Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

**THURSDAY 5 SEPTEMBER 1907**

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THURSDAY, 5 SEPTEMBER, 1907.

The SPEAKER (Hon. John Leahy, *Bulloo*) took the chair at half-past 3 o'clock.

## QUESTIONS.

### TRANSPORT OF RAILWAY MATERIAL TO TOWNSVILLE.

Mr. JACKSON (*Kennedy*) asked the Secretary for Railways—

What was the expense incurred by the Railway Department during the year 1906-7 for fares and for freight on rolling-stock or other railway material between Brisbane and Townsville?

The SECRETARY FOR RAILWAYS (Hon. G. Kerr, *Barcoo*) replied—

£11,231 12s. 3d., made up as under:—

| — | Paid from "Revenue" Votes. | Paid from "Loan" Votes. | Total. |
|---|---|---|---|
| | £ s. d. | £ s. d. | £ s. d. |
| Rolling Stock ... | 161 12 11 | 739 8 7 | 901 1 6 |
| Sleepers ... | 322 4 0 | 1,525 7 2 | 1,847 11 2 |
| Timber (Girders, &c.) | 178 14 9 | 691 2 11 | 869 17 8 |
| Coal—15,440 tons "Revenue," 717 tons "Loan," at 8s. per ton | 6,175 10 0 | 286 15 9 | 6,462 5 9 |
| Stores ... ... | 49 2 4 | 289 13 9 | 338 16 1 |
| Fares ... ... | 167 15 0 | 230 0 0 | 397 15 0 |
| Insurance ... | 21 11 3 | 147 19 3 | 169 10 6 |
| Permanent Way Material | ... | 244 14 7 | 244 14 7 |
| | 7,076 10 3 | 4,155 2 0 | 11,231 12 3 |

### INEQUALITIES IN RAILWAY FARES AND FREIGHTS

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

1. Is he aware that passenger fares from Charters Towers to Sellheim, a distance of 11 miles, are: First

class return, 3s. 8d.; second class return, 2s. 5d.; while those from Brisbane to Sandgate, a distance of 13 miles, are: First class return, 2s. 6d.; second class, 1s. 8d.?

2. On what basis are the extra charges made for the North?

3. Will he, when arranging for the reduction of passenger fares and freight rates to the extent of £50,000 each, so compute the reduction as to fix the fares and freights charged on all the railways in the State on the same basis?

The SECRETARY FOR RAILWAYS replied—

1. Yes; but when a special excursion train is run from Charters Towers to Sellheim or Macrossan (13 miles) the return fare is 1s. 8d. The fares to watering places such as Sandgate, Wynnum, etc.,, where a great many passengers travel, have always been lower than to places in the interior.

2. So far as the Northern Railway is concerned, the fares are on the same basis as Toowoomba and other places with a comparatively small suburban traffic.

3. Yes, subject to the principles contained in the answers to questions 1 and 2.

## RAILWAY EXTENSION TO DALLARNIL.

Mr. HAMILTON (*Gregory*), in the absence of Mr. Jones, asked the Secretary for Railways—

1. Before introducing a proposal to extend the railway from Cordalba to Booyal, the ultimate objective of which is Dallarnil Scrub, will he cause a trial survey to be made from the Maryborough-Gayndah line to Dallarnil?

2. With a view of determining the best possible route, so that the line will best serve the greatest number of people, and the best interests of the State, will he be guided by the opinions of land and railway experts in introducing such railway proposal?

The SECRETARY FOR RAILWAYS replied—

1. Yes.

2. I will determine the best possible route as soon as I possibly can.

## RESUMPTIONS FROM BENGALLA AND DULACCA SOUTH.

Mr. GUNN (*Carnarvon*) asked the Secretary for Public Lands—

Is it a fact that the Land Court has declined to recommend resumptions under section 18 of the Land Act, 1902, from Bengalla and Dulacca South holdings, although selectors are prepared to go upon both areas?

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

The Land Court have declined to recommend resumption in both cases. A group are prepared to go upon Dulacca South, and I believe that the whole of both proposed resumptions would be selected if made available. Both holdings are in the vicinity of a railway.

## ACCLIMATISATION SOCIETY BILL.

### SECOND READING.

Mr. PAGET (*Mackay*) said: The Bill, of which I have the pleasure of moving the second reading, is one to enable a society which has been in existence for some forty-four years for a specific purpose—that is, the carrying on of acclimatisation and experimental work in Queensland in the propagation of plants—to deal with certain lands that are now vested in them in such a way as will produce a revenue to the society for the work they desire to do in the future, and in the carrying on of the work they have done in the past and are doing now. I know that the time for private business on a Thursday afternoon is very short, but there may be quite a number of members in the House who are not fully aware of the work that this society is doing, so I may be pardoned if I take up somewhat longer time than I desire, in trying shortly to explain the objects of the society.

Mr. MAXWELL: Is this the society that is responsible for the introduction of lantana?

Mr. PAGET: I do not think so; but I know they are responsible for the introduction of many hundreds of useful plants and trees.

Mr. MAXWELL: Such as *sida retusa*.

Mr. PAGET: No; *sida retusa* was introduced, I believe, by a gentleman who had to do with the Brisbane Botanic Gardens. In that connection, I may say that *sida retusa* is much maligned. It is regarded in some places as a valuable fodder for stock in time of drought.

The PREMIER: I see they introduced the Cape gooseberry. (Laughter.)

Mr. PAGET: I would also like to say that the society desire to carry on the work they are doing without appealing to the Government for endowment. They desire to find a revenue for that work from lands which are vested in them, and which have been proved not to be wholly suitable for the work they are carrying out. I should also like to draw the attention of hon. members to the fact that all agricultural societies in Queensland are not only endowed with money grants, but the bulk of them receive a further endowment in the shape of a grant of land. In order to save time, I propose to read an extract from the report which is to be presented to the members of the society at their next annual meeting—that is, the 1907 report. This report has been compiled and drawn up by the enthusiastic president of the society, Mr. Leslie G. Corrie, and I only regret that time will not permit me to read more than the one extract, as the whole report is exceedingly interesting and full of valuable information. With reference to the land the report states—

BOWEN PARK LANDS.

Members and well-wishers of the society will agree with the council that the time has come when the question of the disposal of these lands should be settled.

For many years, and year after year, continuous efforts have been made to secure the necessary authority. Had the permission been granted ten years ago, the society to-day should have stood in a very strong position, by medium of the expanded economic experimental work which could have been carried through.

No monetary assistance is asked, nothing beyond the necessary authority to utilise the original land endowment in the spirit of that endowment—namely, so as to provide that the operations of the society can be continued on a permanent basis, an absolutely secured revenue being all the society is seeking.

Some sixteen years since, the Government of the day assisting another association to secure a portion of this society's land, put an end to the annual allowance previously enjoyed by the society, and so forced it into the position of having to make terms upon very disadvantageous lines.

Half the value—as at that date—of the land was fixed upon, and then in place of the money being handed over for investment, it was arranged to pay it without interest during a term of twenty years, thus reducing the already under-estimated capital value by another 33⅓ per cent. This put the society into the position, as it were, of just living, from year to year.

The council, by most careful management, and greatly curtailing the society's operations, by degrees paid off a long-standing mortgage, provided a residence for the overseer in place of paying rent outside, and further saved sufficient to first rent some suitable land away from Bowen Park, and finally to procure the Lawnton site. As things eventuated, the Government, by virtue of its second mortgage, received through the medium of the society's land the only recoupment possible, as against heavy advances made to others. Except to the Government, no abiding good has come through the arrangement made sixteen years ago, and it is hoped, that with the balance of the land, something fairer may be decided in the interest of the society, for whose purposes the State originally made this land available.

Operations can, of course, be continued at Bowen Park, as in the past, but so manifestly disadvantageously to all concerned, that it appears almost criminal for the society to be prevented from doing the better work possible, under similar expenditure, upon a more suitable site.

It has to be remembered that the society is not a money-making one, that none of its office-bearers receive fee or award of any sort, giving their time and knowledge always gratuitously.

The work of the society does not overlap other work being done in Queensland; indeed, there is clamant need for great expansion of just such work as the society carries out, in the best interests of the economic utilisation of the lands of this State.

Sympathetic consideration was extended to the representatives of the council when they waited upon the Government, last year, in this connection. The Hon. the Premier expressed himself personally as seeing no reason why the society should not be permitted to deal with the original land endowment, provided that the spirit of the original trust was preserved so that no portion of any capital value received should be dissipated. Mr. Kidston asked for the request to be submitted in writing, which was done.

The Hon. the Minister for Lands required a variety of information as to the society's scope and doings, with the result that Mr. Bell finally expressed himself in favour of the proposal, and promised his assistance.

The Hon. the Minister for Agriculture, Mr. Denham, also sought further information, and eventually promised his support.

In all these negotiations, the council was greatly indebted to Mr. W. T. Paget, M.L.A.

By the time the business got thus far favourably forward, the year was so advanced that there was no chance of Parliament giving consideration to the necessary Bill.

Before Parliament meets again, steps will be taken to ensure this business receiving early attention.

Those are the proposals which have been before the council of the society for some years past with respect to the disposal of the lands and the obtaining of the necessary revenue from those lands. With a view to giving hon. members some information as to the objects of the society, I have a statement prepared setting forth what the society has been doing, and which I shall now read—

This society, now in its forty-fourth year, has been the means of introducing to Australia the greater portion of the essentially valuable economic plants now grown in Queensland, also red and fallow deer.

In its earlier years, while the ground granted to it at Bowen Park was never very suitable, the same was made to serve the purpose while mere introduction and distribution of plants was going on.

The time came when the major portion of mere introduction had been accomplished, and, for a few years, interest in the society and its work rather languished. It was then recognised that an equally valuable work for planters and agriculturists lay in the direction of improvement of the plants introduced, and more or less acclimatised plants, and the cross-breeding of the same, along with raising of new seminal varieties, also the improvement of aboriginal varieties of useful plants, etc., etc.

These activities, which enter now so largely into the modern development of agriculture in all parts of the world, were entered upon vigorously by the society, when it was soon found that the Bowen Park site was very unsuited for the purpose. While the greater portion of the gardens were, at that time, fenced off, and special experimental work commenced and continued, this was all the time in a more or less crippled way owing to the absence of good soil and the unfavourable location. As the experiments advanced they were further impeded owing to mere lack of space; upon which some land was hired in the Wellington Point district, which enabled the work to go on for a few more years, but always in a non-economic manner, owing to the distance of the rented land from Brisbane and various other causes inseparable from the divided arrangements which had to be made.

For some years the acquirement of a suitable site with good soil and in a sheltered elevated position close to the city has been before the council, with the result that in the year 1905 200 acres of land fronting the North Pine River at Lawnton were secured, upon which the larger experimental plantings are being established. The society is in process of paying for this land.

In addition to the mere plant-improvement work going on, owing to the unique command of water it is hoped that an invaluable object lesson in the way of the application of water to the cultivations can be eventually shown at Lawnton.

As you are doubtless aware from the publicity given to the society's work by the Press and in the annual reports, etc., the major items receiving attention at the present time are sugar-cane, pineapples, and cotton; cassava, for starch and glucose; also grasses and fibre plants, along with many other plants, the experiments with which are at present on a smaller scale—such as the attaining suitable or improved grapes, strawberries, and raspberries (by crossing with the native sort) for cultivation on the coast.

The society has also in hand the establishment of the best sorts of dates in the Western districts, and has imported and distributed some of the most approved varieties, and is now arranging for a further shipment to be established upon a special site donated for the purpose to the society by a private owner at Charleville.

The society is further endeavouring to establish the enemy to the pink wax scale, and has already made some half-dozen importations in this endeavour.

The operations of the society, in fact, are so numerous that to attempt to treat upon the same herein would run into too great length. The good work done, or attempted, is chronicled in the society's reports of many years past.

I feel that I must add a few remarks concerning the bigger experiments, and will ask you to be good enough, in connection with the same, to kindly refer to the sugar-cane seedlings analysis in the two last reports, and the extremely satisfactory results met with by the society to date, compared with the results achieved in West Indies, where the whole strength of the many botanical stations in the various islands has been centered on this work, under the official direction of Sir Daniel Morris, of Kew, who has been specially stationed in the West Indies for this purpose.

Concerning seedling pineapples, the society has succeeded in raising what I have no hesitation in describing as a long way the biggest collection of seedling pineapples ever got together, and will soon have considerably the largest experimental plantings of these in the world.

A question has been raised as to whether some overlapping is not going on, and the society only doing in this way what others are doing. Investigation will show that this is not so.

