

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 2 AUGUST 1906**

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THURSDAY, 2 AUGUST, 1906.

The SPEAKER (Hon. Sir A. S. Cowley, *Herbert*) took the chair at half-past 3 o'clock.

#### ANSWER TO ADDRESS IN REPLY.

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

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

“I receive with great pleasure the assurance of your continued loyalty and devotion towards the Throne and Person of His Most Gracious Majesty the King.

“I thank you for your cordial welcome of me to the State, and I beg to assure you of my earnest desire to worthily carry out the duties of the high office with which I have been entrusted.

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

#### QUESTIONS.

##### COURTHOUSE AT ROSEWOOD.

Mr. KEOGH (*Rosewood*) asked the Secretary for Public Works—

1. When will the Government carry out the erection of the courthouse at Rosewood, for which tenders were called and approved by the Works Department during the Ministry of the Hon. John Leahy?

2. Will the Government also erect suitable premises for the police, which are most urgently required?

The SECRETARY FOR PUBLIC WORKS (Hon. T. O'Sullivan, *Warwick*) replied—

1. No tenders for erection of the courthouse at Rosewood were called and approved by the Works Department while Mr. Leahy was Secretary for Public Works, but tenders were received for additions to courthouse in March, 1902. Directed by Mr. Leahy to stand over.

2. Erection of new courthouse and new police station are now under consideration.

##### RAILWAY DEVIATION—SOUTH COAST LINE.

Mr. BARNES (*Bulimba*) asked the Secretary for Railways—

1. What was the cost, including land resumptions, of that section of the railway line from Melbourne-street Railway Station to beyond Park road where it junctioned with the then line from Woolloongabba?

2. How much of the total cost was debited to the Cleveland Railway line account?

3. How much was debited to lines other than the Cleveland line, and, if split up into different amounts to other lines, how much to each line?

The SECRETARY FOR RAILWAYS (Hon. D. F. Denham, *Oxley*) replied—

1. £243,330 16s. 5d.

2. £69,750 16s. 4d.

3. £182,580 0s. 1d. was debited against the line from South Brisbane to Southport (including Yeerongpilly to Corinda, and Boggo Junction to Woolloongabba).

##### RAILWAY PASSES ISSUED BY LABOUR BUREAU.

Mr. BARBER (*Bundaberg*) asked the Minister for Labour—

1. How many railway passes have been issued to Bundaberg by the Labour Bureau and Relief Department to men seeking work in the Bundaberg district from 1st January to end of present month?

2. Will the Minister supply names of mills to which men were sent?

The MINISTER FOR LABOUR (Hon. T. O'Sullivan, *Warwick*) replied—

1. Ninety-six passes to Bundaberg issued by Relief Department to men in search of work from 1st January to 31st May. None since May. No information as to employment. Ninety-four passes issued by Labour Bureau from 1st January to 31st July.

2.—

Twenty-one passes to men showing that they had employment at Fairymead mill.

Thirty passes to men showing that they had employment at Bingera mill.

Five passes to men showing that they had employment at Invicta mill.

Fifteen passes to men showing that they had employment at Windermere mill.

Four passes to men showing that they had employment at Ashgrove mill.

Nineteen passes to men to go to sundry employers.

##### VEGETABLES SUPPLIED TO DUNWICH.

Mr. BARBER asked the Home Secretary—

1. What quantity of vegetables—viz., English and sweet potatoes and turnips—have been supplied through the Government Stores to Dunwich for the four months commencing 1st April to end of present month?

2. What was the amount paid per ton for each class of vegetables, respectively?

3. What are the names of the firms supplying same?

The HOME SECRETARY (Hon. P. Airey, *Flinders*) replied—

					Tons. cwt. gr. lb.
1. Potatoes, English	...	...	...	...	15 19 0 22
.. .. sweet	...	...	...	...	16 5 0 7
Turnips, Swede	...	...	...	...	6 3 0 22
2. Potatoes, English, from £6 10s. to £8 10s. per ton;					
average, £7 15s.					
Potatoes, sweet, from £2 to £2 8s. 4d. per ton;					
average, £2 1s. 3d.					
Turnips, Swede, from £2 10s. to £4 15s. per ton;					
average, £3 10s.					

					Vendors' Names.
3. Potatoes, English	...	...	...	...	F. Edmonds Barnes and Co. W. Siemon and Co.
Potatoes, sweet	...	...	...	...	F. Edmonds G. and W. Barter A. Gross Barnes and Co. G. Laidlaw and Co.
Turnips, Swede	...	...	...	...	W. Siemon and Sons R. Raine F. Edmonds.

##### TENDERS TO H.M.S. "POWERFUL."

Mr. BARBER asked the Chief Secretary—

1. What steamers connected with the various Government departments are being used as tenders to H.M.S. "Powerful"?

2. Is it a fact that men, known as black-list men, are being supplied from H.M.S. "Powerful" to act as firemen and deck hands on the Government steamers while such vessels are acting as tenders?

3. Is the Chief Secretary aware that a number of firemen and deck hands previously employed by the Harbours and Rivers Department are now out of employment, and could have been employed in the capacities mentioned?

The PREMIER (Hon. W. Kidston, *Rockhampton*) replied—

1. In accordance with previous practice, the "Albatross" has been placed at the service of His Excellency the Admiral.

2. Three or four men from the "Powerful" were sent on board the "Albatross" to assist as firemen or deck hands, without cost to the State.

3. No labour other than that named was required.

##### LAND APPEAL COURT AT ROMA.

Mr. LESINA (*Clermont*) asked the Secretary for Public Lands—

Has he any objection to laying upon the table of the House, for the information of members, the depositions taken at the Land Appeal Court, held in Roma on 11th May, with respect to any holdings of the Australian Pastoral Company, Limited, in the St. George district?

The SECRETARY FOR PUBLIC LANDS (Hon. J. T. Bell, *Dalby*) replied—

I have no objection at all. I will also lay upon the table the evidence taken in connection with Brenda, Murgulla, and Currawillinghi.

# MATRIMONIAL CAUSES JURISDICTION ACT AMENDMENT BILL.

## SECOND READING.

Mr. MACARTNEY (*Toowong*): The principle of the Bill which I have the privilege to move the second reading of to-day is a very simple one. As the law stands in connection with divorce in Queensland to-day, a husband is entitled to petition for a divorce against his wife on the ground of adultery, but the wife, on the other hand, is unable to petition for a divorce on the ground of adultery, unless she can prove the committal of one of the following offences:—Bigamy, cruelty as described by the Act, or desertion as described by the Act. I do not propose to enter into a discussion as to what the opinions were which justified the enactment of the law originally in that form. As the law stands in Queensland, it is entirely the same as the English law, and was enacted here in 1865. Whatever those opinions may be, I think the general consensus of opinion is that the law should be similar both in the case of the husband and in the case of the wife. As a matter of justice, it seems to me that women are placed in a very unsatisfactory position in many cases owing to the law as it stands. Cases have come under my notice where women have been separated from their husbands under conditions where they could not prove actual legal cruelty or actual legal desertion. At the same time the separation, owing to the special circumstances of the case, was absolutely essential; the husbands in such cases have continued to live openly in adultery, while the wives have had to suffer, and have been unable to obtain relief. I do not wish to go into the individual cases to which I have referred, for obvious reasons. It seems to me that there is a consensus of opinion on the subject, and I will be doing my duty fully and sufficiently by simply moving the second reading of the Bill.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: I would just like to say, briefly, that I support the second reading of the Bill. I think it is a step in the right direction. It is amending a remnant of our law relating to sex inequality that prevailed in an earlier age. I think it is an indication of the distinct tendency there will be towards the reformation of the law, consequent upon the women of Queensland having obtained the political franchise. One-half of the community is not likely to remain subject to an iniquitous law such as this is, and I fancy that the amending of the law in this particular will have an indirect effect in creating a healthier and better moral sentiment in the community as to the equal heinousness of this offence on the part of men and women. (Hear, hear!) I think much evil flows from the prevailing sentiment, which has been inculcated from past centuries, that women are particularly blamable in this respect, while men may go practically scot-free. I do not intend to attempt to speak at any length on the matter; I simply wish to say that I am heartily at one with the mover of this motion that the law should be amended in the direction indicated. I think in committee the hon. member will see that it may be possible to simplify the wording of the Bill. I heartily join with him in supporting the second reading.

Hon. R. PHILP (*Townsville*): I intend to support the Bill. I do not see why men should

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be treated differently to women. They should be treated both alike. I do not see any necessity for going into the reasons, but I certainly think it would be a wise thing to pass the Bill.

Mr. PLUNKETT (*Albert*): I am glad the hon. member for Toowong has taken this step this afternoon. The introduction of the Bill and the way it has been received shows that the days of chivalry have not gone. I welcome the Bill because it will place women on an equality with men. There is a necessity for introducing a Bill of this kind, and I have wondered why no attempt has been made to introduce a similar measure here before. I have thought for a long time that men and women should be treated the same in this respect. I shall give the Bill my support, and I shall not be at all surprised if, after passing here, it becomes the law in the Commonwealth. I have much pleasure in supporting the Bill.

Mr. PAGET (*Mackay*): I have much pleasure in supporting a Bill of this description, for one reason, and that is that a husband expects, and in the vast majority of cases receives, faithfulness from his wife, and a virtuous wife deserves a faithful husband. (Hear, hear!) And if she has not a faithful husband, that wife should have the same remedy against that husband as the husband at the present moment has against the wife. I hope to see the Bill go through all its stages this afternoon, and thus bring the law of Queensland in this respect into line with that of New Zealand, Victoria, and New South Wales.

Mr. BOUCHARD (*Brisbane South*): I am very glad the hon. member for Toowong has introduced this Bill for the purpose of conferring upon women the same rights that men have in regard to divorce. I regret, however, that he has not seen fit to extend the divorce somewhat on the lines which exist in New South Wales and Victoria, as it would be a distinct advantage. I respect as much as any member of this House, or any person outside it, the sanctity of the marriage tie; at the same time, I do not think there is any advantage in continuing the marriage tie when all the circumstances are against it, and a couple cannot live happily together. I know that on occasions of this kind, when time is short, it is desirable members should be brief, so I will conclude by saying that I shall support the Bill.

Mr. LESINA (*Clermont*): The hon. member who has introduced this measure has received the support of members on this side of the Chamber, and I desire to say that as a member of the much maligned Labour party, which the hon. member's organisation, the National Liberal Union, says is opposed to the marriage tie, he is making a more violent assault on the marriage tie than the Labour party ever made. An Act of the Legislature which weakens the bonds of matrimony must weaken the marriage tie. I am surprised to see the Premier support a proposal like this which will have that distinct tendency. Yet we have the vice-president of the National Liberal Union making this assault on the marriage tie, and a discredited Labour member like myself getting up in defence of it. The Secretary for Agriculture, on the platform during the last twelve or eighteen months, has denounced the Labour party, which is now sitting behind him, for advocating the weakening of the marriage tie, and yet he has never been brought to book by any member of the Labour party sitting behind him, and keeping him in office. I am surprised at the Premier allowing this atrocious scandal—

The SPEAKER: Order!

Mr. LESINA: I say so most advisedly, as such statements like that should not be allowed to go to the country uncontradicted. I consider that a measure like this, while there may be

some grounds for its introduction by the member in charge of it, from the larger and broader standpoint of a large number of people who belong to certain religious denominations of this country, has a tendency to weaken the marriage tie altogether. While there are others who do not see any harm in it, still there are those who belong to those denominations to which I refer who see that there is a tendency to undermine the whole institution of marriage altogether. If married couples decline to live together there are ordinary methods provided for these people to enable them to live apart, but to offer the facilities that are offered in this measure will ultimately destroy the whole system of marriage. In connection with the industrial system as it affects the marriage tie to-day we have another weakening agent, and, if legislation is to be introduced month after month, and measures of this description are passed, then it will—as the Hon. Digby Denham, Minister for Agriculture, and the member for Toowong said the Labour party were most anxious to bring about—it will lead to the destruction of the marriage tie. I am not going to oppose the measure, but I express my personal view of it, and if it comes to a division I will vote against it.

Mr. KEOGH (*Rosewood*): I regret that I cannot fall into the same line as the hon. member who introduced this Bill, on grounds that it is not necessary for me to mention here. I take up the view as expressed by the denomination to which I belong, and I could not support a Bill of this kind in any case. On those grounds, if a division is called, I shall certainly vote against the measure.

Mr. NIELSON (*Musgrave*): I regret that the member for Toowong in introducing this measure should have limited it to one matter, because as it stands it will be impossible to introduce any of the extensive matters forecasted by the hon. member for Brisbane South. I think that if members generally who take an interest in this question had looked at the report of Mr. Shiels's speech in the Victorian Legislative Assembly on the 12th July, 1899, when moving the second reading of the Bill before that House, they could have got a lot of useful information on this subject. That speech is probably one of the finest that we have on the particular subject in our library. In the abstract there is not the slightest doubt that this Bill is perfectly just. So far as having a tendency to weaken the marriage tie is concerned, statistics prove that where a wife is allowed to petition for divorce on the ground of adultery only, that the number of cases brought by women have not increased. I did not hear the hon. member for Clermont object to this Bill as a matter of abstract justice under the present conditions.

Mr. LESINA: Where is it going to stop?

Mr. NIELSON: It is going to stop here on this particular point, because there is no opening for anything else to come in. If it is right and just under present conditions that a man can sue for divorce on the grounds of adultery only by his wife, then it is equally right and just in the abstract that she should be able to use the same means against her husband. Personally, I believe that it would not weaken the marriage tie one bit if the grounds were extended. I do not wish to enumerate many grounds, but there are some that must appear in themselves quite sufficient—for instance, where parties have to live an intolerable life and be without a remedy. Take, for instance, a woman who is married to some brutal man who gets into gaol for committing some brutal offence, either against herself or anyone else, and is sent to gaol for five or six years. To all intents and purposes he is practically dead for those five or six years, but at the end of that time he can come back and

claim the rights of a husband. Or it may happen *vice versa*. I believe the grounds for divorce should be extended.

Mr. PAGET: Do you intend to move an amendment?

Mr. NIELSON: I regret that this Bill does not give an opening for new grounds. The Bill is entitled—

A Bill to amend the Matrimonial Causes Jurisdiction Act of 1864, by making provision for dissolution of marriage upon the petition of the wife on the ground that the husband has been guilty of adultery.

I do not see that we can get outside that. I would like to refer to the fact that when the Bill was before the Victorian Assembly the Chief Justice of every State then wrote letters to Mr. Shiels approving of his measure, which went a great deal further than the

[4 p.m.] one before our Assembly at the present time. The present Chief Justice of the Commonwealth wrote a letter to Mr. Shiels in connection with his measure, as also did other eminent men of Australia. I have much pleasure in supporting the Bill, but, as I have said, I believe the divorce laws should be amended to a greater extent than here proposed.

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

#### COMMITTEE.

On clause 1, as follows:—

This Act may be cited as the Matrimonial Causes Jurisdiction Act Amendment Act of 1906, and shall be read as one with the Matrimonial Causes Jurisdiction Acts, 1864 to 1897.

In section twenty-one of the Matrimonial Causes Jurisdiction Act of 1864 the words “incestuous adultery or of bigamy with adultery” are repealed, and the word “adultery” is inserted in lieu thereof.

Also all words from and including the words “or of adultery coupled with such cruelty” to the end of the said section are repealed.

Mr. BOUCHARD asked the hon. member for Toowong whether he was prepared to amend the clause so as to bring it into conformity with the law in New South Wales and Victoria? In those States additional grounds for divorce were habitual drunkenness for three years or desertion for a similar period. He thought that, when a measure of that kind was being discussed in Parliament, advantage should be taken of the opportunity to extend the grounds for divorce.

Mr. LESINA asked whether the clause would in any way affect the relationship of aged and destitute couples who were immured in Dunwich, and who were practically divorced by the Home Secretary. The hon. gentleman seemed to be entirely outside the scope of the divorce law, and separated old couples, who had lived together for forty or fifty years, for no reason at all.

Mr. BOUCHARD thought he was entitled to the courtesy of a reply from the hon. member of Toowong. Had he known that the Bill was going to be taken in Committee that afternoon, he would have been prepared with an amendment on the lines he had indicated, because it was advisable in the interests of society and of those who were living as husband and wife in name only.

Mr. MACARTNEY would be sorry that the hon. member should think he was being treated with discourtesy, but he really thought the hon. member would have seen that the title of the Bill was of a very limited nature. The Bill did not pretend to deal with the question of divorce in a comprehensive manner. Under the Constitution Act the Commonwealth Parliament were entrusted with the duty of legislating on the subject, but until they dealt with it it was a matter of State concern. All that the Bill

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attempted was to remove an anomaly in the Queensland law without interfering generally with the divorce law. As was usual in Bills drafted by the Parliamentary Draftsman, the title was limited to its object, and it was difficult to go outside the scope of that title. It did not rest with him to enlarge the scope of the Bill. It was not competent to go further than the title of the Bill at present, otherwise he was in sympathy with the hon. member, and were the scope wider, he would have been only too glad to fall in with his views.

Mr. LESINA: As he understood it, the law at present was that a husband might desert his wife and live in open adultery with another woman, and yet the wife had no power to get a divorce if the husband continued to support her. There must be desertion or cruelty in addition to adultery. Under the Bill it would only be necessary for a woman to prove the chief offence of adultery. If the present tendency to make the grounds upon which divorce might be obtained more liberal continued, the hon. member for South Brisbane might be able next year or the year after to engraft upon the statute-book the liberal measures he was so anxious to incorporate in the Bill. By and by marriage would simply be a merely temporary arrangement entered into by mutual agreement, and dissolved when it pleased the contracting parties.

Clause put and passed.

The House resumed. The CHAIRMAN reported the Bill without amendment, and the third reading of the Bill was made an Order of the Day for Tuesday next.

