

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 27 NOVEMBER 1902

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LEGISLATIVE COUNCIL.

THURSDAY, 27 NOVEMBER, 1902.

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

PAPER.

The following paper was laid on the table:—
Seventeenth Report of the Registrar of Friendly Societies and Trade Unions.

LOW-LEVEL DEVIATION, NORTH
COAST LINE.

REFERRED TO A SELECT COMMITTEE.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL (Hon. J. Murray) moved—

1. That the plan, section, and book of reference of the proposed low-level deviation, North Coast line, Gladstone to Rockhampton, from 61 miles 13 chains to the Central line, in length 6 miles 20 chains, as received by message from the Legislative Assembly on the 25th November, be referred to a Select Committee, in pursuance of Standing Order 76.

2. That such committee consist of the following members, viz.:—Mr. Clewett, Mr. Thomas, Mr. Brentnall, Mr. Ferguson, Mr. Archibald, and the mover.

Question put and passed.

REDBANK TO BUNDAMBA LOOP LINE
AND McQUEEN'S BRANCH LINE.

REFERRED TO A SELECT COMMITTEE.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved—

1. That the plan, section, and book of reference of the proposed Redbank and Bundamba loop line, Southern and Western Railway, in length 5 miles 37 chains, and portion of McQueen's branch line, in length 26½ chains, as received by message from the Legislative Assembly on the 25th November, be referred to a Select Committee, in pursuance of Standing Order 76.

2. That such committee consist of the following members, viz.:—Mr. Moreton, Mr. Brentnall, Mr. Thomas, Mr. Clewett, Mr. Archibald, and the mover.

Question put and passed.

ALIENS ACT OF 1867 AMENDMENT
BILL.

RESUMPTION OF COMMITTEE.

Proposed new clause to follow clause 1—

In section five of the Aliens Act of 1867 the words "not by lineage belonging to any of the Asiatic, African, or Polynesian races," are hereby inserted after the word "State." So much of sections six, seven, and twelve of the said Act as is contained in the words "Asiatic or African alien," is hereby repealed, and in each such section the words "alien by lineage belonging to any of the Asiatic, African, or Polynesian races," are hereby substituted therefor.

HON. A. J. THYNNE said that yesterday some questions were asked with regard to aliens generally and children of naturalised aliens born beyond the colony. The rule of the English common law was that every person born within the British dominions was a British subject, and

that every person born out of the British dominions of alien parents was an alien. That clearly showed that the young man in Victoria referred to yesterday was a British subject and entitled to all the privileges of British subjects. With regard to the question asked about that citizen's children, if born out of British territory, by the statute of 4 Geo. II., c. 21, it was enacted that the legitimate child of a natural-born British subject, though born out of the British dominions, should be deemed a British subject; and by a statute of 23 Geo. III. that privilege was extended to the second generation on the father's side.

HON. A. H. BARLOW quoted from Stephen's "Commentaries on the Laws of England," volume 2, page 435, to the same effect.

HON. J. FERGUSON said he understood it was the intention of the Attorney-General of the Commonwealth to introduce, in the next session of the Federal Parliament, a Bill dealing with the question. He did not know what effect that Bill, if passed, would have on State legislation.

HON. A. J. THYNNE said that even if the Commonwealth Parliament passed a law relating to aliens he questioned whether their legislation would over-ride that of the State. Looking at the Constitution Act there was a very peculiar position with regard to the question of the naturalisation of aliens. It was not made clearly and exclusively a subject for the Federal Parliament to deal with. But they need not trouble themselves with what anybody else might or might not do.

THE VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said he was inclined to think that if the Federal Government passed an Act dealing with the subject it would be applicable to the entire Commonwealth, for the reason that an alien naturalised in Queensland would not be naturalised in any of the other States.