On the question of overlapping, I would like to say that the only other place in Queensland where this extremely valuable work is being done is at Hambleton Plantation, belonging to the Colonial Sugar Refining Company. What that company is doing is being done by a private concern for private purposes, but the work which the society is doing is being done for public purposes. Of course, the Colonial Sugar Refining Company never hesitate to assist those interested in getting stocks of cane or in supplying information to those to whom it is of interest.

Mr. SUMNER: Does not the society confine the plants to their own subscribers?

Mr. PAGET: Of course, the society, being one which has to raise revenue by subscriptions, necessarily the distribution of plants is confined to subscribers.

Mr. SUMNER: Not for public purposes.

Mr. PAGET: Oh, yes! Anybody can become a subscriber; but I would point out to hon. members that the public are not able to say to the Colonial Sugar Refining Company, as they are to the society, "Here are our subscriptions, give us the plants."

Mr. SUMNER: Would the Acclimatisation Society sell them?

Mr. PAGET: Yes; they have taken the greatest trouble during the last three or four years to let sugar-cane growers know of the work which is being carried on, inform them of the varieties of cane which have been obtained, and the high sugar contents of the most valuable canes, and they have been the means of distri-

buting very large quantities of these valuable canes. Of course, these are matters in which the society is, to a certain extent, circumscribed. I have always, as a member of the council, and one who has been consulted on this matter, urged the society to, if possible, have some experiments carried out in the North. For the information of hon. members, I may say that sugar-canes that are raised in a comparatively cold climate are much hardier than those raised further North, and, therefore, it is extremely probable that canes which have proved their high sugar contents in Brisbane or its vicinity will improve in value the further North they are taken. The report goes on—

In the case of sugar-cane seedlings, for instance, nothing can be found to show that we overlap other work in Queensland, except the Colonial Sugar Refining Company at Hambledon—private work; and, I might be permitted to add, in view of the magnitude of the operations being carried on elsewhere in the endeavour to improve the sugar content and weight of crop in canes, that, were this otherwise—namely, was the work the society is doing being prosecuted in half-a-dozen different directions in Queensland—the same should be held as a very commendable and satisfactory fact, in view of the value of this sugar industry to Queensland.

I may add that the stations under the Sugar Experiment Stations Act have not done any work in the way of propagating seedling sugar-canes. The very valuable work which is being done at the stations under the control of the bureau is more in the direction of improving the standard varieties of cane.

What the society asks is simply that the land granted for acclimatisation purposes should be so dealt with as to continue the society's work. The society asks no money from the Government, nor do its members seek power to dispose of the land originally granted so as to dissipate the proceeds. The society is quite desirous that the proceeds be safeguarded as the Government will know how, so that the spirit of the original trust in this matter will be perpetuated—namely, that the revenue only from the proceeds becomes available for the society's use.

That is a short *résumé* of the work that has been done. For the further information of members of the House, I would refer again to the report for 1907, which will shortly be published. It is a very lengthy report, and has been prepared by Mr. Leslie Corrie, a gentleman who is very practical and very enthusiastic in the matter, and very ably backed up by Mr. Mitchell, the society's overseer.

The PREMIER: It is bound to be a long report.

Mr. PAGET: I rather agree with the Premier that it is bound to be a very lengthy report. Therefore hon. members will excuse me for not reading it, but to show the scope of the society's operations I will just read the headings of paragraps in the report. In connection with the raising of sugar-cane seedlings there are four or five sheets of it, but the headings are—"Fresh Plantings," "Growth at Lawnton," "Northern Visit," and "Analyses," and then follows this remark—

Preparation was duly made for an extensive series of analyses, and through the courtesy of the Department of Agriculture Mr. Brunnich was enabled to commence this work in October.

In saying that I would also like to give my very sincere thanks to the Department of Agriculture for having acceded to the request of the society, made through me for the last three or four years, that they would allow Mr. Brünnich to make these analyses.

Mr. KENNA: Have they propagated any of the popular kinds of cane?

Mr. PAGET: Oh, yes! distributed them.

Mr. KENNA: They have not propagated any particular kind.

Mr. PAGET: They are known by numbers. Hon. members will understand that I cannot read the whole of the figures in this report; but I will say this in connection with the analyses: that the comparisons show that in 1903 there were twenty-three canes analysed that contained over 17.50 per cent. of what is called pure obtainable cane sugar. That is a very high analysis. In 1904 there were twenty-three canes found containing over that quantity of sugar; in 1905 there were eighteen, and in 1906 no less than fifty-three. Quite half the canes tested in 1906 were being tested for the first time, and all but seven of those tested in 1905 were retested in 1906—that is to say, the experiments were continued on proper lines. Then, in 1906, for fifty-three canes the average was 18.51 per cent. of sugar.

Mr. KENNA: Is that a popular cane?

Mr. PAGET: Yes; it has been distributed. In 1905 it was 19.21 per cent. There is a table here which I do not wish to take up the time of the House by reading.

Mr. KENNA: Does Dr. Maxwell approve of that cane? (Laughter.)

Mr. PAGET: I am really not aware of what Dr. Maxwell approves or what he disapproves of.

Mr. KENNA: It cannot be any good if Dr. Maxwell does not approve of it.

Mr. PAGET: That is the hon. member's opinion, but it may not be the opinion of the sugar-growers of Queensland. Then other headings are—"Other Analyses," "West Indian Seedlings," "Fresh Importations," "Fresh Distribution," and "Nomenclature;" and then there is a paragraph in connection with the work done by the Colonial Sugar Company, who have been assisting the society. Then follow other headings—"Interest Outside the State," "Seedlings in Other Countries," "Selection," "Bud Variation," "Variations in Individual Canes," "Introduction of Foreign Varieties," "Hybrids," "Historical," "Methods of Obtaining Seedlings," and "Future Work." Now, to show whether the work that this society is doing is being carried out on intelligent lines I would like to read this paragraph—

A schedule is given as to the advantages to be aimed at, viz.:—

1. Behaviour under extreme conditions of drought or excessive moisture;
2. Maturity—whether early or late;
3. Disease resisting power;
4. Milling qualities;
5. Tonnage of canes per acre;
6. Richness of juice in saccharose;
7. Purity of juice.

It is pointed out as advisable to work, first of all, to those characters which are of the greatest value economically, it being, of course, impossible to consider all points at the outset.

It goes on—

*Some Characteristics.*

It is laid down, as a result of the work to date, that a class of canes has been produced possessing, to a large extent, qualities which enable them to resist certain classes of disease.

In the West Indies it is found that most of the newer seedlings carry a thicker cuticle than the old varieties, and are therefore more or less immune from the attacks of insect pests.

In Java it is held that a larger yield of sugar depends upon the cane possessing an increased vigour, and also greatly upon immunity from disease. Experiments in British Guiana (Harrison and Denman) show—and this is confirmed in the West Indies (Watts and Cousins)—that, while manures will influence the yield of cane, the same do not favourably affect the sugar contents of the juice.

That is a report in connection with the raising of seedling sugar-canes. The operations of the society are not confined to the raising of seedling sugar-canes.

Mr. RYLAND: Do you want to raise a loan now?

Mr. PAGET: The hon. member is quite mistaken. The society does not wish to raise a loan. We had a Bill passed some years ago in this House to enable it to raise a loan, but that loan has been paid off; the mortgagee was cleared out. Now, there is another very valuable product the society has taken much interest in, and in this connection I would like to mention the name of one of the members of the council—Mr. Dan. Jones—who is also an officer of the Agricultural Department. To him, I think, and also to the operations of the society, we may tender our thanks for the extent to which the cotton-growing industry of Queensland has now grown, and in the future I think it will be bigger still. The society have done a great deal of work in connection with the raising of cotton and the way it should be done. At the National Agricultural Society's show last August, a cotton gin was installed, and inspected by many thousands of visitors, and it was one of the interesting features of the show. This item will interest the hon. member for Nundah, who probably knows a great deal more about it than I do, and that is the question of improving the quality of pine-apples.

Mr. SUMNER: We have done more work in three or four years than you have done in fourteen.

Mr. PAGET: I do not know whether the hon. member and his friends have been raising seedlings; all I would like to say is that the society has been trying for a great number of years to raise good varieties of pineapples from seed, and in carrying that work out, as with all experimental work, very often the value of the work lies in the failures.

Mr. SUMNER: They have done good work, but are very slow.

Mr. PAGET: The value of the work may lie in the failure of the efforts by one particular society, instead of encouraging 50 or 100 or 1,000 farmers outside to carry out the experiments themselves. At any rate, that is another branch of experimental work which the society has had in hand a great number of years, and I believe they have some 2,000 or 3,000 seedling pineapples in. As to whether they have been successful yet in introducing pineapples of a more valuable variety than are raised in the State at the present time I cannot say, but hon. members who know more about the growing of that crop than I do will be able to inform me. Then there are experiments in connection with raspberry, mangoes, date plums, papaw apple, olives, sweet potatoes, grasses, and native fruits. There was also considerable interest taken in the matter of the eradication of noxious weeds.

The PREMIER: I believe they are introducing new varieties of prickly pear there.

Mr. KENNA: They have got some beauties there.

Mr. ARMSTRONG: They did not introduce the Scotch thistle, anyhow.

Mr. PAGET: I might say that if anyone goes to the society's gardens at Bowen Park they might see there some varieties of what some call prickly pear, but that society cannot be people charged with having introduced new varieties there. This society has endeavoured to do valuable work any way in the matter of introducing a parasite for the wax scale.

Mr. SUMNER: Did they not bring it in?

Mr. PAGET: And also in connection with the lantana parasite which we hear of in Hawaii. The society has been endeavouring to bring them in on safe lines any way—they want to get them into Queensland on absolutely safe lines. We have no intention and no desire of introducing a parasite for the destruction of certain plants in Queensland if that parasite may be the means of attacking valuable economic plants. I have taken up considerable time in connection with this report, and I hope hon. members will excuse me if I do not give them any further opportunity of asking me further questions about the report. In connection with the removal of the society's operations from Bowen Park to Lawnton or some other suitable site, I may say that the council has got a suitable site at Lawnton, on the North Pine River, where experiments in planting have been made. An area of ground was planted with cotton last year, and I presume it will be replanted again, and so far as we can tell in two years' experiments these grounds have proved themselves highly suitable for the work being carried on. There is a small portion of the land at Bowen Park leased at present, from year to year, to Mr. Bowser, as a quarry. That brings in a small revenue to the society, and in that connection I may point out that it is also improving the society's property. The work of excavation which is being carried on in connection with that quarry will certainly improve the property. The quarry site is to be left in a state by the contractor that it may be used if necessary as a site for an extension of the Exhibition annexes, or of the grain or wool stores which are at present alongside the railway, and I understand that that site can be used for either of these purposes. I now come to the Bill which hon. members have in their hands.

Mr. RYLAND: It is about time you got to the Bill.

Mr. PAGET: I thought that if the hon. member did not hear the explanation which I tried to give lucidly and shortly of the work of the society, that he would have said, "Well, what have the society done?" (Hear, hear!) I want to get this Bill passed, and I just showed what the society has done.

The PREMIER: He does not give you credit for not reading the whole report.

Mr. PAGET: There are seven or eight clauses in the Bill, but the two main provisions in it are, first, to give the society the power to sell or lease the land that they now hold at Bowen Park, and which contains about 17 acres, and to compel the society to earmark the revenue from the investment of the money if the land is sold, or from the leasing of the land, for the purposes of the society only. These are the main provisions of the Bill. Clause 2 defines the term "trustees." Clause 3 provides for the Governor in Council having power to appoint trustees in the case of any vacancy. Clause 4 will make it lawful for the trustees, at any time after the passing of this Act, to sell the whole or any portion or portions of the said land, either in one lot or in several lots, by public auction: provided that a notice of such intended auction sale, fully describing the lot or lots to be offered for sale, and stating on whose behalf the sale is to be made, shall be inserted in not less than two newspapers, printed and published in Brisbane, one fortnight at least before the day on which such lot or lots shall be offered for sale. That gives the fullest publicity.

Mr. MAXWELL: That would compel it to go to the highest bidder without placing a reserve upon it.

Mr. PAGET: It does not say here that they will sell.

Mr. MAXWELL: It does not say the other thing either.

Mr. PAGET: No; and rightly so. I may say that the society is not desirous of selling this land if they can prevent it.

Hon. E. B. FORREST: They might lease it to the National Association.