#### TESTATORS' FAMILY MAINTENANCE BILL.

##### SECOND READING.

Mr. KENNA (*Bowen*): The Bill that I now present to the House for second reading is a Bill to make better provision than already exists under the law for the children and wives of deceased testators. I desire to be as brief as possible in introducing the measure. It is not a piece of experimental legislation. Similar provision exists already in the laws of Italy, Belgium, Denmark, France, Germany, Norway, Greece, Holland, Servia, Sweden, Switzerland, some of the American States, and in the following British possessions—namely, Jersey, Guernsey, Malta, Mauritius, Cape of Good Hope, and Ceylon. In New Zealand a measure similar to this was introduced in 1898 by Mr., now Sir Robert, Stout, and passed through some of its preliminary stages. It was reintroduced in 1900, and was then incorporated in the statutes of that colony. In Victoria a measure along these lines was introduced last year, and it passed through its preliminary stages. In New South Wales a measure not altogether similar to this, but a measure making provision for the wife of a deceased testator, if she is left less than the intestate proportion, passed through some of its preliminary stages. Clause 2, which is the vital clause of the Bill, provides that where a husband dies and disinherits, wilfully or otherwise, his wife and family, or where a wife dies similarly disinheriting her children, an appeal may be made to a judge of the Supreme Court, either in open court or in chambers, and that the judge may at his discretion, taking into consideration all the circumstances of the case, order that such portion of the deceased's estate as may suffice for the proper and adequate support of his wife and children shall be set aside for that purpose. Such portion of the estate is to be, as it were, earmarked as a provision

for the wife and children. Clause 3 is merely a machinery clause. Clause 4 provides, in order that the allocation of a deceased's estate shall not be unduly prolonged, that any application on behalf of a disinherited wife and children shall be made within six months of the date of probate. Clause 5 is a provision which makes it impossible for any unscrupulous solicitor or other person to go to a wife or a family and urge them to take proceedings under this measure in order to get a portion of the estate, in which such unscrupulous legal person is to have a share. Clause 6 provides that the probate duties on the portion of the estate set apart for the support of the wife and family shall be computed in the same way as if such provision were a part of the will. During life a husband is legally responsible for the support of his wife and children. If the wife or family are left destitute they have a legal claim upon him for support. If the husband dies intestate, one-third of the estate which he leaves goes by law to the wife, and the other two-thirds to the children. If there are no children, the wife gets one-half of the estate, and the nearest relative the remainder. It will be seen from such provisions that the principle is laid down that the wife and family of a deceased testator have posthumous rights—that a portion of the estate is earmarked for the benefit of the wife and children. The extraordinary thing is, that no provision has been made for the wife and family of a man who deliberately makes a will disinheriting them. There is no provision under which the wife and family in such a case have a claim on the estate. It is true that where property is willed away, and the wife and family are disinherited, if it is proved that undue influence had been used upon an aged or senile testator, the law provides that the will may be upset. But this undue influence is a very difficult thing to prove, inasmuch as it may consist of conversations between some stranger and the aged or senile person; and as such conversations are generally carried on between the parties themselves it is an extremely difficult thing, for those who have been penalised under such will, to prove that this undue influence has been exercised. It may be said that a Bill of this kind interferes with the right of a man to do as he pleases with his own property. That is not so. It only interferes with his right to do as he pleases with that portion of his property with which he should have made provision for his wife and family. With the remaining portion of his estate he may do what he likes. It only extends beyond the grave the legal responsibility which the law imposes upon a parent during his or her lifetime. Under the existing law a man may have accumulated £50,000. He may will every penny of that £50,000 away to some stranger, and leave his wife and family to be supported either by their relatives or to be thrown on the resources of the State. And, as I am reminded by the hon. member for Burke, the wife may have been a very considerable factor in the accumulation of that wealth. Take the case of a man and woman who in their young days go out into the bush and take up a selection, and work hard, the woman contributing her quota of labour equally with the man. In the course of years they build up a considerable fortune and come to live in the city. He may be old or senile; some other person may get influence over him, and he has power at present to disinherit his partner, the wife, who may have contributed equally to the building up of that fortune. I hold that that is wrong, and that a measure of this kind, designed to

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prevent that sort of thing, is one that must commend itself to every humane legislator. It may be said that cases of this kind do not happen. But we have instances of it that I know of in Queensland. In one case a man left £7,000 to a hospital and 1s. to his wife. In another case a man left £1,000 a year to churches, and £1 a week to his wife. In another case a selector left everything to a stranger, and disinherited his wife and family.

Mr. LESINA: And in New South Wales a man left £40,000 to the Salvation Army, and left his family destitute.

Mr. KENNA: I am only quoting cases in our own State, which this Bill is designed to prevent. In Scotland and in France the law lays down what proportion of the estate shall legally accrue to the wife and family, or to the family in case of a wife. I do not think it is advisable that any hard-and-fast portion should be earmarked, because many circumstances may arise. A woman may be a drunkard or an undesirable character. Those circumstances will be taken into consideration by the judge who, after careful inquiry, will decide the portion to be given, how it should be given, and how it may be disposed of in some secure manner. If the principle laid down here is adopted, the wife and family, in the cases I contemplate, will be properly safeguarded. The measure does not interfere with the just testators at all. It does not interfere with just men. Laws are not for the just but for the unjust, and it is to prevent the unjust apportionment or alienation of an estate that this Bill has been devised. Marriage may be said to be a contract, and that if one partner thinks it advisable he may disinherit the other partner. I desire to make that no longer possible. I desire that the legal obligation which is imposed upon a parent during his or her lifetime shall extend to their estate after their decease. I desire that it should not be within the power of any parent to disinherit the wife or family, and throw them upon the support of their relatives or upon the support of the State. I think this is a measure that every humane legislator must see the justice of. There is no party spirit in it in any way. It is solely designed in the interests of the widow and the orphan. I move the second reading of the Bill.

The SECRETARY FOR PUBLIC WORKS (Hon. T. O'Sullivan, *Warwick*): I should like to say a few words on this measure, and I take the opportunity—the first time I have had the honour of addressing this Chamber—to thank hon. members, not only on this side of the House but on the other side also, for the friendly reception they gave me on making my first appearance here last week. I may say that, generally speaking, I approve of the principle of this Bill, and I congratulate the hon. member for Bowen on putting the arguments in support of it in such a full and fair manner before the House that there is really very little more to say without to some extent going over the ground which he has already covered. The first thing that strikes a person looking at the measure is that it interferes with the right of a man to deal with what he is pleased to call his own. Looking over the history of the making of wills, it is rather surprising to find that no power of testamentary disposition existed in England at all until the reign of Henry VIII., when the Legislature went to the other extreme, whereby a man was enabled to make a will without any witnesses, or without any other restriction whatever. He had absolute power to deal with his property as he liked. Later on, in the reign of Charles II., under the famous Statute of Frauds, it was neces-

sary to have three witnesses to a will; and it was not until comparatively modern times—the commencement of the reign of the late Queen Victoria—that the present power of disposition, requiring the presence of two witnesses, was passed. As hon. members are aware, the present provision of the law is that a will must be signed by the testator in the presence of two witnesses, who must sign in his presence, and in the presence of each other. I mention these facts to show how very modern the present law in relation to wills is. The principle of this Bill is, as the hon. member for Bowen said, simply that the law shall compel a man to perform an obligation to his wife and family after his death just as much as in his lifetime. If a man dies leaving behind him property, the property was held by him, subject to certain obligations as far as his wife and

[4.30 p.m.] family were concerned. If he were living and broke those obligations, the law would enforce them, and our tribunals are making orders every day in the week in the exercise of that jurisdiction; whereas the absurd anomaly exists that if a man happens to die and makes no provision for his wife and children, though the claim is just as great in the one case as in the other, there is no way in which the wife and children can get justice. I have in my experience seen a great many cases of hardship. The man gets on in years; he has lived with his wife for years, and then out of pure caprice, and for no apparent reason, he disinherits his wife and family and leaves everything he has to somebody else or perhaps to some institution which he thinks more deserving, and which has better claims on him than his wife and children have. The only possible chance in such circumstances for a wife to get justice is to bring an action to have the will set aside, and she is put in this difficult position: that she has to allege testamentary incapacity, or, in other words, set up an allegation of lunacy against her husband. That is a very difficult question to determine, because a man may be perfectly sane on some subjects and quite insane on others. If the delusions are delusions affecting his family, the court very often will declare that he was not a fit person to make a will; whereas if the delusions affect other matters the court may declare the other way. The law is altogether uncertain, and the tribunal has to go upon what the hon. member for Bulloo calls the rule of thumb. It does not appear to me to be a fair thing that a woman should have to set up a plea of testamentary incapacity or lunacy on the part of her husband to put herself in the position which the law recognises she holds during the lifetime of her husband.

Hon. R. PHILP: Are you in favour of the Bill?

The SECRETARY FOR PUBLIC WORKS: I am in favour of the Bill. The hon. member for Musgrave interjected that the Scotch or French principle of having a fixed proportion of the estate which the husband cannot will away from the family was better than this. I do not agree with him. I approve of the provision before us, because, very often, as the hon. member for Bowen pointed out, there may be reasons why a wife or a particular child should not have any provision made for them at all, and it is far better to have a tribunal so high above suspicion as the Supreme Court to take all the circumstances into consideration.

Mr. MANN: It will make work for the lawyers.

Mr. J. LEAHY: It must be an elastic provision.

*Hon. T. O'Sullivan.]*

The SECRETARY FOR PUBLIC WORKS: Just so. If you make a hard-and-fast rule, and say one-third of the property shall go to the family, then there are many cases in which it would be far better that that should not be so. I remember a case when I was practising in Ipswich. I knew a farmer and his wife—very respectable people, who had brought up a family. The farmer died, and I was very much surprised to learn that he practically did not leave his wife anything, but appointed a trustee to divide the property amongst the children, with the right on the part of the trustee to give the wife a certain allowance in his discretion. I was rather indignant at the time, and thought the husband very harsh, and that he had not sufficient reason for what he had done. A few months after, I came to the conclusion that he was right, because things came to my knowledge which I had not known before. That is a reason why it is far better to have a tribunal to settle the proportion which the wife and children shall take, instead of having a fixed rule.

Mr. KENNA: A judge in chambers.

The SECRETARY FOR PUBLIC WORKS: There is no provision here for a judge in chambers; that is to say, it does not necessarily mean a judge in chambers. I think myself that by the wording of the section the application would have to be made to the judge in court, but that is only a detail. Application has to be made to the Supreme Court, and the judge may exercise the jurisdiction of the Supreme Court in some cases in chambers, and in some cases in open court. I have gone carefully over the provisions of the Bill, and taking everything into consideration I think it is a very good measure and I shall be very pleased to support the second reading.

Mr. BARTON (*Carnarvon*): I think this is a measure of very considerable importance. It is a very short measure, but is likely to accomplish a very great deal of good. If it had been in force some considerable time ago it would have saved a large amount of distress. I do not think there is any room for amendment in the Bill, and after the explanations which have been given I have very much pleasure in giving it my hearty support.

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

#### COMMITTEE.

Clause 1 put and passed.

On clause 2—"Deceased person's estate liable for maintenance of wife, husband, or children"—

Mr. MANN moved, on line 18, the insertion of the words "or was" after "is," so as to make the clause read "who character or conduct is or was," etc.

Mr. KENNA: He did not see any necessity to alter the clause. It was practically word for word with the New Zealand Act, and the court had power to take into consideration whether the character or conduct of the person at the time the case was heard was then undesirable, or had been in the past undesirable. The clause as it stood gave the court the fullest power to take into consideration every circumstance in connection with a claim upon the estate. He was sorry he could not accept the amendment.

Mr. J. LEAHY: It appeared a very dangerous thing to introduce a Bill of this kind. We had all come across people who were faulty fifteen or twenty years ago, that were now most respectable citizens at the present time. If a man was brought up under bad circumstances and led a bad life, it was to his credit

that he was a respectable citizen. They, at the present time, should give him credit for it rather than penalise him.

Amendment put and negatived.

Clause 2 put and passed.

Clause 3—"Estate to be held subject to order"—put and passed.

On clause 4—"Limit of time for making applications under this Act"—

Mr. HAWTHORN thought the time ought to be made three months, because six months would tie the property up too long. If anyone had a claim of that kind, they knew that immediately the testator died they had to make a claim.

Mr. PAULL: They might be in England.

Mr. J. LEAHY: Reason might be shown to the court for extending the time.

Clause put and passed.

On clause 5—"Orders made under this Act not to be mortgaged or assigned"—

Mr. MACARTNEY asked whether this was really a useful provision? There were cases in which a person considering himself entitled to some relief under the Bill might think it desirable to endeavour to obtain a small advance, and under this clause the lender would be unable to get any security at all. The object of protecting a person in difficulty who was entitled to relief under this Bill would be attained without the clause. He would ask the hon. gentleman what was the reason for it?

Mr. KENNA: The object of the Bill was to prevent frivolous actions being brought. If this clause were not in, it would be possible for an unscrupulous legal person to go to a wife, or to a family, who thought they did not get a sufficient share of the estate of a deceased person, and enter into an arrangement with them under which he would carry on the case if the supposed beneficiary were to allow him a certain portion of the proceeds. This clause was in the New Zealand Act, and he thought it served a very useful purpose in the way of protecting a wife and family from such unscrupulous persons and from allocating any portion of the estate as a reward to those persons for pursuing that action.

Mr. MACARTNEY: While it might to some extent have the effect which the hon. member pointed out, it would also have the effect of preventing a person from obtaining a small advance to keep him going. So far from affecting the solicitor's right to recover expenses in connection with proceedings, it would fail to that extent, because he would get it under any circumstances, while it might stand in the way of a mortgage or an assignment. An agreement would be perfectly valid, and would stand, notwithstanding the section. At the same time, it prevented a person obtaining a small advance from anyone who was willing to lend him money while he was recovering his rights.

Mr. HAWTHORN thought there was something in the contention of the hon. member for Toowong, and the hon. member for Bowen might agree to allow the clause to be taken out. There was no doubt that if a person with a right under the Bill was left without funds, it might be difficult to make an application to the court right away without giving somebody an interest in the money that should come to him. Although probate was applied for at once, it might be some months before it was granted. He had known cases of that kind, and it might be difficult even then to come within the six months. From that point of view they might be depriving a probable

[*Hon. T. O'Sullivan.*]

beneficiary from an opportunity of prosecuting his claim by not allowing him to obtain money to meet the necessary expenses.

The SECRETARY FOR PUBLIC WORKS did not take quite the same view of this clause as other legal gentlemen. He admitted it was open, to some extent, to the objection pointed out by the hon. member for Toowong and the hon. member for Enoggera, but it struck him that a bigger object of the clause was to protect a woman who might have a possible claim under the Bill. She would not know exactly what her claim was worth, and some person who knew more about it might buy her claim for a song, and tell her she could not get it until she went to law and spent a lot of money.

Mr. MACARTNEY: What the hon. member said was quite right. There might be an effect which was not very desirable, but he thought the clause should be amended so as to give the benefit to the beneficiary, while at the same time protecting him.

Clause put and passed.

Clause 6 put and passed.

The House resumed. The CHAIRMAN reported the Bill without amendment, and the third reading was made an Order of the Day for Tuesday next.

#### FACTORIES AND SHOPS AMENDMENT BILL.

##### INTRODUCTION—COMMITTEE.

The SECRETARY FOR PUBLIC WORKS moved—

That it is desirable a Bill be introduced to amend the Factories and Shops Act of 1900.

HON. R. PHILP asked the Minister to intimate in what way he wanted the Act amended. It was a very important Act. There were some amendments wished for on his side of the House; but, unless the amendments proposed were specified, the Chairman might rule that other amendments were beyond the scope of the Bill. He would like to know briefly in what direction the Government proposed to amend the Act.

The SECRETARY FOR PUBLIC WORKS: In answer to the hon. member, he might say that the Bill consisted of two parts. The first proposed an amendment of the existing Act, and the second part proposed to establish special wages boards on the lines of the Victorian Act. The first part would do away with a number of evasions which occurred in the last two years. One clause amended section 46 of the Act and dealt with the working hours in factories of young male persons and women. Then there was an amendment in connection with exempted shops. Clause 22 amended section 54 of the Act, which applied to the early closing of shops.

Mr. LESINA: What about the employees of hotels?

The SECRETARY FOR PUBLIC WORKS: There was also an amendment of the section relating to the employees in hotels. There was a clause which reduced the number of working hours in exempted shops and hotel bars.

Mr. LESINA: What about restaurants? They should also have their hours reduced.

Hon. R. PHILP: Are you going to close the hotels the same as the shops?

The SECRETARY FOR PUBLIC WORKS: No; the hours were different in hotels. Under the present Act the employees in hotels had to work seventy-two hours a week, and it was proposed to reduce the number of hours to sixty.

Mr. BARNES: Does the Bill include parcel delivery vanmen?

The SECRETARY FOR PUBLIC WORKS: Yes; there was a provision for carters. (Hear, hear!) Then there was a provision for the payment of overtime when certain overtime had been worked by the employees. There was also a provision as to selling of goods which were prohibited from being sold after hours in shops. If a man was prohibited from selling certain goods in his shop

[5 p.m.] after the hours of closing, he could not hawk them round for sale.

Part II. of the Bill was the establishment of special wages boards on the lines of the Victorian Act.

Question put and passed.

The House resumed. The CHAIRMAN reported that the Committee had come to a resolution, and the resolution was agreed to.

##### FIRST READING.

On the motion of the SECRETARY FOR PUBLIC WORKS, the Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

#### MINING BILL.

##### INITIATION IN COMMITTEE.

The SECRETARY FOR MINES moved—

That it is desirable that a Bill be introduced to consolidate and amend the laws relating to mining fields, mines, and mining.

Mr. LESINA asked whether the Bill dealt with mining on private property?

The SECRETARY FOR MINES: Yes.

Question put and passed.

The House resumed. The CHAIRMAN reported the resolution, which was agreed to.

##### FIRST READING.

On the motion of the SECRETARY FOR MINES, the Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

#### ETHERIDGE RAILWAY BILL.

##### INITIATION IN COMMITTEE.

The SECRETARY FOR RAILWAYS moved—

That it is desirable that a Bill be introduced to validate an agreement entered into between the Secretary for Railways, for and on behalf of the Government of Queensland, and the Chillagoe Railway and Mines, Limited, for the construction of a line of railway from Chillagoe to Georgetown, and to authorise the construction of the said railway, and to make provision for certain matters incidental to the construction, maintenance, management, and working thereof.

Mr. LESINA asked if all the expenses in connection with the railway, the agreement, and the introduction of the Bill so far were borne by the State or by the company?

The SECRETARY FOR RAILWAYS: As the Bill was a public one, its preparation was at the cost of the State.