HON. A. J. THYNNE: The hon. gentleman seemed to be under the impression that the effect of naturalisation was only now applicable to the one State in which the naturalisation was given. That was a constitutional question which was very seriously discussed, and the balance of opinion was against the view expressed by the hon. gentleman. There was a part of the Constitution which declared that no person should be deprived of any right in any particular State to which he had a right in the State to which he belonged, and in New South Wales the Aliens Act provided that a naturalised alien should have all the rights and privileges of a natural-born British subject, anything in the Constitution Act to the contrary notwithstanding; and they might have the extraordinary position that an alien naturalised in New South Wales might come to Queensland and be entitled to political privileges to which an alien naturalised here was not entitled. But that was a side issue, and did not materially affect the Bill before the Committee. As to the wording of the Constitution Act of 1867, that Act did not contemplate the Commonwealth Act at all.

HON. F. T. BRETNALL: He understood that there were certain disabilities which debarred some citizens in this State from occupying seats in this Council until a change in the law was made. If that was the main reason for the Bill, it would not remedy the particular case to which reference had been made, because a person naturalised in New South Wales coming here could not, so long as our Constitution remained what it was, claim a seat in this Council. What was the real object of this proposed legislation? If it was intended, by a circuitous method, to give to people some sort of privilege and right from which they were debarred by the Constitution Act, he objected

to this roundabout method, and suggested that they should go straight for an amendment of the Constitution Act.

HON. A. J. THYNNE: He had no object whatever except that of removing from a valuable part of the community a disability which some people said they suffered. Many of them would be as much welcomed into this Council as many people who were natural born subjects. The Queensland statute was passed in 1867, the same year as the present Constitution Act. After that Act was passed an Imperial Act was passed giving colonial Legislatures power to make laws, statutes, or ordinances for imparting the privileges of naturalisation, such privileges to be enjoyed only within the colony. The Constitution Act of New South Wales, which was much earlier than ours, contained verbatim the words of our Constitution Act with regard to persons naturalised having the right to enter the Legislative Council. In New South Wales, in 1875, they passed the Aliens Act of [4 p.m.] that colony, and it was gazetted in May, 1876. The 6th clause of that

Act provided that every person to whom a certificate of naturalisation had been granted should, in that colony, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural born British subject was entitled, notwithstanding anything in the Constitution Act. That showed that it was not an infringement of the Constitution Act. The Constitution Act reserved for our ordinary legislation the whole question of dealing with aliens. New South Wales had dealt with that question, and a naturalised alien in New South Wales was entitled to all the privileges to which a natural born British subject was entitled. Under clause 117 of the Federal Constitution, a British subject resident in any State was not subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a British subject resident in such other State; so that under the Federal Constitution a person naturalised in New South Wales was entitled to all the privileges to which a natural born British subject in Queensland was entitled; and a man naturalised in New South Wales on coming here would have all the rights of a natural born British subject.

HON. A. H. BARLOW: The point was that a person naturalised in New South Wales could come here and enter the Legislative Council, although a person who had been fifty years in this colony and was naturalised in Queensland could not do so.

HON. E. J. STEVENS: It appeared to him that if this Bill became law it would clash with our Constitution Act, and the question would arise as to which would have effect. It appeared to him that any person who was not an alien would require an Act to be passed specially in his favour before he could become a member of the Council—that was, under our Constitution. He felt as strongly as the Hon. Mr. Thynne that some persons regarded as aliens in this colony were in every way fit to occupy seats in the Council, and he thought the opportunity should be given. He had advocated the nomination of at least one gentleman to this Chamber, and had discovered that there was a disability. He would like to see that disability removed, but he would like to see it done in what he considered a more legitimate manner.

HON. A. H. BARLOW: The clause under consideration did not deal with the admission of persons to this Chamber at all. They were endeavouring to prevent the full-blooded Chinese born in San Francisco or the full-blooded African born in New Orleans from coming here.

and demanding naturalisation. If the Committee would pass that it would be a very great benefit, even if they abandoned the question of admission to the Council.

HON. E. J. STEVENS: It was the intention of the Commonwealth Government to bring in a Bill early next session dealing with aliens, and it was possible that the Bill might differ in some respects from the Bill now under consideration. In that case the federal law would override ours.