Mr. PAGET: This clause deals with the sale of the land, but the next clause deals with the power to lease. If the Bill stated that the land was to be leased to some particular person or persons, or to some association or associations, then it would tie the hands of the Acclimatisation Society. In this connection I might say that negotiations were carried on for some considerable time with the National Association for securing this particular piece of land.

Mr. SUMNER: What about the public park there? It is such a beautiful park that if it were sold the public would lose a great benefit.

Mr. PAGET: In reply to that interjection, I might say that it is not a public park.

Mr. MULCAHY: It ought to be.

Mr. SUMNER: The public have always had access to it.

Mr. PAGET: That is so. I believe the public are allowed to have access to these beautiful gardens at any time during the year, with the exception of one day, and that is when the annual meeting of the society is being held. I, for one, would be extremely sorry to see such a beautiful site destroyed, and I do not think there is the slightest chance of such a thing happening. Clause 5 asks for power to lease for a term not exceeding ninety-nine years. In connection with this power of leasing, I was just saying that negotiations were carried on with the National Association towards that end. We had meetings between delegations from the National Association and the Acclimatisation Society, but we were not able to come to terms. The negotiations ended in the following letter being addressed to the secretary of the National Association on 14th October, 1905:—

> Dear Sir,—I am instructed by the council of the society to submit for your acceptance a lease of Bowen Park land and improvements (ex buildings) as from the 1st of January next, on the following terms:—
>
> £300 per annum for the first five years to the end of 1910.
>
> £350 per annum for the next five years to the end of 1915.
>
> £450 per annum for the next five years to the end of 1920.
>
> £500 per annum for the next five years to the end of 1925.
>
> The council will also give authority to sublet within terms of the lease, and would be prepared to agree to a purchasing clause under which the property could be taken over for the sum of £17,000 any time within the first five years, or £20,000 within ten years.

Those where the terms on which the Acclimatisation Society desired to do business with the National Association.

An HONOURABLE MEMBER: The Acclimatisation Society asked too much.

Mr. PAGET: The Acclimatisation Society asked a price that was equivalent to an interest of from 1½ per cent. to 3 per cent. on the valuation of the property, so that I do not think it can be said that they asked a rental that was not a fair thing under the circumstances.

Hon. E. B. FORREST: It depends on when the valuation was made. If it was made in boom times, it might be a very high percentage.

Mr. PAGET: The valuation was £1,000 per acre, and I am given to understand—I do not know it of my own knowledge—that land in the vicinity for building purposes is selling at £1,500 per acre. Clause 5 deals with the power to lease, and clause 7, which is another important clause, provides—

> The proceeds of any sale shall be invested by the trustees and may be so invested in any of the securities in which trustees are by law authorised to invest trust moneys, and all income therefrom arising and also all rents received under any lease under this Act shall be applied by the persons authorised to receive the same for the objects and purposes of the Acclimatisation Society of Queensland, and for the purpose of carrying on the operations thereof, and for no other purposes whatsoever.

From that clause hon. members will see that it is absolutely impossible for the society to apply the revenue to be derived from the sale or lease of these lands to any purpose other than that of carrying on the excellent work in which they have been engaged for the last forty-four years. They cannot carry on that work in the future unless they have a settled revenue. Clause 9 simply provides for the repeal of the Bowen Park Lease Act and the Acclimatisation Society Act of 1894. The former Act gave power to lease to the National Association some 23 acres included in original grant, and the other Act was passed to allow the society to mortgage its property, which mortgage has been paid off. I have endeavoured, as shortly and lucidly as possible, to place the position of the society and its objects before hon. members. There have been two precedents for the powers asked for in this Bill. On two occasions the Government passed Bills practically giving power to the society to do this. One of those Bills was passed to enable the society to lease portion of their land for ninety-nine years, and 23 acres were leased to the National Association for fifty years. The other Bill, passed in 1891, practically compelled the society to sell those 23 acres. That is ancient history, however, into which I do not desire to enter. I repeat, the society has done exceedingly valuable experimental agricultural work for a great number of years. It cannot do that work unless it has a continuing revenue.

Mr. GRANT: Have not the Government got experimental farms and gardens?

Mr. PAGET: They are not doing the work that the society is doing.

Mr. GRANT: What about Kamerunga and Mackay?

Mr. PAGET: The last payment for the 23 acres sold to the National Association will be made in 1910. For the last sixteen or seventeen years the National Association have been receiving practically an endowment from the Government of £750 per annum, which was earmarked for the purpose of paying the Acclimatisation Society for this land. If the society had been paid in cash for the land that was taken from them, they would never have had to ask for the passage of this Bill, because the money would have been invested, and would have yielded a regular income. I trust that the House will see fit to pass the second reading of the Bill, and that it will also allow it to pass through the Committee stage, as it is highly important that the society should be placed in a position to get a revenue for carrying on its work. I have very much pleasure in moving the second reading of the Bill.

The PREMIER (Hon. W. Kidston, *Rockhampton*): I just wish to say, in the briefest possible way, that I think this is a Bill that ought to meet with a sympathetic reception from the House. I think it is distinctly a desirable Bill to pass.

Mr. LESINA: Has the parliamentary fee of £25 required in connection with private Bills been paid? (Laughter.) I will raise a point of order.

The SPEAKER: Order! There is no point of order at all. (Laughter.)

The PREMIER: It is a Bill that the Government would have introduced, but it was deemed more desirable that it should be introduced as a private Bill. Whether the £25 has been paid or not I could not say, nor do I think it very much matters. I have never insisted upon the price being paid for a [4.30 p.m.] private Bill where that Bill was really for a public purpose; and I consider this is really for a public purpose, although the property of the society is vested in trustees, and to that extent it may be necessary to deal with it as a private Bill. The society have done, and are doing, excellent work. A vast amount of varieties of commercial plants have been introduced and improved in quality by the society. The work that has been done justifies the institution of the society, and justifies Parliament to-day in enabling them to carry out their work as efficiently as possible. It is, as a general rule, a bad principle to allow a society like this, which gets a grant of land from the Government, to first mortgage and then sell that land. The justification for it in the present case seems to be that the grant originally made to them of Bowen Park was a piece of land not well suited for the purposes of the society, and the real justification for this Bill is that the society have already got, or may get, more suitable land on which they can carry on the exceedingly useful work which they are doing to much greater advantage, and much more efficiently.

Mr. LESINA: Will you buy it from them?

The PREMIER: I am aware that if we pass this Bill permitting the Acclimatisation Society to sell this land, the Government are very likely to be worried to buy it, and hand it over as a gift to a neighbouring society.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: But, as Kipling says, that is another story, and we will discuss that later on.

Mr. BOWMAN: It is a very important lung space for the city.

The PREMIER: Brisbane has got a good many lung spaces.

Mr. BOWMAN: Not too many.

The PREMIER: I do not say too many.

Mr. BOWMAN: Not enough.

The PREMIER: But Brisbane has been fairly dealt with in that matter as compared with other towns in the State. Within the last two or three years we have given Brisbane an exceedingly nice little lung space down George street—as pretty a space as there is in the city. Brisbane may want more lung spaces, but I regret to say that the Brisbane authorities have got habituated to the notion that when they want anything the Government should provide it for them. As I have said, the real purpose of this Bill is to make the original grant of land effective for the purposes for which it was granted. I am not quite sure whether clause 7 of the Bill gives sufficient security to Parliament that the proceeds of the sale of this land will not be used for any other purposes than the purposes of the society. That is the only point to which I wish to call the attention of the introducer of the Bill. I think Parliament ought to be sure that ample safeguards are provided that once we permit the society to sell the land, which is not very well suited for the purposes of the society, and get other land which may be better suited for their purposes, we shall have as much power over that other land as we have over the present grant, and that we shall be as well certified that that other land cannot be put to any other purposes than the purposes of the original grant.

Mr. PAGET: There is no objection to that.

The PREMIER: I have consulted the Parliamentary Draftsman about the matter, and we can discuss it in Committee, and see if the hon. member cannot make that more certain than it seems to be in the present clause.

Mr. PAGET: That is all we desire.

The PREMIER: I believe that is so; indeed, I know very well that the society will have no objection to making it safe. But it is proper that it should be made safe in order to protect the people. I have no doubt that the House will pass the second reading of the Bill without any very great discussion.

HON. E. B. FORREST (*Brisbane North*): I do not rise for the purpose of opposing the Bill in any way, but to refer to the idea which prevails outside that the object of selling this land is to enable the National Association to get it. I am not connected with the National Association, but I should be very sorry if this land passed out of their reach. The work they are doing and have been doing for Queensland, and the work they are likely to do in future for Queensland, is of such importance that there should be no doubt in the minds of hon. members or anybody else that they will eventually get this land. It would be a very objectionable thing to allow this land to be sold for the purpose of erecting shops and factories on it. The land ought to belong to the National Association, and they should get it. I am not here to say how they should get it, or what they should pay for it, or how it should be bought. We are not discussing the question as to whether the Government should be called upon to pay for the land. But I say that, if it is obtained by the National Association, the Government should give them a strong helping hand to get it, and I think this House should be satisfied that at some stage the National Association will get this land. They want more room. The operations of the association are growing not only every year, but every month almost in various ways. It is a most useful institution, and it is doing wonderfully good work in the interest of the country, and it should be encouraged in every possible way. There is no doubt that the Government will be approached in the matter—at least, I hope they will be—and asked to help in a national work of this kind. It is not work that is done for Brisbane alone—it is done for the whole country.

HONOURABLE MEMBERS: Hear, hear! (Loud laughter.)

HON. E. B. FORREST: Everybody knows perfectly well that the work of the association is not only for the good of this country, but for the whole of Australia.

HONOURABLE MEMBERS: Hear, hear! (Continued laughter.)

An HONOURABLE MEMBER: For the whole wide world.

HON. E. B. FORREST: The association is doing good work for the country, and it will be expected to do more work, and if that work is not done at the Exhibition grounds it

will not be done anywhere else so well as it is done there. Everybody who goes to the Exhibition knows that more room is wanted in the grounds, and I hold that we should be satisfied that this land will not pass beyond the National Association, unless they absolutely refuse to buy it.

Mr. PAGET: Or lease it.

HON. E. B. FORREST: We are not discussing the question as to whether it should be leased or sold.

Mr. PAGET: Nothing can be done in that direction until an enabling Bill is passed.

HON. E. B. FORREST: I do not know. If this Bill is passed, they may sell the land to me or to anybody else. We want some assurance that the land will eventually be acquired by the National Association.

The PREMIER: Will you buy it, and hand it over to the National Association.

HON. E. B. FORREST: I should be very pleased to do that if I could get it at a price that I could pay. The Government should have power, in a measure of this sort, to carry out the proposal I am advocating. We should not allow this land to pass out of the hands of the present owners, unless the Government give us an assurance that they will see that the land shall not be devoted to any purpose other than a public purpose. I intend, of course, to support the Bill.

Mr. KENNA (*Bowen*): It is always much more pleasant to agree than disagree with a Bill of this kind, but I am in the unfortunate position of disagreeing with the objects of the Bill. In the first place, I think it is one which should have been introduced as a private Bill. It is a Bill designed for the purpose of benefiting a number of individuals joined together in the name of the Acclimatisation Society. Indirectly and inferentially, the whole people are supposed to benefit, but directly it gives the society power to sell a portion of its land, and to apply the money raised to purposes not specified. Now, under those circumstances—and I think there is ample precedent for it—I am of opinion that it would have been more in conformity with the usages not only of this Parliament but of the mother of Parliaments if the Bill had been brought in not as a public Bill, but with the usual forms and ceremonies associated with a private Bill.

Mr. PAGET: The society is not a trading or business concern.