Mr. HARDACRE (*Leichhardt*): It was a matter of astonishment that a Government led by a Premier who in times past had fought as strenuously as any man against syndicate railways, and who was the leader of the Labour party, whose platform was against syndicate railways, should now bring in a Bill to authorise the construction of a syndicate railway of that type, without any explanation being given. After the outcry that had been made by a certain section of the people of Queensland, and the very strong protests that had been made by the party in the country to whom the hon. gentleman owed his position, it was astonishing that such a proposal

*Mr. Hardacre.]*



should be made without any attempt being made to justify it or give any reasons in favour of it, and without a word as to whether it was likely to pay or not, especially after the observations that were made the other day by himself (Mr. Hardacre) and another hon. member. Here was a proposal that was going to involve the Government and the country in an annual subsidy of at least £10,000, and it might be a greater sum, because, in addition to having to pay the interest, they might have to make up a loss on the working of the railway in its initial period. Before they entered into an agreement which might involve the country in that expense, hon. members should have some reports before them, as they had in the case of ordinary proposals for the construction of railways. When a railway was to be built by the State they had a report from the Commissioner on the possible cost and possible earnings of such railway, but in the present case they were asked to legislate without any such information. There had been no report from the Commissioner, no officer had been sent to the district to inquire as to the prospect of the railway being a paying concern. He had always maintained that the district in which this line was to be constructed was one of the districts in the State which promised best for a Government railway. He voted for the construction of this line by the Government in 1900; in fact, he believed he voted for it twice. From all the information they could gather, from conversations with those who had been in the district and who were in a position to have some knowledge of its mineral resources, and from the geological reports of the Mines Department, this district appeared to be one of the most magnificent mineral districts not only in Queensland but in Australia, and in the whole world. It almost rivalled the Cloncurry district, and the prospect of the proposed line paying was very much better than that of any of the railways passed during the past four or five years. The Goondiwindi Railway was not to be compared with it, neither was the line from Jericho to Blackall, nor the one proposed from Longreach to Stonehenge—a railway into the wilderness, which was proposed because it happened to be in the district of a political supporter.

Mr. COWAP: What about the Springsure Railway?

Mr. HARDACRE: The Springsure Railway was built before he was a member of the House. Had he been in the House he should not have voted for it, and he would always oppose proposals to build similar railways. The *Brisbane Courier*, on one occasion, in an article on syndicate railways, said that syndicate railways inevitably meant the best railways for the syndicate and the poorest railways for the State. And that was exactly what we were experiencing, as the State was building the worst possible railways and were going to throw to the syndicates all the advantages of a railway through a rich mineral district. Before asking the Committee to throw this railway into the maw of a syndicate, the Government should find out whether the railway would pay. If they found that it would not pay, then there might be some reason for allowing a syndicate to build it; but, so far as the information available went, it was a most promising line. Some years ago, when they were asked to pass another syndicate railway—the Chillagoe Railway—it was stated that it would never pay the Government to construct it; that it would even endanger the finances of the State if they were to construct a line through a country of that character? What had happened? Last year, apart from the mines altogether, the net profit, after paying all expenses, was £40,000.

[*Mr. Hardacre.*

Mr. J. LEAHY: Their rates were 50 per cent. higher than on the State railways.

Mr. HARDACRE: If the syndicate could charge 50 per cent. higher rates, so could the Government; and, in any case, the people who used the line were charged 50 per cent. more. Having the example of that immense success before them, was it not quite reasonable to ask whether it would not pay the State to build that particular line? It might be said that they were bound by the resolution passed last year, under which that agreement had been entered into. He recognised no moral obligation as far as that resolution was concerned. The resolution was passed in the closing days of the session, when the Government found they could not get a Bill through, and at the time he protested against it. The opinion of the House was such that the Government would not have been able to pass a Bill through all its stages; therefore, as a subterfuge, they passed a single resolution, under cover of which they had entered into that agreement. Since then, a few details of the agreement had come to light, and, to his mind, it seemed one of the most absurd business proposals ever submitted to sane men.

Mr. LESINA: Is it any worse than the Queensland National Bank agreement?

Mr. HARDACRE: We do not know the full meaning of that agreement yet. In that case the line, which was likely to go through a rich mineral district, was to be built by a company which was to get a subsidy of £10,000 annually, in addition to all losses which might be incurred during the development period; and if there were greater profits than  $2\frac{1}{2}$  per cent. those were to go to the syndicate. Then, after fifteen years the Government must purchase the line, after paying all those years to develop it at the rate of £10,000 a year, or £150,000 altogether. It was simply a mad proposal, and he was surprised at the Treasurer, who was supposed to have business capacities, involving the country in an agreement of that kind. Then there was the question of finding the purchase money in fifteen years' time. The policy had been laid down by the Government not to increase the loan burden of the community. In thirteen years' time there would be a large sum to repay to the debenture-holders, and the purchase of the railway would cost £500,000. Before ratifying such an agreement they ought to have the fullest information as to the prospects of that district, and for his own part, until he got that information he would enter his protest against the motion, and vote against it if it went to a division. He hoped the Treasurer would come down from his high horse, take the Committee into his confidence, and give them the reasons which had actuated him in asking them to validate such an agreement.

Mr. LESINA: It appeared to him that the hon. member for Leichhardt had made a very reasonable request. Without that information they were asked to take a leap in the dark, and the hon. member was perfectly justified in protesting against it. It was remarkable that no information with respect to those secret agreements was ever forthcoming. Last year, when the hon. member for Bowen asked for some information with regard to the Queensland National Bank agreement, it was not only refused, but the Premier threatened them with a dissolution if such a course of action was persisted in. Members were browbeaten to their knees; they dare not ask for their rights; they were supposed to be mere automatons or voting machines. The hon. member for Leichhardt had asked a question. If the Premier declined to answer it, the country would come to the conclusion that there was something which he desired to keep secret.

Mr. HARDACRE: He would again ask the Premier with regard to the district. They knew it was once reported on by Mr. Jack.

Mr. WOODS: Judging from your public speeches you know all about it.

Mr. HARDACRE: He knew generally what kind of a district it was from the geologists' reports, but he needed far more [5.30 p.m.] information before he could vote for a proposal of that kind. They had a special engineer sent to the Daiby-Cattle Creek district to help get a railway through. Why not send an engineer to this district? They wanted to know, before going any further, what information was available. If there was any virtue in fighting against syndicate railways in the past, there was more virtue in fighting against that proposal. If he was a company wanting to get an option for a syndicate railway, he would infinitely prefer the option under that agreement than under the one passed by the Philp Government. The company stood absolutely "on velvet," and had only to go to London with the proposal to be rushed by financiers. They could say, "Gentlemen, we have an option under which you cannot lose more than 1 per cent.; in addition to that, you will have a railway going through a phenomenally rich mineral district, and at the end of fifteen years the Government are going to buy it from you." There was absolutely no risk at all to the syndicate. The risk was to the Government. They risked, first of all, a loss in the initial stages, then £10,000 a year for fifteen years, and then they risked having to pay "through the nose" at the end of fifteen years for a railway that might be absolutely useless. Even something worse than that might happen. They might not have to purchase the railway back at all. At the end of fifteen years the fact of having to find £500,000 for the purchase of the railway might have this effect. The syndicate might have a desire to keep the railway—they might have political power, and might use money and influence—they might send their agents into the lobbies of the House, and so persuade and wheedle members of Parliament that the Government would never get the railway.

Mr. FORSYTH: You do not say the Labour party could be bought.

Mr. HARDACRE: Judging by his experience, he was not sanguine about such matters. When he saw what happened last session with regard to some railways, he was prepared to believe anything. That was a proposal that ought not to be allowed to pass a single stage unless they got further information, and what surprised him was that men who had signed a platform which included opposition to syndicate railways should be sitting there and actually allowing such a resolution to be adopted. He did not know what members had come to when they did things of that kind.

After a pause—

Question put.

Mr. HARDACRE was exceedingly sorry to delay the Committee, but there was a vital principle involved, and the Premier ought to give more heed to the requests of members. He would ask him why he did not bring that railway under the proposed Railways Bill? If the betterment principle was a good principle, was it not good as applied to that railway, or why should they allow syndicates to get possession of the best railways, and impose upon small country districts the disability of having to pay 4 per cent. for any railway they might want? He urged the Premier to give them some further information on the matter.

HON. R. PHILP was sorry that some Minister did not reply. Last year they passed a resolution setting forth that the terms of that Bill would be carried out this year.

The PREMIER: And you approved of it.

HON. R. PHILP: If the Premier was a little more gracious he would save a lot of useless talk. He was the first to preach a homily on the behaviour of hon. members, and yet he was the only man in the House who had been called to order by the Speaker more than twice this session. In spite of that, the hon. gentleman had the effrontery to lecture hon. members. At all events, he might try to be courteous. It would be a nice thing if he were a little more amiable, and less grumpy.

The PREMIER: Are you supporting the tail of your party?

HON. R. PHILP: At all events, he did not do as the Premier did. He did not cross the floor of the House and ask members to come to him by an offer of a portfolio.

The CHAIRMAN: Order! I would remind the hon. member that he is not discussing the question.

HON. R. PHILP: The hon. gentleman said something about the tail of his party. He had not spoken to a member on the other side. Although he had always been opposed to Mr. Hardacre, there was not a more honourable man in the House, and it would be well if the Premier would take example by him. The building of that railway had been before the House for many years. When he was on the other side, the Government of which he was a member passed, on two occasions, resolutions to build the line from Croydon to Georgetown; but, unfortunately, the Upper House, on both occasions, threw out the proposal. He was certain at that time that it was a good thing to build the line to Georgetown, and the House thought so, too, because there was no division on the question. Now they were asked to give a syndicate power to build the line on the terms of a resolution passed last session. He thought at the time they passed that resolution that they were giving a very good thing to the syndicate. He thought so now; but he contended that it was better to do that than not build the line at all. He hoped the business would go through.

Mr. LESINA: You will burn down your house to roast your pig.

HON. R. PHILP: He was not doing that. He would remind the Premier that he ought to take a little of his own medicine, and not preach to this side of the House so much as to what they ought to do.

Question put.

Mr. LESINA: It was altogether useless for him to ask the Premier to reply to the hon. member for Leichhardt. He retained his own counsel. This was not a representative Assembly; it was a dictatorship.

An HONOURABLE MEMBER: A Duma.

Mr. LESINA: Talk about the Czar! He was only a shadow.

The CHAIRMAN: Order! I must ask hon. members to refrain from making personal remarks, and to confine themselves to the resolution before the Committee.

HON. R. PHILP: The Premier started it.

Mr. LESINA fully agreed with the leader of the Opposition that much of the time so far occupied on this question was unnecessary. The Premier might have got up and offered as much information as he had in his possession as briefly as possible, or else said that the information would be forthcoming at a later stage. However, he sat there like a Sphinx, utterly immovable and unresponsive. Hon. members were not inclined to put up with that kind of thing.

*Mr. Lesina.]*

Some members were hot-blooded, and would resent insults, especially coming from the man who organised a stonewall of seventy-two hours against a similar motion to this when introduced by the present leader of the Opposition. If the present leader of the Opposition introduced this measure they could understand it, because he believed in syndicate railways, but here was a man introducing a syndicate railway who signed a platform against private railways. When a man signed a promissory-note for £1, and he did not honour it when it matured, he was guilty of a dishonourable action, and when the Treasurer signed a platform against syndicate railways, and then introduced one—for this was virtually one—he was guilty of dishonest and dishonourable action.

The CHAIRMAN: Order! The hon. member must withdraw that expression against the Premier—"guilty of dishonourable action."

Mr. LESINA: I will withdraw those two qualifying remarks, Mr. Jackson. Possibly these words had an entirely different meaning nowadays to what they had years ago, and perhaps a different meaning as applied to politicians than they have to ordinary citizens. But it appeared to him that when a man deliberately signed a platform which contained a plank against the principle of the Bill which he asked them to approve of, and he had not torn the platform up yet or got leave from his constituents, he was guilty of an action which it was utterly impossible to describe.

The CHAIRMAN: Order! The hon. member is not discussing the question before the Committee.

Question put and passed.

The House resumed. The CHAIRMAN reported that the Committee had come to a resolution, and the resolution was agreed to.

#### FIRST READING.

On the motion of the SECRETARY FOR RAILWAYS, the Bill was read a first time.

#### DATE OF SECOND READING.

The SECRETARY FOR RAILWAYS: I move that the second reading of the Bill be made an Order of the Day for Tuesday next.

Mr. LESINA: Why cannot the second reading be taken to-morrow? There is every reason to hurry matters. I understand that the introduction of this measure has largely been induced for the purpose of finding work for the unemployed and developing the mining industry in the North of Queensland. If so, the shorter space of time we occupy in dealing with this measure the better, and it appears to me a very reasonable request that we should take the second reading to-day or to-morrow.

Mr. J. LEAHY: Is that why you would not go down the bay?

Mr. LESINA: I think the whole House should stay and do this work to-morrow, instead of junketing down the bay. There is no earthly reason why they should want to go down the bay for torpedo practice. Surely legislation with respect to an agreement creating an expenditure of £500,000 in the North of Queensland is of more importance than a junketing picnic down the bay in the "Lucinda."

Question put and passed.

#### RAILWAYS BILL.

##### SECOND READING—RESUMPTION OF DEBATE.

\* Mr. REINHOLD (*Brisbane South*): This is a very important measure, and deserving of a few words. I am not one of those who are particularly fascinated with this Bill.

Mr. LESINA: The thin end of the wedge.

[*Mr. Lesina.*

Mr. REINHOLD: It is an attempt to apply the principle of land value taxation. Every session this attempt has been made, and I think it is a good idea to get this principle before the House. I do not intend to take up much time, neither do I wish to repeat arguments that have been used previously, and, as far as I am able, I shall avoid that. The Dalby to Cattle Creek line, passed in the 1904 session, has been referred to, and my name was mentioned as having in that division voted against what was tantamount to the same principle as that included in this Bill. I think, therefore, that I might say a word or two on that. I take it that there is a considerable difference between the amendment introduced by the member for Toowoong and this Bill. First of all, that amendment applied only to that particular Bill, but this Bill applies to all future railways. There is also this fact—that it was the general opinion at the time that the object of that amendment was to kill that particular Bill, and I did not think that I was justified in becoming a party to that. At the same time, the opposition to this Bill is to kill the very principle which was tried to be put into the other Bill. Moreover, on that occasion we had the promise of the Government that the betterment principle would be applied to that railway, and I am sorry that it has not been applied to it, and to the other railways that were passed last session. One of the difficulties that I see in this Bill is in defining the area to be benefited. In clause 4 appear the words "railway proposed to be constructed." It does not appear quite clear to me who makes this proposal, nor do I see any provision for owners of land who are afterwards to be saddled with the duty of providing for any deficiency, having any opportunity of objecting to the railway being built. Then it seems to me further that there are other people outside of any area that may be defined who will benefit by the railway being constructed. In fact, more or less every individual in the State is benefited to some extent by every railway that is built, and on that account I think it would be a wiser provision if, instead of the Treasurer being liable only for the Crown lands in the benefited area, that he should be liable for a fixed proportion of the deficiency every time. It also seems to me that 4 per cent. is rather a large amount to expect owners of these properties to pay. In clause 8 I notice that the tax will be on the total value—that is, the value of the land together with the enhanced value caused by the building of the railway. It does not seem quite clear to me why this total value should be taken—why it should not be on the enhanced value only. Then, again, the argument that these people who are responsible for the deficiency on this particular railway are also assisting to pay the deficiency on other railways seems to me a valid one, and it is one reason why I always had an objection to guaranteed railways. Again, if the railway is a good one and pays, then what becomes of the betterment? In that case the owners of the land within this benefited area will not have to pay anything, and in that way the Bill entirely fails to become a Betterment Bill. Although the principle of the Bill is to get hold of the enhanced value—

The PREMIER: No, that is not the principle at all. The object of the Bill is to meet the cost of the railway.

Mr. REINHOLD: I believe in the nationalisation of the railways, in the nationalising of the profits, and of the losses also. I believe that it is a good plan to get this principle of land value taxation before the people, and wherever a railway is proposed, as it says in the Bill, the principle of land value taxation will be discussed far more fully than it is at present. Each

person who has land in this area will want to know all about how land value taxation is going to work out, and he will have it before him without all the misrepresentations that are made about the principle of land value taxation. I believe that the more that principle is put before the people, the more they will be inclined towards it, and the quicker we will get the benefit of land value taxation.