HON. A. J. CALLAN: The Hon. Mr. Barlow had not said that the object of the clause was also to keep out full-blooded Japanese. We had a population of 500,000—the population of a second-class city in Europe or Japan—and it was proposed to pass a Bill to exclude Japanese. He thought it was wrong to make a law which we had no power to enforce, and we would have no power to exclude Japanese apart from our connection with England. It was an absurdity to legislate on a subject which, if England opposed, would be knocked out in an instant. [HON. A. H. BARLOW: The Japanese are already excluded.] They were excluded just as long as they wished to be excluded. There are 45,000,000 of them, many of the highest mental capacity, and individually superior to the average of the working classes of Australia; and yet 500,000 people here were saying they should not come in, whereas they knew that to-morrow, if England wanted the support of Japan, all their legislation would be of no effect. The Bill was not worth the paper it was printed on, and it was not the slightest improvement on their present law.

HON. A. H. BARLOW: He could assure the hon. gentleman that the Japanese were excluded now and could only be naturalised by a very circuitous process. But that did not affect the question before the Committee, which was to amend that defect in the Aliens Act which enabled aliens of races born in Europe and America to come here and get naturalised while the Japanese could not.

HON. A. J. THYNNE said it was about time they in that Chamber ceased to be the sole repository in Australia of British insular prejudices. That House was supposed to be comprised of no one but people born on British soil. He did not know of any other Upper House in Australia in the same position in that respect. He would again point out that the proposed new clause did not in any way affect the question of the Constitution Act.

HON. F. I. POWER said the difficulty with him was the word "lineage," which he thought went too far. If they traced back a North American for three or four generations, he might be found to be of African lineage and be absolutely excluded from becoming a naturalised British subject. He took it that "lineage" meant the slightest trace of Asiatic or African descent, and that if that were established it would be a bar to naturalisation.

HON. A. H. BARLOW said the words were taken from the Mining Act of 1898, which prohibited aliens from holding a mining lease.

HON. F. I. POWER: Why should they repeat an absurdity? Those words were inserted in the Mining Act with the view of pandering to the feelings of a certain party.

Question—That the proposed new clause be inserted in the Bill—put; and the Committee divided:—

CONTENTS, 5.

Hon. J. T. Annear	Sir H. M. Nelson
„ A. H. Barlow	Hon. A. J. Thynne.
„ A. J. Carter	

Teller: Hon. A. J. Carter.

NOT-CONTENTS, 15.

Hon. J. Archibald	Hon. B. D. Morehead
„ F. T. Brentnall	„ B. B. Moreton
„ A. J. Callan	„ J. Murray
„ J. Ferguson	„ F. I. Power
„ A. Gibson	„ W. G. Power
„ G. W. Gray	„ E. J. Stevens
„ A. C. Gregory	„ W. F. Taylor.
„ P. Macpherson	

Teller: Hon. W. F. Taylor.

Resolved in the negative.

HON. A. J. THYNNE said that after the division which had just taken place, he had no alternative but to move that the Chairman do now leave the chair.

Question put and passed.

LOCAL AUTHORITIES BILL.

RESUMPTION OF COMMITTEE.

On clause 119—"Sales to be made upon certificate"—

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved the insertion of the words "or other persons authorised by the local authority in that behalf" after "clerk."

HON. J. ARCHIBALD: With this amendment the clause would provide that before any sale was held the clerk, or other [4.30 p.m.] person authorised by the local authority, should examine every animal impounded and the poundbook, and give a certificate, and no animals, except in the cases provided for in the Act, should be sold except upon such certificate. A sale might be duly advertised, the owners of the animals might have due notice, and people might be in attendance for the purpose of buying, but the poundkeeper might not have got the necessary certificate. In that case the sale could not be held on that day, and there would have to be a repetition of the necessary notices. Who was to pay the penalty?

Amendment agreed to.

HON. E. J. STEVENS: He thought the clause would not be perfect without some amendment to meet the point raised by the Hon. Mr. Archibald. If the certificate were not given the sale would have to be postponed, and there would be considerable expense and loss of time. Would it not be advisable to add a few words stating who was responsible?