Mr. KENNA: No, it may not be; but as it affects to some extent the consolidated revenue, and has a bearing on the property of the State, it would not only be better to have been brought in as a private Bill, but should have been initiated in Committee. I do not intend to raise any point of order, but other Bills of this description have been brought in in this way. There is a tendency towards the adoption of a slipshod, careless, don't-care-a-hang sort of style, which will ultimately cause a lot of trouble. Now, the society is a society leagued together for the purpose of introducing foreign plants and animals, and under artificial conditions acclimatising them, and it receives not only a subsidy from the Government but private subscriptions. I am of opinion, in spite of the long list of benefits which the hon. member has read out, and which he says the society has conferred, that it is not doing as good work as it might do. There is not the smallest doubt that the policy of keeping an eye open for new economic plants likely to be of value to the community and adapting them to the conditions of the country is a good one, but why should so important a matter as that be allowed to rest in the hands of private individuals subsidised by the State? Such a matter, instead of being in the hands of private persons, should be in the hands of the community, and be undertaken by botanic gardens or State farms. I believe the State farm at Kamerunga is doing good work in this direction. I believe that at Kamerunga State Farm a number of plants of economic value have been imported from outside, and are gradually being acclimatised. I happen to have been instrumental in getting a number of seedlings and plants introduced to Kamerunga. Not long ago I was reading a book in the library, by Henry Savage Landor, relating to travels in the Philippines, and I noticed a number of fruits mentioned there that are in common use in the islands. Many of them are minutely described, and some of them appear to be very luscious fruits indeed. It occurred to me that, while we are in the same latitude as the Philippines, none of these luscious fruits, which are sold in the streets there, are known to Queensland. As a matter of fact, we have never heard of the names of them. I went to the Agricultural Department with a list of these fruits, and suggested to the Under Secretary that it might be a good idea to communicate with the Government of the Philippines and endeavour to obtain seeds or seedlings. He did so. He is a gentleman who is always open to receive new ideas, and will accept any suggestion which he considers of any value in widening the scope of his department. He wrote to the United State Government and to the Philippines, the seedlings were obtained, and are now growing at Kamerunga.

The SECRETARY FOR PUBLIC LANDS: How long is it since they arrived there?

Mr. KENNA: About three years ago.

The SECRETARY FOR PUBLIC LANDS: Are they doing well?

Mr. KENNA: The last I heard of them was that they were doing well. It is a good thing to introduce into Queensland any plant of economic value, which, if it thrives, may be the means of establishing a new industry. Nobody denies for a moment that the work of acclimatisation is a good one; but the State farms are branching out so much in that direction that I think the functions and use of the Acclimatisation Society have become usurped, and that the work is being better done by the State institutions. Anybody who knows Mr. Mitchell, the Acclimatisation Society's officer, knows that he is a gentleman with great enthusiasm in his work, and a very able man, indeed. His researches have been of great value, although, as the hon. member for Mackay pointed out, it is not so much in successes as in failures that the society achieves something. I think Mr. Mitchell would find a greater sphere of usefulness if he were detached from a semi-State society, controlled by a number of individuals, and attached to a State institution. He might be attached to one of the State farms, or even to the Botanic Gardens, and given a portion of land there

An HONOURABLE MEMBER: We have a first-class man there.

Mr. KENNA: I do not know him, but if he comes near the reputation of his father he must be a very good man indeed. The functions of the society have been usurped to a large extent by State institutions, and the facilities for carrying on such work, and for carrying on negotiations with outside Governments in connection with not only botanical and economical plants, but agricultural knowledge, or knowledge likely to be of use, is

greater in the hands of a State than it is in the hands of any association of private individuals. I think that instead of prolonging the life of this association, it should rather be our duty to let it go, as it appears to be rapidly going, down the steep places into the sea, and supplant it by a State institution. I was once invited to a gathering of the Acclimatisation Society.

Mr. RYLAND: Did you go?

Mr. KENNA: I did, and it was a very nice outing indeed. Ices and strawberries were served—it was spread *al fresco*—and a number of agriculturists who were interested turned up in dress suits.

Mr. PAGET: Not in dress suits, surely!

Mr. KENNA: The hon. gentleman is evidently not an authority on etiquette. As far as etiquette is concerned I was only in another place two afternoons ago, and saw a gentleman in a dress suit discussing a measure there. The hon. gentleman may be an admirable authority on sugar, but as far as points of etiquette are concerned, I would rather take the opinion of the Minister for Lands any day than that of an agriculturist like the hon. member for Mackay. There is one objection—I am very sorry to draw attention to it—but the hon. gentleman may meet with opposition from gentlemen in the corner.

Mr. PAGET: They possess common sense.

Mr. KENNA: They possess common sense, but they also possess a platform, one of the most vital planks of which relates to the alienation of Crown lands.

Mr. PAGET: This land is alienated already.

Mr. KENNA: It is not alienated.

Mr. PAGET: Yes; the trustees hold the deeds.

Mr. KENNA: That is all they hold. If they do hold the deeds, why do not they mortgage it or sell it?

Mr. PAGET: Because their powers are limited.

Mr. KENNA: The acclimatisation ground out there is a public park.

Mr. PAGET: No.

Mr. KENNA: Can the society refuse to allow people to enter?

Mr. PAGET: Yes; they can close the gates.

Mr. KENNA: Then the sooner the Acclimatisation Society is closed the better, because that is one of the breathing spaces of Brisbane.

Mr. PAGET: The society allow the public to breathe in it by the same courtesy as you allow people to walk in your garden.

Mr. KENNA: I do not allow people to walk in my garden for the very good reason that I have not got one. (Laughter.) I was referring to the gathering of the society, and the number of agriculturists in dress suits who turned up to grace the occasion, but what impressed me was the fact that the trees under which we sat were infested with scale. (Laughter.) I do not think I have ever seen trees so badly infested with black scale as the mango trees were on that occasion. If the society is what it professes to be, it should show better results in its methods of agriculture. On Sunday last I casually took a walk out there, and I saw trees which were a disgrace to any agricultural society. What struck me was the large number of people walking about, and making use of that very admirable and picturesque little park of the society. I suppose there must have been forty or fifty young people down on the lawn enjoying themselves to their heart's content, and there were children playing around. I saw young swains—not the hon. junior member for Mackay—but several young swains courting. (Laughter.) The park seemed to me to be very much patronised by the community in that place. It would be a pity if any action of this House were to close that park to the people in that neighbourhood. Possibly, if this Bill passes, what will happen will

[5 p.m.] be this—instead of having open breathing spaces there, instead of having some little spot of green, where in a dusty neighbourhood people may come in order to get away from their prosaic surroundings—instead of that we will have that land suddenly cut up into 14-perch allotments with four-roomed cottages with galvanised-iron roofs, and all the usual appurtenances of the land speculator. And the whole place will then be shut in. I am one of those who think that in Brisbane we have not got enough parks and breathing spaces for our young people to play in. If anyone goes to Sydney they can see at once the necessity for more parks. In Sydney a large number of parks are to be seen on every hand. Not only from a health point of view are these parks necessary, but in these days of plague, and epidemics of that description, the more breaks we can have in the dull grey monotony of architecture, as it is nowadays, the better it will be for the community at large. (Hear, hear!) My friends in the Labour corner will not be able to support this measure. I know it. I can speak for them, because I know exactly what their platform is.

Mr. BOWMAN: Do you believe in it?

Mr. KENNA: That is another matter. I say that the pledges of my friends will prevent them from giving their support to this measure. There is only one condition under which they might possibly be able to support this Bill, and that is if the place were leased. The Bill makes provision for selling——

Mr. PAGET: Or leasing.

Mr. KENNA: Or leasing. If there is nothing to debar him from doing so, I would suggest to the hon. member in charge of this Bill that it would be advisable for him to expunge those portions dealing with the alienation of the land in order that he will be able to conciliate our friends, and confine himself to the leasing clauses only.

Mr. PAGET: The public have to pay to go into the National Association's grounds.

Mr. KENNA: Oh, no!

Mr. PAGET: Oh, yes!

Mr. KENNA: I was in there on Sunday, and I saw the grounds covered with nicely grown flowers. Then, with regard to the Museum, I went into the building itself.

Mr. PAGET: The Museum does not belong to the National Association.

Mr. KENNA: Does it not?

Mr. PAGET: No.

Mr. KENNA: At any rate, I am against this sort of thing. I would like to see the grounds still open to the public, and not closed by the society. As a matter of fact, if the worst came to the worst, I would like to see the idea of the hon. member for Brisbane North carried out. I would not like to see this land alienated to the land speculator with his four-roomed cottages, ten or twelve of them in a row, in which the proletarians would be housed and exorbitant rents, quite out of proportion to the wages they earn, extracted from them by the insidious methods of the landlord.

Mr. LESINA: Absentee landlords.

Mr. KENNA: I would much rather see the idea of my friend the hon. member for Brisbane North carried into effect—namely, that the National Association should become the possessors of it. It is my intention, if the measure goes into Committee, to move for the excision of those conditions, and prevent the alienation of this portion of ground at all.

Mr. MANN (*Cairns*): While I do not desire in any way to hamper the operations of the Acclimatisation Society, I, like the last hon. member who spoke, think that the society is behind the times, and the work could be more efficiently and better carried on by the Government. I am not alone in that opinion, as was clearly shown by the fact that the hon. member for Nundah stated that the society was too slow, and he himself and other private individuals were experimenting in the production of new varieties of pineapples from seeds. I may also inform the hon. member for Mackay that, so far as my memory serves me, it was not the Acclimatisation Society here that started the growing of seedling canes, but the Colonial Sugar Refining Company, at Hambledon.

Mr. PAGET: I did not say that the society started it.

Mr. MANN: I am pointing out how slow the society is. It was one of the employees of the Colonial Sugar Refining Company at Hambledon who was the first to demonstrate the fact that seedling canes could be grown in Queensland. That being so, I think it is a strong argument in favour of the Government taking over the work and extending the scope and operations of their present experimental farms and nurseries, and also adding to the number of such institutions. The hon. member for Bowen commented on the good work done at the Kamerunga Nursery. I believe that good work is being done there, but it is nothing like what could be done if the Government went into the matter in a whole-hearted and spirited manner. For example, we heard a good deal about the work done at the Acclimatisation Gardens in the production of seedling canes. That work could be much better done at the Kamerunga Nursery, where they are close to where the cane is grown, and where it would be an easy matter to get the seed when the cane arrows or goes into flower, and raise different varieties of cane. The hon. gentleman defends the growing of seedling canes in the Acclimatisation Gardens, because he said that here in a colder climate we were more likely to get a hardier cane than cane grown in a tropical climate like the Cairns district. I would not like to differ with the hon. member for Mackay on a subject with which he is so conversant such as that of canegrowing, but I would point out that we have no trouble at all in getting hardy varieties of cane up North. The only difficulty we have is to get a cane which will stand up well, and be easily cut and trashed. For example, there is a very hardy cane known as the Malabar, which flourishes well in the Cairns district. It is hard to cut—in fact, nearly as hard as ironbark—and when it is cut down it is almost valueless as a sugar-producing cane. I believe that in other districts the Malabar cane bears a very much better name than it has in Cairns, but it shows that an expert like the hon. member for Mackay can make a slip sometimes.

Mr. PAGET: It was I who gave the Malabar cane to the Colonial Sugar Refining Company.

Mr. MANN: Well, if the Colonial Sugar Refining Company took the Malabar cane from the hon. gentleman they will not take it from the canegrowers, because they have issued instructions that their cane suppliers are not allowed to grow the Malabar to any extent. If experiments are carried out and the Malabar crossed with a cane like the Rappoe we will get a good cane, and one that will stand up well. I think the Government should carry on that work, because the Colonial Sugar Refining Company have given over experimenting. That company produced a large number of varieties of cane, but when they came to weed them out, I think that most of them were found to be lacking in some respects. Those that were rich in sugar contents were weak in constitution, and those which were strong, healthy growers were lacking in sugar contents. For that reason I think it highly necessary that more experiments should be carried out, and the fit and proper persons to do that are the Government, and not a society of this kind, whose lack of knowledge can be shown by the fact that they have got as a site a particularly poor piece of land, such as that they now wish to dispose of. I should be sorry to see it sold, for the reason advanced by the hon. member for Bowen. That land is a breathing space to the city of Brisbane, and it should be preserved. Whether it is handed over to the National Association or whether it is taken over by the Government, it should be preserved as a public park. I would not support a measure allowing the Acclimatisation Society to sell the land. It has been shown by private individuals that English grasses can be successfully grown on the Evelyn Tableland and at Atherton; and, if English grasses can be grown there, why not English fruits? There is a movement on foot at the present time, and a petition is being signed to send down to the Premier, to establish a State farm there. It might be as well if the Government stepped into the breach and took over the Acclimatisation Society altogether, and went in for proper experiments in connection with fruits, trees, and grasses from countries other than our own.

Mr. LESINA: They say the land is not very suitable.

