris Exhibition, but Mr. Roehricht's unfortunate illness necessitated my postponing it to a more favourable time. I need not point out to you the advantage gained by travel in other countries; it is the only means of acquiring knowledge of the greatest value to any one engaged in railway contracts. Seeing that this proposed trip means my spending the savings of many years in order to now improve my possessed knowledge, I trust that nine months' leave and six months' pay may be at least granted me, as I wish to visit England and America. When would you advise my putting in this application, as I do not wish to lose the leave I have already allowed to accumulate?

Although he wrote this letter, he did notget this leave, and he only got one month's leave during the whole of the sixteen years he was in the department, and he worked very hard. Mr. Gartside was gazetted in 1886 to the rank of assistant engineer, and, although I do not blame the Premier or the Secretary for Railways in this matter, seeing the state of the finances of the colony, it seems to me that the late Mr. Gartside did work overtime, and I believe he should have been paid what was due to him.

Question (*Mr. Petric's motion*) put; and the House divided:—

AYES, 15.

Mr. Annear	Mr. Kates
,, Bartholomew	,, Kerr
,, Browne	,, Lesina
,, Burrows	,, Linnett
,, Curtis	,, Petrie
,, Fox	,, Smith
,, Hanran	,, Stephenson
,, Jenkinson	

Tellers: Mr. Annear and Mr. Kerr.

NOES, 24.

Mr. Barnes	Mr. Hardacre
,, Boles	,, Leahy
,, Bowman	,, Lord
,, Cameron	,, Maxwell
,, Cowley	,, McMaster
,, J. C. Cribb	,, Mulcahy
,, T. B. Cribb	,, O'Connell
,, Dalrymple	,, Philp
,, Dibley	,, Rutledge
,, Dunsford	,, Ryland
,, Givens	,, Stodart
,, J. Hamilton	,, W. Thorn

Tellers: Mr. Barnes and Mr. McMaster.

Resolved in the negative.

COLOURED ALIEN AND HALF-CASTE PRISONERS.

Mr. LESINA (*Clermont*), in moving—

That there be laid on the table of the House a return showing—

1. The number of coloured aliens and half-castes in the gaols of the State at present.
2. The number arrested during the past twelve months.
3. Total cost during the past twelve months of maintaining convicted coloured aliens and half-castes—

said: I move this motion with the object of obtaining certain information which I think will be of extreme value in determining the attitude of this House, and of the Federal Parliament too, in the matter of the exclusion of coloured aliens generally from Australia. I do not know why "Not formal" was called to the motion. It appears to me that there can be no satisfactory reason given why such a return—the preparation of which would not cost a great deal of money—should not be laid on the table of the House. Mayhap there is a desire on the part of the Government—which is notoriously pro-alien, pro-kanaka, pro-coloured alien of any kind, as a matter of fact, in its sympathies—that this information should not be supplied to the House and to the country. If they are sincere believers in a "white Australia," it appears to me that they should have no objection to the preparation of a return of this character. What harm can it do? It can do absolutely no harm, and, as a matter of fact, I am sure it would do a great deal of good.

The SECRETARY FOR RAILWAYS: What good would it do?

Mr. LESINA: It would add to our stock of information, and we want information on this subject; and the Government ought to be as anxious as the Federal Government to place all the facts in connection with the introduction, the distribution, and the effect on the social life of our citizens of coloured aliens. By such means earnest students of the problem of a "white Australia" will be enabled to take a rational view of the problem.

The SECRETARY FOR RAILWAYS: You could not have the return this session, anyhow.

Mr. LESINA: It appears to me that the figures ought to be easily obtained. I made a rough calculation myself from the prisons report, and I am sure the whole thing could easily be prepared in twenty-four hours from the information the department has in its possession. Even if it were only laid on the table in an unprinted form it would be possible to place the facts before the people of the country through the medium of the Press. In the first instance, I asked a series of questions bearing on this matter, and the Home Secretary pointed out that those questions could not be answered for some time. He suggested that I should move for a return, and, when I did so, then he as a member of the Government, or some member subordinate to the Government, called "Not formal." That is not honest. There has been no expression of opinion that the information should not be given. When I take the advice of a member of the Government, and put my questions in the form of a motion, feeling sure that it will be passed as a matter of form, I find that some member—who may have been inspired to do it, for aught I know—calls "Not formal"——

Hon. A. S. COWLEY: Who was it?

Mr. LESINA: I do not know, and I do not know what the object was. If hon. members will look closely at the terms of the motion, they will see that it could easily be prepared in the time I have mentioned.

The PREMIER: All the information is contained in the census returns.

Mr. LESINA: We know that the census returns are in course of preparation, but nearly all this information must be already in the possession of the Government.

The SECRETARY FOR AGRICULTURE: It is already published.

Mr. LESINA: No, not the whole of the information. I also ask for the "total cost during the past twelve months of maintaining convicted coloured aliens and half-castes," and that information is not obtainable from official reports. If we get that information we shall know what the taxpayer has to contribute towards the maintenance of these persons, and that is an important point for the taxpayer, who may seriously consider whether he should cast his vote at the next election for a supporter of a Government who are notoriously in favour of coloured aliens. I think the proposition is a very fair one, and one that any Government who are anxious to have this matter thoroughly probed, and are not afraid of the information being made public, should be willing to accept. I am not asking that the information should be printed, but only that it should be laid on the table of the House, so that those who are fighting for a "white Australia" may be strengthened in their fight. I therefore beg to move the motion standing in my name.

The PREMIER (Hon. R. Philp, *Townsville*): I am going to oppose this motion. All the information asked for, and a great deal more, is regularly published by the Government, and a more complete return will be published by the Registrar-General when he issues the census returns. If the case of the hon. member for Clermont is so weak and miserable that he depends upon this return for information on which to assail the Government he will then have much more information.

Mr. LESINA: I do not want to assail the Government.

The PREMIER: The hon. member said he wanted the information for electioneering purposes. To get a proper return we should require to have the total number of aliens in the colony, and the total number of white people in the colony, so that we might be able to form some idea as to the proportion of convicted persons in each case. Supposing the cost of maintaining coloured aliens was £1,000, and the cost of maintaining the rest of the persons who were in gaol was £50,000, then without the latter information we should have no means of making a comparison. All the information the hon. member desires can be obtained from official returns, and it is only wasting the time of the House and incurring needless expense to bring forward such a motion as that now under consideration. I know that the hon. member for Clermont is a hard worker, and I may tell him that if he chooses he can get ten times more information from official returns than he asks for in this motion. All this information has already been printed half-a-dozen times. If the hon. member will look at the Estimates, he will see what amount is voted for prisons, and in the Auditor-General's report he will find what amount was spent on prisons, while from the report of the Comptroller of Prisons he can ascertain the total number of convicted persons in gaol during the past twelve months.

Mr. LESINA: I did that.

The PREMIER: And did not the hon. member get the information he wants?

Mr. LESINA: No.

The PREMIER: Then, the hon. member will have the census returns, which are supposed to be as accurate as it is possible to make them, and from them he can get the information he desires. The returns with reference to coloured aliens have already been published. Whether the other colonies are afraid that their position is worse than ours on this question I do not know; but I know that although our returns with respect to coloured aliens were published six weeks ago, yet, up to the present time, such returns have not been published in Victoria and New South Wales. Our returns were sent to the Federal Premier, and hardly a day or a week occurs but that gentleman does not ask for some return with regard to coloured aliens or some other matter from Queensland. I do not know whether he is afraid that some day they may have aliens in Parliament.

Mr. GIVENS: We shall have aliens in this Parliament yet, if the present electoral system is continued.

The PREMIER: I believe we have some aliens in Parliament. However, as I was saying, hardly a day or a week elapses but the Federal Premier is asking for returns from Queensland, and we give them to him as fast as we can. Only the other day, at the instance of Senator Dawson, we were asked how many unemployed there were in Queensland. We supplied that information, and I may say that I was very glad to find that there were so few unemployed in this State. The number as given by the Labour Bureau was 500.

Mr. LESINA: Five thousand would be nearer the mark.

The PREMIER: The number as far as we know is what I have stated; that is the number of persons who are applying to the Labour Bureau for employment, and who want work.

Mr. KERR: Look at the number of unemployed that we sent to South Africa.

The PREMIER: They were not unemployed—a great number of those men left good situations to go to South Africa. Personally, I do not mind if half-a-dozen returns of this character are furnished to the hon. member for Clermont, but there is no necessity for going to the expense of printing this information, as it is already available.

The HOME SECRETARY: (Hon. J. F. G. Foxton, *Carnarvon*): I did not anticipate that this motion would come on so soon, and I regret that I was absent when the hon. member moved it, and did not hear what he had to say about it. I presume that he referred to the fact that when he asked me certain questions seeking information which he now asks for in this return, I replied that it would be desirable for him to move for a return, and put the matter in a clearer form. I cannot remember the exact words I used, but they are on record. I thought when I conveyed that information to the hon. member he would have communicated with me to know in what form it would be desirable to move his motion, because he ought to have known that I would not have made such a suggestion without having good reasons for doing so. There are a number of difficulties in the way of a return being made to the motion in its present form. For instance, when we are dealing with classes of this sort it is necessary to define what is meant by a coloured alien. The Comptroller of Prisons asks me the question, "Who am I to return as coloured aliens?" There is a Portuguese in the gaol. Is he a coloured alien? He is dark.

[5 p.m.]

Mr. LESINA: He is a European.

The HOME SECRETARY: He is a coloured alien.

Mr. LESINA: He is a European alien. I want Asiatic aliens.

The HOME SECRETARY: Everybody is coloured, for the matter of that. Some are light colour, and some are dark colour. When I am asked a question officially by an official who desires to give an exact record, and one the correctness of which shall not be cavilled at, then I confess I do not know what the hon.

member means by coloured aliens. He has to define it. The Comptroller of Prisons also says, "How am I to tell whether a man whose parents were Hindoos or Chinese is not as good a British subject as I am?" He might be a Hindoo, a Cingalese, a Hongkong Chinaman, or a West Indian negro. Certainly they are not coloured aliens if the return is furnished in the form in which the hon. member now asks for it. Inquiry must be made, and people like that must be excluded from the return. Is that what the hon. member wants?

Mr. LESINA: No.

The HOME SECRETARY: Very well, then the hon. member should have taken the hint I gave him that it was desirable, if he wanted to get a reliable return, to ask for it in some other form. Then, again, he asks for information in regard to half-castes. Half-castes of what race? Does the hon. member call a cross between a kanaka and an aboriginal woman a half-caste. I do not.

Mr. LESINA: I do not know what you call them.

The HOME SECRETARY: We have a very large number of those people in the State. One island in Torres Straits is completely populated with a very respectable class of that colour, whatever it may be called. They are married, and are excellent good citizens. I am speaking of Darnley Island. Some of the people there have very considerable means. Some of those people are as good British subjects as anyone in this Chamber, and are married to women who are full-blooded natives of the aboriginal race. Does the hon. member want aboriginal half-castes included? He appears to refer to aliens only, and an aboriginal is not an alien. That is dealing with the first part of the return. Now, as regards the second part, exactly the same questions will have to be asked and answered. I would like to know what he means by "the past twelve months?" Why not fix certain dates?

Mr. LESINA: Will you accept the motion in an amended form?

The HOME SECRETARY: It all depends upon how it is amended. If the hon member had taken my hint he would have made inquiries as to what form the return could have been supplied in, but he refused and pursued his own course. I courteously gave him a hint, and that having been ignored I am not prepared to accept the motion in any form until I know what the form is. Then the third part of the motion asks for "The total cost during the past twelve months of maintaining convicted coloured aliens and half-castes." Again the same questions arise. Is the word "maintenance" supposed to include anything more than the total cost of rations and supervision? St. Helena, for instance, is almost self-supporting. The Comptroller of Prisons tells me it would take some time to obtain that information. It would be necessary to obtain the exact period these prisoners have served in the prisons of the State. Altogether, it is impossible for the officials to compile the return in the form in which the hon. member asks for it, and at present I propose to ask the House to negative the motion for the reasons I have given.

Mr. LESINA, in reply: Is there any opportunity of getting the information if the motion is amended?

The PREMIER: You can get it out of our returns.

Mr. LESINA: I will withdraw the motion if I can get the assurance of the Minister that I can obtain the total cost per head of each prisoner—the other I have got. Take Malays, or Chinamen, or kanakas, or any other coloured person convicted of any particular offence and sent to gaol, I want to know the exact cost per annum of maintaining them as prisoners.

The HOME SECRETARY: The net or gross cost.

Mr. LESINA: I mean the gross cost. There is a lot included in that. There is the arrest of the prisoner and all the incidental expenses of trying him. I want to weigh one thing against the other and find out what benefit the State gets by the introduction to this colony of the kanaka, the Hindoo, or the Malay. Take the case of the kanaka executed for murder the other day. He took away human life; he was no profit to the community, the community had to arrest him, try him, keep him in gaol, hang him, and bury him.

The HOME SECRETARY: That applies to every criminal.

Mr. LESINA: It applies to every coloured alien who commits an offence against the laws and gets into gaol. I want to know the exact cost of maintaining such persons. I should be satisfied if I could get the exact cost of maintaining one of those persons for twelve months in one of our gaols. I have the figures with respect to the total number of aliens who pass through the gaols. If I could get the cost of one I could fairly conclude the work I am engaged upon. If I have that assurance I will withdraw the motion with the permission of the House.

The SECRETARY FOR AGRICULTURE (Hon. D. H. Dalrymple, *Mackay*): I have been trying to understand the nature of this motion——

Mr. KERR: Thursday afternoon!

The SECRETARY FOR AGRICULTURE: What it is the hon. member wants to withdraw. According to this motion, he is dealing with coloured aliens and half-castes. It seems to me that the information which would be most useful would be information which depended on a different classification, and a more rational classification. For instance, there is the question of colour. The hon. member in this motion will not really get at the question as to how many coloured people as opposed to people of European descent there are in the gaols of the colony. If it is a Hindoo, the question arises as to whether a Hindoo is an alien or not an alien. I don't see the good of having resolutions or motions in which the classifications cover one another in the way these do. What is an alien? An alien may be taken as a man who belongs to a foreign race. Ranjitsinhji is not an alien in the sense of belonging to a foreign country. The Maori of New Zealand is a kanaka, but he is a New Zealand citizen. He has a vote.

Hon. A. S. COWLEY: Some of them are members of Parliament.

The SECRETARY FOR AGRICULTURE: They are not aliens. That applies also to aboriginals. It may be of some service to the community to find out the percentage of crime between coloured people as coloured people and white people; but when the hon. member introduces these confusing classifications, he will not succeed in any object that I can see. One classification of an alien is that he is a foreign born resident of a country, and does not possess the privilege of a citizen. For instance, the Maori of New Zealand, who has a vote, could not be an alien; and he could not be a coloured alien, because he is not an alien at all. I would suggest that the hon. member, when he brings resolutions forward, should try to clarify his mind, and bring in something not obscure and confusing as this is. The hon. member has never explained definitely what he wants; it is impossible to get anything clear at all.

Mr. LESINA: You are only belabouring a dead horse.

The SECRETARY FOR AGRICULTURE: It seems from what the hon. member has said that he wants this information for electioneering purposes, but I don't know that it is worth while taking up the time of the House to assist the hon. member in pure electioneering. With regard to one class of prisoners—namely, Polynesians, I may say that I have visited St. Helena a few times—voluntarily—in my capacity as a member of Parliament. It is very likely that the statement might be turned to my disadvantage if I did not qualify it. (Laughter.) The hon. member for Burke might make use of it in some way. There the Polynesian prisoners are apparently very profitable. They are cheap labour, and they do a good deal of work. They do gardening; and the prisoners are dependent—I won't say for their daily bread—but for their weekly fish on the exertions of that particular kind of coloured prisoner, who is probably a coloured alien. But if he was a kanaka from New Zealand, in one sense of the word, it is evident that he would not be an alien.

Hon. A. S. COWLEY: Would he if he were a Solomon Islander?

The SECRETARY FOR AGRICULTURE: I don't know about the Solomon Islands; but he would not be an alien if he came from New Guinea—and there are millions there. And if the great mission—one State one destiny—of the noblest son of Australia—(laughter)—if his mission is fulfilled, and it is the destiny of Australia to be the prevailing power in the Pacific Ocean, it seems to me that there may be hundreds of thousands of men who at present are foreign aliens, but who, under those circumstances, will not be aliens at all in the usually accepted sense of the term. The more I think over this motion the more confusing it is. It seems to me like the confusion there would be by having a classification of white men and coloured men, and then dividing them into tall men, short men, fat men, and thin men, and trying to include the lot in one classification. (Laughter.) There is an intelligible classification which in this case might have been followed. We have men of European descent, and men not of European descent, and that is a classification which suggests itself to my mind. If the hon. member for Clermont would buy a sixpenny book on logic, and learn something about classification, he would be able to bring forward a resolution which would give more satisfaction to the House. It would give more satisfaction to me, and I believe, on reflection, it would give more satisfaction to the hon. member himself.

Motion, by leave, withdrawn.

AGRICULTURAL BANK BILL.

Mr. KATES (*Cunningham*), in moving—

That, in the opinion of the House, it is in the interest of farmers, dairymen, and selectors very desirable that the often-promised Agricultural Bank Bill be introduced during the present session, and that such Bill take precedence of all others now on the business-paper of this House—

said: When I tabled this motion I did so in the interests of farmers, dairymen, and selectors. I do not like the Government to break their promises, and this measure has been promised more than once. In the first instance it was promised in the year 1900 in the Governor's Speech, which contained the following:—

The prospects of the agricultural industry in all its branches are of a promising nature. A largely increased area has been sown with wheat and barley with favourable prospects. Dairying is also being conducted on a scale of constantly-increasing magnitude, and the present year's production of butter will exceed the output of any corresponding period.

That was in the year 1900, and in the last Governor's Speech it was distinctly stated that there would be a Bill introduced to make advances to farmers, and in one paragraph it says—

The agricultural industry is still expanding. More land suitable for close settlement will be thrown open for selection. The recent drought renders it imperative that greater attention be given to those districts which enjoy the advantages of a regular and abundant rainfall.