\* Mr. RYLAND (*Gympie*): I regard this Bill as a means of bringing about cheap railways. The Secretary for Railways has shown us how it will be the means of opening up cheap means of communication. We have the advantage of the railways in country and town districts, and the cheaper the railways become the better it will be for the country. We have spent about £22,000,000 in railways, and, as the Minister for Railways pointed out, since railway construction was adopted there has been a loss of about £6,500,000. Is it a wonder that the Railway Commissioner is unable to reduce fares when he has that to contend with? How are we going to make these railways pay if we reduce the fares and freights? We cannot seriously consider a reduction of fares and freights until at least our railways pay 3 per cent., and that would mean a loss of 1 per cent. I take it that this proposal on the part of the Government is to meet this deficiency, or to prevent the construction of unprofitable railways. We know that a great many of our railways have been unprofitable, although when they

were asked for the people were [7 p.m.] sanguine that they would pay right from the jump. It is only right that railways should be built to develop the resources of districts; but, taking our railways as a whole, they have not been profitable from the Commissioner's point of view. It is not that they have not been profitable to the country, but they have not produced the needful revenue to pay interest and redemption on the cost of construction. I think, therefore, that this Bill is a step in the right direction. There is no mistake that railways increase the value of land considerably. For land that we have alienated we have received about £8,000,000, but the present value of that land, including mining areas, is £41,000,000. A large part of that value has been produced by public works, chiefly railways; but the money has not gone into the Treasury. As a State we have suffered a great loss in this respect. Some sections of the community have got more wealth than they produced or assisted to produce. They have, so to speak, property in their possession to which they are not legally entitled. In the Kilkivan district, for instance, there are some large estates. One of them—Woollooga—is an estate which the owners want the State to buy for close settlement. The inducement that is held out why the Government should give more money for the estate is that there are two railway stations on the property. The Government are asked to pay more for the land simply because they have built two railway stations there. That is entirely at variance with the principles of honesty, and would not be tolerated in private business. There is nothing unfair on the part of the State trying to get back some of this money. I know that some hon. members urge that, as some districts have railways already, it will be an injustice to others if the Government will not build railways into their districts. That is, because we have done wrong in the past, we should continue to do wrong in the future. We have borrowed money injudiciously, and have not spent it as we should have done, but that is no reason why we should continue to borrow money and spend it unwisely. We have sold lands in the past,

but that is no good reason why we should continue to sell lands. We have been having a razzle-dazzle all round, but that is no reason why we should continue on the same lines. We should make some provision for paying interest and redemption on railways that are constructed. By the construction of expensive public works we have enormously enhanced land values, and we have allowed that enhancement to be confiscated by private individuals, although properly it belongs to the community. That is wrong. With regard to the argument that those who use the railways should pay for them, and not the men who have the enhanced land values, I contend that it is not so much those who use the railways who should pay for them as those who benefit by their construction. The men who use them should certainly pay something, but those who get enormous benefits from their construction should be the first to pay. By insisting upon that under such a scheme as that proposed in this Bill, the Commissioner will be able to give the users of the railways cheaper fares and freights. At present our rates are prohibitive, because we have allowed these land values to go into private pockets instead of going into the public purse. If they were taken over and utilised on behalf of the public, we could run our railways at half the present rates and fares. The second class fare for 200 miles in Queensland is 21s. 3d.; in New Zealand it is only 11s. 7d.—just about half. That is because in New Zealand they have a land value tax on large estates. This very question came up in New Zealand in the past. Times were very bad before the Ballance Government came into power; everything financial in the country was at a very low ebb, and they did not know what to do. The railways were not paying, and business was very bad; people were out of work; but the New Zealand Government did not, under those circumstances, increase the fares and freights on the railways. No; they reduced the fares and freights, and brought in a land tax on a liberal scale. This tax—like mercy—was "twice blessed"; it brought in some revenue to meet the interest and redemption on the construction of railways, and by breaking up large estates promoted closer settlement; and the country has gone on prospering ever since. The proposal now before us will not affect railways already built in this State, but under its provisions future lines need not be constructed without making some provision to meet the interest and redemption on the cost of construction. For the last few years we could not go to the London market to borrow money, because we had borrowed enough already, and had made no provision to repay it. But I think we should be justified in borrowing money for new works when some provision is made to meet the interest on that money, and that is why I support this Bill. I notice that the Railway Commissioner is to define the benefited area and to apportion the liabilities. There may be some difficulty in connection with those matters. I do not know who is to appraise the enhanced value of the lands in the benefited area. The local authorities are to make a valuation, but their valuation is to be upon the total value, and not on the enhanced value. I think we should have a State valuation. I do not believe in the local authority valuation, because I do not think it will be effective. My experience of local authority valuations is that they are not at all just. Not very long ago I was in a shire area outside the Roma district, and I had a talk with the shire officials with reference to the manner in which they made their valuations of large areas and small areas. They told me that they valued the land according to what was paid for it, that some small areas on private

estates were sold at £10 an acre, and that they valued that land at £10 an acre for rating purposes. They valued the large freehold estates held by squatters or banks at 10s. an acre, simply because that was the price they paid to the Government for the land, and that land was in the same district and of identically the same quality as the land which was held in small areas and valued at £10 an acre. When I asked them if it was not unjust to make a valuation in that way, they replied that nobody objected to it. If that is the kind of valuation we are going to have in connection with this Bill, I do not think it will be satisfactory. We should have a State valuation. I have always believed in having a State valuation all over Queensland for local government rating, and I hold that we should have a State valuation under this Bill on the same lines as they have in New Zealand, and that we should extend the functions of the Land Court to enable them to make such valuations. As regards the benefited area, I should like to know how far is it to extend—to what distance the lands will be enhanced in value by the construction of a particular railway. Not only are the lands through which the railway passes benefited by its construction, but the terminus, the economic centre to which that railway runs, is benefited far more than the agricultural district traversed by the railway. Take the Cloncurry Railway as an example. Who is going to benefit most by the construction of that line? Is it the people scattered about the district through which it will pass, or the townsmen?

Mr. PAGET: The working miner is going to benefit.

Mr. RYLAND: I say Townsville is going to benefit by the construction of that railway. We hear a great deal about taking the trade of a district to its natural port, about taking trade to the natural ports of Townsville, Rockhampton, Bundaberg, Maryborough, and Brisbane. The proposal in this Bill is that any deficiency in the earnings of a railway shall be made up by a tax on the whole valuation of the lands benefited. Are we going to take the whole valuation of Townsville in connection with the Cloncurry Railway? The whole valuation of Townsville at the present, not including the enhanced value which will be caused by the construction of the Cloncurry Railway, is, in round numbers, £960,000. A rate of 1d. in the £ on that sum would realise £4,000, which would be the annual contribution of Townsville towards the Cloncurry line. Then we have the Goondiwindi Railway, which is to bring trade to Brisbane, instead of allowing it to go to New South Wales. Brisbane will therefore come within the benefited area of that railway, and the value of land in North Brisbane alone is given at £6,500,000. We know that Brisbane will be benefited by the construction of the Goondiwindi Railway. The people of Brisbane say that the trade of the Goondiwindi district belongs to Brisbane, and should not go to New South Wales. It will increase the value of Brisbane property and of the Brisbane shipping trade at the expense of New South Wales. Is Brisbane going to be called a benefited area, and contribute towards the benefited areas of the Goondiwindi line? I say the same thing in connection with Maryborough.

The SPEAKER: Order! The hon. member's remarks are quite out of order. It is stated in the Bill that the Commissioner is to declare the benefited area.

Mr. RYLAND: I want to have that amended.

The SPEAKER: That is a matter of detail which can be discussed in committee.

[Mr. Ryland.]

Mr. RYLAND: I think the enhanced value will be quite enough to realise upon to meet any deficiency. It will be quite enough to confine ourselves to the enhanced value brought about by the building of the railways. In Mr. Phillips's report on the proposed Gayndah extension in 1904, he put down the enhanced value at £138,000. The Crown owned half the land, leaving the other half freehold. I think that £138,000 would be quite enough to realise on without going to the other properties at all. The same thing applies to Cattle Creek. The freehold properties there received an enhanced value of £38,000.

The SPEAKER: Order! I would again remind the hon. member that he is entering upon a detail which has nothing to do with the principle of the Bill.

Mr. RYLAND: I want to point out that the land which is enhanced in value should be separated from the total value. That would be more in keeping with our Local Authorities Act.

The SPEAKER: Order! That is a matter for discussion in committee.

Mr. RYLAND: I should like the Government to accept an amendment in that direction. It would be quite safe, and it would be far better than making all the land liable. I support the second reading of the Bill, and shall move an amendment to that effect when the Bill gets into committee.

\* Mr. NIELSON (*Musgrave*): It is unnecessary to say much in support of this Bill after all the arguments that have been adduced in its favour. I will endeavour to meet some of the objections that have been raised to it. It has been affirmed that we have a system of guarantee railways which is equally as good as this. What do we find? We find that, with this system running side by side with the system of building railways exclusively out of the public money, very few districts have availed themselves of the guarantee principle. The reason is probably this: that those districts which have political or other influence preferred to wait until the State came along and built them a railway. It has been said on the other side that no railways at all will be built under this Bill, and again that it will be a hardship on the people on the land if the Bill is passed. I do not believe in either of those statements. Everyone who has spoken admits that a railway increases the value of the land through which it passes. How much does this Bill ask the man on the land to provide? At the very utmost, supposing the railway is run at a total loss, and that there is no Crown land in the district, his liability is 4 per cent, presuming the value of lands within the area to only equal the cost of the line; and it is a very poor kind of a railway that would not benefit the land within its area by at least 5 per cent. If you take 4 per cent. off that, you have still 1 per cent. left, so that there could not be any loss. I suppose that in all cases the benefit will be much nearer 10 per cent. Let us see what has taken place in the closely settled agricultural districts where they have a railway service. They do not need so many roads, and their local rates are less than in any other districts. I am aware that the argument used on the other side was used to induce the Darling Downs representatives on this side not to accept the Bill. Let us take the Darling Downs. Around Warwick land has increased immensely in value.

An HONOURABLE MEMBER: Not because of the railway.

Mr. NIELSON: If the railways were taken away they would not retain their present high price very long. Taking the shire councils adjacent to the railway, I find that the Gullah shire is run for 1d. in the £, Rosenthal at

1½d., Clifton at ¾d., Normanby at 1½d. I mention this because I intend to show absolutely analogous cases. Most hon. members [7.30 p.m.] are acquainted with two districts not far from Brisbane—the Isis Scrub and the Woongarra Scrub. The Isis Scrub is an area where it is very difficult to make roads. It is broken and hilly, and they have not good road metal at hand. In the Woongarra Scrub it is practically all level country with road metal along every chain; but the difference is this: that whereas in the Isis Scrub they have a railway tapping it right through, in the Woongarra Scrub they are without it. We find that in the Isis shire they can do with a 1½d. rate, whereas in the Woongarra Scrub the rate is 2½d. and 3d., and it is simply because the heavy traffic has to go over the main road. I have taken care in making this selection because I know that such is the case. The Isis Scrub has an area of more than twice the size of the Woongarra Scrub, and yet I find they only collected £1,400 in rates; whereas, in the Woongarra Scrub they collected over £2,000 in order to maintain their roads and meet their liabilities. I do not think that any country member will deny the fact that the first service a railway does is to take a lot of heavy traffic off the roads, and particularly, they will admit, in the sugar districts. Certainly it will not remove the traffic altogether, because everyone cannot have a railway through his farm, but there is always a shorter distance of roadway over which the heavy traffic has to pass; and I believe in farming districts, as a whole, the amount of responsibility which a particular district will have to take under this Bill will be met by a saving in local rates. When I brought this Bill under the notice of some of the local government representatives who are in Brisbane at the present time, and in whose districts I know it would apply, they said it would be a very good thing, and they believed it would be better to levy a special rate to make sure of the 4 per cent. than run under the present system, because they thought they could reduce the local rates by a least 1d. in the £. I will not say that that applies to every district, because I am well aware that no measure that we could pass will do even justice all round, but I believe the time has come when it will be a good thing for the State to build railways as a business proposition. Now, objection has been made that there is too much power in the hands of the Commissioner, and that he may build a line where people do not want it. What is the position? It is just the same as it is to-day. Every projected line under this Bill will have to be laid on the table of the House; every member will have an opportunity of seeing the plans and specifications and gathering any information he wishes, and I presume the member for the particular district where the people object to the railway being built will be here, and other members will be able to judge whether the grounds of objection are sound and substantial. It has been argued that it would be a good thing to allow local bodies to take a ballot to say whether they wish railways to be built or not. I think that would be a ridiculous thing, because we have at the present time certain lines which are known to be main lines. The ballot would be all right as applied to some branch line, or new local line, but imagine one little community having the power to prevent the national system of railways being extended. The hon. member for Mackay evidently assumes that only the landowners will be responsible, but it is nothing of the sort. It is not the freeholder or the leaseholder who will be responsible for the risk. It is the land within the area, whether it belongs to individuals or the Crown. There is practically no area in Queens-

land where there would not be some Crown land, and it will bear its proportion of the responsibility equally with the freehold and leasehold land. Why should the people only be considered in a particular locality? I am not certain, although it is proposed to build these lines as a business proposition, that there will not be a limit to the number of lines to be built, because there is a limit even to the credit of this flourishing State, and it is not at all likely that any Government will be able to find an illimitable amount of money for the purpose of pushing a network of railways right throughout Queensland. I do not think that any member, if he really looks at the matter in a calm and sensible mood, will be at all afraid that the Government are going to shove railways down the people's throats, all over Queensland, whether they want them or not; but I say that this House, even under this system, or any other system, whether it is looked upon as taxation or not, is the proper judge whether a railway ought or ought not to be built, and the pros and cons of every projected railway must ultimately be fought out on the floor of this House. It has been argued that this is a taxation measure. Well, I believe that any measure if it takes anything, whether it is big or little, may be called a taxation measure. Some persons argue that the local government rate is land taxation. I hold that it is payment for services rendered, and I hold that this proposed payment will be purely a payment for services rendered. Had I heard any sound argument substantiating the fact that railways could be built through agricultural or pastoral districts, without absolutely benefiting anyone, I would probably have looked upon this as a taxation measure, and as in some degree unjust. But everyone admits that land obtains an enhanced value through railway construction. It must be enhanced in value by at least 5 per cent., and the absolute total liability that can be incurred under this Bill is 4 per cent., and that is shared equally by all owners of land, not people. You must get away from the idea that it is only the people who have to pay. It is the land. In some districts that may be sparsely settled it will be no harder on the people than it will be in more populous centres, simply because the Crown lands that are not occupied will bear their share equally with the freehold land across the way. That is one advantage. A previous speaker objected—I presume under clause 11—to the valuation by the local authority. All I see wrong in this is that the Commissioner should have the power to appeal against it. It does not matter who makes the valuation, because all the appeals are decided by a judicial tribunal. The only point about the Bill which I would have liked the Minister to have explained more clearly is clause 17. The same clause is the law to-day with regard to guarantee lines, and I would like to know, for my own information, the basis of calculation upon which credit is given to a railway to which the Railways Guarantee Act of 1895 applies. Another point which is lost sight of by some who have spoken against the Bill is the fact that where a branch line is built under this Bill they get a lessened liability, by the reason that the traffic that the new line brings on to the main line is partly credited to the new line. I believe, when the whole thing is boiled down, that this is a far more reasonable measure than the present Railways Guarantee Act. Now, whether the present guarantee lines are just as good, or better, is beside the question. I am satisfied that it is a bad thing to have a guarantee system, and the system of building railways out of public moneys, running at the same time; just as it would be a bad thing to

*Mr. Nielson.]*

have a system under this particular Bill at the same time as the system of building lines out of public money. How is it that we have no request from the local authorities who were concerned in the construction of railways that had been brought before the present Parliament, to have them built on the guarantee principle? It is for the reason, I believe, which I stated at the outset, that no particular district is anxious to take up a liability when they can get a line for nothing.

**THE SECRETARY FOR RAILWAYS:** That is common sense.

**MR. NIELSON:** That is common sense, and it is perhaps wiser for them to wait until the wheel of political fortune comes round their way, and they get sufficient influence here to get them a line for nothing. There are many districts probably pining for railway construction, waiting for the wheel of fortune to turn their way. I know that no railway has ever been asked for where the people did not come along and assure the Government that the line would pay right from the start. That is a pardonable kind of augury that people indulge in when representing their particular district, and there is no objection to it; but I am satisfied, speaking of the country that I have seen this year, that there are many places in Queensland that ought to have railway communication. In the report of the Minister for Lands there are several districts mentioned; some of them I have seen; and they undoubtedly ought to have railway communication. But I think it is only fair to the taxpayers of the other districts where they have no railway, and no immediate chance of getting a railway—it is only fair that they should not be taxed for the purpose of providing railways into other districts. I think on the whole the basis of the Bill is a fair one. Certain members have stated that they wished that they could make this measure retrospective, but that it would savour too much of repudiation. So it would; there is no doubt about that. The junior member for Mackay urged the claims of Mackay, who borrowed money from the Government and took up a liability. He says that this is a better scheme, but that they ought to get the option to come along under this. He was also against repudiation on the part of the State, but he thought that repudiation on the part of his own particular electorate as it affects the State would not matter. I do not believe in repudiation of any kind, and I think that all the existing railways which have been built under the system then in vogue must be left alone as a matter of good faith.

**MR. P. J. LEAHY:** What about future losses?

**MR. NIELSON:** Future losses will be all right now that you are not running the show.

**MR. P. J. LEAHY:** I was never in it.

**MR. NIELSON:** Well, if you were never in it you were bad enough. We know that there are some lines built on the guarantee principle, with which the people of the particular districts are not altogether satisfied. The Pinalba guarantee line is a heavy burden on the people of that district. Still they entered into it with their eyes open.

**MR. LINDLEY:** They only pay 2 per cent.

**MR. NIELSON:** They bear the burden imposed by the Act, whatever it is, and it is a large one. That may be because the railway area was not extended far enough, but still we have the fact that this particular local authority, with its eyes open, entered into a certain obligation. They got what was at the time, in my opinion, a very good bargain, and I do not see why they should be relieved of any part of it at the present time. Now, there are several local authorities which have launched out and built small gauge lines of their own.

[*Mr. Nielson.*]

**MR. MANN:** Big gauge lines, too.

**MR. NIELSON:** Big gauge, too. There is the Cairns Mulgrave line, which is run by the local authority, and a very good line it is. There is one other district I had in my mind, which is to some extent on all-fours with the two sugar districts I mentioned. That is the Johnstone district. They have a very excellent tramway service there. That is the wettest district in Queensland. They have—and I say it with no derogatory meaning—probably some of the worst roads in Queensland, for the reason that they do not need roads. The tramway carries all the heavy traffic, and they do not need roads, and accordingly run along with a 1½d. general rate. I am perfectly satisfied that railways, whether on the Government gauge, light agricultural lines, or purely ordinary tramlines, are a very big factor in the rate question of the particular localities where they exist.

**MR. J. LEAHY:** They naturally don't want to carry the same traffic over the roads.

**MR. NIELSON:** That is exactly my argument, and consequently whatever risk is incurred, or payment made, towards the railway line will be so much lessened towards the roads.

**MR. J. LEAHY:** That is an unknown quantity, though.

**MR. NIELSON:** It is an unknown quantity, but it will be so only to some extent, and if it is admitted that railway construction is beneficial at all, the risk is so small that there can be no hardship on the owners of land within the particular districts where railways are contemplated under this Bill.

**MR. J. LEAHY:** Why is it that there were not more railways built under the guarantee principle when they were only asked to pay 2 per cent.?

**MR. NIELSON:** Simply because they believed that some day they would have a chance of having a Government in power who would give them one for nothing. Taking events over a course of years—say, taking twenty or thirty years in the history of this country—Governments change, and so forth; and every district, probably in the course of twenty years, will at some time have sufficient weight and influence, through their representatives, to get a line for nothing, and it is worth while waiting for it. Under this particular Bill the political influence will never come in. They can get hundreds and thousands of miles of these railways passed under this Bill when they know that there is no risk of loss beforehand, because, while their credit is good, it does not matter to the Government which district gets the railway. They will be able to please friend and foe alike. There can be no differential treatment under this measure, and I shall have great pleasure in supporting it.