Mr. MANN: The leader of the Opposition is always telling us of the hundreds of millions of unalienated Crown lands we possess, so that the Government could pick and choose. They might have experimental farms all over the State, and have an interchange of ideas between the different managers. What might do well in one place might not do so well in other places; but on every farm we could grow the things most suited to the locality. We have been told that fruits have been brought to Kamerunga from the Philippines, and that they are doing well. The first I heard of it was from the hon. member for Bowen, although I was out at the gardens something like twelve months ago. Still, it is possible that the fruits have been tried. I know there are a lot of fruits propagated in the nursery whose names are better than the fruits themselves. We often hear a great deal about a delicious fruit which is grown in some other part of the world, and, when we get it, we find it is either a pest or it is not quite so good as our imagination led us to believe it was. If the Government would go into the matter in a whole-hearted manner, they would establish an experimental farm on the tableland at Atherton, and make experiments with fruits from colder countries, and go in for tropical agriculture at Kamerunga. Instead of experimenting, as they are now doing, in a half-hearted way, they could extend the scope of the work there, and increase the area of the nursery, and go in for work on a scale and in

a manner which would make it profitable to the State. That would be better than leaving it to the good will of a number of gentlemen, who may be willing enough to carry out the work, but who, judging by the way they have gone about it in the past, are behind even private individuals in the experiments they have initiated, and, so far as I can learn, their experiments have been of very little value to the State. I should be sorry, indeed, to see the land sold and built upon, or put to any other use than that of a public park. I do not intend to oppose the second reading of the Bill, but I trust that in Committee such amendments will be made as will preserve to the State the ground at present belonging to the Acclimatisation Society.

Mr. SUMNER (*Nundah*): I intend to support the second reading of the Bill, which is a very important one. It is, perhaps, more important than some hon. members think, and it deserves every consideration. We have heard and read in the public Press what some of the members of the National Association have been saying about this matter. Both the Acclimatisation Society and the National Association are doing good work; and I hope that, whatever is the outcome when the Bill is passed, the land will not be cut up into allotments, as the hon. member for Bowen said, and built upon. (Hear, hear!) I hope some arrangement will be made whereby the best part of the ground will be secured for the public, as it is at present. Bowen Park is one of the beauty spots of Brisbane, and I hope that beauty spot will not be lost to the people of the city for the sake of a few pounds. You have only to go there any afternoon, and especially on a Sunday, to see hundreds of people enjoying the beauties of the gardens, and I hope the best part of the gardens will be preserved, and the rest of the land secured to the National Association.

Hon. E. B. FORREST: Hear, hear!

Mr. SUMNER: I understand nothing can be done in that direction until this Bill is passed. There is no doubt the Acclimatisation Society have done good work. They have been charged with introducing many of the pests that we have in Queensland, and I dare say they are guilty to some extent. But the Botanic Gardens, owned by the State, are equally guilty in that respect. When the prickly pear came here, nothing was done until it became a national menace. When the water hyacinth was brought in, Mr. Corrie, a member of the Acclimatisation Society, read a paper at a Toowoomba conference, in which he warned the Government about it. A deputation waited on the Government of the day, and asked them to take immediate action in the matter. We have always gone along in a happy-go-lucky style, taking no action until the damage had been done. That has been our experience in days gone by. Until the Government took action in regard to animal and vegetable pests, people were allowed to bring in plants from all over the world. Whether the Acclimatisation Society brought in many of these pests I do not know, but we all know that the Government gardens brought in plenty of them.

Mr. MAUGHAN: Did not they bring in the sparrow?

Mr. SUMNER: I do not know who brought in the sparrow, but I know that the sparrow is becoming a national menace here, the same as it is in New Zealand, where it is impossible to grow the small fruits on account of the sparrow. What the hon. member for Bowen has said about the mango-trees in the Acclimatisation Society's gardens is quite true. They would be a disgrace to anybody's backyard, much less the Acclimatisation Society's gardens. Still, the society have done good work, and they did good work before the Government took any steps in regard to such work. The original intention of the society was to introduce economic plants, and they did so. I was a member of the society many years ago, and it was then looked upon with a good deal of suspicion by the public. They looked upon it as a society of which a man became a member for a year on payment of a guinea. He got enough plants to lay out his garden, and after the year was out he did not care whether he was a member or not. In later years, however, they have commenced experimental work. I interjected that they have been slow in regard to pineapples. It must be fourteen years since I and other growers supplied the society with seed. They raised as nice a lot of seedlings as ever I saw, but not one has ever gone forth to the public. Other growers started when they found they could not get seedlings from the society, and they have raised seedlings which have produced some of the finest fruit ever grown in Queensland. Mr. Bromley of Pialba—I think he is in the electorate of the hon. member for Burrum—started long after the Acclimatisation Society, and he has got what I think is the finest fruit in Queensland, if not in the whole world. Experts have said that there is nothing to equal it. He raised it from a seedling. That is what a private individual has done. But this is not work which should be undertaken by private individuals. It is work that should be taken up by the State to save growers the trouble of conducting these experiments themselves. Since the Acclimatisation Society took this matter up, Mr. Doyle, of Redland Bay, has raised several seedlings, some of them of great value. Mr. Kefford, of Redcliffe, has also raised a number of seedlings, some of which are of great value. The fault with the Acclimatisation Society is that there is no continuity in their work, as they change their managers. The manager when the first seedlings were raised was Mr. Souttar. He raised hundreds of splendid seedlings, and they were planted out, but the frost destroyed them, and he had to begin his experiments again. I do not think there is any novice of a grower in Queensland who would not have taken care to protect his young plants from the frost, but apparently that was not done in this case, and the result of that valuable experiment was in consequence lost to Queensland. They started again, I believe, about eight years ago. I have asked the society, and others have asked them, what they were doing with the plants, and we have been told that they had not yet determined which were the best, and as far as I know not one of those plants has found its way to a grower of pineapples. I believe that one of the chief causes why their experiments are so slow in arriving at results is that the land at Bowen Park is not suitable for carrying out such experiments.

Mr. PAGET: It is too cold and too heavy.

Mr. SUMNER: It is too cold, and although it is drained it is not a satisfactory place at which to carry out the work of the society. The society has done really valuable work in their experiments with regard to cotton. Any hon. member who likes to take a trip to Lawnton will see what valuable work has been done there in connection with experiments in cotton-growing—it is an object lesson. I think the society should be encouraged to go on with their experiments; but I hope that whatever is done this beauty spot at Bowen Park will

not be lost to the public. I trust that some arrangement will be come to whereby part of the land will be reserved for the National Association, and the remainder kept as a beauty spot for Brisbane. I agree with the hon. member for Cairns that experiments in connection with economic plants should be made by the Government, because then the public will get to know the results and learn what has been done. Hon. members can scarcely comprehend the value of work of this kind—work that is quietly done, but which is of great value to the State. We cannot estimate the real benefit to agriculturists, and to the State, of the work of a man who can improve seedling wheat in such a way that it will produce only one more bushel to the acre than the original variety produced. Dr. Cobb, of New South Wales, has done excellent work in this direction. Some of the varieties of wheat which he crossed were improved to such an extent that they yielded several more bushels per acre. It is, therefore, a profitable thing to pay such a man a good salary for the purpose of carrying out such experiments. Anyone who goes to the Exhibition and looks at the exhibits from the State farms will see that good work is being done at those farms. It is not all good work that they do. They make mistakes, but sometimes we profit by mistakes. I intend to support the second reading of the Bill, but at the same time I do not think this land should be cut up into allotments. I hope that some arrangement will be arrived at whereby it will be reserved for the National Association.

Mr. McMASTER (*Fortitude Valley*): Personally, I have no objection to the Acclimatisation Society leasing the land at Bowen Park, but I object to clause 4, which gives them the power to sell the land by auction in small allotments. I think it is the duty of the Government to step in and secure the land for the National Association. I do not say the Government should buy the land for the National Association, but that they should secure it so that the association may be able to obtain it from the Government. There is no getting away from the fact that the National Association is a national institution. Its annual exhibition in August is the best advertisement that Queensland has, and it attracts visitors from all parts of Australia. The association is growing every year, and within the next four or five years the present grounds will not be large enough for all the exhibits which are entered for competition. I know that the Acclimatisation Society has done good work, and that it is anxious to continue doing good work, but it has always been handicapped by the quality of the land at Bowen Park. The soil there is not suitable for their work, and I have no doubt they will do better work on the 200 acres of land which they have bought in a more suitable situation at North Pine. I have no objection to the Bill except to clause 4.

Mr. MAXWELL: Wipe out clause 4 altogether.

Mr. McMASTER: I would not wipe it out altogether, because that would prevent the society selling the land at all; but I would so amend it as to prevent them selling it in small allotments. I shall vote for the second reading of the Bill.

HON. R. PHILP: I intend to support the second reading of the Bill, but I would advise the hon. member for Mackay, Mr. Paget, to see before we go into Committee whether some arrangement cannot be arrived at between the Acclimatisation Society and the National Association. This House will not allow the Acclimatisation Society to dispose of this land in small allotments. Bowen Park is a public reserve, and it ought to be reserved for public purposes.

HONOURABLE MEMBERS: Hear, hear!

HON. R. PHILP: It is an easy matter for those two societies to come together and arrange about the value of the land, and if that is done I have not the slightest doubt that money can be found some-
[5.30 p.m.] where for the purchase of the land. Both institutions have done good work, but I look upon the land at Bowen Park as too poor and too cold for the work of the Acclimatisation Society. No doubt their work can be better done in a more suitable locality, but I feel satisfied that the House will not allow the society to cut up Bowen Park into building allotments. It was not given for that purpose; it was given for public purposes, and it should be kept for public purposes. I hope some effort will be made during the next week to bring these two societies together, and if they cannot arrive at a price, let some friendly arbitrator put a value on the land. If the Government will not find the money, I believe it could be got from some public institution. The National Association ought to have it on the condition that it should not be allowed to pass out of their hands, and that it should be used for public purposes. We have too few reserves, and we should be careful not to allow any of those we have got to pass out of possession of the public.

Mr. BOWMAN (*Fortitude Valley*): Like my colleague, I am interested in this matter, because the park in question is in my electorate, and I will not support this Bill. I think, with other speakers, that we have too few parks in Brisbane, and I will never cast a vote to deprive the public of Brisbane of recreation grounds which they have had for many years. I consider it would be unfair and unreasonable to ask this House to allow the land to be parted with and cut up into small allotments as is proposed by this Bill. The Premier considers that Brisbane is very well off for recreation grounds. I do not think it is. I think in that respect it is worse off than any other large city in Australia.

Mr. GRANT: Look at Victoria Park!

Mr. BOWMAN: I know that is a good big park, but it would take a great deal of money to make it suitable for public purposes. We have only to see the examples set us by Sydney and Melbourne to appreciate how far behind we are in this matter of parks. You could not have anything finer than the parks possessed by those two cities. I believe from inquiries I have made that the society which is desirous of having this Bill passed has done splendid work, and I believe they have a curator who is a credit to the institution. The National Association, on the other hand, has been cramped for room during the last five years, and no later than last Exhibition they had to rent portion of the Acclimatisation Society's ground.

Mr. GRANT: They got it free.

Mr. BOWMAN: I was under the impression that £20 was given to the Acclimatisation Society for the use of part of the ground for the side shows. I notice the Premier's colleague smiling and interjecting in regard to the proposal that the Government should take this land over for the people, but I should like the hon. member to take notice of the fact that we have the population in Brisbane which should be considered. I believe the object of the Bill is a worthy one, but I should very much prefer to see the park leased, if the Government will lease it, and an annual rental paid to the Acclimatisation Society

to enable them to carry on their work. I would support that, but I would not support the selling of the park.

Mr. MAXWELL: That would be a subsidy.

Mr. BOWMAN: I think the Government could subsidise a great many worse institutions for worse purposes. I would point out that we have the hospital adjoining this park, and it would be fatal to allow factories or warehouses to be put up opposite the hospital.

Mr. GRANT: Why, the Sydney hospital is in the heart of the city.

Mr. BOWMAN: I know it is; but it would be better if it were in some place outside of the city. We have a splendid location for our hospital, and the pleasant surroundings of it should be preserved intact. The people of Brisbane are not the only people who have enjoyment of our parks. Strangers come here and enjoy them, and, from a health point of view, we should preserve a reserve like Bowen Park so that the people can benefit by its use. We do not know into whose hands the land might fall if sold, and its sale would be a great misfortune for those people who now enjoy its use as a recreation ground. I believe that the Government would be going very little out of their way in leasing Bowen Park and coming to some arrangement with the National Association. In time to come I believe the whole of the park will be wanted by the National Association. It has been suggested that that association should go to Yeronga, but I am sure its success would not be so great under such circumstances. The successful attendances at the National Association's shows is largely due to the central position of the grounds. Many people can walk there, and others go at cheap fares, but does anyone suppose that 40,000 people would go to a show at Yeronga? It would be a huge blunder to part with the land, and it would be easy for the Government to come to some arrangement with the National Association and the Acclimatisation Society so that the matter could be fixed up without disposing of the land.