It was distinctly promised, and I should like to know why this Bill was not introduced four months ago? In the month of July I asked, when would this Bill be introduced, and the answer given to me was, as soon as practicable. In August I asked the question again, and the answer was, "It will be introduced with as little delay as possible?" I do not doubt the sincerity of the hon. gentleman at the head of the Government. He has always expressed himself in favour of the introduction of this Bill, but why leave it till the last moment—to the eleventh hour? Although the Government have introduced this Bill, there is no likelihood of it being carried, and even if it is carried in this House, it will not be carried in the other Chamber, because I see there are no less than twenty-two Bills on the business-paper, and we have only about ten or twelve days before us in which to deal with the whole of them. There are three distinct reasons why the Government should have introduced this Bill. First, because it was promised; second, that it is desirable to push the agricultural industry in all its branches ahead, and now it is urgent. Again I ask the question, why was not it introduced four months ago? What answer can I give to my constituents at the next general election when I am asked why I support a Government which does not keep its promises?

MEMBERS of the Opposition: Hear, hear!

Mr. KATES: I say it is a great mistake, and it will be a great disappointment to the people interested—the farmers and settlers—if this Bill is not passed. I hope that the Premier will do all that he can to put it through this House, and use his influence in the other Chamber to get it passed there. It is not a contentious measure. I believe that both sides of the House are agreed that it is necessary to have such a measure. It has been introduced in South Australia, in Western Australia, in Victoria, and in Tasmania, with considerable success, and I have no doubt that it will be a success in this colony, if it is introduced. By judicious administration it will be of great advantage to the farmers and selectors. In introducing this motion I am almost afraid that it is too late, and the reason why I have tabled this motion is to induce the Government to do all in their power to get it through this House. There is no money required in connection with this matter. I know the Treasurer has not much money.

The SPEAKER: Order, order!

Mr. KATES: As soon as applications are made for advances to the Government, all they have to do is to issue debentures for £20,000 or £30,000 at 3½ or 4 per cent., and I am sure they will be greedily taken up. I know a great many people will be willing to take them up.

The SPEAKER: Order, order!

Mr. KATES: If I am not in order on this point, I will only repeat that it is a necessary Bill, and one of the most necessary of Bills. We have set our agricultural ball rolling, and we must keep it going. Agriculture is generally admitted to be one of the most useful industries in this colony. It is coming to the front, and we must keep it in front, and increase it from year to year. Dairying is making great strides;

I believe the dairying industry is coming to the front; and I am sure it will grow from year to year, until it reaches great magnitude. I shall not dwell very much longer on this motion. As I said before, the principal object of this motion is to bring this matter before the House and before the Government. The first part of the motion, I see, has been complied with—the Bill has been introduced. Now I have to appeal to the Government to do all they can to comply with the second part of this motion—that is, to push it on as soon as possible. I am glad to see that the Agricultural Bank Bill which was introduced a few days ago is occupying a very good position on the business-paper. There is nothing to prevent us going on with it to-night or to-morrow night. It is a non-contentious measure, and the Bill has been printed, and slightly amended it——

The SPEAKER: Order, order!

Mr. KATES: I am sure that hon. members on both sides of the House will admit that I am doing a right thing in impressing upon the Government the necessity for getting this Bill through before the close of this session. The people will be very much disappointed if this Bill is lost. I have received letters not only from the Darling Downs, but from the Isis, from Cairns, and other parts of the colony, urging the necessity of having such a Bill introduced. As I have said before, this system has been introduced into other countries with considerable success, and I am quite sure if it is introduced here it will have even more so. Farmers will be able to get cheaper money. The financial institutions which offer money to farmers generally do so at call or at short call. I hope that the farmers under this Bill will be given plenty of time to pay back the advances. I do not wish to keep the House any longer—I think I have done my duty in bringing this matter before the House. If I can get the assurance of the hon. gentleman at the head of the Government and the Secretary for Agriculture that they will do all they can to push this Bill through this House, and also use their weighty influence in the other Chamber to have it passed, then a good measure will have been introduced and a great deal of disappointment will have been prevented in this colony in connection with this measure.

The PREMIER (Hon. R. Philp, *Townsville*): I do not know why the hon. member for Cunningham has brought this motion on. I could have excused it if it had stood in the name of the hon. member for Clermont. I can only tell the House that the Secretary for Agriculture has the Bill in hand; but he wants to get the Marsupial Bill through first. As soon as that is disposed of, he will proceed with the Agricultural Bank Bill, and as the House has already passed it, I do not anticipate that it will meet with much opposition. As for the other House, the hon. member ought to know that I cannot go there and ask them to vote for any particular Bill. The members representing the Government will take charge of the Bill, and do their best to get it passed. Of course we cannot discuss the provisions of that Bill now; but I think the hon. member may rest assured that there will be no difficulty in getting it through this House. Hon. members passed it last year, and I do not suppose they will go back on the opinion expressed on that occasion, unless something has occurred that I know not of. This Bill will really benefit people who are going on the land and wish to put it under cultivation. Not so much the people who—— [5·30 p.m.]

The SPEAKER: Order!

The PREMIER: If the hon. member for Cunningham will assist us in putting through the business in front of this Bill the Government will do all they can to push his Bill on. As I said, the Secretary for Agriculture wants the Marsupial Bill passed first, and when that is put through, which I hope will be done to-morrow, he will take the Agricultural Bank Bill next.

Hon. A. S. COWLEY (*Herbert*): I am really surprised at the hon. member for Cunningham pushing on with this motion. The Bill is on the table of the House. What more does he want? I could understand it if the hon. member had amended his motion by striking out the first part and had confined himself to the latter portion of it only. But the hon. member said nothing whatever about that portion of the motion. He confined his remarks to the importance of bringing in a Bill dealing with this subject. And the Bill is on the table, and the hon. member knows it is on the table. What I expected the hon. member to do was to give some reasons why the latter portion of his motion should be carried; and I sincerely trust that in his reply he will give us some reasons why the whole business of the House and the country should be at a standstill until the particular Bill he is anxious to become law is dealt with. I presume he has some reasons, and judging from the ability of the hon. member he ought to be able to make out a very strong case. But the only portion of the motion which, if carried, would be of any moment he has remained silent on. Is the hon. member in earnest in wishing to go on with this Bill, or is it mere fireworks?

Mr. MAXWELL: Political fireworks.

Hon. A. S. COWLEY: Knowing the hon. member for Cunningham as I do, I would not accuse him of being guilty of political fireworks, but I should like him to show some reason why the Government should allow all business to lapse until this particular business is brought forward. There are two or three Land Bills, and a Local Government Bill, and other measures of great importance; yet they must all be set aside until the hon. member's own little Bill is dealt with.

Mr. KATES: It is not a little Bill.

Hon. A. S. COWLEY: It was a small Bill when it was before us last year. However, I do not despise the doing of small things, and small things are more powerful than big ones sometimes. What I mean to say is, that the hon. member asks the House to put everything on one side until his own particular Bill is dealt with, and has offered no substantial reasons for our doing so.

Mr. KATES; Because it is important; that is the reason.

Hon. A. S. COWLEY: That may be so; but are not all the other Bills before the House important? The hon. member must show, if he has any faith in his own motion—if he has any desire to confer this great boon, as he considers it, upon his constituents—he is in duty bound to show, on valid and substantial grounds, why this business should take precedence of all other business. What would be the result of this motion if carried? The Government would resign. If the latter part of this motion is carried, the Government would be bound to resign. Does the hon. member want that? Is he the leader of a new party? If so, let us know who they are. Where are his followers? I should like to know what support he has behind him in bringing forward what is practically a vote of condemnation and censure on the Government.

Mr. KATES: He is prepared to accept the responsibility.

Hon. A. S. COWLEY: Of course he is; and we shall have the Lieutenant-Governor sending for the hon. member for Cunningham, if this motion is carried, to form a new Ministry, because the Government, if they have any self-respect or political honour at all, are bound to

resign their positions. The most serious thing this House can do is to pass a motion like this, taking the whole business of the country out of the hands of the responsible Ministers and placing it in the hands of the hon. member for Cunningham. The hon. member says he is prepared to accept the responsibility. Where is his party?

[Mr. Annear took a seat alongside Mr. Kates.]

Mr. MAXWELL: His party is there now. (Laughter.)

HON. A. S. COWLEY: I was under the impression that, like the hon. member for Wide Bay, he was the leader of a party of one. Now I am delighted to see that there is a coalition between Darling Downs and Maryborough in the person of the hon. member, Mr. Annear. We all know the great ability, integrity, and eloquence of that hon. member, and I presume he will carry his colleague with him. I see the hon. members for Maryborough and Fortitude Valley in juxtaposition to the hon. member for Cunningham. (Laughter.) I see the hon. member for Fortitude Valley, Mr. McMaster, is willing to enter into the coalition and join with the hon. member for Cunningham for the purpose of ousting the Ministry. (Laughter.)

An HONOURABLE MEMBER: We have created a Liberal party. (Laughter.)

HON. A. S. COWLEY: I am sure no one will say a word against the new party—(laughter)—when in its ranks are such old and experienced parliamentarians as the hon. members for Fortitude Valley, Oxley, and Maryborough. "Coming events cast their shadows before," and when I see hon. members deserting their seats behind the Government, and going and sitting on the cross-benches, I think the hon. member for Cunningham should explain the policy of his party which includes these hon. members.

An HONOURABLE MEMBER: What about the hon. member for Herbert?

HON. A. S. COWLEY: The hon. member for Herbert has retained his seat on the cross benches, allotted to him by the Standing Orders. [Mr. Tolmie took his usual seat alongside Mr. Kates.]

An HONOURABLE MEMBER: Another one has joined the new party, I see. (Laughter.)

HON. A. S. COWLEY: Yes, I see the hon. member for Darling Downs has gone into the coalition. This puts me in mind of an old man who was hawking shrimps, and he shouted out, "Scotchmen, 3d. a pint." This attracted the curiosity of an old lady, and she said, "Scotchmen? Why we call these things prawns;" and the hawker told her, "Oh, well, they all hang together." Hon. members can draw the moral for themselves. I see that the new party is increasing in numbers and in weight—the most weighty men in the House I see have joined the combination—(laughter)—but what astonishes me to-day is that the hon. member for Wide Bay is absent. If he were here, I believe he would go over and join the new party, because if the hon. member for Wide Bay has one object it is to gain possession of the Ministerial benches. Here is his glorious opportunity! But the hon. member is not here! What will his constituents say to him about his being absent on this all-important occasion? We see the hon. members for Maryborough and Darling Downs in the combination.

Mr. TOLMIE: Now! Now!

HON. A. S. COWLEY: And we see that the hon. members for Oxley and Fortitude Valley have all deserted their seats behind the Government and have joined the new party. If the hon. member for Wide Bay, with his immense grasp of public affairs—with his great administrative abilities, and with his wonderful eloquence—was only here and he joined the new party, I am sure that the party would be irresistible, and that the motion would be carried and the Government would be ousted. There is the opportunity, but where is the man? The man is absent. Seriously, when the hon. member for Cunningham presents a motion of this description—being an old parliamentarian—does he believe that this motion will pass the House? Does he know the importance of this resolution, or the consequences which this resolution will entail if it is passed? If he does, why does not the hon. member give us some reasons? The hon. member has not done so. On the other hand, he has burked the question. He has not given a single solitary reason why the latter part of this motion should be passed. He gave his reasons why the first part of the motion should be passed, but they are valueless, because the Bill referred to is before the House. If the hon. member means business—if he is sincere in his attack on the Government for not bringing in this Bill earlier—let him move to omit the first part of his motion and give us reasons why the second part should be passed.

Mr. KATES: You were not in the House when I gave my reasons.

HON. A. S. COWLEY: Oh, yes, I was here; and I fully expected the hon. member to give us some reasons which would lead us to come to the conclusion that he is in earnest in this matter, for I know when the hon. member wants to gain a point he knows the best way to go about securing it. I watched the career of the hon. member for a long time before I came into this House, and I have always found that he knows exactly what he wants, and he generally gets it. But on this occasion he either does not really want what he has asked for, or else he has forgotten his usual skill or ability. I sincerely trust that when the hon. member rises to reply he will give us some reasons for his motion. But before he rises to reply, I should like to hear the Minister for Agriculture on this question, considering his position. (Laughter.) Because if this motion is carried, the hon. gentleman will be relegated to the cold shades of opposition. I really think that the Government are on their defence, and as the Minister for Agriculture is the chief transgressor or culprit in this respect, let him rise in his place and say some words in defence. (Laughter.) I trust he will do so, and having done so, I think the hon. member for Cunningham in reply will give us some reasons why we should desert the Government and try and turn them out and drive them into opposition. If the hon. member can assure me——

Mr. TOLMIE: That he will give you a billet.

HON. A. S. COWLEY: If the hon. member is going to give me a billet, I should like to know what that billet is going to be. (Laughter.) Now, I see another accession to this new party—the hon. member for Rockhampton North has joined the coalition. (Laughter.) What portfolio that hon. member is going to get I do not know. (Laughter.) When I see the wonderful accession to this party, I cannot help thinking that there is some deep-laid scheme which we know very little about, and I would like some of the supporters of the hon. member for Cunningham to tell us all about it. What do they propose to do? What are the tenets of the policy they intend to pursue? Let the hon. member for Cunningham, as leader of the new party, tell us if the Government is going to be put out of office what his policy is going to be. I suppose it will be something more than lending money to agricultural settlers. I feel sure the hon. member for Cunningham has a soul above money-lending—(laughter)—and that he will be able to bring forward some policy that will induce reasonable and rational

men representing reasonable and rational constituencies to support him in his desire to oust the Government from office.

Mr. ARMSTRONG (*Lockyer*): Mr. Speaker

HONOURABLE MEMBERS: Oh, oh, and laughter.

Mr. KATES: You are pledged to this Bill.

Mr. ARMSTRONG: This is the first time that I have risen in this House to speak on a serious question that I have been received on all sides with smiles and laughter and coruscations of mirth.

Hon. A. S. COWLEY: Is this a serious question?

Mr. ARMSTRONG: Yes. I consider this is one of the most serious questions that can be brought forward. And yet the hon. member who has interjected is an hon. member, above all others in this House, who should not introduce a spirit of levity into this question, for he represents an agricultural constituency in the North. He is known through the four corners of Queensland as representing only one branch of the agricultural industry, and yet he has traduced my hon. friend the hon. member for Cunningham——

Hon. A. S. COWLEY: Oh, no! (Laughter.)

Mr. ARMSTRONG: Well, I call it traducing him when the hon. member for Herbert says that he is attempting to form a political party in this House to oust the Government. My hon. friend, the hon. member for Cunningham, has no notion of turning the present Government out. My hon. friend is one of those men who stick to the agriculturists, whose condition he knows far more thoroughly than the hon. member for Herbert. That hon. member understands the Northern conditions only. This hon. member—who gave the Secretary for Agriculture the most difficult time that I have ever seen any Minister receive in this House on the Agricultural Estimates the other night—now gets up, professing to be the friend of the Secretary for Agriculture, and shows what the hon. member for Cunningham is doing. I would ask the House what politics are made of? (Laughter.)

Mr. KERR: Ask us something easy.

HONOURABLE MEMBERS: Gas! Wind!

Mr. ARMSTRONG: There is a good deal in the interjection that has come from several sides of the Chamber—"Gas!" There is a great deal more in the interjection of the Secretary for Railways, who says "Wind!"; and I may say that the hon. gentleman is not deficient in that propensity, any more than any member of this House.

The SECRETARY FOR RAILWAYS: I do not talk much.

Mr. ARMSTRONG: No, but when the hon. gentleman does speak he generally produces a whirlwind in the House—(laughter)—and, if that whirlwind is directed to the other side, it curls and shrivels them up. Politics is more or less a question of one side cutting away the ground from under the feet of those on the other side. I see that the hon. member for Aubigny is directing my attention to the clock, but I have no intention on the present occasion of taking the ground from under the feet of my hon. friend, the hon. member for Cunningham, when he raises the question of providing cheaper money for our agriculturists. I agree thoroughly with the hon. member in his desire, but I disagree with him entirely when he introduces his motion ten minutes after the Secretary for Agriculture has given notice of the introduction of a Bill to do exactly what the hon. member wishes to provide.

Mr. KATES: It should have been introduced three months ago.

Hon. A. S. COWLEY: Do you believe this should take precedence over all other business? That is his motion, and that is what I was contending against.

Mr. ARMSTRONG: That opens up quite another question. I distinctly say that, as for over eight years the present Government have proposed—first of all, Sir Hugh Nelson—that a measure should be brought in to give the agricultural constituencies of Queensland what they ask in this direction, this question should take precedence over all other questions.

Mr. KATES: Hear, hear!

Mr. ARMSTRONG: If there is one other question that requires precedence over this, it is the amendment of the Local Government Act.

HONOURABLE MEMBERS: Hear, hear!

Mr. ARMSTRONG: Next to that, the question of providing cheap money for farmers is the most important question at the present moment. If the hon. member had introduced his motion previous to the expressed desire of the Ministry—through the Secretary for Agriculture—to bring in a Bill dealing with the subject, I should be one of those to support him; but, under the circumstances—and I am going to say a very cruel thing—when an hon. member on this side puts such a motion on the paper as this, it looks as if it is more or less of a little bit of a political dodge.

Mr. KATES: Oh, no!

Mr. ARMSTRONG: The hon. member says "Oh, no"; but when we, as business men, sit in this Chamber and hear the Secretary for Agriculture ask for leave to introduce a Bill to provide a certain fund for our farmers, we can come to no other conclusion, when an hon. member gets up a little later and gives notice of such a motion as this. I give the hon. member credit for not hearing the Minister.

The SECRETARY FOR AGRICULTURE: It appears in "Votes and Proceedings."

Mr. ARMSTRONG: When the hon. member gave notice there was a round of laughter all round the Chamber, for the simple reason that the hon. member did not hear what the Secretary for Agriculture had said.

Mr. KATES: What about the second part of the motion?

Mr. ARMSTRONG: The hon. member safeguards himself by asking, "What about the second part of the motion?" That is that this motion should take precedence. I may be a consistent or inconsistent supporter of the present Government, but if an hon. member hears the Secretary for Agriculture give notice of a Bill which will give effect to what he wishes to effect, he must give the present administrators credit—if he supports them—for honesty of purpose.

Mr. KATES: Why didn't they bring it in sooner?