**MR. LINDLEY (*Wide Bay*):** I do not propose to say very much in connection with this Bill. The hon. member for Bulloo asked to-night why the people had not taken more advantage of the Railways Guarantee Act. From the experience I have had in my district, I can answer that question quickly enough. There are two or three localities that have been particularly anxious to have a railway under the Railways Guarantee Act, but in each case the stumbling-block was that one local authority would not take it up. In a shire council there are three divisions, and if one particular division wanted a railway line it became a question of the local authority taking up the guarantee. There has never been any chance of getting a majority vote for the whole division to enable the particular subdivision to get the railway it wanted. That is the reason that the guarantee railways have not been availed of in the past. If there was any possibility of getting a guarantee railway when the majority of the people in



the benefited area could see their way to contribute to such a railway and agree to control it, then there would be more guaranteed railways in the country at the present time. But is it fair to say that because a number of railways have not been built under the guarantee system that it is not a success? And is it reasonable to think that people who under the old Railways Guarantee Act could get a railway for 2 per cent. and half the liability are going to build a railway under this Bill where they have to take over the whole liability? Where does the fairness come in to ask these people to shoulder the whole of the burden? Do not Brisbane, Rockhampton, and Townsville get a benefit from all these railways through the traffic that passes through those towns? I say that 20 per cent. of the traffic that goes into a town in that way remains there. Would it not be fair, then, to ask the townspeople to bear a portion of the liability as well as the country districts? The hon. member for Musgrave said that it would be a poor district that would not benefit to the extent of 5 per cent. by having a railway line constructed through it. He said the only possible loss that it could have would be 4 per cent. Why, in a new railway line a district might lose 10 per cent. on the working expenses, and they would have to pay that 4 per cent. as well.

Mr. J. LEAHY: And pay their share of the loss as well.

Mr. LINDLEY: Yes; the argument of that hon. member is absurd. If this Bill gave the people of the district an opportunity of saying whether they approved of the railway, no reasonable man would object to it, but a measure that gives a Government, or any body of men, the power to build a railway under these provisions without giving the people in the district an opportunity to say "Aye" or "Nay" is a very unfair one. With regard to valuation. Anyone who has had anything to do with local authorities knows that the valuation system already in vogue here is simply ridiculous. Every different local authority has a different method of valuing. I know one local authority which sends out a circular to the ratepayers in the district asking the ratepayers to value their own property. Then the members of the local authority get down some night and go through these in a happy-go-lucky fashion, and so arrive at a valuation. This is only one of many. Possibly another local authority may call for tenders from men to value the property, and they will get a man from town who may or who may not know something about valuing land. He gets the old valuation, and uses that as a basis to work on; then rattles it off, and gets his £60, £80, or £100, as the case might be, for doing the work. If the Bill is going to be put into operation, as it is an absolute certainty that it will pass its second reading, I hope it will be amended in committee in such a form that, if the districts have to be valued, they will be valued by a man who is competent, and will be able to give a valuation which is something like a fair thing. One thing that struck me in connection with this Bill is that the Treasurers shall be deemed to be the occupier of all vacant land within the railway district. Does that mean land not subject to lease? Does that mean land held under occupation license? What land does that actually bring in?

Mr. J. LEAHY: Vacant land only.

Mr. LINDLEY: Then it will mean a serious loss in revenue for the Lands Department every year, because there are thousands of square miles of country that are held under occupation license. If occupation licenses are subject to the railway rate, then the holders of those licenses will be pretty sick in getting out of them. I certainly cannot vote for the Bill as it

is, and when it gets into committee there are a score of alterations that will be necessary, and I hope that the House will be in the humour to allow these amendments to be made, so that the measure will be a more equitable one than it is at the present time.

Mr. KENNA: Although I agree with the details of this measure, I must say that it requires a considerable alteration. In the first place, I am of the opinion that it gives the Commissioner too much power. I have come to the conclusion, whether rightly or wrongly, that that gentleman already possesses more power than he knows how to use, and I am strongly averse to putting into his hands the additional power which this Bill gives him. It provides for the Commissioner to mark out a district which he considers is going to be benefited, and, so far as I can understand, against his decision there will be no appeal. That is a very great power indeed to put into the hands of the Commissioner, who, I take it, is not an authority upon land or land values at all. I should prefer that the marking out of a district to receive the benefit should be left either in the hands of the Land Court or the Secretary for Public Lands, who is supported by a staff who are more competent to mark out the betterment area than the Railway Commissioner, who is, if anything, a mere mechanical expert. It is to be deplored that of late years there has

[8 p.m.] been a tendency in this House to take out of the hands of Parliament the power it possessed, and to give them to commissioners, boards, courts, and other bodies, removing a large sphere of administration from its proper locality. It is claimed in this case that giving the Commissioner a power of this description will remove railway construction from the sphere of political influence. Well, so far as I can see, the cry that the taking of administrative power out of the hands of Ministers removes that portion of the administration from political influence is a very hollow cry indeed. So far as I can see, there is more political influence in certain departments that are removed from the administrative sphere of this House, than there is in departments that are represented upon the Treasury bench directly by Ministers. For that reason I am averse to placing this power of marking out the benefited area in the hands of the Commissioner. It was only last session that the Commissioner—no doubt acting under the authority of the Railways Act—diluted in his reports upon the agricultural prospects of certain railways. What does the Commissioner know about agriculture? I, for one, refuse to accept his dictum upon agricultural prospects, just as I will refuse, so far as I can, to accept his dictum in respect of a betterment area under this Bill. I am sorry that the Bill is not retrospective to some extent. I admit that it would be very difficult to go back to the very beginning; but there can be no possible objection to applying this principle to those railways which were only approved of last session, and which are only in the preliminary stages of construction. Take the case of the Cloncurry line. There are, approximately, 100 miles under construction at the present moment. That portion of the line will be outside the betterment area and will not be subject to the betterment principle of this Bill, and the remaining portion of the line will be brought under it, and will have to pay.

Mr. J. LEAHY: Is that correct? Does it not say, "hereafter to be constructed" in the title?

Mr. KENNA: Well, the portion between the terminus of the present section and Cloncurry has not yet been approved of by Parliament, so that I take it it will come under the betterment clauses of this Bill. Then we

*Mr. Kenna.*]



shall have the anomaly of one portion of a line being constructed without the betterment system and the other portion being constructed on the betterment principle. I presume the betterment area will be an area adjacent to the line to be constructed; but what about the distant area which will possibly benefit equally as much as the country through which the railway runs? Take the case of the Cloncurry extension. That extension must necessarily be of great benefit to Townsville.

The PREMIER: It may benefit Bowen equally as much as Townsville.

Mr. KENNA: It cannot possibly be any advantage to Bowen.

The PREMIER: Not if Bowen gets the connection with the Northern Railway that it wants?

Mr. KENNA: That is a horse of another colour. (Laughter.) A Bill that would put railways entirely outside of political influence, and that would put an end to the perpetration of such political jobbery as the Bowen Railway—

The SPEAKER: Order!

Mr. KENNA: Such a Bill would be hailed with acclamation all over the country. Another reason why I do not care so much about the first clauses of the Bill is because they seem to me to leave the initiative still in political hands. A local authority may initiate, but the controlling politician may say, "You shall have the railway," or "You shall not." The local authority may offer a guarantee, but if the Ministry do not care to accept that guarantee, the local authority may go hang.

The PREMIER: If the local authority offer a guarantee, the Government would have no interest in refusing to build the railway.

Mr. KENNA: If a local authority offers an honest guarantee to the Government, the Government will first consider whether there would be sufficient security in the way of this betterment tax upon the benefited area to justify them in granting a loan. I do not see how this Bill will remove railway construction from the old baneful political influence, inasmuch as the power to agree to a proposal will still remain with the Cabinet. Another point that I see about the Bill is this: It proposes to repeal the Railways Guarantee Act; but, so far as I can see, it does not propose to repeal the provisions under which several of the most successful local authority lines in Queensland have been constructed. Take the Ayr tramway—it is really a railway—"tramway" is a misnomer. That tramline was not constructed under the Railways Guarantee Act, but under the Local Authorities Act, by a joint board, and run as a tramway. A joint board, consisting of the local authorities of Townsville and Ayr, borrowed the money and built the line, and pays interest and redemption. This Bill does not repeal the tramway sections of the Local Authorities Act, so that it will still be quite possible for local authorities to form joint boards, borrow money from the Government, and construct tramways as heretofore. The Ayr tramline was instanced by the hon. member for Bulloo as a splendid instance of how local authorities can own and control railways. The line is not so much a triumph of local authority construction and ownership as it is a triumph for the day labour system of construction.

Hon. R. PHILP: No.

Mr. KENNA: Yes. Between the lowest tender and the actual cost of building the line by day labour there was a difference of £20,000.

Hon. R. PHILP: No.

Mr. KENNA: You can read that in the last report on the tramway. There are very few real local authority tramways in Queensland.

Mr. PAGET: Seven altogether.

[Mr. Kenna.

Mr. KENNA: In the case of the Ayr tramway the local authority constructed the tramway, and they have to keep the permanent way in order. The rolling-stock used on the line is provided by the Government at a rental, and all the local authority is concerned about is keeping the railway in order. If this betterment system is a good system as applied to State railways, I should like to know why it should not be applied to privately-owned railways. In the case of the proposed Etheridge Railway either the syndicate should get the benefit of the betterment or the Government should get it. I am not going to advocate that the syndicate should get that benefit, but, applying the principle of this measure, it seems to me that if a syndicate is responsible for the betterment in land values they have some claim on that betterment. If the Government guarantee one-half the interest on the cost of constructing the proposed Etheridge Railway, then they should certainly get one-half the betterment. But I do not think we should have two systems of railway construction—one under which the State reaps the betterment, and another under which no betterment is reaped. Moreover, I am afraid the valuation of pastoral properties, and the valuation of land in mining country, will be very low, so that in pastoral and mining districts it will take a very considerable area to make up sufficient revenue to warrant the Government in constructing a railway. For a mining leasehold £1 a year is paid, and a man may take up to 50 acres, so that it is plain that there will be very little revenue from a betterment tax in a mining district. Then, how is a betterment tax going to be levied on a leasehold? It is easy enough to get it from freehold lands, and from Crown lands, but how are you going to get it from leaseholds?

Mr. PAGET: Mining leaseholds have to pay local authority rates, don't they?

Mr. KENNA: I confess that I see some difficulty in the matter. In some respects this measure is better than the Railways Guarantee Act, under which a whole district has to pay equally any loss on a guaranteed railway, although the distant parts of that district may have had no benefit whatever from the railway.

Hon. R. PHILP: No; there is a benefited area.

Mr. KENNA: I have read that Act very carefully, and it is my impression that the whole area of the local authority is taken as the benefited area.

Mr. JENKINSON: No; a whole division.

Mr. KENNA: But in local authorities which have no subdivisions the whole area has been taken as a benefited area. Is there a benefited area for the Ayr tramway?

Hon. R. PHILP: Yes.

Mr. KENNA: I rather think that the whole of Townsville is a betterment area in connection with that tramway. Under this Bill there is to be a clearly defined betterment area, and that area is the land directly benefited; and that land, and that land alone, will have to contribute. The tax under this measure is not really a betterment tax, because it is a tax levied on the total value, whereas a betterment tax is only levied on the enhanced value due to the construction of the railway.

The SECRETARY FOR PUBLIC LANDS: And under a betterment tax the owners of land pay without any reference to a deficiency on the working of the line.

Mr. KENNA: Yes, that is so. The provision in this Bill is better than that in the Railways Guarantee Act, because under it, after the railway has paid for five years, the local authority can be relieved from the tax.

Mr. JENKINSON: So it can under the Railways Guarantee Act.

Mr. KENNA : No, it is fourteen years under the Railways Guarantee Act.

Mr. PAGET : It cannot extend beyond four-teen years.

Mr. KENNA : That is longer than the life of a sleeper.

An HONOURABLE MEMBER : No.

Mr. KENNA : On the wet lands of the coast the life of a sleeper is very short, though it may be long in the dry West. The life of a sleeper on the Bowen line is nine or ten years.

Mr. PAGET : That comes under the heading of maintenance, not of working expenses.

Mr. KENNA : However, I am wandering away from the subject, and must return to the Bill. By the last clause a very important matter is left to the Governor in Council to deal with by regulations—that is, the apportionment of revenue and expenditure on branch lines. (Hear, hear ! ) I think a definite cut-and-dried system should be devised and included in the Bill, and that the matter should not be left to the Governor in Council. Two or three years ago the Commissioner complained in his report that the method of computing the revenue and expenditure on branch lines, such as the Killarney line, was inequitable, and said some better system should be introduced. I have watched his reports since then, but have been unable to discover that anything has been done in the matter.

Mr. J. LEAHY : Oh, yes ; he put 10 miles on to it.

Mr. KENNA : I believe it is more than 10 miles in some cases.

Mr. J. LEAHY : No ; whether the line is long or short he puts 10 miles on.

Mr. KENNA : As far as I can see, all previous statements in respect to the financial position of branch lines are scarcely worth the paper they are printed upon. There is no true system of arriving at a clear and definite statement as to what the revenue and expenditure of a branch line may be ; it is largely guesswork. I do not make this assertion emphatically, but I understand that a branch line does not get credit for its incoming traffic, but only for its outgoing traffic.

Mr. COWAP : They do not all get that.

Mr. KENNA : There should be some well-defined system ; it should not be left to regulations.

Mr. J. LEAHY : It is in the 1896 Act, but it has never operated.

Mr. KENNA : If it was left to the regulations in that case, and was never acted upon, that is a good reason why it should not be left to the regulations in this case. Until that is done it is not possible for us to arrive at an accurate estimate as to the financial position of any branch lines. Something of this kind might be done : A branch line should be debited with its proportion of the actual maintenance of its own length, and a proportionate maintenance of the lines that it contributes to—a fraction whose upper number would be the mileage on the short line, and the lower number the average mileage of the lines it feeds. I am of opinion, generally speaking, that this measure is a good measure, though I am not quite clear that it is going to do all that is claimed for it. It will have this advantage, as far as I can see : that if a line is constructed upon this principle it will not pay large owners to keep idle land adjacent to the railway. If land is idle in proximity to a railway, the railway will not pay—it will be deprived of so much traffic—and the idle land will have to pay a heavy tax. Railways are not likely to be constructed through land that has no value, and owners of land lying idle alongside them will be liable to such a heavy tax as will make it unprofitable for them to allow it to continue

idle. That is one of the features of the Bill as it appears to me ; I do not know whether it has been seen by the Minister in that light.

The SECRETARY FOR PUBLIC LANDS : It is rather an obvious view.

Mr. KENNA : But that is no argument in favour of the Minister having seen it. If the railway is to pay, if the idle land in its proximity is to be free of this tax, the owner will have to break up the land and put it under cultivation, so as to contribute and make the railway profitable. One defect in the Bill, which ought to be remedied in committee, is that it contains too much divided authority. We have the Minister, the Commissioner, the Land Court, and three different valuers, for the local authority, Commissioner, and the Land Court respectively. I should like to see it more concentrated. It should be centralised in the Government, so that the responsibility for it may lie with this House. It should be centred upon the Treasury bench, subject to the free flow of criticism of hon. members, and the full responsibility taken by those charged by the Parliament and the people with the administration of the affairs of the country.

Mr. BURROWS (*Charters Towers*) : This debate is evidently drawing to a close, and I shall not do much to prolong it. The speeches that have been delivered have been for the most part very short, and the serious objections raised against the Bill have been very few. It is difficult say anything new on the subject, and wearisome to traverse ground that has been gone over and over. I shall confine myself, therefore, to giving my own reasons for supporting the Bill, and in doing so offer a few casual observations. The same old arguments have been trotted out against this proposal as against every other reform ever introduced into any House of Parliament. It goes too far ; it does not go far enough ; it is too soon ; it is too late. It goes too far because it proposes to tax a certain area up to 4 per cent. It does not go far enough because it does not include the whole of the State. An instance was given of the railway line from Warwick to Goondiwindi. One hon. member said the land in the immediate vicinity of the railway would alone be subject to the 4 per cent. Another hon. member said that not only would that land be benefited by the railway, but that the benefited area would extend right up to and include Brisbane. I marvel at this. I remember that when the Betterment Bill was before the House some time ago hon. members opposite fulminated against it. Now they are beginning to see that there is a difficulty in defining the absolute limit of betterment, to say where the betterment will end. They are now eager that this Bill shall still further extend the principle, or rather, they condemn it because it does not go as far as they think it ought to do. The other Bill, which they opposed so bitterly, would have secured the whole of the betterment which has been brought about by the expenditure of public money. Now they pretend to favour that. I hope it is not a pretence. I hope that the views expressed

[8.30 p.m.] by members opposite have been genuine, and I look to them supporting in the future the betterment principle in an extended form. Another thing has struck me during this debate. Members who have denounced socialism and socialistic undertakings of all kinds, and have advocated private enterprise in season and out of season, yet have come before us during this debate, and testified in favour of socialistic enterprise *versus* private enterprise. We have the hon. member for Cunningham, a gentleman for whom I have the greatest respect, expressing on various occasions his antipathy to socialism, but he refers to the

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enormous cost of building the Warwick-Killarney line, and asserts that it could be built by the Commissioner to-day as a socialistic enterprise for something like half the money. Hon. members opposite "hear, heard" him, cheered him to the echo, when he said that. I think the Minister would be wise to take notice of some of the remarks made with respect to certain prominent features of the Bill, and I have no doubt he will do so in committee. The main argument advanced against the Bill is that the 4 per cent. rate of interest is too high. I think it is, and that 3 per cent. would be high enough, because whether a railway pays directly or not, it may, notwithstanding, be a profitable undertaking for the State, because of the indirect benefit accruing therefrom. Consequently it is not a fair thing to charge the people in the specified district the whole of the interest and working expenses. I would like to draw attention to another phase of the question. It has been asserted by members opposite that it would be unfair to the individuals in the benefited area, because at the same time as they would be paying 4 per cent. for their own line, they would still continue to pay their proportion of the loss accruing on other lines. That is an acknowledgment which I am glad to hear—that owing to the method adopted in the past, the general taxpayer has been unfairly burdened. If, however, you cannot undo what has been done in the past, you can prevent that error from being repeated. The longer the present system is continued the greater will be the burden on those people who have not the benefits of railways in their districts. Therefore the sooner we stop the present method the better, and the sooner we enter upon this proposed system the better it will be for every member of the community. Then, as to the valuation of grazing farms, very strong objection has been made to the method of valuation. The disproportion between the rents paid by small holders and pastoralists has been enlarged upon, and it has been shown that, through the small holdings having to pay from two to five times as much as the large holdings, there is a heavy burden, and the additional burden under the Local Authorities Act in the form of rates. It is urged that that will be accentuated under this Bill. Therefore I hope that when the Bill gets into committee care will be taken to, as far as possible, relieve the small holders of land, and that we shall look for a solution of the present difficulty. Now, as to foisting railways on the people. It has been urged by members opposite that these proposed railways are to be foisted on the people whether they like them or not. I think that is absolutely absurd. In the past no railway has been foisted on the people, and it is not at all likely that this House will foist any railway on the people. You will find there will still be more or less of a difficulty in securing railways, no matter how much they are wanted. I think it would be a wise provision to have a poll of the people in the locality concerned so that there may be some method of meeting the selfishness of those people who, when a railway is constructed to a certain point, do not desire to have it extended beyond their own doors. Every proposal for the construction of a railway will, as heretofore, have to come before this House for approval, and members will be able to get at the facts. The member for the district will, I assume, be here, and will be able to give his views on the matter, and the decision of the House will be final. The hon. member for Bulloo, when speaking, referred to many matters in connection with the Bill which have been reiterated over and over again by his supporters. One statement only that he made has not been repeated by any of his supporters. He said he had discovered in this Bill the claw of the

serpent. The hon. member has, no doubt, very keen perception, and I have no doubt while speaking symbolical pictures passed through his mind like the pictures of a kaleidoscope. There is not the slightest doubt that when he gave expression to that mixed metaphor he was somewhat confused. I will endeavour to explain what he meant when he said that. He was acknowledging the wisdom of this measure, and likened it to the wisdom of the serpent, and he also saw that the wisdom of this Bill was going to unloosen the claw of the landgrabber. You will be surprised that I have come to the assistance of the hon. member in this instance; I do not often do so, and I hope he will not take it amiss. I think that is a good explanation of the conception which appeared to the hon. member. Although he did not care to admit it in that way, I am prepared to place it before the Chamber for him. I differ with the hon. member for Clermont and the hon. member for Bulloo, and other hon. members, who claim that this is a land tax. I claim that it is not a land tax in any shape or form. The aim of a land tax, as I understand it, is to secure to the public the value that is added to land by the settlement of population and by the expenditure of public money.