Mr. GRANT (*Rockhampton*): I do not want in any way to deprecate the good work that is done by both societies. I think a good suggestion was made by the leader of the Opposition when he said that we ought to pass the second reading this afternoon, and allow a week to elapse to enable the societies to come to an understanding. I think the National Association is in quite a good enough position to finance the purchase of the land. I, for one, would oppose the Government buying the land, and then handing it over free to the National Association. I think the Government are perhaps not getting the credit they deserve in regard to the National Association recently. They have really done good work there. Anyone who visited the last Exhibition, and saw the Government courts, would see what a terrible loss it would have been if those courts had not been there. The mining, agricultural, fishery, and timber exhibits were certainly the great feature of the show, and had it not been for the way the Government stepped in and staged their exhibits at a heavy cost the Exhibition would have lost a great deal of its attraction to the general public.

Mr. BOWMAN: Is not that a good advertisement for Queensland?

Mr. GRANT: I think so; I am not deprecating it in any way, but what I am objecting to is that the Government get no credit for it. As a matter of fact, at a meeting after the Exhibition, they spoke of the vast success the Exhibition had been, and yet they said that the Government did not do as much as they ought to do. The present Government have really done more for the National Association than any other Government we have had in Queensland. Here is the Acclimatisation Society doing good work, and yet hampered for want of funds, and we are desirous that they should continue their good work, but they ask us to put them in a position to get funds to carry on that work. I quite agree with other hon. members who have spoken that the land should not be sold for building allotments—I think it should be kept as a reserve—but I think that the National Association are quite financially strong enough to enable them to buy the land themselves. They have built a grandstand, which was partly paid for last year, and they have now a credit balance. I may point out that Brisbane enjoys rather a singular distinction in regard to public parks. The Botanic Gardens in Brisbane are kept on entirely at the expense of the ratepayers throughout Queensland. No other botanic gardens in Queensland are carried on on those terms. Townsville, Rockhampton, Toowoomba, and other places have supplied a large proportion of the money required to carry on their botanic gardens. The man at present in charge of the Brisbane Botanic Gardens is an exceedingly good man, and if he is left there the Brisbane Municipal Council should give a little more assistance to the gardens, and make them a resort which it will be a pleasure to see.

Mr. HAMILTON: Are the Brisbane council not going to light them?

Mr. GRANT: No, the Government are going to light them. The council would not even pay for water to keep the plants alive, and will not pay for lighting up the gardens at night.

Mr. BOWMAN: They recognise that it is a national affair. (Laughter.)

Mr. GRANT: Everything in Brisbane is a national affair.

Mr. BOWMAN: I will help you to do the same for the Rockhampton gardens.

Mr. GRANT: I wish you would. I want to see the Bill pass the second reading this afternoon, but I hope the suggestion of the leader of the Opposition will be followed, and that before the Bill goes through Committee a friendly arrangement will be made between the two societies that the ground will be acquired by the National Association at their own expense.

Mr. LESINA (*Clermont*): I would like to say, with many other members who have spoken, that my sympathy can be expected towards this measure, but as has been pointed out in the practical speech of the hon. member for Nundah, it is pretty clear that the Acclimatisation Society is not doing the amount of good work to-day that we should expect of them. There is one point in the Bill itself to which I should like to refer briefly. I object to clause 4, which empowers the trustees to sell the whole or any portion of this land in one lot, or in several lots, by public auction. I object to the land being sold either in one batch or in small areas; either to one purchaser or to many purchasers. This land has been dedicated to a public purpose, and we should make a strong stand against any alienation at all. It has been suggested that the land should be bought by the National Association. In that case we should insist upon certain safeguards being inserted in the Bill; we want to make sure that where the land is not being required for actual show purposes that it shall not be closed against the general public. If the National Association buy this property, they might close out the general public all the year round; they can lock us out.

Mr. PAGET: Which the National Association does not.

Mr. LESINA: Which they do not, but they have power to do so; they can close the gates to the public. The public have no rights in connection with either of those institutions; the trustees can bar out the general public. The people cannot be barred out of the Botanic Gardens. The Bill will not go through Committee without being considerably altered, judging from the tenor of the speeches this afternoon. Hardly anybody but the Premier has expressed himself favourable to it. I was pleased to hear the leader of the Opposition say that he would oppose any suggestion for the land being sold. In the years to come, I suppose it will be made a public park for the recreation of the people. If the National Association buy it, what guarantee have we that they will not cut down the trees? These are things we want to safeguard. We want the trees and the vegetation preserved to the public. Finally, I object to the proposition to give the association power to sell the land in the manner suggested. I hope if the Bill gets into Committee that the hon. gentleman in charge of it will not stand in the way of allowing amendments to be made.

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

On the motion of Mr. PAGET, the committal of the Bill was made an Order of the Day for Thursday, 19th September.

## THE LAND COURT AND REPURCHASED ESTATES.

Mr. STODART (*Logan*), in moving—

1. That the statement made to this House by the Honourable the Secretary for Public Lands, and reported on page 387 of *Hansard*, as to the alleged refusal of Mr. Sword to give evidence of his valuation under the provisions of the Closer Settlement Act of 1906, and incidental thereto, be referred for the inquiry, consideration, and report of a Select Committee.

2. That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House, and that it consist of the following members:—Mr. Jackson, Mr. Redwood, Mr. Hardacre, Mr. Macartney, and the mover—

said: The Secretary for Lands called "Not formal" to this motion to-day, but it is not desirable to discuss it at any very great length, and I do not intend to do so. I asked some questions a week or two ago, but did not elicit the information I wanted. Seeing that members of the Land Court are officers of Parliament, and responsible to Parliament only, the only way I could get this information was by moving for a Select Committee. I have no doubt that the Secretary for Lands will be able to give, in as few words as possible, his reasons for calling "Not formal" to this motion. I shall content myself by moving the motion standing in my name.

The SECRETARY FOR PUBLIC LANDS (Hon. J. T. Bell, *Dalby*): I do not for one moment question the patriotic impulse which prompted the hon. member for Logan to move this motion. I think, however, that while I am aware of that, and, so far from offering any opposition to the motion, I offer encouragement to its passing. But I think the hon. gentleman might widen the scope of the inquiry upon which the Select Committee will embark. We might, in addition, without any disadvantage to the character of the committee as a tribunal for investigation, also add to their numbers. I therefore propose, if the hon. member will agree to it—and I trust that he will—to amend his motion by the insertion of another paragraph. I move that the 2nd paragraph of the motion be omitted with the view of inserting the following paragraphs:—

2. That the Select Committee inquire, consider, and report upon the refusal of Mr. Sword, sitting as the Land Court, to recommend a resumption from Dulacca South and Bengalla holdings, under section 18 of the Land Act of 1902.

3. That such committee have power to send for persons and papers and leave to sit during any adjournment of the House; and that it consist of the following members: Mr. Douglas, Mr. Hardacre, Mr. Hunter, Mr. Jackson, Mr. Macartney, Mr. Mulcahy, Mr. Paull, Mr. Redwood, and Mr. Stodart.

Mr. LESINA: Where do I come in? (Laughter.)

Mr. BOWMAN: You are out of it.

The SECRETARY FOR PUBLIC LANDS: The hon. member generally comes in somewhere. (Laughter.) If he does not appear in the first scene in this drama—if I may call it a drama—he will probably make his bow to the public before the curtain falls. I hope the hon. member for Logan will accept that amendment.

Mr. STODART: I will accept it.

HONOURABLE MEMBERS: Hear, hear!

HON. R. PHILP: I think the Secretary for Lands is making the inquiry too wide. If you are going to make the inquiry any wider I would like to put in something else.

The SECRETARY FOR PUBLIC LANDS: What else?

HON. R. PHILP: I would also like the committee to inquire into the purchase of the Woolooga Estate.

The SECRETARY FOR PUBLIC LANDS: Make that a separate motion and I will accept it.

HON. R. PHILP: Why not make yours refer to a separate Select Committee too. You are clouding the issue altogether.

The PREMIER: No, no!

HON. R. PHILP: There was a distinct statement made by the Minister for Lands in reference to Mr. Sword, and I think that the Select Committee's inquiry ought to be confined to that alone. But the Minister for Lands wants to bring in something else.

The SECRETARY FOR PUBLIC LANDS: If you move a resolution for a Select Committee to inquire into the repurchase of Woolooga I will accept it.

HON. R. PHILP: There are a dozen other things which might be included in this motion if you want to include your amendment.

The PREMIER: There is no objection to getting all the information possible.

HON. R. PHILP: But you are bringing in something which is quite foreign so far as we know.

Mr. MACARTNEY interjected.

The SECRETARY FOR PUBLIC LANDS (to Mr. Macartney): I hope you will approach your duties on that Select Committee in a judicial frame of mind, although it does not look like it now the way you are prodding your leader.

HON. R. PHILP: He is not prodding me. The hon. member for Logan asked for a Select Committee for a special purpose, but the Secretary for Public Lands wants to cloud the issue by bringing in something else. You might as well bring in half a dozen other things.

The PREMIER: Oh, no.

HON. R. PHILP: This is an inquiry into the accusation made by the Minister for Lands against Mr. Sword on his valuation of Jimbour. That matter alone is quite large enough for an inquiry without including anything else. I am sorry that the mover of the motion accepted this

amendment at all. I think he ought to be satisfied to get this through. I think the Minister for Lands is trying to cloud the issue by putting in something else which is quite foreign to the statement made by the Minister for Lands the other night in connection with the valuation of Jimbour.

The PREMIER: You want to talk it out.

HON. R. PHILP: I do not want to talk it out.

Mr. MAXWELL: You have talked it out.

HON. R. PHILP: We want an inquiry into the Jimbour repurchase. If you want to go into the question of the resumption of Bengalla and Dulacca South, why not also include Woolooga, and why not go back to the repurchase of the Seaforth and other estates.

The PREMIER: Would you like that to be done?

HON. R. PHILP: Yes, I would.

The SECRETARY FOR RAILWAYS: You have talked it out.

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

## ELECTIONS ACTS AMENDMENT BILL.

### THIRD READING.

The HOME SECRETARY: I beg to move that this Bill be now read a third time.

HON. R. PHILP: No doubt this Bill has been hurried through the House—for what reason I do not know. We do not expect to have another election for three years; but even before the Address in Reply was finished we were asked to pass the second reading of this Bill. Most extraordinary statements have been made during the debate which have not been proved. Somebody has told some hon. member something which that hon. member has repeated in this House as a fact. I received a letter this morning from Messrs. Curtis and Hartley, the Opposition candidates for Rockhampton, in which they distinctly deny the statement made in this House by the junior member for Rockhampton, Mr. Grant. They ask Mr. Grant to furnish names, and have the case brought into court.

The PREMIER: Did you intimate to the junior member for Rockhampton that you were going to bring this up?

HON. R PHILP: Certainly not. Why should I?

The PREMIER: Just to give him a chance to deal with it.

Mr. BARNES: You were ready enough to burke me replying to something yesterday.

HON. R. PHILP: Surely the junior member for Rockhampton should be in his place. It is not my fault if he is not present. This is the communication I have received from Messrs. Curtis and Hartley, which is a copy of an open letter addressed to the junior member for Rockhampton—

> According to *Hansard* of the 29th August, you are reported to have stated, when speaking on the Elections Amendment Act—"He saw many cases of intimidation in Rockhampton during the last elections. He knew one case where a justice of the peace was able to devote all his time and money simply to collect votes. The other side were particularly fortunate in that respect, because they had two justices who were living on their means, and could go round getting these votes. He knew these justices of the peace went to a servant girl, whose mistress was a strong partisan of the Philp candidates. The girl said, 'I want to go down and vote myself.' The mistress said she could not go down, and told her that they had brought a postal vote for her, and that she must vote for Messrs. Curtis and Hartley, The girl wanted to vote for Messrs. Kidston and Grant. but the mistress said she could not do that, and the justice of the peace stood watching until the girl had to record her vote for their opponents. He could give the name of the justice of the peace and the name of the mistress." Now, sir, you made somewhat similar charges of malpractice against lady members of our committee during the election contest; these allegations we denied, and when specifically challenged at the declaration of the poll to name the persons you had repeatedly maligned you r efused to do so; at any rate, you remained silent. Now, we emphatically deny your allegations of malpractice in connection with the postal vote by any persons acting on our behalf, and again publicly challenge you to name the persons you have accused. Your statement having been made in Parliament, we wish our denial to be made public in the same place, and have, therefore, taken this method of attaining the object we have in view.