Mr. ARMSTRONG: Bring it in sooner! Since I have supported the present Administration I have given them credit for honesty of purpose—as I have given hon. members opposite who have brought questions before the House credit for honesty of purpose. If we are not going to have that honesty of purpose accorded to each of us in whatever resolutions we bring before the House, then I should say that the great work of this House is going to be null and void. We give them credit for it at any rate, and when a Minister rises in his place and asks for leave to introduce a Bill, I, as a supporter of the present Government, consider it very strange for a member on our side to rise and propose a motion which after all can be regarded as nothing but fireworks. Had this only been done on the present occasion I might not have blamed the

hon. member, but he did the same thing on the question of railway rates only a few days ago, and I, therefore, do not think I am blaming him unduly for not leaving the whole matter in the hands of the Government. If the Government measure is not sufficient we can blame them, and allow the constituents to deal with them as they think fit.

The SECRETARY FOR AGRICULTURE: I just wish to say a few words in reply to the speech of the hon. member for Herbert, who dealt with the matter in a humorous fashion, and spoke of the motion as being equivalent to a vote of want of confidence in the Government. I merely wish to say that I think that was a humorous statement. The Government, at any rate, have no intention whatever of treating it as a vote of want of confidence, no matter what decision the House may come to.

Mr. TURLEY (*Brisbane South*): As this seems to be a sort of electioneering business on the part of the hon. member for Cunningham——

Mr. KATES: Nothing of the kind.

Mr. TURLEY: It is just as well that we said so. As a matter of fact, this is not the first time, in connection with this question, that the hon. member has taken this course. Last year he did exactly the same thing. He brought forward a motion instructing the Government what they were to do. I think he brought it forward fairly early in the session; it came on again for discussion on another private member's afternoon, and the third time it came up the hon. member—being evidently satisfied with what he considered was the promise that was given by the Minister——

The SECRETARY FOR AGRICULTURE: Which was fulfilled.

Mr. TURLEY: Which was fulfilled later on. Being satisfied with that promise, the hon. member then withdrew his motion.

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

SUGAR WORKS GUARANTEE ACTS AMENDMENT BILL.

FIRST READING.

The House having, in Committee of the Whole, affirmed the desirableness of introducing a Bill to amend the Sugar Works Guarantee Acts, 1893 to 1895, the Bill was read a first time, and its second reading made an Order of the Day for to-morrow.

WORKMEN'S COMPENSATION BILL.

SECOND READING.

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*): In moving the second reading of this Bill, I desire to express a very earnest hope that hon. members will give their very best attention to it, and endeavour, as far as they can, by being as brief as possible in their criticisms, to expedite the passage of the Bill. It is the sincere desire of the Government that the Bill should be passed without any unnecessary delay, and that it should be transmitted to the other Chamber on an early date so that the members may be enabled to deal with it in time to enable it to be assented to with other Bills passed during the present session. There has been no unnecessary delay on my part in preparing and bringing this Bill forward. A great many matters had to be considered, and though at one time I thought it possible to embody in a measure of this sort a great many provisions which would render it unnecessary to go outside the four corners of the Bill itself for the purpose of enabling workmen who had received injuries, no matter how they might have been caused, to obtain compensation for those injuries; yet after the most careful study and consideration I have been obliged to come to the conclusion that it is not possible to prepare a Bill more comprehensive than the Bill which is now in the hands of hon. members. I wish to point out that in my view a Bill of this sort should be limited, as far as possible, to workmen who are engaged in that kind of employment which is attended with more or less of risk and possible danger. I do not hold that a Bill which contains provisions so drastic as those which are included in this Bill should be made as generally applicable as would have been the case if the Bill introduced by the hon. member for Gympie had been passed by this House and the other House, and had become law. It is to be borne in mind that one of the advantages to be secured by limiting the provisions of a Bill of this kind to certain specific kinds of employment such as I have indicated is this: That a great many of the objections which would otherwise be raised to the passage of it through the legislature will be obviated. I do not think, for example, that it would be a very desirable thing—because I do not think there would be a likelihood of such a Bill being passed by the legislature—to include in the provisions of a Bill of this sort all persons, whatever may be the nature of their employment, who are engaged in the service of other people, and receiving wages for that service.

Mr. DUNSFORD: Yet that is one of the very things you complained of when you were speaking against the hon. member for Gympie's Bill.

The ATTORNEY-GENERAL: No, not one of the things I complained of. I did not complain of the fact that the member for Gympie's Bill did not make provision for every kind of employment and for every kind of person.

Mr. DUNSFORD: I understood you to say that it should include farmers, and others following occupations of a like nature.

The ATTORNEY-GENERAL: I pointed out that there were certain objections that seemed to me to lie upon the surface of the Bill, and at that time I had not been able to give the amount of consideration to the provisions proper to a measure of this sort that I have been able to give since. For example, if it were thought by the promoters of a measure like this that it would be desirable to make the provisions of such a Bill applicable to all kinds of employment, then it would not be fair to exclude from its provisions persons who are engaged in domestic service in the household. And in the ramifications of society, constituted as it is now, there are a great many persons who are in the employment of others who would, under the provisions of such a measure if passed, be entitled to compensation from their employers, no matter how harmless, ordinarily, might be the nature of the duties in which they were engaged. It would necessitate, for example, any householder employing one or two domestics having to take out policies for the purpose of insuring his domestics against accident; and when you multiply the instances to the extent to which they could be multiplied—taking into consideration all the circumstances under which some persons are employed by other persons to do a certain kind of work—it might make the Bill so oppressive—and that is one of the things I have had to consider in bringing it in—so oppressive in the estimation of hon. members, both of this Chamber and the other, that its passage might be seriously jeopardised.

Mr. BOWMAN: Why should not all classes be protected?

The ATTORNEY-GENERAL: We have to go a step at a time, and I should not be prepared myself to undertake the responsibility of carrying through this Chamber a Bill which made it incumbent upon every person who gave employment to some other person to have to take out a policy in an accident insurance company for the purpose of paying compensation in the event of that person being injured. We can only go a step at a time. It may be possible that by and by when by actual experience—when this Bill becomes law, as I hope it will—it has been found to work satisfactorily, to go a step further; but I have always found that any attempt to go too far, or to attempt to grasp too much at once, is to defeat your own purpose.

Mr. BOWMAN: You told the hon. member for Gympie that his Bill was not sufficiently comprehensive.

The ATTORNEY-GENERAL: I meant it was not sufficiently comprehensive in this sense—that we have other laws dealing with the right of workmen to obtain compensation, and that if we were to bring in a Bill of this sort, and at the same time left it open to a man who was injured in the employment of another to proceed under this Bill, or to proceed under the Employers Liability Act, or some other Act, we should have employers disturbed continually by want of knowledge as to what their liabilities were in respect of injuries occasioned to those in their employ.

Mr. DUNSFORD: You do that under this Bill.

The ATTORNEY-GENERAL: I am influenced by the fact that the Gympie Miners' Association have issued a circular in which they point out that it would be very embarrassing to them, and also to others if they did not know, in the event of an accident occurring, whether they would be liable under the provisions of this Bill, or under the Employers Liability Act, or under common law.

Mr. RYLAND: You mean the Mineowners' Association.

The ATTORNEY-GENERAL: Yes, it may be. I do not remember the name of the association, but it was a Gympie association. I think any person in the position which I have the honour to occupy in regard to this Bill who endeavours, as far as possible, to limit the provisions of the Bill to something like reasonable bounds, and thereby secures the passage of the Bill, is much more the friend to men who are in the employ of other people than those who would try to include too much in such a Bill and so preclude the possibility of any legislation on the subject at all.

An HONOURABLE MEMBER: Do you not think the hon. member for Gympie is a friend to those who are employed?

Mr. GIVENS: His was a more liberal Bill.

The ATTORNEY-GENERAL: I would point out to those who are making these interjections, that the Bill introduced by the hon. member for Gympie did not go so far as those who are interrupting me think that this Bill ought to go. The provisions of the Bill brought in by the hon. member for Gympie—which was similar to a Bill brought in by a gentleman who now represents Wide Bay in the Commonwealth Parliament—were limited to the employment generally of the class to which I have referred—the class of persons who are engaged in employment that in the very nature of things subjects them to greater risk than is encountered by persons in the ordinary walks of life. I do not think I am doing an injustice to the view held by hon. members who were in favour of the Bill brought in by the hon. member for Gympie when I take up the position which I now assume. I say we are not yet sufficiently advanced in our ideas as a whole to attempt to carry through legislation which would be universally applicable to every person who was employed in the service of some other person. I may state this, further, that I have had in contemplation for a time, and have studied the problem very carefully, as to the circumstances under which the right to obtain compensation under this Bill should be limited so far as regards the culpability of the person who receives the injury. I am aware that a great deal of difficulty has been occasioned by the peculiar provision in the English Act—and which I find is in all the Acts in all the States where such legislation as this exists—that is, by rendering the injured person ineligible for obtaining compensation where that injury had been brought about by his own "serious and wilful misconduct." The reason for the delay in bringing in this Bill was that I had to study the subject all round, and make investigations and inquire into the history of legislation elsewhere. I was at one time prepared to go to this extent: that a man should be, under the provisions of the Bill, entitled to compensation under any circumstances, except where he deliberately and with intent to bring about an injury to himself was injured. The question may arise at times as to whether an injury sustained by a workman is an injury that is to be attributed to his own "serious and wilful misconduct," and I thought the only way to obviate any question that might arise on the subject would be to make the Bill so absolute in its provisions that except it was shown that a man deliberately brought the injury on himself for the purpose of securing compensation, he should be entitled to compensation. However, I found that all the authorities were against me in that respect, and I was afraid I could not secure a concurrence of opinion if I introduced a Bill making so wide a provision as one of that kind would be, and I was obliged reluctantly to fall back on the provisions of the English Acts and of the Acts of a similar nature passed in Australia and New Zealand—that is, excepting from its beneficent operation the man who, by his own serious and wilful misconduct, had brought the injury about. It is from no desire to unreasonably limit the beneficial operation of the measure that the Bill remains in the form in which hon. members find it as regards that particular phase of the subject. I would like now to indicate one or two points of difference between the Bill now in the hands of hon. members and the Bill introduced by the hon. member for Gympie, Mr. Ryland. That Bill contained, copied from the English Act, provisions which drew a distinction between "undertaker" and "employer." A very great deal of confusion arose in the minds of many persons who endeavoured to interpret the provisions of that Bill as to the operation of the terms "undertaker" and "employer." I find that the South Australian legislature tried to get rid of the difficulty, and afterwards had to have recourse to the same dual form of expression in another part of their Act; but I have abolished, under this Bill, the double terms "undertaker" and "employer," which seemed to me to be very unnecessary and confusing, by defining the term "employer" in such a way as to leave no doubt as to the person who is to be liable under circumstances when compensation is claimed for injuries sustained. I have also ventured to improve, as I think, upon the provisions of the Bill brought in by the hon. member for Gympie by abolishing the old definition of "factory." I regard it as a vicious principle, generally speaking, in the drafting of measures of this sort—measures of any sort, in

fact—to insert provisions by which, when you want to know what they are, you are referred to some other Act or some other law for interpretation.

HONOURABLE MEMBERS: Hear, hear!

The ATTORNEY-GENERAL: When I looked at the Bill brought in by the hon. member for Gympie, I found that "factory" was defined in this way—

"Factory" has the same meaning as in the Factories and Shops Act of 1900.

So that any person who wanted to know what the law is with regard to a right to compensation by a person who had been injured in a factory would be obliged to have recourse to the Factories and Shops Act of 1900 to see what "factory" really means, and then when we are taken to that Act I find the provisions there are not so satisfactory as I think the provisions of a Bill of this sort ought to be. Under the Factories and Shops Act passed last year, "factory" is defined to be—

Any building, premises, or place in or in connection with which two or more persons, including the occupier, are engaged in working directly or indirectly at any handicraft, or in preparing, working at, dealing with, or manufacturing articles for or in connection with any trade, or for sale, including every bakehouse and laundry.

And then there is this curious provision—and I am surprised at hon. members, who think there is fault to be found with anyone for having opposed the Bill brought in by the hon. member for Gympie, being favourable to a definition which includes this—

Any building, premises, or place in which a person or persons of the Chinese or other Asiatic race is or are so engaged.

So that in a building occupied by a Chinaman, and the business of which was carried on entirely by Chinamen, any Asiatic there, by virtue of his employment there, would have a right, under the provisions of the Bill, as the hon. member for Gympie brought it in, to go for compensation precisely to the same extent as the relative of any one of us who might be injured in a place where operations of that kind were carried on. I have taken very great pains indeed to define in this Bill what is meant by a factory. Hence hon. members will discover that it first of all includes—

Any furnaces, mills, or foundries mentioned in the third schedule to this Act;

And, on turning to the 3rd schedule, hon. members will find that it is as follows:—

Blast furnaces—that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on.

Copper mills.

Iron mills—that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel.

Foundries—that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on.

All processes of that kind, as to which I doubt very much whether they would be included in the old definition of "factory" as in the Bill of the hon. member for Gympie, are all of them included. Secondly, the term "factory" in this Bill includes—

Any premises wherein or within the curtilage or precincts of which machinery is being used in or incidental to—

(*a*) The making of any article or part of any article; or

(*b*) The altering, repairing, ornamenting, or finishing of any article; or

(*c*) The preparation or adapting for sale of any article.

I have been guided in the framing of this part of the definition by reference to the [7·30 p.m.] decisions of the English courts —with reference to compensation claimed by persons who have been engaged in what is defined to be a factory under the English Act, and I have discovered in the course of my investigations that persons who were outside the factory itself were not included—that is, the definition did not include any spot outside the actual factory itself. By the terms of the present definition it will be found there is included, not only inside the particular place where the actual work may be going on, but—

The whole of the premises wherein or within the curtilage or precincts of which machinery is being used in or incidental to—

(*a*) The making of any article or part of any article; or

(*b*) The altering, repairing, ornamenting, or finishing of any article; or

(*c*) The preparation or adapting for sale of any article.

Any place, whether within the walls or within the curtilage or precincts of a building within which operations are carried on, is included in the term "factory," so that any person, whether he is engaged actually in connection with the machinery itself, or in doing any particular kind of work that he ordinarily does, will be as much entitled to compensation as one who was standing right up against the dangerous machinery, which is so frequently the cause of accidents in buildings where machinery is used. I have also included in the definition of "factory"—

Any dock, wharf, or quay, and so far as relates to the process of loading or unloading therefrom or thereto all machinery and plant being or having been used in or incidental to that process.

And then I have proceeded to extend the idea of wharf in these words—

When a vessel is in a dock or moored alongside of a wharf or quay, and is being loaded or unloaded directly from or to another vessel, then for the purposes of this definition such last-mentioned vessel shall be deemed to be part of the dock, wharf, or quay.

That is to say, not only are all those persons who are employed on a wharf—persons who are by the fact of their being employed on a wharf—persons engaged in a factory, but those who are connected with the working of machinery of any kind on board a vessel lying alongside a wharf and on to which a vessel is being discharged, or from which she is being loaded or unloaded, will be entitled to compensation; because that part of the vessel which consists of machinery or of those things which appertain to machinery, or are used in connection with it for the purpose of loading or unloading, all come within the definition of factory; and any person injured in connection with the machinery of the vessel lying alongside, or by falling off a defective plank, which has been used in connection with loading or unloading, will be entitled to the same compensation as if he were a person whose duties required him to be exclusively employed upon that wharf. And then it goes on to say—

Any vessel in a harbour moored elsewhere than alongside a wharf or quay, which is being loaded or unloaded directly from or to another vessel.

It may be a lighter, or any vessel of that sort, and if any person is employed on that lighter on the far side of the vessel which is lying alongside the wharf, that lighter is to be deemed to be a part of the wharf, so that all the persons employed on the lighter in taking cargo to or from the vessel, are to be taken to be as much employed in a factory as if they were employed on the wharf itself. Then there is a provision in the 4th paragraph, upon which I shall propose an amendment, when we get into committee,

making a similar provision in the case of vessels that are not moored on to the wharf, but are lying in midstream, and lighters that are lying alongside a vessel moored in midstream. It will be seen, therefore, that the provisions of the Bill do not extend to ordinary sailors, except they are engaged in the work of loading or unloading, and are injured by the machinery which is being employed for the purpose of the loading or unloading. The object is to make provision for those who are engaged in the work of stevedoring and similar work, and unless we go into provisions which we cannot really enforce, because we should find ourselves in collision probably with the Merchants Shipping Act of 1894 and other provisions which we cannot deal with, we cannot extend the Bill to sailors generally. To be consistent we would have to make provision for all the sailors of our mercantile marine. The object of the Bill is not to make provisions for sailors in the discharge of the ordinary duties of sailors in our mercantile marine, but to make provisions for those whose duties are limited to the operations on a wharf, or who are temporarily engaged in connection with the duties of discharging on board a vessel or lighter. The next paragraph continues the definition—

> Any premises on which machinery is temporarily used for the purpose of the construction of a building or any structure in connection with a building.

This is a very great improvement indeed upon the provisions of the Bill introduced by the hon. member for Gympie—

> Any building which is being constructed or repaired or altered or painted by means of a scaffolding; or on which machinery is being used for the purpose of the construction, repair, or alteration thereof; or which is being demolished.

Under the English law, men who are engaged in painting a building on scaffolding, are not entitled to compensation. If a man is engaged after a building is put up, and there is scaffolding all around it, to paint that building after, and in the course of his work he falls from the scaffolding and is injured through no fault of his own, under the English law as it stands, and under the Bill introduced by the hon. member for Gympie, he would not be entitled to compensation, so that I have extended the definition so as to include persons who are engaged in work in connection with a building, whether it is original work, repairing, painting, or demolishing, covering all classes of cases one can imagine in connection with buildings, and avoiding any confusion that might arise with regard to any limitation which occurs in the English Act. I have done also away with the limit to the height with regard to buildings. It was in Mr. Fisher's Bill, and it is in the English Act.

Hon. A. S. COWLEY: Thirty feet.

The ATTORNEY-GENERAL: I knew there was a provision in some Bill, and this does away with any question of that sort. If the site of a building is on an incline, from which end of the foundation line are you to proceed to make your measurements? Of course, if the piece of land inclines to any extent, a building might be 30 feet high at one end and not 30 feet high from the other. Legal questions of this kind have arisen, and they have led to endless litigation and loss on the part of working men who have been engaged in seeking compensation for injuries that they have received in the course of their employment. The next paragraph defines the term "factory" still further, making it to include—

> Any place, not being a mine, in which persons work in getting slate, stone, or other materials, and any part of which is more than 20 feet deep.