Mr. LESINA: To put it briefly, a land tax is a tax on land values.

The SPEAKER: Order!

Mr. BURROWS: The hon. member for Clermont had a good innings before, and probably may have again on the committee stage. I am not going to put the hon. member's opinion before the House, but my own; and I want to combat his at the same time. He declared it a land tax, and asserted, with a certain degree of exultation, that this is the thin end of the wedge—all of which, I think, is tommyrot. (Laughter.) This is the point I wish to make: that there is no attempt in this Bill to secure to the people any part of the value that will be added to that land by the construction of a railway or by the settlement of the population along it. Even if the money is taken from the holders of this land, no portion of it will ever come into the pocket of the people as a whole. If there were a surplus one year it would go to provide against a possible deficit the next year. This is what I wish to be clear upon: that it is possible for the value of land in the vicinity of a railway under this Bill to be increased from £1 to £10 or £50, and it is also possible that the State would not take one farthing of that value unless the railway did not pay. That is the only means by which any money will be taken from the landowners in this locality—if it should happen that the railway they have advocated should not pay. Where does a land tax come in? The land may be increased five hundredfold in value, and the State would not be able to take one fraction of its value. There is absolutely no land tax in it. It may be called a railway rate, but it is not a land tax. It is endeavoured to secure that the railways made in the future shall be payable. It cannot, by any stretch of imagination, be construed to be a land tax in any shape or form. I differ with the power given to the Commissioner in clause 2. I think too much power is given away by this House to persons outside. It is all very well to say that we want to remove political influence, and the argument has been advanced times out of number that, if you get a person like this, political influence does not supervene, and no evil results will follow. I think the contrary is the case. Here you set up a person beyond you, and invest him with the power which we should retain ourselves. He is beyond us; we have no power over him, and he can snap his fingers at us, as has been done time and again; whereas if we took responsibility in this and other matters we should, as representatives

[Mr. Burrows.]

of the people, have some chance of getting satisfactory results. Under this proposal we give away a portion of the rights which we should conserve to ourselves. With regard to what the hon. member for Bowen said about the Cloncurry and Bowen lines, I do not think he is quite correct. He assumed that the latter portion of the Cloncurry line yet to be passed should come under the provisions of this Bill. I cannot see how it could. If it did, he could easily claim that the benefit should be extended to the whole of the Northern Railway, and if that were done I believe that not only the Cloncurry line would pay for itself, but the Bowen extension could be built, and there would be no fear of giving this guarantee, because the Northern Railway is paying sufficient over and above interest and working expenses to make up any deficiency that might occur for a short period in the Bowen part.

Mr. J. LEAHY: This section would have to be worked by itself—it must not come into the other.

Mr. BURROWS: Taking the whole of the Northern line together, it is a paying proposition.

Mr. J. LEAHY: No, that is not this Bill.

Mr. BURROWS: I am speaking about this Bill, and I do not think it should be applied to either of these lines for the reason that the benefited area would have to include all the places that were benefited. Anyhow, if I were delimiting the boundaries, I should include the whole of the land on the Northern line, and if that were done I feel satisfied that not one fraction of interest would be required from the people in and around Bowen or the people along the Cloncurry line. I am satisfied to support this Bill now, and I hope to see it amended in committee in the direction I have indicated.

Mr. LESINA: Would you like to see it retrospective?

Mr. BURROWS: Yes. I have not got the same qualms as many members here as to the unwisdom of making such a Bill retrospective, and I think it would be a wise thing to consider, even at this late stage, whether some proposal of the kind could not be adopted. If we cannot apply it to the losses made in the past, but provide that for the future when the Bill comes into operation that every line should be placed on this basis, I think it would be a good thing if it can be done. There are many practices in connection with our railways that are not good things, and that result in a fictitious increase in the capital cost of railways. On the Northern line, for instance, during the time when it had been paying considerably over working expenses and interest, we find year after year the capital cost was added to by the fact that maintenance repairs were debited to line account.

Mr. J. LEAHY: Nonsense!

Mr. PAGET: Maintenance is charged to revenue.

Mr. BURROWS: I should have said repairs. You find year after year where the mileage was not increased one iota, and it was paying 5, 6, 7, and even 8 per cent., at the same time the capital cost was leaping up by leaps and bounds. In what other way could they increase the capital cost of a line such as that?

Mr. J. LEAHY: By putting down 60 lb. rails instead of 40-lb.

Mr. BURROWS: This line was paying sufficient over and above working expenses to pay for all that extra expenditure. That is the point I wish to draw attention to, and it is a matter which should be attended to, as we do not know what the cost of our railways really is. The value has been added to fictitiously, and that is a most immoral practice, to my idea. I am going to support the second reading of this Bill, as I believe it will kill political railways, and it

will have the effect of making possible the construction of a large amount of railways with very little added burden to the State.

Mr. TURNER (*Rockhampton North*): I wish to have a few words to say in reference to the feelings of my constituents with reference to this Bill. In my electorate we have a marine township, which I think is one of the prettiest townships on the coast of Queensland. The people of that district have been anxious for a number of years to get railway communication, but, no matter what party has been in power previously, they have had no possible chance of getting the desired communication that would so much benefit their district. During the recess I made it my business to come in contact with nearly all the people in that township and also in the various districts between that township and Rockhampton. It is suggested to make an application for a line to go from Rockhampton through the Barmoyea scrubs and strike the township in a southerly or south-easterly direction, and in doing that I am given to understand that it will be the means of opening up a very large area of unoccupied land. I refer to the township of Yeppoon. There can be no doubt that a railway going through that district would be a very great boon, not only to the settlers who have been there for a number of years, but also to the new settlers who have been attracted in that direction. It will also be of great benefit to the township of Yeppoon. My instructions from the electors of that district are to give the Government every support in this direction. I have spoken to the small selector and to the large landholders, and in many instances it has been one universal command, or instruction, that I should support the Government in passing this Bill. When I came to the large landholders in that district they assured me that they were willing to pay a fair share, feeling fully sure that the railway will be the means of compensating them very materially for their own benefit as well as for the benefit that will come by bringing the railway through their lands. The selectors also expressed themselves in the same way. There is one thing that I would like to see some consideration given to under this Bill, and that is the equalisation of rateable values in a rateable district. One place that railway will go through in that district when it is constructed is a large station called Belmont, consisting of I do not know how many acres, but it runs for several miles along the road. That station has been rated for a number of years by the local authority at 10s. per acre, but of recent years it was increased to 12s. 6d. per acre. There are a number of settlers on the opposite side of the road from this land, and very deserving settlers, too—all hardworking men with families—and they have been assessed at £5 per acre. Since the land on the opposite side of the road was raised by 2s. 6d. an acre, the land held by these settlers was decreased by £1 an acre. That is how they equalised matters; but I would like to see them equalised to a much greater degree than that. If that is done, then I have no doubt it will be much more equitable to all parties. I am very much surprised to hear so many hon. members who have referred to this measure speak of the loss of revenue in the case of lines not paying, and the hardship that will be imposed on the rest of these districts to make it up; but those speakers have not shown what will be done with the surplus. It says in the latter end of clause 15—

For the purposes of this section, any surplus of the earnings of a railway in any year shall be carried forward to succeeding years towards making good any such deficiency as aforesaid in any such subsequent year.

I think that is a very fair provision. The Bill has been clearly defined by the Minister for

*Mr. Turner.]*

Railways and also by the Chief Secretary himself, and I think that any person who has any desire for the progress and welfare of our State will support a measure of this kind. Referring again to unequal valuations, I may state that I was up in the Longreach district some time ago, and I asked what were the valuations and how they were equalised. I was told that in the township of Longreach the shire council imposed a valuation of 3d. in the £. I asked what the squatters were rated at in the district, and I was told that they were rated at 3d. in the £. I think that, when such things as that exist, it is time the valuation of land was made more equitable to everybody. It is my humble opinion that, with this condition of railway construction brought about, there will be a very large number of people who will avail themselves of the provisions of this Bill. The Warwick-Killarney line has been frequently referred to; and the Minister stated that, allowing £1 an acre as the betterment on the land there since the railway was constructed, it would give a total of £130,000, but we must take into consideration that the betterment would be nearer £5 or £6 per acre, which goes into the pockets of the landholders who have had the privilege of snapping their fingers in the face of the Government while the country had to bear the interest on the £200,000 that was expended on that line. I shall have much pleasure in supporting the second reading of the Bill.

Mr. HARDACRE: I do not wonder that hon. members who have spoken here have been a little doubtful as to what this Bill [9 p.m.] means, and that they have expressed divergent views as to its merits or its demerits, and as to the principles that it contains. I have been trying for three days to understand the principles embodied in the Bill, and the more I try to understand it the more I am mystified as to what is its basis. It is very much like the map of the fortifications of Paris that Mark Twain once drew in his artistic days. At first it looked very nice, but when he began to examine it the fortifications seemed to be at the wrong end of the map; the streets were all out of place; whole streets had disappeared; the river ran north instead of south; and he found ultimately that he had drawn the map wrong end up, and, in order to understand it, he had either to see it reflected in a mirror or stand on his head to look at it. Well, anyone who wants to understand this Bill has to do something of the same. I listened to the speech delivered by the Secretary for Railways in introducing the Bill with a great deal of appreciation. It contained a great number of nice moral generalisations to which no objection could be taken. In fact, it seemed very nice. But what on earth his remarks had to do with the provisions of the Bill I certainly was at a loss to understand. The speech reminded me of a local preacher who came out on the ship in which I came to Australia, who was in the habit of holding service on the deck of the vessel on Sunday afternoon, and exhorting the rest of the passengers to be good, to be moral, and to do nothing wrong. Then he would give out a hymn, and, whilst the other passengers were singing the hymn, he would steal downstairs and collar all the tucker. The only difference between that local preacher and the Government is that the Government has collared all the tucker first; and, having collared all the tucker, they now come along and say to the rest of the House, "You must not have any railways or anything of the kind in your districts unless the people in your districts are agreeable to pay for them." Well, if that is a fair thing, it is a fair thing that the Government should

have paid for their lines last year. If it is a fair thing that districts getting benefits of this kind in the future must pay for them, then it is a fair thing that this Bill should be made retrospective; and I am somewhat surprised, after the promise that was given to hon. members when the Dalby-Cattle Creek Railway was before us—a distinct promise that the lands which were enhanced in value by the construction of the line would have to pay for the benefit conferred on them by the railway—I am surprised, I say, that they have now gone back on their promise.

The PREMIER: Would you advocate applying the principle to the Spring-ure line?

Mr. HARDACRE: Certainly—apply it to all lines. If the hon. gentleman was as consistent as I am in regard to the betterment principle, we would not have a Bill of this kind before us to-night. When I listened to the hon. gentleman giving us a moral exhortation as to how careful we should be about the finances of the State, I could only think of that celebrated character, the Rev. Mr. Chadband, who used to roll his eyes in pious horror at anyone doing wrong, although he was the biggest sinner of the whole lot. Not only did we have a promise from the late Premier, Mr. Morgan, with reference to the Dalby-Cattle Creek Railway—and it is just as well to make it clear that we had that promise—it has been read already, but it is right to read it just now to show the justification there is for making the Bill retrospective. My name was read out last night by the hon. member for Kennedy as one who voted against the betterment principle, and I have a right to feel sore about it. I have been in this House for fourteen years, and that is the one occasion during all those years on which I voted against my principles, and I did so because I was entrapped and betrayed into voting against one of my principles by reason of a personal promise as well as a political promise made by the leader of the House. And now we have the inheritor of the position of the hon. member who made the promise not caring to fulfil that promise. It is disgraceful that an hon. member should be entrapped into a position of that sort without any attempt being made to fulfil the promise. It was specially dwelt upon by the Secretary for Lands, who said, page 1250 of *Hansard* for 1904—

The Government had given an undertaking in the clearest terms of their intention in regard to the freehold area. They declared that those lands would have to bear their share of the cost of the construction of the railway, and the whole basis of their system of parliamentary government had its foundation upon accepting the word of a Government. After the declaration of the leader of the Government as to his intentions next session, the majority would know how to deal with him if he broke his word.

Hon. members may think that I am actuated by personal feeling, but I have a right to display some feeling in the matter, and I would be justified if I did my utmost to turn out the Government when it breaks a promise as it has done in connection with this matter. And not only was that promise made by the late Premier, but it was practically made by the present leader of the Government also. In his speech in support of the Bill, he said that he would be pleased to make it retrospective if anyone could show him how it could be done. It is not for us to show him the way. It is for him to find the way; it is his business to find the way; and, what is more, he told us he would find the way when we were dealing with the Dalby-Cattle Creek Railway. He then said: "They will not do us out of the betterment." And when the hon. member for Carpentaria said it could not be made retrospective, the hon. gentleman interjected, "What is there to hinder us?"

[Mr. Turner.]

I ask him now what is to hinder us? Why does he not do what he said at that time was a just thing to do, and make this measure retrospective, more especially with regard to a railway which was constructed under a special promise that the betterment principle would be applied to it? Whether that promise was made or was not made, if the Premier is so careful about the public finances, so anxious to see that every penny possible is saved to the country, and so scrupulous about the taxpayers' money not being wrongly spent, why does he allow nearly £80,000 to be obtained by freeholders at the country's expense without making some effort to collar it? The Government sent a special engineer to report upon the probable enhancement in the values of lands in the vicinity of the Dalby-Cattle Creek Railway, and that officer prepared a map on which he described a benefited area, in which he said the value of freehold lands would be enhanced to the extent of £78,000, while the enhancement in the value of Crown lands would amount to only a few thousands of pounds. A distinct promise was made that the betterment principle would be applied to that railway if we allowed it to be built. On that promise we allowed it to be constructed, the land in the vicinity of the line has been enhanced in value, and the Premier now brings in this measure, but does not make it retrospective, even as far as that particular railway is concerned. How can any man respect future promises when past promises have not been fulfilled? How can any man respect the statement made by the Government as to their desire to carefully husband the finances of the country? It seems to be a piece of political hypocrisy.

The SPEAKER: Order!

Mr. HARDACRE: It is something like a matter which has been going on lately, but which I should not be in order in referring to. It seems to me that there is very little genuineness in all this talk about looking after the taxpayer's money when we have things like this done by the Government, and no attempt made by the Government to recover from people the betterment resulting from the expenditure of public money. They brought down a million of money last year and the year before for the construction of railways which were wild, reckless, and unprofitable enterprises.

The SPEAKER: Order! The hon. member is not in order in reflecting on the action of the House.

Mr. HARDACRE: I ought not perhaps to have said "wild and reckless," but they are certainly unprofitable, and will be as unprofitable as the Lindon Bates dredges, or the tank engines, or anything done by the past Government. Like the local preacher to whom I have referred, the Government have collared all the tucker; they got in by the early door to avoid the crush, and they now say to us, "If you want to go in you must climb over the skylight to get a seat." I suppose there is some principle in this Bill if we could but find it, but it is certainly not the betterment principle as I have always understood it. It is more a land tax than a betterment tax. I call it a Compulsory Railway Rating Act, the purpose of which it is to endeavour to let the Government escape their responsibilities and throw the cost of constructing new railways on the local authorities. Is that a right principle? I claim that it is a very wrong principle. It is not the business of local authorities to construct railways or to bear the responsibility of constructing railways. It is the business of the State to develop the resources of the country, and it is not right that they should abdicate their duty to initiate railways. If this Bill passes, there are to be no more Government railways built in Queensland which the Com-

missioner says will directly benefit a certain area, unless the local authority in that area consents to assume the responsibility of guaranteeing any loss or deficiency on the working of that railway. This Bill will be as dead as Julius Cæsar in two years. If this Bill were really founded on the betterment principle I should be most enthusiastic in support of it, just as I strongly supported the Betterment Bill introduced by the Premier two or three years ago, though it was sprung on the House. But this is a nondescript affair, and is not founded on the betterment principle at all. It is a crude, ill-digested measure, and is so bad in its provisions that it will do more harm to the betterment principle than any Bill I have seen in this House for some time past. The Railways Guarantee Act, which is not a Betterment Act, is a much better measure than this Bill. I cannot understand why hon. members opposite oppose this Bill on the ground that it is a Betterment Bill, because when a general Betterment Bill was introduced two or three years ago nearly every member on that side objected to the general betterment principle, but said that if the Government brought in a specific betterment principle they would support it.