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: He did not think any difficulty would arise. The clause was almost a reprint from the Impounding Act, only in that case the police had to give the certificate. There had been no trouble with the provision in that Act.

HON. J. ARCHIBALD: The cases were different, because the police were always present—either the officer in charge or some subordinate—and there was no difficulty in getting the necessary certificate, whereas the clerk might be away looking after the roads of the district four or five days out of the six. He moved that the following words be added to the clause:—"If such certificate as aforesaid has not been furnished to the poundkeeper, or if the clerk or other person refuses or neglects to certify in accordance with this section, such certificate may be made and signed by two persons then present, but such persons shall be disqualified from purchasing any impounded animal at such sale."

HON. A. J. THYNNE: There seemed to be an impression that the certificate must be given on the morning of the sale, but, as a matter of fact, it might be given a week or a fortnight before the sale.

HON. E. J. STEVENS: The point was, who was to be held responsible if the condition with respect to the certificate was not complied with? The amendment was intended to provide for a case of that sort.

HON. A. J. THYNNE: The effect of the amendment would be to relieve the clerk of the duty altogether, and leave the poundkeeper to fessick about for a couple of people to give the certificate.

HON. J. ARCHIBALD: It did not follow that animals impounded would be in the pound from the time they were impounded until the day of sale. They might be 20 miles away on agistment, and the clerk or other person duly authorised to give a certificate might have no opportunity of inspecting them and giving a certificate from the day of impounding till the day of sale.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said it would be the duty of the clerk to examine the animals and see that the brands were correct.

HON. F. CLEWETT said it was the practice to examine the cattle when they were first brought in, and to make a record of the brands.

* HON. F. T. BRENTNALL said that in connection with the sale there were two indispensable parties—the clerk and the poundkeeper. It was the duty of the poundkeeper to give information of an intended sale to the clerk, and the duty of the clerk to furnish the certificate. Then a third person was appointed when it might not be convenient for the clerk to make the inspection. On each of those three persons an obligation was imposed. Such being the case, it seemed to him that the amendment was not necessary.

HON. E. J. STEVENS said the hon. gentleman was in error in saying that it was the duty of the poundkeeper to look after the clerk, and see that he got the certificate. Certainly, the sale could not be held until the clerk got the certificate, but it was not the duty of the poundkeeper, who made his living out of the pound, to look after the clerk.

HON. A. GIBSON said the trouble was caused by the introduction of the word "clerk" into the clause. The poundkeeper, being an officer of the board, should have full power to carry out the work.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said that when stock were impounded it was the duty of the clerk to satisfy himself that the brands were all correct, and were recorded in his book. They were then handed over to the poundkeeper to look after them until the day of sale. The clause was taken from the existing Act, with the substitution of "clerk" for "police officer."

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

CONTENTS, 8.

Hon. J. T. Annear	Hon. A. C. Gregory
" J. Archibald	" B. D. Morehead
" A. H. Barlow	" E. J. Stevens
" A. Gibson	" W. F. Taylor

Teller: Hon. A. Gibson.

NOT-CONTENTS, 11.

Hon. F. T. Brentnall	Hon. E. D. Miles
" A. J. Carter	" B. B. Moreton
" F. Clewett	" J. Murray
" J. Ferguson	" F. I. Power
" G. W. Gray	" A. J. Thynne
" P. Macpherson	

Teller: Hon. F. Clewett.

Resolved in the negative.

Clause, as amended, put and passed.

Clause 120 to 123, inclusive, put and passed.

Clause 124 passed with a verbal amendment.

Clause 125 put and passed.

On clause 126—"Proprietor of entire horses and bulls trespassing to pay £5 damages"—

HON. E. J. STEVENS asked whether in the event of a bull or an entire being impounded and the sum of £5 being paid by way of damages, that would prevent the person who suffered injury from going for further damages?

HON. F. I. POWER said there was a later clause providing that he could bring an action for special damages.

Clause put and passed.

Clauses 127 to 129, inclusive, put and passed.