This is really making a definition of a quarry. To show the absurdity of the old provision, which has been improved upon here, I may state that the person who was the owner of the quarry was an undertaker who would be liable to pay compensation to a workman who was injured in that quarry. That has been altered in this Bill by not making the owner, who may be a person living hundreds of miles away and simply rented the quarry to somebody else, the person liable to pay compensation to a man who was injured, but by making the person who was the employer of the workman engaged in the quarry the person liable. I think that is a definition of a quarry which will meet with general acceptance.

Mr. DUNSFORD: Why more than 20 feet deep?

The ATTORNEY-GENERAL: Because that seems a reasonable commencement for a line at which probably danger may begin. But I am not wedded to this particular depth. It seems to me that some fixed depth below the surface which is disturbed must be specified beyond which danger is likely to arise. It is only an arbitrary line fixed here in the Bill, and, as the consensus of opinion in Committee, some lesser depth may be decided upon. I have got a proviso to the clause to this effect—

> Provided that no furnace, mill, foundry, dock, wharf, quay, vessel, premises, building, structure, or place hereinbefore mentioned shall be deemed to be a factory within the meaning of this section unless at least six workmen are employed therein or thereon, or in connection therewith, at the time when an injury to a workman is occasioned.

That provision is similar to the one in the New South Wales, only their definition of a factory is a place where not less than five men are employed. I would point out to hon. members the reason why it was necessary to fix a certain number of men employed in order to bring the place where they are employed within the definition of "factory," so as to prevent the provisions of the Bill from acting harshly and unjustly. But for such a provision you might have a case of this sort: The hon. member for Gympie might be desirous of having his house repainted, and if he were to go to a couple of men and say, "I want you to paint my house," and pay so much for it, and those two men were to fix up a bit of board, slung on two ropes on the outside of the building while engaged in the painting, and one of them fell and broke his leg, the hon. member for Gympie would be liable to pay that man a very large sum of money by way of compensation. Persons who are engaged in having work of that kind done for them do not contemplate, when they employ persons for those objects, having to pay for accidents of that sort, and therefore would not probably have the forethought to go beforehand to an accident insurance company and take out a policy for the period the work was likely to last for so much for the two men who were going to do the work. The work would seem to them of too insignificant a nature; but, even so, they might be liable to have to pay a heavy amount for compensation of which they never dreamt. I mention that as an illustration simply of the necessity of making that provision. I noticed an hon. member over the way smile when I mentioned the number of persons employed in order to constitute a work a factory should be six.

Mr. TURLEY: Yes, I smiled.

The ATTORNEY-GENERAL: The hon. member thinks it is a very extraordinary thing that you cannot call a place a factory unless there are six men working there. If he were getting his house repainted, and employed a couple of men to do the work, and one of them met with an accident, and he had to pay £200 or £300 by way of compensation, he would be the very first to condemn the result of what he would call this hasty and ill-considered legislation. We

must deal reasonably in matters of this sort. When you are dealing with cases of accident for which employers are liable you are dealing with persons whose business it is, as a rule, to employ other persons—contractors or sub contractors, as the case may be—and they usually employ more than one or two men. I have taken care here to define a mine. I have not followed the example of the hon. member in defining a mine as a place so defined under the Mining Act of 1898. If anybody wants to know what a mine is he will find it here, and to that extent it is comprehensive. The Bill includes within its own limits all the definitions which are necessary, and all the means whereby compensation for injuries may be secured.

Mr. JACKSON: Is the definition more comprehensive than that in the Mining Act?

The ATTORNEY-GENERAL: It is sufficiently comprehensive to cover all the cases that are likely to arise. It defines a mine as—

Any place, pit, shaft, drive, level or other excavation wherein or whereby any operation for or in connection with or for the purpose of searching for or obtaining gold or any other mineral or mineral deposit by any mode or method of mining is carried on; the term includes all buildings, machinery, plant, works, tramways, and sidings, whether above or below ground, in or adjacent to or used in connection with a mine.

In defining "railway" I have taken particular care to guard against the possibility of litigation such as has occurred in England. This is the definition in the Bill—

"Railway"—The railway of any railway owner; the term includes every station, siding, wharf, or dock of or belonging to a railway and used for the purposes of public traffic; the term also includes a tramway used for the purposes of public traffic.

Mr. GIVENS: Does that include mining tramways?

The ATTORNEY-GENERAL: A tramway is included under the definition of mine if it is a tramway used in connection with a mine for getting out minerals or metals. I do not think it is right to include small private tramways—toy tramways, many of them—used occasionally, and only for one specific purpose, as for example in plantations. The tramways referred to in the paragraph are those used for the purposes of public traffic, and any person injured in connection with a tramway of that sort would be entitled to compensation. Then "railway owner" is defined as follows:—

The Commissioner for Railways or any person or body of persons, corporate or unincorporate, being the owner or lessee of or working any railway in Queensland constructed or carried on under the powers of any Act of Parliament, and used for the purposes of public traffic.

Now, the hon. member for Gympie, Mr. Ryland, will forgive me if I take the liberty of thinking that a provision of that sort is a very great improvement on the very limited provision contained in the Bill he brought forward on this subject. I have also defined "employer" as follows:—

The person by or for whom wages or remuneration are paid to a workman as hereinafter defined; the term includes any body or persons corporate or unincorporate and the legal personal representative of a deceased employer.

That is to say, the person who pays wages to any man for doing work for him is an employer, whether he is called "undertaker" or what not. I do not think "undertaker" is a happy phrase to use in this connection, though it has very high authority. We do not want to hear much about undertakers in connection with the provisions of a Bill providing compensation for accidents. It is too suggestive of fatal ending. There are several anomalies besides those which I have already referred to. For example, the Bill of the hon. member for Gympie made reference, amongst other things, to the definition of "undertakers" in the case of a wharf. Under the hon. member's Bill we would not know how the claim for compensation against the undertaker stood in the case of a wharf. I have abolished that kind of anomaly and have provided that a wharf shall be a "factory" within the definition of this Bill; so that persons employed on a wharf in any capacity are persons who will be so situated in the eye of the law, in the event of an accident happening, that they will be entitled to compensation. I have given the following definition of "machinery," which I think is necessary:—

Machinery and all appliances driven or worked by steam, gas, electricity, water, or other mechanical power.

When introducing this Bill the other day I pointed out that provision has been made here so as to enable workmen on the one hand and mine-owners on the other to know exactly how they are situated with regard to their respective duties and liabilities. Under the present law there are some very good provisions indeed with regard to the rights of persons employed in mines to recover damages in the event of injury. One provision which goes very considerably in the direction of liberality in this connection is section 218, which says—

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

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

Then there is a wise provision in section 211 which reads—

The occurrence of any accident in or on a mine shall be *prima-facie* evidence of neglect on the part of the owner and the manager.

Mr. BROWNE: Hear, hear! We do not want to see that repealed.

The ATTORNEY-GENERAL: That will be repealed by this Bill.

Mr. BROWNE: I hope not.

The ATTORNEY-GENERAL: Wait a minute. There have been substituted for it very much ampler and more satisfactory provisions. The occurrence of the accident is *primâ facie* evidence of negligence—that is to say, evidence which in the absence of rebutting evidence will be sufficient proof, but all *primâ facie* evidence is capable of being rebutted, and that is why the value of a provision of that sort becomes so whittled down when you come to read alongside of it the provisions of section 218, which I will read again—

If any person employed in or about a mine suffers injury in person, or is killed, owing to the negligence of the owner, contractor, or tributor of such mine or his agent or agents, or owing to the non-observance in such mine of any of the provisions of this part of the Act—

Then we come to a parenthetical clause here—

(such non-observance not being solely due to the negligence of the person so injured or killed), the person injured or his personal representatives, or the personal representatives of the person so killed may recover from the owner, contractor, or tributor of such mine compensation—

and so on. Now, under the provisions of clauses like that, beneficent as they are, you see the

question continually arises—Was there negligence? Did the accident really occur through the negligence of the man himself? I have frequently to read the depositions taken on an inquest on the death of a man killed on a goldfield, and this kind of case comes before me again and again: A mining manager lays down a rule that persons who are engaged in firing shots in a mine are not to go near the place where the firing takes place until twenty minutes at least have expired, and it frequently arises that men drill two or three holes, and they hear a couple of shots. They do not hear the third—they are not clear about it or they do not take sufficient trouble to make themselves certain as to how many shots did go off—and instead of waiting twenty minutes, they go five minutes after to look at those places, and while they are there looking at them the charge explodes, and one or two miners are fatally or very seriously injured.

Mr. JENKINSON: That is very rare.

The ATTORNEY-GENERAL: If the hon. gentleman read as many depositions as I read in connection with this matter, he would know it is not very rare. I say the number of cases which arise, not through defiance of rules, but through neglect to observe rules on the part of the miners, is something appalling, and there is no attempt to obtain compensation under these circumstances as a rule. But the difficulty, when [8 p.m.] claims for compensation arise under those circumstances, is to find out whether the man who was injured did or did not exercise sufficient care—or, in other words, whether the injury resulted, not from his own serious and wilful misconduct, but from his neglect of some rule that he ought to have observed. Now, liberal as the mining law is, the question as to the right to compensation is complicated very often with considerations of whether there was negligence on the part of the person injured, or whether the accident would have occurred at all if he was as careful as he ought to have been. I say, therefore, that, under those circumstances, the protection in the Mining Act is not so great as one would imagine it to be. But under the provisions of this Bill no question of that kind can arise at all. Under all circumstances, when an accident occurs, unless it can be shown—and the onus of that will be upon the person who pleads it—unless it can be shown that the accident was due to the serious and wilful—both, you see—serious and wilful misconduct of the person injured, then compensation will have to be paid. That is an infinitely more liberal provision on behalf of men engaged in our mines——

Hon. E. B. FORREST: Infinitely more drastic.

The ATTORNEY-GENERAL: It is all in favour of the working miner—a class for whom I have the greatest sympathy. I represented working miners for ten years, and I know a lot of their troubles and difficulties, and, as long as I have the honour of a seat in this House, I shall always be a party to measures which will go to the amelioration of their condition and the improvement and betterment of their state in every way.

Mr. JACKSON: Do you think the miner will be better off under this Bill?

The ATTORNEY-GENERAL: Infinitely better off. He will be much more certain as to his rights. At present a man does not know when he goes to law whether he has a right or not; and in some other cases besides miners the question arises whether they can come under the provisions of the Employers Liability Act. The hon. member for South Brisbane expended a lot of energy not very long ago in demonstrating that the Employers Liability Act was a delusion and a snare. He pointed out that is was fenced all round——

Mr. TURLEY: I quoted what the late Chief Justice Lilley said from the bench.

The ATTORNEY-GENERAL: I am not disputing the hon. member's contention. I say myself that there are difficulties in proving the facts in connection with the Employers Liability Act in very many cases, in order to render the employer liable. It is very desirable indeed to substitute some other method of obtaining compensation than is provided in that Act; and that is one of the reasons why I am so anxious to have an Act of this sort brought into operation with the least possible delay. To this end, and in order that the persons injured on the one hand, and the employers who are liable on the other, may know exactly where they stand, I have abolished in this Bill the operation of the Employers Liability Act in its application to all persons who come within the provisions of this Act, so that they have only one of two remedies now. When this Bill becomes law, all persons within its provisions will be able to go for compensation under the provisions of the Act itself, or else—if they believe that they can substantiate that there has been negligence on the part of their employers, which has brought about the accident from which they suffer—it will be optional with them to go for compensation by the ordinary remedy of an action at common law. In that way, those persons who are employed, and who have sustained injury, have this very great advantage—even if there has been neglect, or if the accident has not been so serious as to warrant them going to the expense of an action at common law for damages, they may be satisfied to obtain such damages as are provided within the provisions of this Bill. Clause 5 is important. A provision of this nature was contained in the Bill brought in by the hon. member for Gympie, and was taken from the English Act. It provides what is generally a very valuable way of avoiding litigation, and which has been found by practice in England to be the easiest and most inexpensive way of doing so; and I have therefore adopted the provision contained in the English Act. The clause says—

> If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the employment is one to which this Act applies), or as to the amount or duration of compensation under this Act, the question, if not settled by agreement—

The effect of a provision of this sort will be that, when an employer knows very well that he is bound to go down if an action is brought for compensation, he will consider himself fortunate in having an opportunity of fixing the amount of his liability by agreement. If he cannot then, subject to the provisions of the first schedule to this Act, the matter shall be settled by arbitration. The provisions with regard to arbitration are very simple, and, I take it, will be found very effective. Clause 8 makes provision that if a workman should bring an action, say, for damages at common law—and when he brings an action for damages at common law he has to prove negligence, and he has also to prove that he was not guilty of contributory negligence—if, in the case of an action at common law against an employer for negligence, it is found by the judge that the action should not have been brought at common law because there is not sufficient proof of negligence to make the defendant liable, then—instead of dismissing the action—as under the hon. member's Bill he might have done—and then with the consent of the other person proceeding to assess

the compensation—but not without that consent—the judge himself can proceed to assess damages. Without referring it to arbitration, he can proceed to assess damages. That, I think, is a very useful provision, and one that will be found to work very satisfactorily in the course of practice. There is a small difference between the provisions contained in clause 10 and those of clause 5 in the Bill of the hon. member for Gympie. I do not make any merit of the length of the Bill; but hon. members will see that this Bill contains many more clauses than the Bill of the hon. member for Gympie. Clause 10 provides that in the case of the occurrence of an injury proceedings for compensation must be commenced within six months after the occurrence of the injury, or in the case of death within six months after the time of death. Later on the clause provides that—

> The want of notice, or any defect or inaccuracy in any notice shall not be a bar to the right to compensation—
>
> (i.) If the employer is not seriously prejudiced in his defence; or
>
> (ii.) If such want, defect, or inaccuracy was occasioned by mistake or other reasonable cause.

That provision is fair to both the employer and the person injured. Then, the clause says—

> The notice shall give the name and address of the person injured, and shall state in ordinary language the cause and, so far as is ascertainable, the nature of the injury, and the date on which it occurred.

I think that is an improvement on the provision contained in clause 5 of the Bill introduced by the hon. member for Gympie, which provided that—

> Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured.

What does "as soon as practicable" mean? Any difficulty which might arise as to the meaning of such a phrase is obviated by clause 10 of this Bill, which says that notice shall be given within six weeks, and that proceedings must be taken within six months after the occurrence of the injury, or in the case of death within six months after the time of death. The provision in the hon. member's Bill might occasion much difficulty and give rise to very serious litigation. With regard to any contracting out arrangement which may be voluntarily made by employers and employees, clause 11 of this Bill provides that—

> If the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workmen, certifies that any scheme of compensation, benefit, or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, is on the whole not less favourable to the general body of workmen and their dependants than the provisions of this Act, the employer may, until the certificate is revoked, contract with any of those workmen that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable only in accordance with the scheme.

There is a limit fixed to the duration of the operation of the certificate so given, and it is provided further that if complaint is made to the Registrar of Friendly Societies on any of the grounds, or for any of the reasons mentioned in paragraph 4 of the clause, the Registrar shall examine into the complaint, and, if satisfied that good cause exists for such complaint, shall, unless the cause of complaint is removed, revoke the certificate. There is also a provision in this Bill similar to that contained in the Bill brought in by the hon. member for Gympie with regard to sub-contracting. It gives the right to persons who suffer injury in the employment of a sub-contractor to have recourse to the original contractor, who will be able to indemnify himself against the loss he has incurred by having to pay up from the sub-contractor. I think that provision is a very fair one; it is a very beneficial one so far as workmen are concerned, as it prevents men from being placed at the mercy of a sub-contractor, who may be absolutely a man of straw. It is intended by this Bill to repeal sections 211, 218, and 219 of the Mining Act of 1898, and it is declared that none of the provisions of the Employers Liability Act of 1886 or the Employers Liability Extension Act of 1888 shall apply to any employment to which this Bill applies, or to any workman employed by any employer in such employment. In the schedules to the Bill a scheme is worked out very similar to the scheme contained in the Bill introduced by the hon. member for Gympie for ascertaining the amount of compensation and the scale on which it is to be paid. Hon. members will find therefore that the maximum that can be secured under the provisions of this Bill is the sum of £300. I do not think I need go minutely into the provisions contained in the two schedules of the Bill, they are so similar in many respects to those contained in the Bill brought in by the hon. member for Gympie, as taken from the English statute, and they are very similar to the provisions contained in other Acts in force in the States of the Commonwealth which I have consulted in the preparation of this Bill.

Mr. RYLAND: Clause 6.

The ATTORNEY-GENERAL: As the hon. member has drawn my attention to clause 6, I will read that provision. It is as follows:—

> Notwithstanding the provisions of any Act to the contrary, a person entitled to compensation under this Act shall not be entitled to institute any proceeding for a penalty under the laws in force for the time being relating to mining or factories, or to receive any penalty or part of a penalty recovered in a proceeding instituted by any other person under any of such laws.

That is to say, it limits the right of compensation for injuries sustained to any workman to whom the provisions of this Bill apply, to the method prescribed by the Bill itself. That last reference to receiving any penalty, or part of the penalty, in the case of proceedings brought by any other person, has reference to a provision in the Mining Act whereby a mining manager, say, is guilty of any negligence which results in injury to a miner. He may be declared liable to pay a penalty not exceeding £50, and the magistrate may, in his discretion, award part of that penalty to the injured person. Clause 6 is inserted in this measure for the purpose of making it absolutely clear, as I said before, to the person liable on the one hand and to the person having the right on the other, what their respective rights and liabilities are. I do not think I need take up the time of the House at any greater length. I have much pleasure in moving that the Bill be now read a second time.

HONOURABLE MEMBERS: Hear, hear!

Mr. RYLAND (*Gympie*): As the member who brought in a Bill on this subject previously, the leader of the party has asked me to take up the debate on this side of the House. I may say that on that occasion the Attorney-General asked me to withdraw the Bill, stating he would introduce a more comprehensive measure repealing all the Acts under which actions for compensation for injuries might be taken. The hon. gentleman, however, has made no attempt at all to consolidate the law, and this Bill is not in any way as comprehensive as the Bill that I withdrew. I feel that it would have been better

if my Bill had been allowed to go into committee. It would then not have been necessary to introduce this Bill, and so much time would have been saved.

Hon. A. S. COWLEY: You withdrew it.