Mr. J. LEAHY: I don't think you are quite right there.

Mr. HARDACRE: I do not say that all the members on that side said so, but many of them did. I know the hon. member for Carpentaria did, and I know that the hon. member for Warrego said the principle was as old as Methuselah. It is the basis of our Land Act that the Crown shall get from its tenant exactly according to the advantages which the Crown gives to him—that is, payment for services rendered; and, what is more important, when the pastoral lessee is to be assessed the Land Court are specifically instructed to take into consideration proximity to or distance from a railway. The betterment principle is one that is absolutely irrefutable. It is, as I said just now, merely payment for services rendered. It is like the purchase of goods over the counter of a shop. Unless you pay for value received, somebody else has to pay up the value who does not get it. If the Government had introduced the betterment principle into this nondescript Bill, they would have got it through without any essential objection. Is this a Betterment Bill? I say it is not, because the payment under the Bill is not, as it should be, in proportion to the benefit given. If the Government had said that in future all railways, not merely those which the Commissioner certifies to, shall be constructed on the principle that, when there is any enhancement in the value of land, on that enhancement there should be a charge made of 4 per cent., there would have been good ground to go upon, and it would not have been the oppressive measure that this is likely to become. What does this Bill do? It simply says that, when the Commissioner declares that any railway will give a direct benefit to a locality, that locality is not to pay on the enhanced value at all, but it is to pay the whole interest or loss for the benefit of other districts. I can understand cases where railways may be constructed at considerable expense, and where there may be an exceedingly small enhancement of value, and where even that small enhancement might disappear. In such cases the whole of the loss and the interest on the railway will fall upon the local authority, which will probably sink under the heavy burden imposed upon it, or the debt will have to be wiped out altogether. Is that a right thing? The Bill proposes to make a local authority a benefited area, to pay 4 per cent. on the interest and cost of construction in addition to the loss of working the railway, and the

*Mr. Hardacre.]*

district is to have no voice in the management or control of the railway. They say, "You pay the expense, and we will manage the railway, and we will make any expenses that we like according to our management, and the interest on the increased capital we put into it. Your duty is to foot the Bill and bear the loss." I will show how utterly impracticable the proposal is. Imagine a small local authority with small land values. Most of the country districts where a railway will be built will have an exceedingly low rateable value. Take, for instance, a railway from Jericho to Windorah. There is an exceedingly small rateable value in that district. Suppose £100,000 is expended in the construction of a railway, and they have to pay 4 per cent. on the cost of construction, or £4,000 every twelve months. It is simply absurd; they cannot do it. It will destroy the local authorities. In fact, the Bill can only apply to some rich districts and thickly populated centres. Other places will get no railways at all. Is that a proper principle? I say it is not. Outside that local authority some other district gets benefits, and they ought to pay on the betterment principle. The rich districts will benefit; the poor districts will be left out in the cold, and the Government will be neglecting its business of developing the resources of the State. If we turn back to the records of the late Government we find that the Government which now is in favour of throwing the burden on the local authorities was two years ago against it. When the Dalby-Cattle Creek Railway was under discussion, Mr. Philp actually proposed that the betterment principle should be confined to the local authorities. Mr. Morgan, in angry tones, denounced the principle which is now the policy of his successor. Here is what Mr. Morgan said—

What prospect was there of their building this line, and paying  $5\frac{1}{2}$  per cent.? How many of the main lines paid it? And, even supposing there was proof that this line would return  $5\frac{1}{2}$  per cent., to enable the local authority to pay interest and redemption why should the local authority be asked to place upon local land-owners the total cost of a railway such as this, when the benefit would be shared equally between the local landowner and the general taxpayer, because every ton of freight that was brought by that branch line from the districts the railway proposed to open up would be carried over the main line to the ports and markets of the State? Why, then, should not the general taxpayer be prepared to pay his share of the cost of a railway the advantages of which he would share?

Mr. FORSYTH: Things have changed since then.

Mr. HARDACRE: Well, I contend that it is a wrong thing in principle, and it will be a failure in practice. Some members

[9.30 p.m.] have supported the Bill on the ground that in future it will prevent political railways. If I thought it would do that, I would walk 100 miles to support it. I have had such a surfeit of political railways, I have seen so much of the evil practice of railways being brought into the House and voted on in the dark, that I would do almost anything to alter the practice. But I think it will intensify the evil of political railways. It will give all the political railways to Government supporters, and it will be used as a revolver to be placed at the heads of other members, who will be told: "If you want a railway you can have one under this Act." This Bill is not proposed to apply to all railways. The Minister himself did not say it would apply to all railways. It will only apply to those few districts that the Commissioner specially declares will be benefited by railway construction. It would not apply to the Goondiwindi railway, because that district will not be directly benefited, nor to the Jericho-Blackall

line for the same reason. I could almost see the member for Flinders winking the other eye when the Minister was asked if this would apply to the second section of the Cloncurry line. Of course, it will not apply to that line. There will be no direct benefit there. It will be diffused. You would not be able to locate the benefit, and the Commissioner will not describe any benefited area at all. It may be said, "Are we not guided by the Commissioner's report; surely he will treat all railways alike?" Well, I do not know. Perhaps he will, and perhaps he will not. I believe the Commissioner is human like other people, and it is quite possible that in future we may have railways supported by the Commissioner, just as we have had in the past, which every member of the House knows quite well will not pay for the axle-grease. I would like to warn members, and particularly country members who, in the past, have been asking for railways, that this Bill is loaded, and loaded against them. It will be presented like a revolver against them: "If you want a railway in your district you must come under this Bill"; and what shadow of hope is there of any local authority coming under the provisions of this Bill? I have a list of railways that the Minister read out, and which had been recommended by the Lands Department. Will three out of the whole of that list be constructed under this Bill? I say that no local authority would undertake the responsibility.

Mr. FORSYTH: They will not be asked.

Mr. HARDACRE: Then what is the use of the Bill? Take the line from Westwood to the Dawson Coalfield. That is a sparsely populated district, with low rateable land values. It has no land values where the railway is going, and there is practically no population. It is in the Gogango division. Probably the total rateable value of the land in that district does not exceed £2,000 or £3,000, and the line is to run for a distance of 100 miles, and will cost £2,000 a mile. That means a total cost of £200,000. Will any man in his sane senses imagine that the local authority would undertake the responsibility of 4 per cent. on £200,000, together with any loss on working expenses? It is an absurd proposition. There is no business in it. This is a measure of the most crude and amateurish kind. Take the line from Goondiwindi to the Moonie River. There is very little population along the route—just a few grazing farm selectors and pastoralists. How on earth will they get a railway under the provisions of this Bill? Is the local authority to be asked to bear the responsibility? And if they do, will they not absolutely sink under the burden? But it may be said: "Oh, but the thing is entirely optional; it will not be forced upon them." Then if it is not to be forced upon them, what is the good of the Bill? Why not keep to the Railways Guarantee Act? At all events, the people have a choice under it, and only have to bear a 2 per cent. interest burden. It is only right that they should bear some of the burden, but it is ridiculous to ask them to bear a burden of 4 per cent. and working expenses. They should only be called upon to pay some small proportion, which should be directly based on the benefit they receive. If this Bill had been brought in on the betterment principle—that is to say, a rate on the enhanced value which comes directly from the specific railway—it would have been entirely unobjectionable, and we should have been getting an instalment of that principle, but as it is I have not the smallest hope of the Bill going through. Even if it goes through this House in an amended form, what prospect has it of going through another place?

The SPEAKER: Order, order!

Mr. HARDACRE: What chance has it of going through all the stages of legislation? It is

[Mr. Hardacre.]

so crude that in itself it bears its own death. Another reason advanced for it was that it will give an enormous impetus to the construction of railways. The only thing it is likely to do is to be applicable to one or two railways that have had consideration recently in the Darling Downs district. It may, perhaps, apply to Pittsworth and one or two other localities, but I really cannot conceive of its being brought into practical operation in any other place in Queensland. Take, for instance, the line to Maryvale. I have been in that district, and it contains very good land, but it is comparatively small in area, and could not afford to pay 4 per cent. interest on the cost of construction of a railway. Then the Bill cannot be applied to main lines, because there is no direct benefited area. It can only be applied to one or two places in Queensland specially fitted for it, and all the rest of Queensland will either have to go without railways altogether, or else to undertake a responsibility which they themselves will not be likely to accept. So far as I can see, it is an impracticable proposal. It will not do what the Government expect it will do, and, so far as the betterment principle is concerned, it is going to do harm to that principle by making it objectionable in the minds of the people; whereas it ought to appeal to every man as being in the best interests of the country. I do not like to vote against anything which operates against the principle of land values; and, if the Bill goes through the second reading, in committee I shall endeavour to amend it as far as I possibly can; and, if it is not improved upon what it is at the present time, I will do my best to defeat it.

HON. R. PHILP (*Townsville*): It seems to me that this is a Bill brought in to stop further railway construction in Queensland.

OPPOSITION MEMBERS: Hear, hear!

HON. R. PHILP: The Government a few months ago were talking of going forward; that they were no longer a Government of stagnation, but were going to open up the country. The Minister for Railways reckoned they would build 300 or 400 miles of railways, and now we are treated to a crude, imperfect Bill of this kind—a Bill that practically means that no more railways will be built in Queensland. I think the hon. member for Leichhardt was mistaken when he said that it would only apply to some railways, because the Minister said it would apply to every railway.

Mr. HARDACRE: Only such as give a direct benefit.

HON. R. PHILP: No. The Minister said it is a Bill which concerns every district in the State, and is to apply to every line hereafter to be constructed. Then, again, the Premier, in his vicious reply to the hon. member for Bulloo—

The SPEAKER: Order, order!

HON. R. PHILP: He says he does not want any more railways. Quoting from his speech, he said—

I am quite sure that the hon. member for Bulloo knows that, if we could stop railway construction altogether and develop our country along with the railways we have, it would not be many years before the railways of Queensland as a whole would pay.

Mr. J. LEAHY: They paid 4 per cent. in 1884.

The PREMIER: It is because we are continually adding to our rolling-stock and opening out new districts that our railways go along year after year with deficits.

He does not want railways, but when he wants them built he says the people who want them must pay 4 per cent. Now, why should people who want lines in the future pay more than people now are paying? The railways, the year before last, paid £2 15s. 5d. That was a good year; I think it was a splendid year. People who have railways now are only paying 2 per

cent., but those who come afterwards must pay 4 per cent. Remember, too, that you only get a betterment on a very small part of the land which it benefits. Look at all the coast lands from Brisbane to Normanton! Do not they benefit by lines being built? They benefit perhaps more than those on the extension to Meringandan and similar lines. I thought it was a fair thing when the Bill was passed in 1895 that they should pay 2 per cent., not 4 per cent., and half the working expenses. If the Government want to get rid of all further responsibility for railways, let them amend the present Guarantee Act. That says distinctly that only 2 per cent. and one-half the working expenses shall be paid. That would be a fair thing. Then I think that should only apply to the branch lines. It never could apply to main lines. What hope would we have of ever building such a line as the Cairns Railway under a Bill like this? It would never be attempted.

The SECRETARY FOR RAILWAYS: A good job, too.

HON. R. PHILP: I do not think so. The Cairns line has opened up some of the finest country we have in Queensland.

The PREMIER: You had to do with the building of that line. I had not.

The SECRETARY FOR RAILWAYS: It is rather a bad example.

HON. R. PHILP: What hope would such a line have of being built under this Bill?

The SECRETARY FOR RAILWAYS: It would never have been built, and this is a very wholesome check.

HON. R. PHILP: The country would have been in the hands of the blacks to-day.

The SECRETARY FOR RAILWAYS: No; it would have been built from some other place.

HON. R. PHILP: The Minister knows nothing about building railways. To get over that range would have cost a very large sum of money. Look at the line over the Toowoomba Range! It cost nearly as much as the Cairns Railway. We would not have had any railways in Queensland at all if we had had the present Premier here forty-five years ago. The country would have gone back to New South Wales. Like the Northern Territory of South Australia, we could do nothing with it. I say that the building of railways has been the making of Queensland. (Hear, hear!) No doubt we have made mistakes; and if the Government are afraid to take the responsibility of building new lines, let them extend the Railways Guarantee Act. But after the five or six lines they have passed already they will build any lines. Some of the lines they have passed will not pay.

The SECRETARY FOR RAILWAYS: The first of these lines you started yourself.

HON. R. PHILP: Which one?

The SECRETARY FOR RAILWAYS: From Warwick to Goondiwindi.

HON. R. PHILP: Only to Thane's Creek, and that part will pay. The portion they are building now I do not think will pay for the next thirty or forty years.

Mr. LESINA: The Premier said so himself in 1900.

HON. R. PHILP: He said a good many things in 1900 that he does not say now. We are only wasting time in discussing a Bill of this sort.

The SECRETARY FOR RAILWAYS: You advocated the principle of this Bill two years ago.

HON. R. PHILP: The late Government inaugurated this principle in the Railway Guarantee Act, but they only asked the local authorities to pay 2 per cent. They also lent money to the local authorities at 4 per cent. to build their own lines. The local authorities would rather borrow the money themselves at

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4 per cent., build the lines, and work them themselves, than get a railway under this Bill. Of the four lines which were built under the guarantee principle, two of them are paying and two do not pay. Several lines have been built exclusively by the local authorities. They borrowed the money at 4 per cent., and they have been given forty years in which to pay the money back, with interest added. Six of these lines were built in North Queensland, and one in the South.

MR. PAGET: And only one has any arrears of interest and redemption.

THE SECRETARY FOR RAILWAYS: There is nothing to prevent them from continuing to do that.

HON. R. PHILP: Yes, there is. The local authorities spent the money themselves in building those lines.

THE SECRETARY FOR RAILWAYS: They can borrow the money for the same purpose now.

HON. R. PHILP: Not one local authority will build a railway under the provisions of this Bill and pay 4 per cent. interest from the beginning. Why, we have only two railways in the State that are paying 4 per cent. With the exception of the Northern line and the Mount Morgan line, none of our railways are paying 4 per cent.

THE SECRETARY FOR RAILWAYS: Yes, the line from Brisbane to Gowrie.

HON. R. PHILP: Nothing like that. If we had started by saying, "We shall not build a railway unless it pays 4 per cent.," we should not have had 100 miles of railway in Queensland to-day. At the present time we are better able to build railways than we were five, ten, or twenty years ago. We are asking more people to come here. We have room for many more people, as we have plenty of good land, but we want to open up the country by building railways. The Government should build the main lines and let the branch lines be built under the guarantee system. If the people are asked to pay 2 per cent., it is as much as they should be asked to pay. Look at the people in the towns who benefit much more than those inland from the construction of railways. They pay nothing, and the unfortunate people in the back country have to bear the burden. And they will suffer more under this Bill, as all the railways are built on the coast, and the coast towns do not want any more lines. The member for Leichhardt mentioned one or two divisional boards that would be ruined entirely if they had to borrow the money to build railways. The people who built the Enoggera and Pinalba lines have been crippled already.

THE SECRETARY FOR RAILWAYS: They say they want the principle extended to them.

HON. R. PHILP: Then they do not know what they want. The Minister tells us that the people are most anxious to get lines built on the terms of this precious Bill.

THE SECRETARY FOR RAILWAYS: I did not say that. I gave a list furnished by the Lands Department, and I said that two intimations had been received.

HON. R. PHILP: If these people would not construct lines when they only had to pay 2 per cent., is it likely that they will come in when they have to pay 4 per cent.?

THE SECRETARY FOR PUBLIC LANDS: They could not come in that way.

HON. R. PHILP: Then amend the present Act. Hon. members say they would like the rate of interest altered, but they cannot alter it in committee. We want more railways in Queensland, and we want only a fair portion of the cost of the railways debited to the people who

benefit by them, and not the whole cost. It is monstrous to expect the people in a young country like this to bear the whole cost of railway construction. The Minister said that £160,000 has to be spent annually to make good the loss on the railways, but who has paid that £160,000? Has not everybody paid some of it? People who have no railways at all have to pay portion of it, and they are asked in future to pay the whole cost of building railways. It is monstrous in a young country like this to expect such a thing. Why, only this afternoon we gave permission for the introduction of a Bill to enable a syndicate to build a railway, and they are to be paid 2½ per cent. on the cost, while to our own people—the people who are the best to keep in the country—that is, those on the land and who are making the country—you say, "If you want railway communication you can pay every stiver—4 per cent." As I have pointed out, the people in the past preferred to build the lines themselves rather than let the Government build them and pay 2 per cent.

MR. TURNER: Why did you not build the lines for them?

HON. R. PHILP: It is no reason because I did not build the lines that this Government should not. I was told that I built too many lines. The conditions are very much better this year than they have been for any year when I was in office for the construction of railways. I hope that the Premier and the Minister for Railways, after hearing the discussion on this Bill, will withdraw it, and will bring in a measure to amend the present Railway Guarantee Act. That will enable the people on the Warwick to Maryvale line, who want that railway built, to build it.

THE PREMIER: You mean that will kill the Bill.

HON. R. PHILP: There is nothing more certain than, if this Bill is passed, that it will kill all further railway construction in Queensland.

MR. P. J. LEAHY: That is the object of the Premier.

THE PREMIER: You are not a good prophet.

HON. R. PHILP: The Premier is a very wise old man. (Laughter.) He told us that he did not know much of Queensland before he went North four months ago, and I do not think he knows much now. (Government laughter.) Nothing seems to trouble the Premier. He does not trouble whether this Bill is passed or not.

THE PREMIER: Read all that I said.

HON. R. PHILP: I have read it once already. I will read it again if you like, but it is not worth reading. He laughs and talks and says, "We do not want any more railways in Queensland," and "If we had no more railways to build, we would get on very well." I do not think so.

THE PREMIER: Did he say that?