On clause 130—"Offences by poundkeeper"—

HON. F. J. STEVENS: One part of this clause imposed a penalty on the poundkeeper for neglect to provide an impounded animal with proper food and water. Some months ago there was a case in connection with a pound near the city, in which disgraceful treatment of animals was exposed. He wished to know whether, in the event of more than one animal being ill-treated in that way, the penalty could be applied to each animal or whether it would be only one offence?

Clause put and passed.

Clause 131 put and passed.

On clause 132—"Penalty for rescue"—

HON. F. I. POWER said the penalty for rescuing one animal was the same as for rescuing 500. It might pay men to rescue a number if the penalty was only £20.

HON. E. J. STEVENS suggested that the penalty be made £20 for each animal rescued.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said that as the clause referred to "any animal" it would empower the bench to impose a penalty for each animal rescued if it chose to do so.

HON. E. J. STEVENS said the clause might be read by country benches to mean that £20 was the most they could impose under the Act. The clause ought to be made so clear that there could be no doubt as to its meaning.

HON. F. CLEWETT said the penalty applied to the offence. If more than one animal was rescued it was only one offence, and the penalty could not be greater than that provided by the clause.

HON. A. J. THYNNE said it was unfortunate that the clause imposed a penalty only on success. It contained no provision to punish those who unsuccessfully attempted a rescue. Would it not be advisable to postpone the clause to consider whether that could not be provided for?

HON. E. J. STEVENS said it did seem anomalous that a man who succeeded in effecting a rescue should be fined £20, while the man who almost succeeded escaped punishment. He thought the suggestion of the Hon. Mr. Thynne to postpone the clause a good one.

HON. J. ARCHIBALD thought an attempt at rescue should be an offence of the second degree at least, and he considered the clause should be postponed with a view to its being redrafted for that purpose.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said postponement only meant delay. If any hon. gentleman would suggest a reasonable amendment he would accept it.

HON. A. J. THYNNE said it was only by accident that the defect had been discovered, and he would not attempt to alter a clause to meet such a defect.

Clause postponed.

Clauses 133 and 134 put and passed.

On clause 135—"Goats or swine trespassing on enclosed land may be destroyed"—

HON. A. H. BARLOW said he believed nothing caused so much trouble between neighbours as having a garden scratched up by fowls, and he thought it would be a good thing to

amend the clause so as to make provision for the destruction of domestic fowls trespassing on enclosed land.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL thought any local authority could overcome the difficulty by means of a by-law.

HON. A. H. BARLOW: They could not make a by-law providing for the destruction of animals.

Clause put and passed.

Clause 136 put and passed.

On clause 137—"Temporary diversion of traffic"—

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved the insertion of the following paragraph after the 3rd paragraph of the clause:—

The local authority may close any road or part of a road permanently or temporarily against any particular description of traffic, and may prevent such traffic in or upon any road so closed, provided that another road or route is made available for such traffic in place of the road or part of the road so closed.

In some parts of the country there was very heavy timber traffic and other heavy traffic, which cut up the roads to such an extent that it was almost impossible for the local authority to keep them in order. When a local authority put a road in order for light traffic they would be able under this amendment to prevent heavy traffic from going along that road.

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

HON. W. F. TAYLOR moved the following new clause:—

No by-law made by a local authority or joint local authority, whether before or after the commencement of this Act, purporting to regulate the speed of equestrian or vehicular traffic in or upon any road, shall have effect unless or until the same or the substance thereof has been published at least three times in some newspaper circulating in or nearest to the area; nor, if such by-law purports to limit the speed of such traffic around the corners at the intersections of roads to the pace of a walk, unless in addition to such publication notices bearing the words in legible characters "Walk around corner" are prominently exhibited at such intersections.

No such by-law shall apply to any duly qualified medical practitioner while he is proceeding to visit any patient or any public or private hospital in the exercise of the duties of his profession.

For the purposes of this enactment, the Metropolitan Transit Commissioners constituted under the Brisbane Traffic Acts, 1895-1896, shall be deemed to be a joint local authority.