Mr. RYLAND: I did, because the Attorney-General asked me to withdraw it with a view of his bringing in a more comprehensive Bill and consolidating all the legislation on this subject. Besides, there was no likelihood of a private member getting legislation on this subject through unless the Government were favourable to it. Now, from a mining point of view this Bill takes away more than it gives. It repeals clause 211 of the Mining Act, which gives more protection to the mining community and to the working miner than any clause in this Act.

The ATTORNEY-GENERAL: They get something better.

Mr. RYLAND: They do not get something better. Clause 211 of the Mining Act says—

> The occurrence of any accident in or on a mine shall be *primâ facie* evidence of neglect on the part of the owner or manager.

There is nothing in this Bill as comprehensive as that. It throws the whole onus of proof on the management, and, in fact, it requires no proof at all—the very circumstance of there being an accident is proof under the Mining Act that there has been negligence on the part of the owner or manager.

The ATTORNEY-GENERAL: No, only *primâ facie* proof.

Mr. RYLAND: At the same time that is evidence that there has been neglect.

The ATTORNEY-GENERAL: What is *primâ facie?*

Mr. TURLEY: The employer has to prove neglect on their side—that is the position.

Mr. RYLAND: Now, under the Mining Act, with the provision contained in clause 211, if an accident has occurred, compensation can be awarded up to £1,000 or over. Will such damages as that be open to recovery under a Bill of this nature? No; the Bill allows only a maximum of £300 damages. How, therefore, can the Bill be said to be more comprehensive than the Mining Act, when it only allows three years' wages, or a maximum sum of £300, while under the Mining Act the injured person is not limited as to damages?

The ATTORNEY-GENERAL: He can get damages up to £10,000 if this Bill passes.

Mr. RYLAND: How can the Attorney-General contend that this Bill is as comprehensive, so far as awarding damages is concerned, as the Mining Act? My Bill did not repeal clause 211 of the Mining Act. It did not repeal any of the present Acts. It left it optional with anyone who met with an accident to appeal for damages under any law of the land existing at the present time with regard to that matter. It took no right away from anybody, but it gave injured persons an additional law under which they could claim compensation.

Hon. E. B. FORREST: How many laws do you want?

Mr. RYLAND: I only want one, if I can get the right one. If the Attorney-General had consolidated the Acts, as he said he would, it would be quite enough for me, but he has taken no steps in that direction.

The ATTORNEY-GENERAL: I wipe out the useless laws.

Mr. RYLAND: I say that the provision in the Mining Act was not a useless one. I say it is the best provision there is in the Mining Act. There are 12,000 working miners engaged in Queensland at the present time, who, under this Bill, will be deprived of the privilege which they now enjoy.

The ATTORNEY-GENERAL: You were not listening to what I said.

Mr. RYLAND: I have read the Bill.

The ATTORNEY-GENERAL: I told you that under the provisions of the Bill the miner had his rights under common law and he could get £10,000 damages.

Mr. TURLEY: So he had outside of the Mining Act.

The ATTORNEY-GENERAL: Yes.

Mr. RYLAND: He would have that right outside of the Mining Act altogether. It is not through the Mining Act that he obtains his rights under common law.

The ATTORNEY-GENERAL: Of course not.

Mr. RYLAND: When he goes to common law he has to prove negligence on the part of his employer or agent; but under clause 211 of the Mining Act it was not necessary to prove negligence; and I repeat that there are 12,000 miners in Queensland who will be deprived of compensation, so far as the difference is concerned between £300 and the amount they could get under the Mining Act. Now, this Bill also repeals the Seamen's Act of 1888, which gives protection to seamen either at sea or in port. It takes away the protection they have at sea, and only gives them protection in port. So far as the comprehensiveness of the measure is concerned, what do we find as regards the definition of buildings? We find that while my Bill gave all the employees working on a building or working in a factory—a factory being a place in which two persons are employed—a right to compensation, under this Bill there must be six persons employed together. Consequently in all cases where there are less than six persons employed, they will be deprived of the benefits of the measure.

The ATTORNEY-GENERAL: Not at all; you do not know the meaning of it.

Mr. RYLAND: They do not come under the Bill.

The ATTORNEY-GENERAL: You do not know what it means.

Mr. RYLAND: They do not come under the Bill unless there are six persons employed together.

The ATTORNEY-GENERAL: It only says there are no factories unless there are six persons employed.

Mr. RYLAND: They do not come under the provisions of the Bill unless there are six persons employed, because the place would not be a factory unless six persons are employed. Now, as regards the question of scaffolding. The provision which the Attorney-General has included was in the English Act, and it led to a lot of litigation. The position in England was this: The Act did not apply unless there was scaffolding erected in the building when an accident occurred. It did not matter what the accident might be; so long as there was no scaffolding there was no compensation. Those employed in the building might try and climb up on barrels placed one on top of the other, and according to the decision of the court, if an accident occurred, and there was no scaffolding, the persons concerned could not benefit by the Act. My Bill gave compensation to everyone, whether there was scaffolding or not. Under my Bill, if there was an accident down in the cellar, an employee could claim compensation. I think the hon. gentleman has dragged in a clause of the English Act which might have been left out, and I consider that whenever an accident occurs damages should be recoverable. As regards the 20 feet in connection with a quarry, I think that, too, must have the same effect as the 30 feet in connection with buildings, which has led to so much litigation in England. If it is 19 feet

[8·30 p.m.]

or 18 feet, or if there are fewer than six men working, no matter what accident may happen, or what neglect there may be on the part of the employer, if negligence cannot be proved at common law, the person injured or his representatives cannot get compensation under this Bill. I think these little things should be knocked out. They are only quibbles which will make work for the lawyers. We ought to have a Bill that could be practically administered without the assistance of the legal fraternity.

The ATTORNEY-GENERAL: I don't build very much on the repeal of that clause in the Mining Act. It is only a "chip in porridge." I will knock out the repeal and let the clause stand.

Mr. RYLAND: That is a very important clause in the Mining Act, and I hope it will not be interfered with.

The ATTORNEY-GENERAL: I will wipe out the repeal, if it will please you.

Mr. RYLAND: I hope he will wipe out the scaffold provision, and also wipe out this 20 feet limit, and that he will alter the provision with regard to the number engaged in a factory down to the definition in the Factories Act—that is, two. I don't see why they should not receive the benefit of the Act as well as people working where not less than six persons are employed. The Attorney-General tried to make a point of the fact that, under the definition in my Bill, even if there were two Chinamen working in a place together they would get the benefit of the Act. I am one of those who would give all the rights and privileges of our laws to Chinamen as well as every other man coming to this country when once they are here, and I don't see why Chinamen should not get the benefit of the Act as well as other men.

The ATTORNEY-GENERAL: I hold that, too.

Mr. RYLAND: Why I object to Chinamen coming here is that they allow themselves to be crushed down in the matter of wages and conditions, and pull the white man with them. Coming to the schedule, in my Bill I gave a minimum of £200 and a maximum of £400. I don't think the Attorney-General can argue that £150 and £300 are more comprehensive than £200 and £400.

The ATTORNEY-GENERAL: It is not as much, I admit; but I want the Bill to pass.

Mr. RYLAND: Can't the Attorney-General honestly admit that my Bill was too comprehensive, and that it would not pass, while his Bill is not so comprehensive in order that it may pass? I say that my Bill was more liberal and comprehensive than this Bill. It included more employees within its scope.

The ATTORNEY-GENERAL: No.

Mr. RYLAND: And it gave greater compensation. With regard to the kinds of employment included, I think my Bill struck the happy medium. It did not include domestic servants. As regards the drafting of the Bill and the use of the word "undertaker," I may say that I do not pretend to any knowledge of drafting, and that the Bill was drafted by the Parliamentary Draftsman. The word "undertaker" is in the English Act, and it is more comprehensive than the word "employer."

Hon. A. S. COWLEY: They discarded it in the New Zealand Act.

Mr. RYLAND: It is not used in the New Zealand Act. The definition of "employer" or "undertaker" in my Bill took in the owner, but what do we find as regards definition of "employer" in the Bill before the House.

The ATTORNEY-GENERAL: You did not say who was the undertaker in the case of a quarry.

Mr. RYLAND: In that case they could go for the employer or sub-contractor—that is, the man getting the rock out at so much a ton or square yard; or they might go for the higher man over him, or for the owner of the quarry. I think that is more comprehensive than what the Attorney-General provides. According to the New Zealand Act, as regards the definition of "employer," which includes the owner, if a carpenter employed on a building met with an accident and he could not get compensation from the firm of builders, he could go to the owner of the land, because the term "employer" included the owner of the land as well as everything else. The term "employer" in this Bill means, "The person by or for whom wages or remuneration are paid to a workman, as hereinafter defined." I believe that under this definition there will be a good opportunity for people to get away from the Act.

The ATTORNEY-GENERAL: How?

Mr. RYLAND: By sub-contracting. Suppose I have a large quarry on my land, I can simply sublet to some other person, and though I am getting all the benefit, it is the employer who will have to pay, and I go free. The Attorney-General also referred to clause 4 of my Bill, which provided that a man may sue under some other Act, and if he fails under that Act to get damages, then the court may assess damages. Now, the very same thing could be done under my Bill; the only difference is that the words in my Bill were "if the plaintiff so choose." That is, if the plaintiff asks the court then it can assess damages under the Compensation Act. If a man wants to obtain higher damages at common law, or under the Employers Liability Act, or any other Act, and he does not sustain his action, then all the plaintiff has to do is to ask for damages to be assessed, and then and there, without any further expense, the court could assess the damages. I might say that the Mineowners' Association at Gympie have sent a circular letter down, and I believe every hon. member has seen a copy of it. For the information of the House I will read the circular—

Gympie Mineowners' Association.
Gympie, Mary street,
5th August, 1901.

Geo. Ryland, Esq., M.L.A., Brisbane.

Sir,—

Workman's Compensation Act.

I am instructed by the executive of the above association to write and convey to you the following resolution passed at a meeting held 2nd August, 1901:—

RESOLUTION.—That this meeting, whilst approving of the introduction of a Workman's Compensation Bill, is of opinion that all rights of action for injuries to employees, both by statute and at common law, should be consolidated in the proposed measure, and for that purpose all previous statutes providing for such remedies should be repealed; and that in the interests of both employers and workmen their rights and remedies should be finally settled and regulated in the proposed Workman's Compensation Bill.

I have, etc.,
A. E. WEBB, Secretary.

The ATTORNEY-GENERAL: That has been done.

Mr. RYLAND: It has not been done. It is the very thing that is not being done, although the Attorney-General told the House this, and he asked me to withdraw my Bill so that he might give effect to the wishes of the Mineowners' Association of Gympie——

The ATTORNEY-GENERAL: Do you want this Bill passed? If you do, do not belaud your own Bill so much, but point out the defects of this Bill.

Mr. RYLAND: I would not have mentioned my Bill had not the Attorney-General attacked it and pointed out that it was practically useless.

The ATTORNEY-GENERAL: I say this is an improvement upon it. I did not say there was no good in it.

Mr. RYLAND: Now, I may as well read the answer that I sent to the Mineowners' Association.

The ATTORNEY-GENERAL: We want to get the second reading through to-night.

Hon. A. S. COWLEY: To-night? It's a big Bill.

The ATTORNEY-GENERAL: Certainly.

Mr. RYLAND: My reply was as follows:—

Gympie, 24th August, 1901.

Mr. A. E. Webb, Secretary Gympie Mineowners' Association.

DEAR SIR,—Your letter of the 5th instant to hand, containing a resolution carried at a meeting of your association held on 2nd August last.

While admitting the advisableness of consolidating the laws relating to injuries to employees, I am of opinion that for any private member to attempt such important legislation would be a sheer waste of time. The better way, I think, is to have the principle of my present Bill embodied in a short Act. In this form it would be ready material for any Government that would undertake to consolidate the legislation on the matter.

This opinion has been confirmed by my experience last session when I was fortunate in getting an amendment Act through the House relating to sanitary rates.

If I had attempted to consolidate all the laws relating to local government it would have ended in failure, besides which all our laws on this matter under consideration are punitive, while the object of my Bill is simply compensatory, and may ultimately result in a system of State insurance which in no way should be associated with the idea of a fine for negligence or evil-doing.

Thanking your association,

Yours faithfully,

GEO. RYLAND.

Now you will see that consolidation is a very difficult question; so difficult that the Attorney-General, on behalf of the Government, says that they are not able to do it. Instead of bringing down a Bill on the same lines as the English Act, or Acts which exist in New Zealand and South Australia, giving a fair amount of compensation, under a Compensation Act, without interfering in any way with the Act as it stands as regards the higher penalties for negligence—I think the Government did very wrongly when they did not bring in a Bill to consolidate the law on the subject—they bring in a sort of half-and-half affair that will please nobody, and only aggravates the existing incongruities. If the Attorney-General wanted to consolidate the law he should have brought in a Bill which would have been divided into two parts—one relating to the consolidation of the law in regard to the negligence of the employer and the higher penalties—which are penalties for wrong-doing, and quite distinct from compensation; and I for one would never consent to any Compensation Bill like this, which would withdraw or take away those penalties——

The ATTORNEY-GENERAL: How do you advise me to consolidate the common law on this question?

Mr. RYLAND: You could have put the provisions in the statute. You could have kept the penalties that are now to be obtained at common law, and made them statute law, where there has been negligence on the part of the employer.

Mr. GIVENS: It is quite possible to do it.

Mr. RYLAND: It is quite possible to do it. Then you could devote the second part of the Bill to the subject of compensation—that is, to give to the workmen who meet with accidents, although it may be through no fault of their own, the right to recover compensation. The present Bill, however, takes away the employers' liability penalties, and the Mines Act provision, that gives the employee protection, has been taken away. I would like to see this Bill pass, but I do not like some of those provisions I have pointed out. It is only right that the principle of trade risks should be extended to men. It is admitted in the various industries of the colony. If there is any loss by accident it is covered by insurance. Our houses, our stores, the stocks in our warehouses, our ships that go to sea, all these are covered by insurance. If there is any loss by fire or water, or anything else, such loss is restored by insurance. What we want to see is the extension of that principle to the employees engaged in carrying out the industries of the colony. This trade risk should be extended to them. At the great fire at Anthony Hordern's, at Sydney, some time ago, the trade risk on the buildings and stock was covered by insurance; but the trade risk was not extended to the men who lost their lives, although I must say, to the honour of the chief parties of the firm, that he has behaved handsomely to those who were dependent upon them. That is the principle I want to see embodied in our legislation—that the principle of trade risks shall be extended beyond the ship, the house, the warehouse, and the stocks in warehouses to the employees.

The ATTORNEY-GENERAL: We want a Bill that the public as a whole can sympathise with.

Mr. RYLAND: If the Bill is amended in the way I advocate it may do some good. I do not think the hon. gentleman has treated in a proper spirit the question of compensation to widows and orphans when the breadwinner is killed or injured through no fault of his own.

The ATTORNEY-GENERAL: I told you we must go a step at a time.

Mr. RYLAND: I can only regret the time that has been lost. I withdrew my Bill with the expectation that we should have had all the Acts consolidated and improved in one comprehensive measure. This Bill in no way tends in that direction. During the two months that have elapsed my Bill might have passed through both Houses and become law. I hope the Government are sincere in this matter, and will put their shoulders to the wheel and let this Bill go through this session in a form that will do away with litigation in connection with accidents. If it goes through in its present form it will lead to any amount of litigation, and will be of very little benefit to the working community of the State.

Mr. BROWNE (*Croydon*): I am not going to detain the House on this question. I agree with what the Attorney-General said, that if we are going to do anything with this Bill there is very little time to do it this session. I for one am very anxious to see a Bill on the lines of this go through and placed on the statute-book. I have listened with a great deal of attention to the very interesting speech the hon. gentleman who introduced the Bill has made. There were parts of it that I do not agree with, and I feel a little for the hon. member for Gympie, who has been expecting and waiting for a very much more comprehensive measure. But the Attorney-General has stated that when he undertook this little job he had no idea what a big contract he had undertaken. He has found that he could not go the "whole hog" at once, and has come down a great deal from the notion he started out with. I am not going to discuss the clauses of the Bill to-night, as it has been so exhaustively dealt with by the hon. gentleman, and the hon. member for Gympie has also expressed his views upon it. The hon. gentleman said he had tried to bring all under the provisions of the Bill. But he has left out some provisions that were in the old Act, and if clause 15 is retained, one section of the community will get no protection at all. They will be worse off than they are at present in that respect. I will only deal with that clause now. The hon. gentleman has stated that he is willing to accept amendments, and that he is not bound to the 15th clause; therefore it will be better to deal

with the Bill in committee, rather than make long speeches on the second reading. Clause 15 repeals sections 211, 218, and 219 of the Mining Act of 1898. Section 211 contains a provision which miners and those interested in mining have been for years trying to get made a part of the law of the State. It is the section which provides that an accident is *primâ facie* evidence of negligence. Before that was passed there was no proper inquiries into accidents. An accident happened, and there was simply a report from the inspector of mines. The difficulty was to get an action initiated. It was left to some working miner or someone in the community to take action, with the usual result; but what was everybody's business was nobody's business, and, in any case, it was most difficult to prove that there had been any neglect on the part of the manager or owner of a mine. Now, immediately an accident happens it has to be reported, then a full inquiry is held. The mine manager or owner is on his trial and has to prove that there was no negligence. No doubt accidents were the fault of the men in some cases, but not in all. I can speak from many years' experience as a working miner and from having been myself the unfortunate victim of an accident. There is a great deal of neglect, no doubt, but anyone who knows anything about mining knows that if men following that occupation stopped to count the cost all the time, or if they were not a little neglectful, we should have no one following the occupation at all. If we take a sailor or a soldier or a miner, or any man who, through constant employ-

[9 p.m.] ment, gets accustomed to his work, he has a certain amount of disregard for danger. Any man who has worked in a mine or any hazardous occupation will admit that it is far better to work with a man who knows his work and is not frightened of danger than to work with a man who does not know his work and is scared of danger, and who only wants to protect himself. No man can go into a dangerous occupation unless he is prepared to run a certain amount of risk, and it is for the protection of this man that legislation like this has been passed all over the world. With regard to the second part of the clause repealing part of the Employers Liability Act, I do not agree with that repeal. I think the hon. gentleman will admit that it will take away what little protection there is to certain sections of the community.

The ATTORNEY-GENERAL: It only repeals that part of the Act that is applicable to people who are provided for under this Bill.