They deny the hon. member's statement, and challenge him to name these persons. They asked him to do so before, and he would not. No man has a right to bring charges of this sort forward in this House unless he is prepared to prove them. Let the hon. member give the name of the girl and of the justice, and, if anything wrong was done, then the Home Secretary can prosecute those who were guilty.

The PREMIER: I do not rise to waste time in discussing the matter brought up by the leader of the Opposition for that purpose. I presume that it is done to give his friend, the hon. member for Bulimba, a cut in at something else.

Hon. R. PHILP: I only got this this morning from Rockhampton.

The PREMIER: I have no objection to the matter being discussed at length.

Mr. BARNES: You cannot help yourself.

Mr. JENKINSON: He would if he could.

An OPPOSITION MEMBER: That is what he did yesterday.

The PREMIER: I have not any interest in the one story or in the other, although I objected to one of them being brought up at an improper time. I have not the slightest objection, if the Speaker considers it in order, to have them discussed at any length. It does not matter to me, either personally or as a member of the Government, although I cannot help expressing the opinion that a great deal of time is being wasted over such matters.

Mr. JENKINSON: You did the same when you were over here.

The PREMIER: The one side and the other have accused their opponents of improper practices at the last election. That is a thing we always hear.

Mr. JENKINSON: You are as bad as anybody.

The PREMIER: Perhaps I may be worse than anybody.

Mr. JENKINSON: You are worse.

The PREMIER: The only bearing that has on the Bill is this—that both sides of the House have equally given testimony as to the improper practices carried on under the postal ballot sections of the Act. The one outstanding feature of the discussion on the Bill has been that each side of the House has accused the other of improper practices, which should convince any impartial man that there have been improper practices. It shows how very needful it was to bring in this Bill. I am not going into the matter. All I rose to do was to correct the statement of the leader of the Opposition that the Bill has been hurried through. Twice that statement has been made, and it is made with the deliberate purpose of giving the other place an excuse for throwing it out on the ground that it is hasty legislation.

Hon. R. PHILP: That statement is incorrect.

The PREMIER: This is a little Bill of only fourteen clauses, and we have been actually three full days discussing it in Committee.

Mr. JENKINSON: And we have not altered a word of it.

Hon. R. PHILP: It is a very important Bill.

The PREMIER: It is an important Bill, and I have been careful not to complain of the time taken up in discussing it, because I do not think it has been wasted. It is because I deem it a very important Bill that I do not want it to be said that it has been hastily pushed through this House. The House has taken its own time in discussing the Bill, and has come to a decision on it, and I can see no result from a discussion on the third reading, except to prove more conclusively than ever—if that be necessary—that the postal vote ought to be abolished.

Mr. GRANT: I can quite understand that Messrs. Curtis and Hartley deny the statement I made, as they denied many other things during the election. It was their business to deny such things. I made the same statement in Rockhampton. But there are other matters to be considered besides that of proving the case to the satisfaction of my opponents at the last election, which make it undesirable to give the girl's name for publication right throughout Queensland. I am not going to do that merely to satisfy my opponents at the last election. If it is at any time desirable in the interests of justice that that should be done, then I can give the girl's name, the name of her mistress, and the name of the justice of the peace.

Hon. R. PHILP: You ought to do it.

Mr. GRANT: I shall judge for myself whether I ought to do it, and I shall judge for myself the time when it should be done. I am not going to give the name at the behest of Messrs. Curtis and Hartley, nor at the behest of the leader of the Opposition. Neither am I going to carry on an election fight after the election is over; nor am I going to carry on the recrimination which seems to be needful at election times after an election is over. But if Messrs. Curtis and Hartley desire to have any cases particularised, I can give them more cases. Mr. Hartley will make a great deal of capital out of this particular matter in his newspaper, the *Daily Record*.

Hon. R. PHILP: He will if you cannot prove it.

Mr. GRANT: I can prove it, but I am not going to prove it at this particular time. I remember that when I protested against the removal of the Supreme Court from Rockhampton, Mr. Curtis opportunely flourished at a public meeting a telegram from the leader of the Opposition, stating that under no circumstances would he permit the Supreme Court at Rockhampton to be shifted. On another occasion Mr. Curtis again brought forward opportunely a telegram from the leader of the Opposition.

Hon. R. PHILP: But you made an accusation in this case.

Mr. GRANT: I did; and, if necessary, I will prove it; but I am not going to put the girl's name into *Hansard*, and have it published all over the country. I mentioned the case as a flagrant instance of intimidation of a defenceless girl—and she was a defenceless girl. She was in the employ of a mistress, and she did not care to go against her mistress and vote for those particular candidates. I shall not say anything further about the matter now, but, if necessary, I shall do so on some future occasion.

Mr. BARNES (*Bulimba*): I should like to give some reasons why I think some action should be taken in regard to a matter which has been mentioned in this House. And in doing so it is imperative that I should refer to an incident which took place last evening in Committee. Last evening the Home Secretary, in dealing with this Elections Bill, read a statement made by Mr. Pears, the returning officer for the Warwick electorate. I want to draw the attention of the House and the country to this fact: that Mr. Pears stated that he was only at that time speaking from memory, as all the papers in connection with the Warwick election had been sent to the Clerk of the Assembly. He only thought—he did not say it definitely—he only thought that the two justices who came to him were Mr. A. C. Morgan and Mr. Hagenbach.

Mr. GRAYSON: Mr. Morgan was not a justice of the peace.

Mr. BARNES: Mr. Morgan was not a justice of the peace at that time, but all the same he was connected with a certain transaction. The returning officer stated that he thought—he was not sure—that those two gentlemen waited upon him. I wish to point out that the Jane Thompson whose vote was challenged not only applied for a postal certificate, but she got a certificate, and actually voted. The Home Secretary cannot deny that, because Mr. Pears, in the statement which the hon. gentleman read last evening, emphatically said that she actually voted.

The HOME SECRETARY: Her vote was not recorded.

Mr. BARNES: She actually voted. The way in which it was allowed was as follows:—The returning officer very courteously sent a marked copy of the roll to Mr. O'Sullivan and the other candidate.

An HONOURABLE MEMBER: Who was the other candidate?

Mr. BARNES: My brother was the other candidate. Everybody knows that. When this marked roll was sent to the other candidate it was discovered that Jane Thompson had voted wrongly. When the husband of the rightful Jane Thompson found out this he immediately took steps in the matter, and he apparently frightened Mr. A. C. Morgan and Mr. Hagenbach, for they afterwards went to the returning officer. The husband of the Jane Thompson whose name appeared on the roll was an active worker in the campaign, and he claimed that his wife's vote should be allowed. When the sworn statement of the Jane Thompson who improperly voted was placed before the returning officer, he allowed the vote of the other Jane Thompson to stand.

The HOME SECRETARY: The ballot-paper had then been returned to her.

Mr. BARNES: What is the ballot-paper? The ballot-paper is the vote. Is the hon. gentleman so dense that he does not know that a person claiming to vote by post must first get a postal certificate, and that, when that certificate is supplied, the ballot-paper follows the certificate? When the ballot-paper which had been sent in in favour of Mr. O'Sullivan by the wrong Jane Thompson reached the returning officer, and had been allowed, then Charles Thompson, the husband of the person who was entitled to vote, demanded that his wife's vote should be allowed, and those two gentlemen had to swallow what they had done, and back down from the position they had taken up. I have no desire to say one word against Mr. Pears, who is an excellent returning officer, but here we have the sworn statement of the person most concerned. We have been asked to-night to give facts. Well, here is a sworn statement.

The PREMIER: Who asked you?

Mr. BARNES: The hon. gentleman asked for facts, and I have given him one fact. The hon. gentleman does not like it—the hon. gentleman was so mean last night as not to allow an hon. member the same concession as was granted to the Home Secretary.

Hon. R. PHILP: And himself too.

Mr. BARNES: I would like to say there were no wild cats about at that time.

The PREMIER: There are some about now.

Mr. BARNES: Now, we have the fact that this woman actually voted, and returned her paper, and was found out, and that her henchmen, Mr. Hagenbach and Mr. Morgan——

The PREMIER: That is not what Mr. Pears says.

Mr. BARNES: Were driven to bay, and had to back down.

The PREMIER: That is not what Mr. Pears says.

Mr. BARNES: Mr. Pears says he spoke from hearsay and memory. I challenge the hon. gentleman, if he doubts my statement, to apply to Jane Thompson, who is in Warwick still, and find out the facts of the case. He is not game to do it. A statement was made that Jane Thompson, who had improperly voted, had made a certain admission. And why did she do it? Because she was afraid she would get into gaol for impersonation. That was one of the actions taken by the hon. gentleman's party when trying to win a seat, and it is only in keeping with quite a number of things done at the same election by the hon. gentleman's friends in that electorate.

Mr. GRAYSON: Mention them.

Question—That the Bill be now read a third time—put and passed; and the Bill was ordered to be transmitted to the Legislative Council, by message in the usual form.

## CHILDREN'S COURTS BILL.

### COMMITTEE.

Clauses 1 and 2 put and passed.

On clause 3—"Procedure when child charged with offence—who to constitute court"—

Mr. BARNES moved, on page 2, subsection (4), line 7, the insertion of the words "within the metropolitan area of Brisbane and elsewhere," at the beginning of the subsection. His reason for moving the amendment was that he thought, with a view of protecting the children from improper associations, separate courts should be established.

The ATTORNEY-GENERAL: That is really the clause as it stands.

Mr. BARNES: He wanted to make it clearer than it appeared to be. He knew the hon. gentleman was in sympathy with the matter, and he had not risen with a view of showing hostility to the Bill. It was a Bill they were all agreed upon, and they should make it as perfect as possible.

The ATTORNEY-GENERAL: I would be glad to accept the amendment if it made the clause clearer; but I do not see that it does.

HON. R. PHILP: He had an amendment to move before that.

Mr. BARNES: By leave of the Committee, he would withdraw his amendment in the meantime.

HON. R. PHILP thought there should be special magistrates appointed. The present police magistrates had as much work as they could manage. It would be far better to take the children away from the police courts altogether, and give them a separate room and a separate magistrate. He mentioned one before, and he would mention Mr. Macdonald, late police magistrate of South Brisbane, as a suitable man. Would the Minister accept an amendment appointing a separate magistrate? One who was in sympathy with such matters could be found to undertake the work for a small salary.

The ATTORNEY-GENERAL: I do not think we want one just yet. Statistics do not justify it.

HON. R. PHILP: The Attorney-General might tell them how many children had been brought before the courts.

The ATTORNEY-GENERAL: With regard to the suggested amendment of the leader of the Opposition, he hoped the hon. gentleman would not move it for two reasons. First of all, that the Bill, not being preceded by a message, did not justify any amendment which [7.30 p.m.] would entail expenditure; and, secondly, because the statistics which had been supplied to him would, he thought, show members that a special appointment of the kind was not warranted at all. He had had an extract made from the report of the Comptroller-General of Prisons for the year 1906, from which he found that 1,153 convicted prisoners were received during the year. Of that number, two were between the ages of ten and fifteen, fifty between the ages of fifteen and twenty. The report proceeded—

> I am glad to say that there is a decrease of twenty-four in youthful offenders (ten to twenty years of age), as compared with the year 1905. This decrease is a matter for congratulation; but, as prevention is better than cure, it behoves all interested in the welfare of the youths of this State to work steadily onward, and endeavour to obtain still better results.

Hon. R. PHILP: Those are convictions.

The ATTORNEY-GENERAL: Yes. Then there was a report from the North Brisbane Police Court as to juvenile offenders under sixteen dealt with in North Brisbane Police Court from 1st August, 1906, to 31st July, 1907. For offences excepting "neglected children" cases the particulars were: Males, forty-four; females, four; total, forty-eight. Neglected children: Males, eleven; female, one; total, twelve; grand total, sixty. Under seventeen and over sixteen were not counted, but add, say, six. Total, sixty-six; approximate only, but substantially correct for Brisbane North. For South Brisbane the numbers given were for cases where the offenders were known to have been under sixteen years of age, but owing to the fact that no record was kept of the ages of persons brought before the court on summons, the actual total should be slightly in excess of that stated. The particulars were: Offenders under fifteen: Males, fifty-seven; females, five; total, sixty-two. Neglected children: Males, one; females, five, were included in that total. Hon. members would see from those statistics that the Committee would not be justified—at all events at this stage—in asking the Government to make any special appointment. Mr. Ranking would preside over the North Brisbane district, and there would also be Mr. Moore, and the additional advantage of other magistrates who sat there. There would be a separate room provided, and he undertook that all the cases which came before them would be dealt with in such a way that the Act would not remain a dead letter. If they found it necessary through increase of child crime—and he hoped they would not for many years to come—an appointment would have to be made, and he undertook on behalf of the Government to recommend such

an appointment. On that ground he really did not think the amendment ought to be pressed to-night.