He moved the new clause in consequence of a gross abuse of power by the Metropolitan Traffic Board, under a certain by-law which gave power to compel people to ride or drive horses at a walking pace round corners of streets and at the intersections of streets. Until recently that by-law had been a dead letter. No doubt it was a very useful by-law, and occasions might arise when it ought to be enforced, but when it was allowed to remain in abeyance for six or seven years, and was suddenly enforced without notice being given to the public beyond summoning people to the police court for infringing the by-law, he thought there should be some means of compelling the traffic authority to give proper notice. For the last twenty years he had been in the habit of driving at a trot round the corner at Victoria Place into Stanley street, and had seen hundreds of other people do the same. On Thursday fortnight seventy-three people were fined at the South Brisbane Police Court for a breach of the law, and up to that time there had been no notice and no inspector to warn people to proceed at a walking pace. The Traffic Board reaped about £18 from those cases. At a recent meeting of the Traffic Board a communication from him (Hon. Dr. Taylor) in reference

to the case brought against his groom at the South Brisbane Police Court was considered. The 1st paragraph of his amendment spoke for itself. With regard to the 2nd paragraph, that privilege was accorded to the ambulance and the fire brigade, and it was of as much or more importance that it should be extended to medical practitioners driving to visit their patients, where the loss of a minute or two in walking over crossings might, under certain circumstances, be fatal to the patient.

The CHAIRMAN: I would point out to the hon. gentleman that the proper place to insert the clause would be under Part IX., which dealt with by-laws. It was really a direction given to local authorities with regard to the making of by-laws.

HON. W. F. TAYLOR said he would move his new clause after the Committee had passed clause 184 of the Bill.

Clauses 138 and 139 put and passed.

On clause 140—"Burial of destitute persons"—

HON. A. GIBSON said it was something new in local government to make the local authority responsible for the burial of destitute persons instead of the police, and he failed to see how it was going to be managed, especially in the large outside divisions. Apart from it being an extra burden on the funds of the local authority, it would be far better to leave it in the hands of the police. It would be a burden on the local authorities to have to do work of this kind, for which they were not paid.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: There might be some difficulty in outside districts in the [7.30 p.m.] local authority carrying out these duties, but there would be no difficulty whatever in centres of population.

HON. F. I. POWER: His objection to the clause was that it might be difficult to find out whether the person to be buried was a destitute person, or whether it was a case of murder, or death under suspicious circumstances. The local authority was to be chargeable with the burial of these persons, and that practically meant that the local authority had to perform the functions of a coroner.

HON. P. MACPHERSON: In the Divisional Boards Act there was a clause providing that the chairman might order the burial of any destitute person, and pay the necessary expense out of the divisional fund. This clause might be altered so as to provide that the chairman of a local authority might order the burial of any destitute person who died within the area, and that all necessary expense might be paid out of the local fund.

RIGHT HON. SIR H. M. NELSON: He did not look at the clause in the light in which it was regarded by hon. gentlemen who had spoken. The burial of persons was provided for by other Acts, and all this clause provided for was that in the case of destitute persons the expense should be chargeable to the local authority. In many cases the local authority would have to get an order for the burial.

HON. F. I. POWER took it that the word "chargeable" meant that the local authority would be charged with the duty of doing the work.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: At the conference of local authorities it was recommended that the chairman should have power to bury destitute persons, but he should not be compelled to do so. He would not object to the clause being amended in that way.

HON. A. H. BARLOW moved that the words "shall be chargeable with" be omitted, with the view of inserting "may order."

Amendment agreed to; and clause passed with consequential amendments.

Clauses 141 to 146, inclusive, put and passed.

On clause 147—"Markets"—

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved the insertion of the words "and establish markets," after "market places," in the 1st paragraph.

Amendment agreed to.

On the motion of the VICE-PRESIDENT OF THE EXECUTIVE COUNCIL, the words "tolls and" were omitted in line 25, and the following new paragraph was inserted:—

(6.) When a local authority has established a market it may by by-laws prohibit, or regulate by permit, the hawking or itinerant vending in the area or any part thereof of any specified goods and commodities usually sold in such market during any hours prescribed as market hours.