Mr. BROWNE: In the latest English and New Zealand Acts on this subject it is specifically laid down that the Workman's Compensation Acts shall not take away any rights that men have under other Acts. Of course they cannot go for remedies under more than one Act. They can select which Act they will go under. I have here a *résumé* of the New Zealand Act of 1900, and it says there—

> It must be borne in mind that the Act abrogates none of the provisions of the Employers Liability Act, 1882, and its several amendments, nor does it abolish the ordinary remedy for tort at common law. Prior to the passing of the Act a workman had his choice of two remedies—an action under the Employers Liability Act or an action for damages at common law. The Act really creates a third alternative remedy, without in the least degree limiting any pre-existing remedy. The reason for this is obvious. The maximum amounts recoverable under the new Act are £400 in the case of death and £300 in the case of injury; the maximum amount recoverable under the Employers' Liability Act is £500, while there is really no limit to the amount recoverable at common law. If a workman, or, in case of his death, if his dependants believed a sum could be recovered under the Employers' Liability Act or at common law greater than could be paid under the Workers' Compensation Act, he or they would naturally prefer to take advantage of the better remedy.

Then there are three or four cases given by way of illustration, but it is expressly provided that if an injured man selects one course of action for compensation and succeeds, he cannot go for the employer again under another Act. I think it will be a big mistake if we repeal portion in the Employers Liability Act, and I think it is far better in legislation of this sort to follow as nearly as possible what they have done in the old country, and since in New Zealand. If hon. members will read the *Hansard* debates of New Zealand for 1900, when the Employers Liability Act was going through there, they will see what a tremendous amount of research hon. members there went to over the matter. They went through the legislation on the subject for many years back, and this was the final decision they came to. They made the Act as complete as possible; and they did not take away any other remedies, but they took all sorts of care that the employer should not be liable to have to fight two or three different actions for the same accident. So under the law there the employer knows immediately an action is taken what particular Act the action is taken under, and he can fight it out just the same. No additional liability is imposed upon him. The hon. gentleman has referred to a circular that was sent round by the Mining Managers' Association of Gympie, but I do not think that the opinion of an association in one place should be taken as the expression of the wishes of the whole community. I know other goldfields where mining managers and mineowners are totally opposed to the views expressed by the mineowners of Gympie. Without casting any reflection on those gentlemen, I desire to point out that they have not shown themselves very much in sympathy with this sort of legislation—not as the same class of people in Charters Towers and on other fields. Only last year there was a sad accident at Gympie, and, while the case was pending, they took what I consider an unpredecented course. While the case was *sub judice*, a deputation from the Mining Managers' Association waited on the Premier, as Minister for Mines, asking for a certain alteration in the law, and the Minister for Mines very properly refused to have anything to do with the matter then, and he said that he would express no opinion on the matter when a case like that was pending. I only mention this because the hon. gentleman referred to the Miners' Association of Gympie.

The ATTORNEY-GENERAL: I thought that was the name of it.

Mr. BROWNE: No; the Mining Managers' Association. I am not going to dwell on this Bill at any length to-night. If the hon. gentleman is willing to accept amendments, especially with regard to clause 15——

The ATTORNEY-GENERAL: I will alter that.

Mr. BROWNE: I am very glad to hear that. I think clause 211 should be left in the Act. Then with regard to the latter part of clause 15, I do not think we should repeal that clause in the Employers Liability Act. Clause 211 of the Mining Act has nothing to do with damages; it is more for the sake of inquiries being made—more for punitive purposes than for compensation. I shall not detain the House any longer. I shall vote for the second reading of this Bill, with the hope that it will be very much amended in committee.

* HON. A. S. COWLEY (*Herbert*): If no one else wishes to speak, I wish to say a few words before the second reading goes through. I must compliment the hon. gentleman who has intro-

duced this Bill—not only on its introduction, but also on the very lucid explanation he has given us of its provisions. I think every hon. member who heard his speech can go into committee on this Bill with a thorough knowledge of the Bill, and will be prepared to submit amendments. All I ask is that the hon. gentleman will not not take the committee stage of this Bill to-night, so that hon. members who have amendments to propose can have them printed and circulated. That is only fair, for this a very big and a very important question, and it is one that wants careful consideration. Whilst I am as desirous as the hon. gentleman to see this measure pass this session, still I think a little mature consideration will enable us to pass a measure which will redound to the credit of this House and to the credit of the framer of the measure. I must say that I cannot altogether agree with the hon. member for Gympie. I think that this Bill, in many respects, is much superior to any Bill which has been introduced before. When Mr. Fisher—who is no longer with us—brought in his second Bill, it was different to his first Bill, and I think that the Bill of the present member for Gympie, Mr. Ryland, differs in some respects from the second Bill introduced by Mr. Fisher.

Mr. TURLEY: Mr. Fisher only introduced one Bill.

HON. A. S. COWLEY: The late member for Gympie introduced two Bills, and on the second Bill a select committee sat. Unfortunately for us, Mr. Fisher, who was chairman of the select committee, experienced the greatest difficulty in getting witnesses to attend and give evidence on the measure. As a member of the committee, I did expect that the working classes or their representatives, or the representatives of their different organisations, would have come before the select committee and given testimony as to the merits or demerits of the Bill, and would have suggested amendments. Unfortunately, but few took advantage of the opportunity afforded them; but some of those who did appear before the committee gave valuable evidence. I do not know whether the Attorney-General has profited by that evidence or not; but still I think that his Bill is in many respects superior to the Bill which was introduced by the late member for Gympie, Mr. Fisher. I think that three times during this Parliament—twice on the motion of Mr. Fisher, and once on the motion of Mr. Ryland—the principle of the measure has been affirmed; and, with all due deference to the hon. member for Gympie, I think that, if he is really desirous of passing this measure into law, it is very fortunate indeed for him that the Attorney-General has taken it up, because we all know how difficult it is for private members to get measures through the House.

Mr. BROWNE: Hear, hear!—almost impossible.

HON. A. S. COWLEY: It is almost impossible; and besides, Bills of this magnitude should, in my opinion, have the sanction and the responsibility of the Government behind them. The probabilities are that a measure of this character, if brought in by the Government, is received more kindly and more favourably in another place than if brought in by a private member. At any rate, if it should pass through Committee here—and I sincerely trust it will—it will be taken in hand in the other place by a representative of the Government, and that is a very great thing in its favour, because he will be able to choose his time for bringing it forward, and can, if necessary, push it on to a conclusion, which a private member in the other House might not be able to do at this late stage of the session. So that all things considered, it is very fortunate indeed that the Attorney-General has taken the matter up; and, although it is late in the session, I do not think that it is too late to pass the measure into law. I shall not go into the details of the Bill at all to-night, reserving to myself, of course, the right which every hon. member has of opposing any particular clauses in committee or of proposing any amendments which I think desirable. On the whole, I must congratulate the Attorney-General on the Bill which he has brought forward. Although it does not go the length which my friends on the other side would like it to go, if they are wise—and I know that many of them are wise, and that they have profited by experience—and they have had considerable experience here—they will accept the measure, without trying to make any very radical amendments in it. If it is found, after a fair trial, that it is wanting in any respect, I feel sure that Parliament will give it the most kindly consideration, and will amend it in the direction in which experience has proved amendment is necessary. In matters like this it is best to go carefully and cautiously. Anyone who has studied the question at all knows that the Imperial statute has resulted in interminable and not very profitable litigation. Now, I think many of the provisions in this Bill are more lucid and more easily understood, and, if it becomes law, the result will be, in my humble estimation, that it will prove more efficacious to the class of people whom it is designed to benefit than the Imperial statute. Believing as I do that it is a very reasonable measure, that it is a sensible measure, and that it will be beneficial to the working classes of the country who are brought under it, I most heartily support the second reading.

Mr. DUNSFORD (*Charters Towers*): The only thing that makes me doubt the wisdom of going on with the second reading of this Bill is that the hon. member for Herbert is in favour of it.

Hon. A. S. COWLEY: I have voted in favour of the second reading of every Bill.

Mr. DUNSFORD: That may be; but still I know the hon. member has always contended that we ought to have individual effort—that it ought to be a matter settled solely between employer and employee. Be that as it may, I am very pleased to welcome the hon. member as a convert to State interference with the liberty of action of an employer in dealing with his employees. I intend to be as brief as possible, because I am in hopes there is some business in the Bill, and that it will lead to good results in the different industries to which it will apply. I have often heard it said that the efforts of private members to get Bills passed through the House have been fruitless. Still, I think we can give direct credit to the hon. members who in the past have introduced Bills here of a like nature. For three years running the hon. member for Gympie, Mr. Fisher—who is now a member of the Federal House of Representatives—and his colleague, Mr. Ryland, made efforts in this direction, and, although they were not successful, still here are the fruits, so that, at any rate, indirectly, we may say their efforts have borne fruit. I was surprised to hear the Attorney-General, when criticising the Bill of the hon. member for Gympie, state that what is a merit in this Bill was a defect in the hon. member's Bill. In this Bill we are told that it is a merit because the Bill does not attempt too much—it does not grasp at too much. Well, I am quite with him that it is not advisable to attempt too much in such a Bill at first, but I think he should have given the same credit to the hon. member for Gympie, whom he was then criticising.

The ATTORNEY-GENERAL: I was not at that time drawing comparisons—I was only saying that in answer to your interjection that it ought to apply to all classes.

Mr. DUNSFORD: I am not alluding to that, but to another occasion when the hon. gentleman was criticising the Bill of the hon. member for Gympie.

The ATTORNEY-GENERAL: I pointed out that he himself limited its action.

Mr. DUNSFORD: The hon. gentleman pointed out that it was not comprehensive enough, and that it did not include farm labourers or some other classes that this Bill includes. I suppose it is open in criticising to find fault where you cannot yourself find a remedy. I was pleased to hear the hon. gentleman say that it is not his intention to repeal the clauses of the Mining Act dealing with accidents, because I believe that the mining law as it now stands is very good in some particulars, although of course it is very difficult to get a verdict. But that is due not so much to the law as to the administration of the law. The machinery provided for obtaining compensation is altogether expensive. The very best portion of this Bill is that which provides for arbitration. I am pleased that an attempt has been made here to simplify and cheapen law in this particular.

Mr. JACKSON: Arbitration is very expensive sometimes.

Mr. DUNSFORD: That is so, but under this Bill I do not think it will be expensive, as there are no court fees, and parties can only appeal on a point of law and not on a point of fact. The question is often asked: Who shall pay compensation for loss of life or limb, whether it should be the employer, or the employee, or the State? We on this side, and I believe the Attorney-General will agree with us, are of opinion that the industry concerned should pay the compensation. It should be a charge on the industry. I have often wondered why it is that those who are least able to bear it—that is, the workers—have to stand the loss, as they have done up to the present time. In spite of the provisions of the Mining Act, in spite of the provisions of the Employers Liability Act, and in spite of the common law, in ninety-nine cases out of 100 there has been no compensation obtained from the employers, because, as I have already said, the machinery for obtaining compensation is altogether too expensive. We know that in production the worker gives more than the capitalist. The capitalist gives his capital, but the employee also gives his capital, which is his labour, and in giving that capital he gives his life. Every shift he works lessens his capital, and in the end he has no capital, and has perhaps a maimed limb. Very often his life is given in the industry. I wish to refer briefly to the effect which this measure may have on the mining industry, because I am more particularly interested in that industry, and I suppose the loss of life and the danger in that industry are greater than in any other industry in the colony. It may be asked what will be the cost to the mining industry when this Bill comes into operation. I believe it has been computed that the cost per employee in all trades in Great Britain under the Imperial Act is somewhere about 10s. 6d. That includes miners of course. The hon. member for Gympie says that after making allowance for the difference in the wages earned in this colony, the cost here will be about 15s. per employee per annum. Even if we increase that estimate, I say that the total cost to the mining industry will be only about £1 per employee per annum. Last year there were 7,500 quartz miners engaged in Queensland, and the dividends declared by mining companies under the Dividend Duties Act amounted to £764,512 16s. I believe from figures I have obtained, that there are only 5,000 quartz miners, who are engaged working for those companies who produced those dividends; and if we take the cost of the industry at £1 per miner, we would find that the total cost to the mines which produced this £764,512 would be £5,000, or only about two-thirds of 1 per cent. of the dividends. That is a very small cost indeed to the industry, and I think that the mineowners will not have any good reason to complain of a Bill such as this being introduced. On Charters Towers alone last year there were 2,230 miners, and the dividends paid were £299,205. Again, the cost to the industry, if this Bill came into operation, would be about two-thirds of 1 per cent. on the dividends paid. I have other figures dealing with accidents, but I shall not quote any more. I think the Bill is going to pass this House, and I hope it will become law, and that the other place will not block it. I trust that in its administration the workers of the colony will benefit to a greater degree than they do at the present time. I think it is cruel to see the number of people constantly going round hat in hand, or with lists, doing what has usually been termed cadging—begging—whereas those who are in need of assistance should get it as a right. If the breadwinner of the family is taken away while following his usual occupation, there should be some fund, as there will be under this Bill, to provide for the needs of that family. The soldiers of industry should be looked after with as much care as the soldiers we have had fighting in South Africa. But there has been a neglect of the soldiers of industry, and I am sure that a Bill such as this will do something towards remedying that. It does not go as far as some hon. members and myself would desire it, or perhaps as far as the Attorney-General himself would desire, but still it does go some distance in the road we want to travel, and I believe it will do some little good. Therefore, the sooner it becomes law the better.

Mr. TURLEY (*Brisbane South*): I was glad to hear the hon. member for Charters Towers point out that a great change had taken place in the opinions of the Attorney-General during the last two years. I remember that at one time when there were one or two things in the Bill which are not in this Bill, the Attorney-General pointed out that the Bill did not go far enough. The hon. gentleman finds out now that he does not care to go as far as that measure went. In his introduction of this measure he said we must go a step at a time, and provide protection for the most risky industries. I submit that the hon. gentleman leaves out the most risky industry in this Bill. He pointed out that under the interpretation clause he had left out the seamen on the Queensland coast, and I think it can be proved from statistics that that occupation is the most dangerous occupation that is carried on in any part of the world, notwithstanding what may be said by my friend, the hon. member for Charters Towers, who claimed that the mining industry was the most risky. There are no statistics in Australia which can be quoted to show this, and the only thing we can do is to appeal to the English statistics, and from them we find that there are a larger number of fatal accidents in connection with shipping than in any other occupation.

The ATTORNEY-GENERAL: Most of those occurred on the high seas.

Mr. TURLEY: Not altogether on the high seas. Casualties occur in different [9·30 p.m.] ways—by vessels going ashore, and so forth; and it is proved beyond all doubt that there is no occupation in the whole round of industry in which there are so

many casualties, fatal and otherwise, as there are among shipping.

The ATTORNEY-GENERAL: I hope to see the Bill extended to shipping some day, but I do not think we are ripe for it yet.

Mr. TURLEY: The hon. gentleman hopes to see a great deal, but I would ask why he does not extend it to shipping now that he has the opportunity.

The ATTORNEY-GENERAL: Because I could not carry it through.

Mr. TURLEY: The hon. gentleman could carry it through. There is not a Workmen's Compensation Bill in Australia which does not include seamen. If you take even the Bill which is before the Western Australian Parliament this session it includes seamen. The Bill says—

> Whether the employment is on land or in any ship or vessel of whatsoever kind or howsoever propelled in any navigable or other waters within West Australia or the jurisdiction thereof.

It is the law also in New Zealand. The hon. gentleman says it would come in conflict with the Merchant Shipping Act, but it does not bring people elsewhere in conflict with that Act. They understood that the most risky occupations are the ones which require the most protection. Now, according to the Board of Trade returns, there were 231,784 persons employed in connection with shipping in Great Britain in the year 1900, and out of that number there were 1,889 fatal accidents. In the mining industry there were 764,100 persons employed in that year, and the total number of fatal accidents was 1,049.

The ATTORNEY-GENERAL: Do all the accidents occur on board ships in harbour?

Mr. TURLEY: No; a great many accidents occur outside of harbours, and I wish to impress upon the hon. gentleman that in other colonies and countries the people who are subject to the greatest risk are those who are afforded the most protection. I remember what a trouble we had to get the provisions of the Employers Liability Act extended to seamen, and now, under this Bill, the hon. gentleman refuses what was given to seamen under the Employers Liability Acts of 1886 and 1888. If they come under the Workmen's Compensation Acts in the other colonies, can the hon. gentleman give me a sound reason why they should not come under this Act? He says that if they were brought under this measure there would be no possibility of getting it through; but I contend that if these people are included—and I shall seek to have them included when we get into committee—there is just as great a chance of getting the Bill through as if they were not included. The hon. gentleman said I smiled when he mentioned the number which were to constitute a factory. Certainly I did, because I thought people had as much right to protection when only two or three were working together as if there were six or ten. The same accident might happen, and I wish to point out the anomaly which this Bill might create. It says we are to have our shipping as a factory within the meaning of the Act provided there are six persons employed, but when an accident happens, and there are less than six persons employed, then the person who suffers the injury is to have no compensation, but he is to take his case into court under the Employers Liability Act as he has to do to-day. Now, I know round here on the wharves, less than six men are sometimes engaged in connection with shipping—perhaps four or five together. Does the hon. gentleman mean to say that those men should have no protection whatever unless they institute proceedings under the Employers Liability Act of 1886, which the hon. gentleman himself admits is absolutely useless?

The ATTORNEY-GENERAL: I do not mean to say that if a man has twenty workmen employed, and sixteen have gone away to dinner, leaving only four working, and that if an accident occurs, those four are not entitled to compensation.

Mr. TURLEY: I am not talking about odd men going away to dinner, and someone breaking his leg while they are away. I am talking about work in which say four or five men are employed. If any number less than six are employed, they are not supposed to come under the provisions of this Bill, and consequently there is no possibility of their getting compensation in case of accident.

The ATTORNEY-GENERAL: The New South Wales Act makes a similar provision in connection with foundries.

Mr. TURLEY: But only in connection with foundries, and not all round. This Bill says that a factory shall be a place in which not less than six men are employed.

The ATTORNEY-GENERAL: Say there was a ketch lying in the stream putting up a retaining wall, and two men are engaged in discharging stone, would you make that a factory?