HON. R. PHILP: Practically he did. I understood that he was going to open his hand now, and go forward. If this is going forward, it is going forward like a crab. He is going at the rate of about a mile a year. He is going backwards instead of going forward. I am certainly opposed to this Bill, and I hope that in committee it will be made such a Bill that the Government will have to withdraw it. Every member on that side of the House said, "I believe in this Bill, but." They all said "but," and wanted various alterations. Most of them want the rate of interest reduced, but they cannot do that. The Government certainly do not want to build any more railways when they introduce a measure of this sort. If the old Act was not of much use, I do not see what use this Bill will be. I ask the Minister for Railways if

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he could not sell maize at 2s. a bushel, and he raised the price to 4s., does he think the people would rush him for it? It is just

[10 p.m.] the same with these railways. This

Bill will probably go through this year, and next year perhaps a wiser Government will abolish it altogether. I do not think anyone who really wants a railway will encumber his land with a burden of 4 per cent. I do not think that any local authority will ever ask to have one mile of railway built under this Bill and allow the Government to build and run it. I do not think any Government can force any railway on a district against their wishes.

The SECRETARY FOR RAILWAYS: Hear, hear! They do not intend to do it.

HON. R. PHILP: But there will be no applications for railways under this Bill; and remember, all railways must in future be constructed under this measure, if it is passed. I certainly think that, if we had constructed some railways in the past under the Railways Guarantee Act, it would have saved this State a considerable sum of money—such lines as the Dalby-Cattle Creek line, the Goondiwindi line, the Gayndah line, and very likely the Blackall line, too. The Cloncurry line could safely be constructed under it, because I am certain it will pay more than 2 per cent. But, after having passed all those lines—which, on the average, are about the worst lines ever passed by this House—the Government come forward and say, “We shall pass no more lines like that. We shall insist on every local authority paying 4 per cent.” The Premier is so keen on making money that he is insisting on 4 per cent., although it will not cost that to build railways. I hope the Government will seriously consider their position and withdraw the Bill, because it will be no credit to them. It will certainly stop railway construction in this State, and I think that at the present time a judicious railway policy would be a very good thing for Queensland.

\* The SECRETARY FOR PUBLIC LANDS: One reason that the leader of the Opposition advanced against the Bill was that it would be a matter of disappointment to those who might be awaiting this measure that railways should be built by the Government. A man with the railway experience of the hon. gentleman must be well aware of the fact that the cheapest lines that have been built in Queensland have been built under the *régime* of the present Government.

MR. J. LEAHY: What lines?

The SECRETARY FOR PUBLIC LANDS: According to the information at my disposal—I think the hon. gentleman has access to official information in the same way—but, according to the information which has reached me from the Railway Department, I believe the cheapest line built in Queensland is the Dalby-Cattle Creek line. I qualified my statement by saying “according to the information which has reached me,” because I have not made an application directly to the Commissioner for the official figures; but just before the line was opened I went over it with Mr. Munro, the constructing engineer. I said, “How much is this line going to cost?” and he said, “I shall build the 23½ miles for £23,000.”

MR. P. J. LEAHY: And it is the worst built line in Queensland.

The SECRETARY FOR PUBLIC LANDS: I have no doubt the hon. member, in addition to his many other accomplishments, adds that of constructing engineer. (Laughter.)

MR. P. J. LEAHY: I was over the line.

The SECRETARY FOR PUBLIC LANDS: If the hon. member authoritatively asserts that it is the worst constructed railway in Queens-

land, whilst I may not actually believe that it is, I shall consider the matter might be investigated, at all events. I am not an authority on railway construction, but I have travelled over the line, and, cheaply as it has been constructed, I believe it is about the smoothest running line that I have ever travelled over in Queensland. Certainly the rails are not sinking, and when I was over it a few days ago, it appeared to me an extremely fine line. I shall always remember with gratitude that, although the leader of the Opposition now, I am sorry to say, spurns that line, and never mentions it without contumely, I always remember, nevertheless, that the hon. gentleman proposed the construction of that line in this House. (Laughter.)

HON. R. PHILP: I was asked to borrow the money.

The SECRETARY FOR PUBLIC LANDS: I hope the hon. gentleman will not do an injustice to himself. That action, at least, always remains to his credit. I recollect he made a strong attempt to pass it. We were discussing it till about 11 o'clock at night.

HON. R. PHILP: I have done some foolish things in this House.

The SECRETARY FOR PUBLIC LANDS: Yes, I must admit that also; but that was not one of them. The hon. member for Bulloo—who seems to know a good deal of what is going on in railway matters—announced that the line was not paying. I should like to ask the hon. gentleman where he got that information from?

MR. P. J. LEAHY: It is patent to anyone who knows the facts.

The SECRETARY FOR PUBLIC LANDS: I should like to ask the hon. member for Bulloo where he got the information which induced him to make that statement?

MR. J. LEAHY: From the hon. member's supporters in Dalby.

The SECRETARY FOR PUBLIC LANDS: Well, what supporter of mine in Dalby knows anything about the finances of that line? I venture to say that the hon. gentleman got the information from another source. He certainly did not get it from anybody in Dalby, because no one in Dalby knows the details of receipts. He got it from another source. In regard to that line, let me say that, first of all, it is not completed. There is not a stick of fittings on the line; there is not a trucking yard; and sheep by the thousand and cattle that would travel along the line, if the fittings were available, are either sent to Dalby or to Macalister. The line, so far, has simply not had a chance. In addition to that, for a number of miles it has to go through a large freehold property, which I think we may make some proposition to this House about before the session expires. In addition to that, at the end of the line there is a matter of 18,000 acres of unselected land which will, when they are selected, bear the enhanced value conferred upon them by the construction of the line, and which will, in a few days, be opened to selection in London.

HON. R. PHILP: Were they not open to selection in Queensland for many years?

The SECRETARY FOR PUBLIC LANDS: Not with the railway. They were never surveyed before.

MR. J. LEAHY: Are they not to be opened in Queensland now?

The SECRETARY FOR PUBLIC LANDS: I am surprised at an authority on land matters like the hon. gentleman asking me if they cannot be simultaneously opened for selection in London and Queensland. We heard the hon. gentleman *ad nauseam* on the Land Bill last session, and he knows very well that it cannot be done. However, I do not want to dwell on that matter any further. I merely wish to allude to the question

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of the Dalby-Cattle Creek Railway in order to show that, whatever its fate may be as a remunerative line or not, the time has not yet come when we can sum it up. The line has not yet had a fair chance, and the necessary action has not been taken with regard to the country through which it goes.

Mr. J. LEAHY: How many years do you want?

The SECRETARY FOR PUBLIC LANDS: Two or three, or four years hence we shall know a great deal about it. But what I principally rose to say is that the Government brought this Bill in with two chief motives; one—the dominant one—is that they thoroughly believe in the leading principle which is embodied in the measure; and the second—a minor one, but still an appreciable one—is that they have in their memories still ringing the exhortations of hon. members on the front Opposition bench who, in the month of December, 1904, urged them to bring in a measure of this kind. I read the passages in the speeches which they delivered at that time with the greatest interest, and was able to contrast what the hon. member for Bulloo said in his speech the other night with what he said so recently as December, 1904. And when I listened to the leader of the Opposition just now I was able to make a similar contrast in regard to that hon. gentleman. I was also able to contrast the remarks of the hon. member for Warrego in this debate with the sentiments he previously expressed on this subject. With the possible exception of the hon. member for Toowoong, there was no one on the other side of the House more insistent, when the Dalby-Cattle Creek line was brought in, in December, 1904, that those who were affected beneficially by the railway should make some contribution towards its cost than the leader of the Opposition and the hon. member for Bulloo.

Mr. J. LEAHY: I say so now.

The SECRETARY FOR PUBLIC LANDS: How can those hon. members say so after the speeches they have delivered on this measure? The leader of the Opposition not only enunciated the view I have quoted, but moved an amendment to try to put the principle in force. I shall read a few extracts to substantiate my statement. The hon. member moved an amendment to insert at the end of the 1st paragraph of the resolution authorising the construction of the line the words "the cost of such a line to be borne by the local authorities interested." The whole debate took place on that amendment.

Mr. J. LEAHY: I would always oppose a job.

The SPEAKER: Order! The hon. member is not in order in saying that the line was a "job."

Mr. J. LEAHY: I said "I would always oppose a job."

The SPEAKER: The hon. member is not in order in making any such insinuations.

The SECRETARY FOR PUBLIC LANDS: It would be an excellent thing if the hon. member for Bulloo would try to infuse into his letter-perfect knowledge of the Standing Orders a little of their spirit. I find that the leader of the Opposition, in moving the amendment I have just quoted, said—

Those who believe in the betterment principle, he submitted, ought to accept his amendment. Those people who were to be benefited ought either to pay or guarantee the cost of the line, as had been done in the other districts he had named.

GOVERNMENT MEMBERS: Hear, hear!

The SECRETARY FOR PUBLIC LANDS: The hon. gentleman went on to say—

In this case they ought to insist on the local authority borrowing the money from the Government.

Hon. R. PHILP: I say so still.

The SECRETARY FOR PUBLIC LANDS: The Secretary for Railways has drawn my atten-

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tion to the fact that I have missed an important passage, and I do not want to miss these choice fragments. The hon. member for Barcoo interjected—

Are you going to give us betterment?

The leader of the Opposition replied—

Where a line was to be built, which would benefit certain freehold lauds, those lands should pay for the betterment—for the enhanced value given to them.

Where in the remarks of the hon. member for Bulloo, or the leader of the Opposition, on the second reading of this Bill do we find one single iota of a sentence confirming that statement?

The hon. member went on to say—

In this case they ought to insist on the local authority borrowing the money from the Government. They could borrow it on splendid terms now. They could borrow at 4 per cent., and have it repaid in forty years. That was, practically, that if they paid 5 per cent. per annum they would wipe out the whole amount.

Apply that principle to that district, and it means that you are asking a shire council, composed of a number of ratepayers who derive no benefit from that line, to incur an expense for the construction of the railway for forty years at 5 per cent. per annum. That is what the hon. member proposed as against the proposition of the Government—namely, that those who are directly benefited by the line shall, under the conditions laid down in this Bill, pay 4 per cent. on the cost of construction. What possible advantage is there to the inhabitants of the Wambo Shire Council district if they choose the proposition of the hon. member in preference to the provisions of this Bill? Here, again, the hon. member reiterates the statement made in that speech that the people who hold the land along the line would be benefited.

Hon. R. PHILP: You can buy that land at an enhanced value after the line is built.

OPPOSITION MEMBERS: Hear, hear!

Mr. KERR: A lot of jackalls.

Hon. R. PHILP: I rise to a point of order. Is the hon. member for Barcoo in order in describing us as "jackalls"?

The SPEAKER: No, the hon. member is not in order. If the hon. member used that term I am sure he will withdraw it.

Mr. KERR: I withdraw the interjection I made.

Mr. LESINA: I rise to a point of order. Is the hon. member for Cairns in order in referring to hon. members as "dogs howling"?

The SPEAKER: I must ask hon. members not to interject. All these interjections are grossly disorderly.

Mr. LESINA: They are exhibitions of wit.

The SPEAKER: I hope the hon. member for Dalby will be allowed to conclude his speech without further interruptions.

The SECRETARY FOR PUBLIC LANDS: I find, coming to the hon. member for Bulloo, that he crystallised his statement into one sentence—

Those who benefited largely by the expenditure of public money should pay something in return.

Then the hon. member for Warrego, animated, I have no doubt, by commendable fraternal sympathy, went on to confirm the sentiment the hon. member for Bulloo had enunciated by saying—

He trusted that the railway would be built, but he should be sorry if the people benefited by its construction did not contribute something towards making good the loss which the Government would suffer by its construction.

Mr. P. J. LEAHY: I say so now.

The SECRETARY FOR PUBLIC LANDS: It is not necessary to say more upon the extraordinary change that has taken place in the opinions of hon. members opposite. There are

just two other points I want briefly to touch on. It has been said, with a tone of great authority, that the rate of interest in this Bill cannot be altered, if anyone should want to alter it, if once we go into committee.

Mr. J. LEAHY : The Government can.

The SECRETARY FOR PUBLIC LANDS : I am glad to hear the hon. member make that qualification, among many others that he has made. The other point is with reference to a remark of the hon. member for Leichhardt, who mentioned a number of areas to which he said this measure would not be applicable. He mentioned in particular a line from Westwood to Dawson Coalmine, *via* Rannes, the length of which he stated to be 100 miles. As a matter of fact, the length of that line, according to the table I have here, is only about 50 miles. That line, to start with, runs through the Gogango Scrub for some distance—which is going to be settled by dairy farmers—and for the rest of the distance it goes through good pastoral country until it gets to the coalmines. The construction of that line will open up some very rich land for settlement.

Mr. HARDACRE : What local authority will take the responsibility ?

The SECRETARY FOR PUBLIC LANDS : They will not be asked. When the leases are resumed—whatever resumptions can be made under the Act—that country, instead of, as is the case under present conditions, being thrown open to grazing farm selection, will be available for agricultural farm selection, and the population along the line will be vastly increased. Those holdings will be rated on the basis of the books of the local authority. That line, so far from being an example of a line to which the Bill will not apply, is a conspicuous example of the benefit it will derive from the principle.

Mr. HARDACRE : It will be absolutely ruinous to the local authority.

The SECRETARY FOR PUBLIC LANDS : It will be nothing of the kind. I can only say I am very glad to be associated with a Ministry that has got sufficient originality to introduce a measure which will bring about railway construction and at the same time prevent a continuance of the ruinous loss of interest which the taxpayers generally of Queensland have had to bear in the past. I am very glad to be associated with a Government which is doing that, and I wish, as Lands Minister, as keenly as any man in this House—more keenly, I believe, than most—that such a measure should go through. So far from believing that no railways will be constructed under it, I believe it will give the greatest impetus to railway construction that has ever been given in this State. Wherever I have travelled in the State I have explained the system that we propose, and I have not heard a discordant voice yet objecting to the obligation proposed. They are prepared to take their railway on such conditions, and they consider them perfectly fair. When these railways are constructed, there will be an amount of land settlement that will be absolutely unprecedented in this country ; and I say that any member of this House who deliberately opposes a Bill of this kind—whether conscientiously, or as a result of the mere accident of party politics, on the principle that it is the duty of an Opposition to oppose almost every measure the Government brings in—is no true friend of the country. If this Bill goes through, and the railways we have in contemplation as the result are constructed, it will be one of the best things that ever happened to the country ; and if I remain Lands Minister I will undertake to put people on the land in a way they have never been put on before.

GOVERNMENT MEMBERS : Hear, hear !

1906—N

Question—That the Bill be now read a second time—put ; and the House divided :—

AYES, 39.

Mr. Airey	Mr. Kidston
" Barber	" Land
" Barton	" Lesina
" Beli	" Mann
" Blair	" Maxwell
" Bouchard	" McDonnell
" Bowman	" Mitchell
" Bridges	" Mulcahy
" Burrows	" Murphy
" Cowap	" Norman
" Denham	" O'Keeffe
" Dibley	" O'Sullivan
" Fudge	" Payne
" Grant	" Rankin
" Grayson	" Reinhold
" Hardacre	" Ryland
" Hargreaves	" Scott
" Hawthorn	" Turner
" Jackson	" Woods
" Kerr	

Tellers : Mr. Reinhold and Mr. Bridges.

NOES, 14.

Mr. Barnes	Mr. J. Leahy
" Cameron	" P. J. Leahy
" Forsyth	" Lindley
" Hanran	" Paget
" Jenkinson	" Petrie
" Jones	" Philp
" Keogh	" Stodart

Tellers : Mr. Keogh and Mr. Paget.

PAIRS.

Ayes—Mr. Herbertson, Mr. Spencer, Mr. Kenna, Mr. Maughan, Mr. Somerset, Mr. Hamilton, and Mr. Nielson.  
Noes—Mr. Fox, Mr. Macartney, Mr. Forrest, Mr. Cribb, Mr. Paull, Mr. Plunkett, and Mr. Campbell.

Resolved in the affirmative.

# SPECIAL ADJOURNMENT.

The PREMIER : I move that the House, at its rising, adjourn until Tuesday next.

Mr. LESINA : I do not know what particular reason the Premier has for losing a day. He called the House together on the 24th July—the latest date on which Parliament has been called together for the last twenty years. Any member who reads the records of speeches delivered by the hon. gentleman when in opposition will discover that he was a most eloquent advocate for early meetings. Since he has come into office he has met the House, in conjunction with his late leader, during two sessions on the latest date that Parliament has been called together for twenty years. Is this how he carries out his principles when an opportunity is afforded to him ? But this is no departure from the recognised principle he has travelled on for years past. Time after time he has been elected to this House on certain principles, and every time he gets an opportunity he departs from them, and he is no more conspicuous in this matter than in the matter of land sales and syndicate railways. I desire to enter my strongest protest against Parliament being called together at so late a period, and then the second week after we meet the hon. gentleman proposing to lose a day. And for what purpose ? So that he and his party can go down the harbour and witness torpedo practice on a gunship. I strongly object to such procedure.

Mr. BRIDGES : Why don't you come, too ?

Mr. LESINA : The less you say the better. You have sold every leader you ever sat behind, and you are just as ready to stab your present leader. The hon. member is consistent only in one thing, and that is in maintaining a seat on the Government side of the House.

The SPEAKER : Order ! I must ask the hon. member to confine himself to discussing the motion before the House.

Hon. Sir A. S. Cowley.]

Mr. LESINA : I cannot understand why the hon. gentleman, knowing that we have the business-paper simply gorged with business, that there are twenty-eight items in the Governor's Speech to deal with, that we are in the eighth month of the year, and that there is a possibility of the House adjourning over the federal elections to enable members to go out and help the socialist candidates, should lose a whole day at this stage of the session. There will be no possible hope of getting the business through at this rate. I protest again against this loss of another day. To-morrow we might have been discussing a Trades Union Bill, but instead of that this glorified and transmogrified Labour leader prefers to take his party down on the "Lucinda" and feed them on truffles and champagne and stuffed turkey and chicken and aspic. If the leader of the Opposition had proposed it I could have understood it, because these are the fine old traditional practices of Conservative Governments, but for a Labour Premier to do these things when every minute of time is precious, is not only an affront to the democracy, it is a disgrace to the House.

Question put and passed.

The House adjourned at twenty-one minutes to 11 o'clock.