Clause, as amended, put and passed.

Clauses 148 and 149 put and passed.

Clause 150—"Existing gas companies"—postponed.

Clauses 151 to 154, inclusive, put and passed.

Clause 155—"Extirpation of noxious weeds"—was passed, with the omission of subclause (3) as printed, and the substitution thereof of the following:—

Before the local authority exercises the powers in this section conferred, such weed or plant shall be declared, by the Minister by notification in the *Gazette*, or by a by-law of the local authority passed for that purpose, to be a noxious weed or plant and to be a nuisance.

Clauses 156 to 159, inclusive, put and passed.

On clause 160—"Appointment of inspectors"—

HON. J. ARCHIBALD said it was the opinion of the committee to whom the Bill was referred that that clause and the next, if passed as printed, would lead to friction between the Government and the local authorities, unless the duties of the inspectors were restricted to works wholly or partially constructed out of loan money.

HON. P. MACPHERSON moved that after the word "Act," at the end of the 1st paragraph, the words "to be wholly or in part defrayed from loan money," be inserted.

HON. A. J. THYNNE pointed out that the amendment was unnecessary, because in clause 44 a general power was given to the Minister to curb extravagance or improper conduct on the part of local authorities.

HON. P. MACPHERSON, with the permission of the Committee, withdrew his amendment.

Clause put and passed.

Clauses 161 to 171, inclusive, put and passed.

On clause 172—"Removal of dilapidated and neglected buildings"—

HON. A. GIBSON said the latter part of the clause provided that if a neglected structure, or some part thereof, was not taken down, and the material not sold by the local authority, or the proceeds of the sale were insufficient to defray the costs and expenses, the local authority might recover the expenses or the insufficiency from the owner of the structure, together with all costs, by complaint before any two justices. He thought this might lead to very great hardship. He did not see that power should be given to the local authority to hold a man down and make him pay the cost in a case like that. [The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: He can take it down himself if he likes.] He might not be able to take it down. It seemed that the individual was going to have no rights whatever

under this Bill. He would as soon live in Russia as in a place subject to the conditions contained in a clause like this.

HON. A. H. BARLOW was glad the hon. gentleman had found out that they were living under a Russian Government. He had been trying for the last three years to persuade people of that, but without much success.

Clause put and passed.

Clauses 173 to 175, inclusive, put and passed.

On clause 176—"Repair of cellars under roads"—

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: The informal committee did not consider this clause was necessary, and recommended its omission.

HON. A. H. BARLOW: He did not see why the clause should be omitted. It provided that all vaults, arches, and cellars under any road, and all openings into such vaults or cellars under the surface of any road, and all cellar heads, gratings, lights, and coalholes should be kept in good condition and repair by the owners or occupiers. It seemed to him to be an excellent clause.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: He understood that these things were not lawful at the present time, and that if people chose to construct them they did so at their own risk.

HON. F. T. BRENTNALL: Was it to be understood that any person might interfere with a sidewalk in a street and not be under the control of the local authority? He hoped the Committee would not negative the clause.

HON. A. J. THYNNE: In the absence of the Hon. Mr. Gregory, he might explain that in the old days of the colony the footpaths were under the control of, and partly belonged to, the people who owned the allotments abutting on the streets; and they possessed certain rights which nowadays did not exist. If they were to allow the construction of vaults, arches, and cellars under a public street, there was no knowing where it might end, and it was necessary to guard against any vested right outside the limits of the allotments which people owned.

HON. F. I. POWER: There were plenty of properties in Brisbane which would be very much less valuable if the owners were not allowed to have lights in the pavement. He was interested in one property where a man fell through the light not long ago; so he knew they were not always kept in proper repair.

HON. J. ARCHIBALD spoke in favour of the clause being retained.

HON. G. W. GRAY also spoke in favour of the clause. The largest buildings in the city had their cellars lit by prismatic lights in the pavement, and if they got out of order they were dangerous.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: After what the hon. gentleman had said he thought it would be as well to keep the clause in the Bill.