Mr. TURLEY: Yes, most decidedly I would, because there are very seldom any serious accidents in cases like that. I do not think I have known of any. Under our present factory law two men constitute a factory, and that is the reason I suppose why the hon. member for Gympie, with the advice of the Parliamentary Draftsman, put in "two" in his Bill, which I contend was a far more liberal Bill than this. When this Bill gets into committee I shall certainly endeavour to have the number "six" reduced to "two," or, if I do not, the hon. member for Gympie will. Now, in reference to the provision relating to scaffolding. A scaffolding must be on a building before compensation for accident can be claimed. Well, I have often seen a plumber working on top of a roof, and suppose he falls into the street and gets broken up this Bill would deny him compensation because there was no scaffolding around the building. Under this Bill he gets no compensation whatever. It does not seem to me to be right to singie out men who may be employed in a risky occupation and deny them the right of compensation under the Bill. If the hon. gentleman only looks into it, he will recognise that there is no necessity for this scaffold business. He says it is all very well to talk about the way in which things are done in the old country, where they have plenty of money and big buildings and the occupations are more risky. I contend that a man employed in Brisbane or anywhere else—suppose he is a plumber working on a roof and he falls down and meets with an accident—he should be as much entitled to compensation as any person who happened to be working on a scaffold.

The ATTORNEY-GENERAL: I am not wedded to scaffolding—I am willing to take advice and assistance from any quarter.

Mr. TURLEY: I am glad to hear it. I hope he is not wedded to the 30-feet business, either. If a man is employed in a quarry that does not happen to be 20 feet deep, the hon. gentleman says he shall not be entitled to compensation.

The ATTORNEY-GENERAL: It must be some depth to be a quarry.

Mr. TURLEY: The hon. gentleman said, practically, that the provision contained in the Bill of 1899 introduced by Mr. Fisher—that is, relating to the 30-feet scaffolding—was ridiculous and unworkable, and was the means of a great deal of litigation in the old country, but the hon.

gentleman himself introduces a Bill with a limit of 20 feet for something else, and says it is a very good thing to have in the Bill. It does not matter whether it is 20 feet from the scaffold to the ground, or 20 feet from the top to the bottom of a quarry.

The ATTORNEY-GENERAL: You can lessen the depth.

Mr. TURLEY: If it is absurd in one case, it is absurd in the other.

The ATTORNEY-GENERAL: It is not absurd in either case, only it has caused litigation.

Mr. TURLEY: To my mind it is absurd to provide that if a man falls a distance of 20 feet 6 inches he shall not be entitled to compensation; whereas a man meeting with an accident by falling 30 feet would be entitled to compensation. I am satisfied that it will be far better if that provision is taken out of the Bill. I do not know that there is any necessity for me to say anything more on the second reading, but I hope there will be some alterations made in committee. I cannot congratulate hon. members on the other side who are prepared to support a Bill of this sort when brought in by the Attorney-General, and who characterised it in the past as everything bad. When a similar measure was brought in by a member on this side, the Home Secretary stated that it was an act of dishonesty—that if we wanted a fund out of which people should be paid compensation we should do it in an honest manner and not attempt to saddle the employer with certain penalties with which it was proposed to saddle him. I will quote one little expression just to show the opinion——

The ATTORNEY-GENERAL: Better not rake up those things.

Mr. TURLEY: I just want to show the Home Secretary's opinion of his own colleague. It is not my opinion of the hon. gentleman. I want to give this to show what was pointed out by the hon. member for Herbert—that when a Bill is introduced by a private member, it does not receive fair consideration, and that it is only when it is introduced by the Government that it is supposed to receive anything like fair consideration from hon. gentlemen opposite. When a similar Bill was introduced in 1900, the present Home Secretary stated, as will be found on reference to page 280 of *Hansard*—

> I say the hon. member, in taking up this Bill, has adopted a popular *rôle*, and I think we may attribute the same state of things to every other member who has taken it up elsewhere, whether in Australia or in the old country, or in any foreign country, because it does appear to me that Mr. Pickwick was one of the wisest men that ever lived—if he ever did live, and I suppose his prototype did live somewhere—when he gave the advice, "Always shout with the largest crowd." He uttered then the wisest thing that was ever said in the English language.
>
> Hon. D. H. DALRYMPLE: From a political point of view.
>
> The HOME SECRETARY: From a political point of view, as my hon. friend says, and from every other point of view. It is always a popular thing to shout with the largest crowd.
>
> Mr. LESINA: You did that with federation, and over the war.
>
> The HOME SECRETARY: I was one of the crowd in that.
>
> Mr. GLASSEY: The voice of the people is the voice of God.
>
> The HOME SECRETARY: I am not so irreverent as the hon. member is. This is popular, because the largest crowd unquestionably is the employees. Now, the question is: Why should this principle be adopted? The hon. member for Gympie says very properly, no doubt, that some fund ought to be established for the compensation of workmen. I grant that that is a desirable end at which to aim, but why should that fund be provided by the employers?

I quote this simply to show how a measure gets received when it is introduced by a private member as compared with a Bill submitted to the House by a member of the Government. Evidently the Home Secretary's opinion of his colleague is that on this occasion he is shouting with the biggest crowd. I am glad to see this Bill brought in all the same, and I hope that when we get into committee the hon. gentleman will be prepared to receive amendments.

Mr. MULCAHY (*Gympie*): I rise to support the second reading of the Bill. It does not go as far as I would like to see it go; but we are prepared on this side to be thankful for small mercies.

An HONOURABLE MEMBER: To take all we can get.

Mr. MULCAHY: To take all we can get, and hope for more. There are several things in the Bill that I think may be amended; and I was glad to hear the Attorney-General say, in reply to my colleague, that he would be prepared to amend the Bill so as not to interfere with section 211 of the Mining Act, which has been the only thing of any use to miners in that respect. I hope that, when the Bill gets into committee, the hon. gentleman will be prepared to listen to suggestions and accept amendments in the interests of the workmen. I am sure that there will be several amendments, and I hope the hon. gentleman will accept them. I have always contended, not only looking at it it from a workman's point of view, but looking at it from the employers' standpoint, that it will be far and away better not only for the workmen but the companies, because my experience of workmen who have met with accidents is that it generally pans out in this way: If an accident occurs in a mine, the very first thing that the injured man or his widow does is to run away to some lawyer's office, and he or she gets in the first instance some advice with costs, perhaps £2 or £3. Then if the widow gets a verdict the lawyers divide the money, and it pans out in the same way with the company. If they win they are really losers. I could quote several cases where the expenses in connection with a case have been more than three times the amount claimed. It has been divided among the professional gentlemen who have had the case in hand. If there is anything that will do away with that, it will be welcomed, and I believe this Bill is a step in that direction, inasmuch as it places the widow or the injured man in the position that she or he may claim, as a matter of right, a certain sum, without going into any litigation. Touching the few words that the leader of the Opposition said in reference to the mineowners of Gympie, and the wish they had expressed in the circular which they have sent to hon. members, that they would like to see a very comprehensive measure passed and all that, I would like to point out, on behalf of the miners and also the mining managers, that they have no say in the Mineowners' Association, for this reason: There is not one of them eligible to be on its committee. If a man works in a mine he has no right to go on the committee, nor has any mining manager under their rules; so that this circular is not an expression of the wishes of the miners nor of the mining managers, and I would like that to be clearly understood. I do not intend to go any further in this matter, but I think it would be unfair to Gympie for it to be thought that the miners there are not in touch with the miners on the other goldfields in the colony. It is their desire, if they cannot get a whole loaf, to take half. I trust when we get into committee we shall have some amendment brought in in reference to the 20-feet business. If the provision is left as it is it will lead to endless litigation, because very often in uneven ground there will be part of the cutting

20 feet in depth, part of it 15 feet, and another part of it 5 feet, and so on. I can see in my mind's eye—and I think the hon. gentleman who has introduced the Bill will recognise the fact—that it will lead to endless litigation, and I would like to see it amended in committee. There are several other amendments I would like to see made, but it is not my intention to take up any time, because I have a great desire to see this measure placed on the statute-book of the colony, because I feel sure that it will be to the interest of all concerned in the mining industry, both the employers and the employees. I shall support the second reading.

Mr. BOWMAN (*Warrego*): Before the vote is taken, I would like to draw the attention of the Attorney-General to the fact that he has omitted one particular class of workshop—that is, shearing-sheds. I do not know whether he is prepared to include them in the Bill when we get into committee. In the earlier Bill, which was introduced by Mr. Ryland, shearing-sheds were included, and I think those who have had any experience of the Western men know that they meet with accidents in the shearing-sheds, just as they do in factories in the cities or towns; and I would very much like to know if the Attorney-General is willing to include the shearing-sheds in this Bill? Many of the sheds use machinery. I have seen accidents occur to men, and I think they deserve just as much protection as the other class of workmen that are enumerated in the Bill at the present time. Personally, I think the Attorney-General has displayed a spirit of compromise in meeting the wishes of several hon. members who have pointed out that certain clauses in the Bill are not as satisfactory as they desire. I trust that the same compromising spirit will actuate the hon. gentleman in reference to the matter that I have brought under his notice. I will support the second reading of the Bill, but when it gets into committee, if the hon. gentleman feels disposed to include this particular class of labour, I will move an amendment to that effect.

Mr. KERR (*Barcoo*): I think, with the hon. member for Warrego, that this Bill ought to include the shearing-sheds in the same way as they were included in the Bill introduced by Mr. Fisher, and also in the one introduced by the present member for Gympie. As the hon. member for Warrego has pointed out, machinery is used in the sheds, and accidents take place. There are some shearing-sheds where there are more than 100 employees working, and if it is necessary to give protection to other classes of workmen it is necessary to have protection for the men who are working in the shearing-sheds. I wish to draw the attention of the Attorney-General to this omission, and I think he might very well include the shearers in the Bill. It is a Workmen's Compensation Bill, and there are a large number of men who earn their livelihood in Queensland at shearing, and there are other bush workers—thousands of them if you take them in the aggregate—and when we are dealing with a Workmen's Compensation Bill we ought to deal with all the workmen engaged in the industries in our State. I have no desire to delay the second reading of the Bill, but I trust that the Attorney-General, now that his attention has been drawn to this matter, will favourably consider it, and when we go into committee, if an amendment is moved by the hon. member for Warrego, I hope this Chamber will support that amendment.

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

The committal of the Bill was made an Order of the Day for to-morrow.

SOUTH BRISBANE MUNICIPAL LOAN BILL.

COMMITTEE.

[10 p.m.]

Clause 1—"Short title"—put and passed.

On clause 2, as follows:—

> The council of the municipality of South Brisbane, hereinafter termed the "Council," may borrow in manner hereinafter provided any sum or sums not exceeding in the whole the sum of one hundred thousand pounds, and all such sums shall be deemed to be secured upon the rates and revenues of the Council howsoever arising—

Mr. MAXWELL (*Burke*) wanted information on one or two points. The South Brisbane Municipal Council wanted to borrow £100,000. In the schedule showing the purposes for which the money was required there were four public baths. Could not the amount be reduced in that respect? And for what amount, outside what was now asked for, had debentures been issued by the South Brisbane Municipal Council.

The PREMIER: £105,000.

Mr. MAXWELL: Does that cover all liabilities other than those stated here?

The PREMIER: Yes.

Clause put and passed.

Clauses 3 to 7, inclusive, put and passed.

On clause 8, as follows:—

> The provisions of Part XVII. of the Local Government Act of 1878, and any Act amending or in substitution for that enactment, shall apply to the raising of moneys under this Act; and it shall be necessary to give public notice of any proposition to borrow the same, and to submit such proposition to the vote of the ratepayers.

The TREASURER (Hon. T. B. Cribb, *Ipswich*) said that clause 225 of the Local Government Act of 1878 provided that—

> No special order for borrowing money shall . . . . be adopted if the sum proposed to be borrowed, together with any sums previously borrowed and not repaid, would exceed a sum equal to five times the then annual revenue of the municipality.

If the South Brisbane municipality borrowed the whole of the money now asked for it would, including the existing indebtedness of £105,000, amount to more than five times its present annual revenue. He would, therefore, move that after the word "enactment" the words "except so much as is contained in the second paragraph of section 225 thereof" be inserted. It might not be necessary to borrow the whole of the money, but if it should be, the amendment would remove all doubts.

Mr. BROWNE (*Croydon*): He should like to thoroughly understand the position. According to the Act no local governing body was allowed to borrow an amount exceeding five times its annual revenue. It was now proposed to make an exception in the case of the South Brisbane municipality. Would the same indulgence be shown to any other municipality which desired to issue a loan? It would be hardly fair to abrogate the existing law in favour of one municipality, and not extend the same consideration to others who might be similarly circumstanced.

Mr. DIBLEY (*Woolloongabba*): The general revenue of the South Brisbane municipality was about £13,500, and the sanitary rate, which was a special rate, brought in £7,000. It might be a question whether the latter could be reckoned as part of the annual revenue. If it could, it would be all right, but that money was paid away under a special contract. That was the reason why the Minister had moved this amendment. It was a very necessary amendment, and he would vote for it.

Mr. DUNSFORD asked what was the meaning of the words, "public notice of any proposition to borrow the same"?

Mr. STEPHENS: The Act settles that in Part XVII.

Mr. DUNSFORD: Then it was not necessary to repeat those words—when the Local Government Act applied.

Mr. STEPHENS (*Brisbane South*): The Local Government Act did apply. If they passed this Bill, they would be in exactly the same position as they were before. Under Part XVII. of the Act, the proposals had to be advertised, and if twenty ratepayers put in a demand for a poll, it would have to be taken. They would have to comply with the old law in that respect.

Mr. DIBLEY did not hold the same view as the hon. member for South Brisbane. From his conversation with the Minister, he understood that a poll must be taken whether the ratepayers demanded a poll or not.

Mr. STEPHENS: No.

Mr. TURLEY: That is not so.

Mr. DIBLEY: The amendment proposed by the Minister really meant that a poll must be taken.

The TREASURER: Under the Local Government Act a poll was only to be taken when demanded by a certain number of ratepayers, but the latter part of clause 8 of this Bill made the poll compulsory.

Mr. McMASTER (*Fortitude Valley*): He had no wish to oppose this Bill, but if the amendment of the Treasurer were carried it would be establishing a very dangerous precedent. It was opening the door for other municipalities to make the same claim as the South Brisbane Municipal Council was now making, and probably they would have very good reasons for making it.

Mr. KERR (*Barcoo*) did not agree with the hon. member for Fortitude Valley. Other local authorities who wanted to borrow money must take a poll of the ratepayers, and he thought the Treasurer was right in introducing the amendment.

Mr. BROWNE: This was a new departure from the Act, which distinctly stated that a municipality could not borrow more than five times the amount of its rates, and yet the South Brisbane Council was seeking to borrow about seven times the amount of its rates. He did not so very much object to this, but he agreed with the hon. member for Fortitude Valley that if this provision is passed other municipalities could come along and claim the same privilege. There was only this in favour of it, that there were very few municipalities in the State big enough to ask for such a Bill.

Mr. TURLEY (*Brisbane South*) asked what was the amount of the rates of the North Brisbane Municipal Council for 1893, when their Loan Act was passed?

Mr. McMASTER: Ten times more than the loan.

Mr. TURLEY: He did not refer to the valuations, but to the amount of the yearly revenue. The sum borrowed was £225,000 in 1893. Was that five times the amount of their revenue for that year?

Mr. STEPHENS: The North Brisbane Council borrowed about £400,000. Was that five times their revenue? There was a great deal of doubt as to what revenue meant. Did it mean the bare general rates, or did it mean the amount derived from rates, including the endowment? Endowment was income, but the distinction between income and revenue was not quite clear. If endowment meant revenue, then sanitary rates were revenue too. If it was put into this Bill, what the council could and could not do, then everyone would know the council's position. With regard to other local authorities coming along and making a similar request, if their Bills were reasonable, he would support them, but if they were not, he would try and stop them. Under the circumstances, he thought the South Brisbane Council were making a reasonable request—they were not asking more than the House had granted to the North Brisbane Council.

Amendment (*The Treasurer's*) agreed to.

Mr. STEPHENS thought the clause should stop at the word "Act," on the 27th line; if not, it was making matters more difficult for the Council than under the present Act. If the clause was passed as amended, with the last part in, a poll would have to be taken, whether the ratepayers demanded a poll or not, every time they wanted to borrow £20,000. He moved the omission of all the words after the word "Act," on the 27th line. They could serve no useful purpose, because they had to comply with Part XVII. of the Local Government Act, and it would be foolish to impose a poll upon the ratepayers when none of them demanded it, and everyone seemed agreeable to borrow the money.

Mr. KERR did not agree with the hon. member for South Brisbane, because at present, if a local authority wanted to borrow money from the Government, even if they advertised the fact and the motion lay on the table for several weeks, they had to take a poll, and the question was always asked by the Government whether a poll had been taken.

Mr. STEPHENS: No. A poll is not taken unless it is demanded by twenty ratepayers.

Mr. KERR: Then a poll ought to be taken. Even if it was advertised, the ratepayers did not always notice it, and there were others besides ratepayers who were interested, and they ought to be given an opportunity of objecting. There were many things done by local authorities that the ratepayers knew very little about. They were done very quietly to suit a certain section.

Mr. McMASTER agreed with the hon. member for South Brisbane that there was no necessity for the latter portion of the clause. It was ample if the council had to comply with the provisions of Part XVII. of the Local Government Act. Why should the ratepayers be put to the expense of a poll if they were all agreeable that the money should be borrowed?

Mr. DIBLEY thought that it was only right that a poll should be taken before the money was borrowed; and, certainly before any amendment was made, he would like to know what reason the Treasurer had for putting the provision in the clause?

The TREASURER was quite agreeable to accept the amendment, because the power to take a poll was in the hands of the ratepayers if they chose to exercise it. The provision was simply inserted in case the ratepayers became indifferent.

Mr. TURLEY: They often do become indifferent on these questions.

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

Mr. DIBLEY, in proposing the following new clause to follow clause 8—

> When owing to the execution of any of the works specified in the schedule to this Act any rateable lands within the said municipality are directly benefited, it shall be the duty of the council to increase the valuation of such lands accordingly for the purposes of rating under the provisions of the Valuation and Rating Act of 1890, or any Act amending or in substitution for that Act—

said that he proposed the clause for the purpose of facilitating the passing of the loan by the ratepayers, and with no desire to block the Bill.