HON. A. J. THYNNE said he did not think the Committee would be justified in accepting the views put forward in favour of retaining the clause if it would have the effect of giving the owners of property more than they were legally entitled to now; and his impression was that it would do so. Those lights were constructed, and would continue to be constructed; but it was by permission of the local authority, not as a right which could be insisted upon for all time. He hoped that out of respect to the Hon. Mr. Gregory, who had suggested the omission of the clause, the Minister would let the clause stand over until that hon. gentleman could be present and place his reasons for it before the Committee.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said he had every respect for the Hon. Mr. Gregory, but the question involved no principle, and it might be just as well dealt with now.

HON. J. ARCHIBALD said the Hon. Mr. Gregory gave very substantial reasons to the committee why the clause should be omitted, and he trusted an opportunity would be given him of submitting those reasons to hon. gentlemen.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said that if it was the desire of the Committee that the clause should be postponed for that purpose, he had no objection.

HON. A. J. THYNNE said the clause was taken from an English statute, and the law on that subject in Queensland was very different from that in Great Britain, and he would suggest to the hon. gentleman to look up that statute and see the conditions on which it was based.

Clause postponed.

Clauses 177 to 181, inclusive, put and passed.

Clause 182—"Removal of roof not to affect proceedings"—passed with the addition of the words, "or by the fact that such building has not been completed."

Clause 183 put and passed.

Clause 184—"Provisions as to by-laws"—passed, with the omission of the paragraph relating to licenses issued in regard to cars and motors used for public traffic and the conductors and motormen thereof, which were already provided for in the Brisbane Traffic Act and other Acts.

HON. A. H. BARLOW said the Hon. Dr. Taylor, who had been called away on professional business, had left his proposed new clause in his hands, with a desire that it should be discussed in a full Committee. He would adopt any course which might commend itself to the Minister.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said the best plan would be to consider it on recommitment.

Clauses 185 to 193, inclusive, put and passed.

On clause 194—"What is rateable land"—

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved to add to the list of exemptions land vested in trustees "for any acclimatisation society."

Amendment agreed to.

HON. E. J. STEVENS moved the addition of the words "or public recreation ground" after "showground."

Amendment agreed to.

HON. A. J. THYNNE moved the insertion of the words "or for an orphanage" after the words "additional purposes."

Amendment agreed to.

HON. G. W. GRAY moved the insertion of the words "or for institutions for the reformation of fallen women," [9 p.m.] to follow the last amendment.

Amendment negatived; and clause, as amended, put and passed.

HON. A. J. THYNNE thought they should consider the question of including hospitals in the exceptions.

The CHAIRMAN: The clause, as amended, has been carried.

Clause 195—"New valuation to be made"—passed with a verbal amendment and the omission of the words "This section takes effect from the passing of this Act."

On clause 196—"Mode of making valuation"—

HON. F. I. POWER said there had been a great difficulty in valuing lands for rating purposes on goldfields and mineral fields. The

titles were practically valueless. The miner could come in anywhere as long as he paid for the improvements. If he did not touch the improvements, he paid nothing. Under the old Valuation and Rating Act the only solution found of the difficulty was to tax improvements. He regretted to say that after going into the matter very fully with a number of members of both Houses interested in mining he had been unable to arrive at any real solution of the difficulty. The great objection was to the principle of taxation on improvements, but if you could not do that what could you do? He mentioned this so that hon. members might think over the matter. He had received an urgent telegram from the mayor of Gympie stating that if the clause was passed as printed it would make a difference of £2,200 a year in the rates. The same effect would be felt in all goldfields municipalities. Personally, while he had a great objection to taxing improvements, yet if there was no other way out of the difficulty he was quite willing to agree to the old system. The question was almost a matter of life or death to goldfields municipalities.

HON. E. D. MILES said the subject was of such importance to goldfields that he hoped it would not be proceeded with to-night.

The Council resumed. The CHAIRMAN reported progress, and leave was given to the Committee to sit again on Tuesday next.

The Council adjourned at eighteen minutes past 9 o'clock.