He wanted to have the borrowing put directly before the ratepayers so that they would understand what was going to be done, as they had a right to know. He proposed the clause for the benefit of the council itself, because land that was benefited by drainage or other works should certainly pay more rates than land that was not so benefited. If the Bill passed without that clause the whole municipality would have to pay the interest on the loan. His object was to get in the thin end of the wedge of the betterment principle. If a water-table was put in a street, the council should increase the valuations in that street. He would like to know what objections hon. members had to the clause, if they had any.

The TREASURER: If the amendment was carried, the effect would be that all the property in the various wards in South Brisbane would become benefited areas, and the whole of those properties would need to have an increased valuation placed upon them, and that would lead to a great deal of annoyance, and possibly to litigation. Why should South Brisbane be treated differently from all other local authorities? If other local authorities obtained money by way of a loan from the Government, no matter what the loans might be for, no question was raised as to whether there was a benefited area or not. If the mayor of South Brisbane was agreeable to accept the amendment, and some of his aldermen were with him, there was nothing for him but to accept it, because, after all, he only brought the Bill in in the interests of the municipality.

Mr. McMASTER: Surely the hon. member for Woolloongabba could not be in earnest in proposing this clause. Did he want [10·30 p.m.] to deceive the public by giving the council power to put a bogus value on properties? He could understand the hon. member proposing that the rates on properties benefited by the expenditure of this borrowed money should be increased, but was surprised at his suggesting a course which would only result in creating bogus values, in order to raise a bogus revenue. He hoped that the Committee would not consent to give any local authority the power to put a value on property which was bogus and which was illegal at the present time. He really took the hon. member to be one of the most straightforward and honest men in the House, but he was asking the Committee to empower a local authority to fraudulently raise a revenue by putting a bogus value on properties.

Mr. RYLAND (*Gympie*): There was a provision in the Local Government Act under which benefited areas could be proclaimed where money had been spent for special purposes, and a special rate struck in respect of the properties within those benefited areas, and he should like to know if the South Brisbane Municipal Council had declared a benefited area for the purposes of this proposed loan. It was not fair that persons outside the area benefited by the expenditure of this money should be compelled to bear the expense. But he did not think the object of the hon. member for Woolloongabba would be attained by the increasing the valuation of land within the benefited area. All land should be valued at what it was worth, otherwise there were bound to be appeals against the valuations. The proper way to deal with the matter was to strike a special or separate rate to meet the expenses connected with the loan.

Mr. McMASTER: The hon. member for Gympie had given the best reason that could be advanced for rejecting the proposed new clause. Of course, people would appeal if the valuation of their properties was increased as proposed, and any court in Queensland would in such a case reduce the valuation to an amount which represented the fair and reasonable value of the land.

Mr. MACARTNEY (*Toowong*): This proposed new clause would deprive the people of South Brisbane of the benefit of one of the vital principles of the Valuation and Rating Act. That Act provided that property should be valued at its unimproved value, and the people of South Brisbane had now the privilege of going to the appeal court and saying that their properties were overvalued according to that standard, but if this clause was passed they would be met with the objection that the council had taken into consideration the fact that their property had benefited by the expenditure of this borrowed money, and as they could not get at the operations of the valuator in determining the valuation they would not be able to succeed in their appeals. They would in fact have to accept the arbitrary valuation of the council. However good the principle of the clause might be, it would be misplaced in this Bill. It should be placed in the Local Government Bill, if it was considered desirable to adopt it. He should strongly advise the hon. member for Woolloongabba to withdraw the clause, which would clearly lead to litigation.

Mr. DIBLEY: They were not now dealing with other local authorities, but with the Municipal Council of South Brisbane, who proposed to borrow £100,000 for a special purpose. As to the argument of the hon. member for Fortitude Valley, Mr. McMaster, that the clause would lead to bogus valuations, he held that when the property of any person was increased in value by the expenditure of public money, he should bear some share of the burden of that increased expenditure. He lived in a street where there were no water-tables and no drainage, and it would be a benefit to him and an improvement to his property if the council put down water-tables in the street and made a drain into which his wife could throw slops instead of having to throw them into the yard. The South Brisbane Council were now practically doing what he proposed in the clause, because wherever they had put down water-tables they had increased the values of properties.

The PREMIER: Then there is no occasion for this clause.

Mr. DIBLEY: Yes, there was occasion for it. Suppose an increased value was put upon land where drains were laid down, and land which was useless was made valuable, and the owner appealed against the valuation, would not the valuator have a good case when he pointed to the increased value given to the land by reason of the improvements? He did not think any court would reduce the valuation arrived at under such circumstances. They knew the trouble and expense to which municipalities had been put by the way in which land had been cut up. All the gullies and swamps had been left for roads, and the owners of the good land had to pay for the improvement of the useless land. That was what he wanted to obviate. He wanted to make it safe for the council to do what was right, and he was certain that if the clause was inserted it would make it easier for the ratepayers to vote for the loan. If the Bill was passed without the clause there would be a big vote in South Brisbane against the loan.

Mr. DUNSFORD (*Charters Towers*) quite agreed with the hon. member for Woolloongabba that in the expenditure of £100,000 certain property-owners would benefit, and those who benefited should stand the new rate. Why should the rate fall upon the whole of the property in

South Brisbane? If any one property was increased five-fold by the expenditure of loan money it should be rated more highly, and contribute more towards interest on the loan.

The PREMIER: It was very difficult to say what property benefited when improvements were made. In North Brisbane some of the streets were wood blocked; but it was not only the property abutting on the wood blocking that was benefited. The improvement benefited the whole city. The same thing applied to drainage. People on the high land benefited by the low land being drained, because the health of the city was improved. He should say that the whole of South Brisbane would be benefited by the expenditure proposed to be made on improvements. It would be far better to put the Bill through without the proposed clause.

Mr. FOX (*Normanby*) thought the amendment would only lead to confusion. The argument of the hon. member for Woolloongabba was that the people who derived the benefit of the expenditure should pay. So they would pay. If property was increased in value from £50 to £100, a rate would be struck upon £100. In that way the contention of the hon. member would be met.

Mr. McMASTER asked if the hon. member for Woolloongabba could point to any two streets in the city of Brisbane which were valued alike. Was not property valued according to its situation? A street that was thoroughly drained, kerbed, and channelled, paid more rates than a street where no improvements had been made. Queen street property paid a great deal more than Leichhardt, Ann, or Brunswick streets. If there was a swamp in South Brisbane worth only £20, and the council by means of improvements increased the value to £60 or £100, then that swamp would be rated on a value of £60 or £100.

Mr. HARDACRE (*Leichhardt*) understood that what the hon. member for Woolloongabba wanted to provide was that, where there was a special loan expenditure whereby particular lands were enhanced in value, there should be a special rate struck. A piece of land worth £20 might be enhanced in value up to £120 by special loan expenditure. That land would be assessed at £120, and a special loan rate of 1d. in the £ might be struck, making the amount of rates payable by reason of the increased value 8s. 4d. But it might have taken the expenditure of several hundred pounds to enhance the value of that land by £100; and, though the owner would be put to the expense of an extra 8s. 4d. per annum in rates, the municipal council would have to pay £4 per annum interest for every £100 of the loan. He thought the principle of the amendment was a just one.

Mr. RYLAND: Clause 37 of the Valuation and Rating Act of 1890 provided for making and levying special rates for sewerage and drainage works, also for defraying the expenses of watering, cleansing, or lighting streets. The 38th clause reads thus—

> For defraying the expenses incurred in the expenses of a work for the special benefit of any particular part of the district, whether of the kind specified in the last preceding section or not, the local authority may also—
>
> (*a*) By resolution distinctly define such part; and
>
> (*b*) Make and levy a special rate, herein called a "separate rate," equally upon all ratable land situated within such part.

Was that what the hon. member for Woolloongabba wanted? As to raising the valuation, he did not think that was practicable, because the owners could go to the appeal court and get them lowered. Had the South Brisbane municipality defined the benefited area for this loan?

Mr. STEPHENS: The amendment is better than what you want.

The TREASURER did not think the hon. member for Woolloongabba would attain his object by the proposed new clause. It was proposed that it should be the duty of the council to increase the valuation of the lands benefited, and the council might increase the valuation; but the owners might appeal against the assessment, and the appeal court might reduce the valuations. It had been already pointed out that by reason of improving the highways property increased in value, and a valuation put upon property in consequence of such increase in value could be sustained on appeal. He suggested that it would be well to withdraw the amendment and not delay the passage of the Bill.

Mr. DIBLEY had not heard sufficient argument to induce him to withdraw the amendment. Unless this clause got into the Bill he did not think there was any possibility of the ratepayers of South Brisbane consenting to this loan proposal.

Mr. STEPHENS did not think there was a great deal in the amendment one
[11 p.m.] way or another. At present there were standing instructions given to the valuer in South Brisbane to go round and see where improvements had been made in streets that had been metalled, in water channelling and draining, and to put £5, £10, £15, or £20 additional on to the value of each allotment that had been increased in value by those improvements. What the hon. member for Woolloongabba asked for was practically being done in the borough now. They could put a clause into the Bill, making it run side by side with the Valuation and Rating Act, but if they did, it was probable the magistrates sitting in the appeal court would disagree with regard to its operation.

Mr. TURLEY did not see any particular harm in this clause. What he understood the hon. member for Woolloongabba wanted to get at was this: In other places where they had local government, before money was borrowed a benefited area was declared in which the money was proposed to be spent, and then the vote was taken. The residents in that area knew that they would have to pay additional rates when the money had been borrowed and the work had been carried out. The people then had the opportunity of saying whether the money should be borrowed or not. He did not think that this new clause would effect that. It would not do any particular good or any particular harm.

The SECRETARY FOR AGRICULTURE (Hon. D. H. Dalrymple, *Mackay*): If the proposed new clause would not do any harm or any good, that was a very good reason why they should vote against it. He held that it would do harm in that it would disturb the clear basis of valuation which was now laid down by law. If they were not sure that a proposal would result in a considerable amount of good, they should not adopt it. By a side wind the hon. member for Woolloongabba was attempting to obtain something which would be much better obtained in another way, and all expedients of that kind must result in failure. The result would be simply to confuse the ratepayers. If the hon. member chose to bring in a Bill dealing with benefited areas generally, or to introduce an amendment into the Local Government Act to that effect, that would be far better than dealing with the matter in that piecemeal fashion. The amendment, whatever might be its merits, was not a good one

for the reason that any alteration in the law of valuation should be of general, not of local, application.

Mr. TURLEY: When they were dealing with a special case they could pass special legislation dealing with that particular case. The hon. gentleman said Parliament should not pass legislation unless it could be shown that it would do a considerable amount of good. Only last night a Minister said, "Let us pass this; it may not do much good, but it cannot do any harm;' and only that afternoon the Attorney-General said with regard to a certain portion of a clause in a Bill that it was like a "chip in porridge," it did not matter whether it was there or not. The clause now under consideration would not be confusing, because the system was being carried on at the present time, and such being the case there was no harm in putting it into the Bill.

The SECRETARY FOR AGRICULTURE: He was quite sure his colleagues never justified a clause on the ground that it would do no harm.

Mr. HARDACRE understood the object of the clause was to make the increase in the valuation compulsory. Although the Act provided for increases to be made if the local authority chose to do so, that would compel them to do so.

The SECRETARY FOR AGRICULTURE: You do not believe the council will do its duty.

Mr. HARDACRE had not a very intimate acquaintance with the proceedings of metropolitan local authorities, but he knew that divisional boards in other parts of the colony did not always do their duty. This would make it compulsory, that when there had been any increase of benefit there should be made an increase in value. To that extent, so far from the clause being simply one that would do no harm, it was one which might do much good.

Mr. RYLAND thought the local authority should define the benefited area, and that a separate rate should be struck before the loan was given. If that was not done the result would be that the loan money might only benefit a small portion of the district, and people—perhaps working people in outside parts of the district—would not benefit by it, while a good many wealthy people would get most of the benefits. The Committee should know whether the South Brisbane Municipal Council had proclaimed the benefit area.

Question (*Mr. Dibley's clause*) put; and the Committee divided:—

AYES, 14.

Mr. Airey	Mr. Givens
,, Barber	,, Hardacre
,, Bowman	,, Jackson
,, Browne	,, Kerr
,, Burrows	,, Maxwell
,, Dibley	,, Ryland
,, Dunsford	,, Turley

Tellers: Mr. Kerr and Mr. Givens.

NOES, 27.

Mr. Annear	Mr. Linnett
,, Armstrong	,, Macartney
,, Bartholomew	,, Mackintosh
,, Boles	,, McMaster
,, Bridges	,, Newell
,, Cameron	,, O'Connell
,, J. C. Cribb	,, Philp
,, T. B. Cribb	,, Rutledge
,, Curtis	,, Stephens
,, Dalrymple	,, Stodart
,, Fox	,, Story
,, J. Hamilton	,, Tolmie
,, Hanran	,, Tooth
,, Leahy	

Tellers: Mr. Curtis and Mr. Macartney.

Resolved in the negative.

Clause 9 put and passed.

Mr. MAXWELL: He had a new clause to propose, which read as follows:—

A sinking fund for the repayment of the principal sums borrowed under the authority of this Act shall be established by the council, and in each and every year, commencing with the year 1902 and during the currency of such debentures, the council shall pay into such sinking fund the sum of £3 6s. 8d. per centum per annum, and with like annual payments to redeem the loan to be raised under the authority of this Act at the maturity thereof.

The money so to be paid shall be vested in the purchase of Government securities, or of such other securities as the Governor by writing may approve, and the product of all such investment shall be paid into the revenue fund of the council.

It was quite time that some provision of this sort should be made. Quite recently a clause similar to this was introduced in a Bill providing for the city council of Sydney to raise a loan of £200,000. They had had several other loan Bills, but a clause of this sort was not in them, and it was introduced in the last measure by Mr. See on the 15th August, 1901, and it was thought a very beneficial clause. Although it may seem hard on the South Brisbane Council to make them pay this rate, as time went on it would become lighter. Further than that, it [11·30 p.m.] was about time they put a stop to reckless municipal borrowing. Such a clause would be for the benefit both of the debenture-holders and the municipal council.

Mr. McMASTER: While he believed the principle to be a good one, South Brisbane could not possibly pay that amount and carry on its works. The payments in interest and redemption would together amount to nearly 7½ per cent., while the redemption paid to the Government amounted to only 16s. 8d. per cent. There was no such provision in any other Act. The late Sir Thomas McIlwraith struck it out of the draft of the first Bill that was passed on the ground that it was altogether unnecessary.

Mr. MAXWELL: The arguments that held good at the time the hon. member spoke of did not hold good now. If such a clause was not inserted, were the South Brisbane Council going to borrow again at the end of thirty years?

Mr. McMASTER: Their property will be much more valuable then.

Mr. MAXWELL: It might not be as valuable. If they laid woodblocking in Stanley street and another flood came the property there would be of less value than it was to-day. He was going to press the clause, and he intended moving a similar clause in all Bills of that nature that were introduced while he was a member of the Assembly. The South Brisbane Council would borrow until its credit was not worth a rap. They had already borrowed £105,000, and now they were getting power to borrow another £100,000. The ratable value of their property would scarcely pay more than the interest on those two loans.

Mr. ANNEAR: The rates in South Brisbane are not nearly as high as in North Brisbane.

Mr. MAXWELL: That was all the more reason why there should be some provision made for paying off the amounts borrowed.

New clause put; and the Committee divided:—

AYES, 13.

Mr. Airey	Mr. Hardacre
,, Barber	,, Jackson
,, Bowman	,, Kerr
,, Browne	,, Maxwell
,, Burrows	,, Ryland
,, Dunsford	,, Turley
,, Givens	

Tellers: Mr. Maxwell and Mr. Burrows.

NOES, 26.

Mr. Annear	Mr. Linnett
,, Armstrong	,, Macartney
,, Boles	,, Mackintosh
,, Bridges	,, McMaster
,, Cameron	,, Newell
,, J. C. Cribb	,, O'Connell
,, T. B. Cribb	,, Philp
,, Curtis	,, Rutledge
,, Dalrymple	,, Stephens
,, Dibley	,, Stodart
,, J. Hamilton	,, Story
,, Hanran	,, Tolmie
,, Leahy	,, Tooth

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

Resolved in the negative.

On clause 10—"Provisions on default of payment"—

Mr. MAXWELL said he wished to have a little information as to the provision in the schedule for a bath in each ward, as he understood that there was a dispute in the council as to where the baths should be established.

The TREASURER: He understood that it was not proposed by the council to provide a bath in each ward of the municipality, but that the cost was to be divided between the different wards.

Mr. MAXWELL: He understood from the hon. member for South Brisbane that there was not to be one bath for each ward.

The CHAIRMAN: Order! The matter the hon. member refers to is one which should be discussed on the schedule.

Clause put and passed.

On the schedule—

The TREASURER: In order to make an amendment in the schedule, he moved that the schedule be omitted with the view of inserting a new schedule. He mentioned on the second reading of the Bill that there were two items to be provided for—namely, additions to the Technical College, £1,200, and the half share of the cost of a new bridge over Norman Creek, £2,000. In including those items it was necessary to adjust the amounts allotted to each ward.

Schedule put and negatived.

The TREASURER moved that the following be the schedule of the Bill:—

SCHEDULE.

	£ s. d.	£ s. d.
To discharge the indebtedness of the council to the Queensland National Bank, Limited, incurred in carrying out urgent drainage and other works authorised		10,000 0 0
Ward No. 1—		
Drainage	7,000 0 0	
Water channeling ...	8,000 0 0	
Road formation and public baths	3,500 0 0	
		18,500 0 0
Ward No. 2—		
Drainage	7,000 0 0	
Water-channelling ...	8,000 0 0	
Road formation and public baths	3,800 0 0	
		18,800 0 0
Ward No. 3—		
Drainage	10,000 0 0	
Water-channelling ...	6,500 0 0	
Road formation and public baths	1,620 0 0	
		18,120 0 0
Ward No. 4—		
Stanley street paving ...	25,000 0 0	
Drainage	1,500 0 0	
Water-channelling ...	1,500 0 0	
Road formation and public baths	3,380 0 0	
		31,380 0 0
New Technical College Hall	1,200 0 0	
Norman Creek Bridge, one moiety	2,000 0 0	
		3,200 0 0
Total		£100,000 0 0

Mr. MAXWELL found the baths were still in the schedule. It was all on account of a little jealousy that each ward demanded a bath, and he did not think that jealousy should be encouraged.

Question put and passed.

The House resumed; the CHAIRMAN reported the Bill with amendments, and the third reading was made an Order of the Day for to-morrow.

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