HON. R. PHILP believed that the numbers which the Attorney-General had told them of would give ample work.

The ATTORNEY-GENERAL: That is all in a year; it would not justify it, I think.

HON. R. PHILP: There was no provision for a separate court at all.

The ATTORNEY-GENERAL: He had promised there would be a separate room.

HON. R. PHILP: In the police court?

The ATTORNEY-GENERAL: No; apart from the police court.

HON. R. PHILP: They wanted a place apart from the police court altogether. One place would do for North and South Brisbane. There was no occasion to pay a man £500 or £600 a year. He was satisfied we could get an excellent man for half that sum; he believed it would save the State a great deal.

The ATTORNEY-GENERAL: Surely the hon. gentleman will take my assurance that if we find it necessary something will be done—we can make the experiment first.

HON. R. PHILP: There was no doubt that Mr. Ranking and Colonel Moore were both good men, but there was so much work at the police court. He would ask the Attorney-General to reconsider the matter, and have a separate court and a separate man in charge.

The ATTORNEY-GENERAL: With regard to a separate court, he had no objection to making a promise. He thought he had made it clear the other night that they would have a room apart altogether from the police court in the metropolis, and certainly wherever practicable in other districts there would be a room apart from the police court. The idea was to have the children tried in a room apart from the police court altogether. He would ask the leader of the Opposition not to press his amendment in regard to a special magistrate until they had an opportunity of seeing how the Bill worked. If they found it was impossible to work the court with the present number of magistrates, they could then make an appointment.

Mr. JENKINSON: How are you to judge of that?

The ATTORNEY-GENERAL: He would be able to judge it easily. At present the police magistrates performed their work, and, from the statistics of the cases that came before them, there had been no undue delay in regard to criminal matters, and this Bill only attached to criminal matters. Therefore, until some special complaint was made after this Bill became law, and a special room was set apart for the trial of children, he took it that the present staff would be sufficient.

Mr. JENKINSON: The Chief Justice has made a complaint for another judge.

The ATTORNEY-GENERAL: He does not refer to juvenile offenders alone; he refers to civil and criminal business.

Mr. JENKINSON: But you take no notice of that.

The ATTORNEY-GENERAL: He would ask the hon. member not to press the amendment.

Mr. BOWMAN: Personally, he was strongly in favour of a special magistrate. The Attorney-General had given the leader of the Opposition an assurance that he would have a special room apart from the police court, which he thought was most acceptable to those who took an interest in this matter. He had an amendment which he intended to move on clause 2, but the clause was put through so quickly. In connection with the Infant Life Protection Act, in the event of a special magistrate being appointed, his time could be occupied, not only in the metropolitan area but in some of the other districts close at hand. He knew that the Attorney-General did not favour that. The Attorney-General explained, on the second reading of the Bill, that there was a danger that, if certain evidence was not given publicity to, it might be injurious to the person who was charged by the young woman, but where the first case happened it should be heard in a court such as they proposed to establish under this Bill. When they thought of the number who went to listen to those cases in the police courts, and the publicity given to them in the Press—particularly certain sections of the Press—it was the duty of hon. members in passing legislation dealing with youthful crime to take a lenient view of the cases of unfortunate girls who had made a mistake. He would like to see a special magistrate appointed, and if the Hon. the Attorney-General were going to recommend an appointment he hoped he would not forget Mr. Macdonald, formerly police magistrate at South Brisbane. There were men in the public service to-day who were less fitted to carry out the work allotted them in their official capacity than Mr. Macdonald was. Mr. Macdonald had had a creditable career, and no one could show where there had been one dishonest act in connection with his administration. His record had been a most excellent one. He had heard ample testimony as to Mr. Macdonald's qualifications for dealing with children. The Attorney-General in his second reading speech, which was an excellent one, said if they appointed a special magistrate they would want a man specially adapted for the work. Men like Mr. Macdonald and Mr. Ranking were specially fitted for dealing with children. Mr. Ranking stood as high in the estimation of the public of Queensland as any police magistrate they had ever had. (Hear, hear!) Mr. Macdonald also had the necessary qualifications for dealing with juvenile offenders.

The SECRETARY FOR RAILWAYS: Where did he get them?

Mr. BOWMAN: During the time he was police magistrate.

The SECRETARY FOR RAILWAYS: I never saw that he had any special qualifications.

Mr. BOWMAN: Numbers of ladies and gentlemen who had watched Mr. Macdonald's career had testified in eloquent terms regarding his capabilities for dealing with children, and he hoped the Attorney-General would not overlook him if an appointment was made.

Mr. JENKINSON: Why don't you put it in the Bill?

The ATTORNEY-GENERAL: He had a very high opinion indeed of Mr. Macdonald and his ability; but his case was no different from many others. They had to part with some of their officers under very great regret indeed. Under the Civil Service Act these officers were liable to be called upon to retire at sixty-five years of age, and the time, as a matter of grace, was extended by this Government to seventy. He was reminded that they might have extended the time to his death, but another branch of the service had to be considered—the young men who were coming on.

Mr. MACARTNEY: That justifies the killing of another man.

The ATTORNEY-GENERAL: He did not say that.

Mr. MACARTNEY: You poleaxe him.

*Hon. J. W. Blair.*]

The ATTORNEY-GENERAL: He entertained similar views with regard to Mr. Macdonald as the senior member for Fortitude Valley, but he had to resist the amendment because technically it could not be moved without a message authorising the expenditure. He asked hon. members to accept his assurance that if it became necessary to appoint an additional officer he would have no objection to recommending him.

Mr. MULCAHY (*Gympie*) favoured this Bill and the clause before the Committee. They were not there to spend money to create a special billet for someone, and, unless it was necessary, the appointment should not be made. Even if a special magistrate were appointed for the metropolitan area, the children in the outside country districts would have to be dealt with in the ordinary way.

The ATTORNEY-GENERAL: I will try to get a special court for them, too.

Mr. MULCAHY was very pleased to hear that. If it was absolutely necessary to appoint a special magistrate for the metropolis, he would not be against it, but, after the figures quoted by the Attorney-General, he could see there were not many cases, and he would support the amendment. Mr. Rankin was highly spoken of; he was dealing with all juvenile crime now, and he would merely have to walk into another room to deal with cases. There was no occasion at the present juncture to make the country people, who represented one-fourth of the population, pay extra taxation to create a billet for someone who, perhaps, might be discharged or retrenched.

* Mr. DENHAM thought the Attorney-General could meet the wishes of the Committee without involving the country in any great expense. There was an officer in the department whose time was only partially occupied in discharging certain duties. He referred to Mr. Nielson, who occupied a room in the old Lands Offices, which was a very suitable place for holding a children's court. For a comparatively small sum, in addition to that now paid, Mr. Nielson's services could be utilised. He was a man ripe in years and had proved himself a capable man in dealing with matters brought before him. If the city magistrates were called upon to leave the police or petty debts courts and attend a court in George street, it would put litigants to a great deal of trouble. They preferred to have their cases heard before a stipendary magistrate rather than before justices, and they would either have to wait until the return of the police magistrate or have their cases heard by ordinary justices of the peace. The Department of Justice could not cope with the work at present. They had the Chief Justice complaining of judges being overworked and pointing out the necessity for appointing a fifth judge, and he knew of his own knowledge the very serious inconvenience and considerable expense to which litigants had been put during the last month owing to a bench at Laidley not being constituted, and for three successive weeks cases had to be put off.

Mr. GRANT: There were only twenty-eight cases last year.

Mr. DENHAM was very glad to know that. He did not think the country would object to an expenditure of £100 or £200 in order that this admirable measure might be utilised to the fullest possible extent. He was quite satisfied that, if the Attorney-General had his own way, he would not hesitate to yield to the wishes of the Committee, but doubtless the Treasurer was holding him down. If a special magistrate were appointed for the metropolis, he could easily travel as far as Rockhampton and to the border, certain days for hearing cases against children being appointed for each place.

The ATTORNEY-GENERAL: The hon. member was entirely mistaken on the question of his not having his own way. In this matter he had absolutely his own way if it was agreed to accept the Bill as it stood. He understood from Mr. Nielson that his time was fully occupied. Only a short time ago he recommended an increase of salary for that gentleman on the ground that he was fully occupied, so that he did not see how he could undertake any other duties.

Mr. MACARTNEY: What are his duties?

The ATTORNEY-GENERAL: He was practically coroner for certain specified districts, embracing Brisbane North and South, and some of the South and North Coast districts. He did his work very efficiently.

Mr. JENKINSON: He had a miserable salary before.

The ATTORNEY-GENERAL: He recognised that it was not an adequate salary, and increased it.

Mr. CAMPBELL: Does he do anything for the Railway Department?

The ATTORNEY-GENERAL did not think so. If it became necessary to appoint a magistrate, the claims of Mr. Macdonald, Mr. Nielson, and other applicants would be considered, and the Government would make that appointment which seemed best in their wisdom.

Mr. BARNES moved the insertion, after line 6 on page 2, before subsection (4), of the following words:—

within the metropolitan area of Brisbane and elsewhere.

The ATTORNEY-GENERAL had no objection whatever to the amendment, which only gave effect to what he had already told the Committee. It was his intention to have a special room in Brisbane, apart from the police court, for the trial of cases against juvenile offenders, and he was endeavouring to arrange for special rooms in other districts. (Hear, hear!) At present, he was glad to say, there were not many cases against children in the country districts, and, probably, it was more needful to have a special room at once in the metropolitan area.

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

On clause 4—"Custody of children"—

Mr. JENKINSON pointed out that the clause provided that any child arrested might be "given into the care of some person." He did not think that was sufficiently safeguarded. It ought to be "some reputable person."

The SECRETARY FOR RAILWAYS: That will be left to the discretion of the court.

Mr. JENKINSON: It did not say so in the clause. A child might be arrested because its parents were of bad character. What he wanted to do was to guard against a child being handed over to a person who was not of reputable character, and he thought that if the clause were made to read that the child should be given to the care of some person "at the discretion of the court"——

[8 p.m.]

The ATTORNEY-GENERAL: That is what it says.

Mr. JENKINSON: All right.

Mr. MACARTNEY (*Toowong*) wished to call attention to a matter to which he referred on the second reading of the Bill. Under this clause a child under arrest might, "as the court thinks fit," be either at once admitted to bail or given

into the care of some person willing to receive him. A children's court was defined as "a court of petty sessions sitting for the purpose of hearing and determining a charge against any child." A child might be arrested on a Saturday afternoon or a Sunday, and the court might not be constituted before the following Monday morning, and during that time the child could not be admitted to bail. He thought the Minister might consider the matter of extending the power to give bail to some superior police officer.

The ATTORNEY-GENERAL: With regard to the question raised by the hon. member for Fassifern, if the hon. member would look at the clause, he would see that what he was contending for was therein expressed. The clause gave absolute discretion to the court to at once admit the child to bail or give him into the care of some person willing to receive him, and he took it that the magistrate would not give a child into the care of a person who was not of reputable character. The word "person," according to the definition in the Acts Shortening Act, included bodies corporate, and would therefore include an institution; so that, if the magistrate thought fit, he could hand the child over to a benevolent institution. With reference to the matter raised by the hon. member for Toowong, he did not think there would be much difficulty of the kind the hon. member apprehended, although there was something in the point. The concluding paragraph of the clause stated that "In no case shall any child remain in a prison or lockup pending the hearing, unless his safe custody cannot otherwise be provided for." That was the keynote to the clause, and if a child was arrested on a Saturday, he had no doubt that they would be able to get a couple of justices or a magistrate to hear an application for bail at his own residence, just as Supreme Court judges sometimes heard cases at their residences.

Clause put and passed.

Clauses 5 and 6—"Court to be cleared," and "Discretionary power to court"—put and passed.

Mr. PAGET moved that the following new clause be inserted, to follow clause 6:—

When a child who has not been previously convicted in Queensland or elsewhere is convicted of any offence of such a nature that he may be sentenced upon the conviction to imprisonment for any period in a reformatory or industrial school, then if, in the opinion of the court, a sentence of imprisonment in such reformatory or industrial school for a period not exceeding two years is an adequate punishment, the following provision shall have effect, that is to say:—

1. The court is to proceed to pass sentence upon the child in its usual form.

2. The court may, if it thinks fit, release the child on probation, in which case he shall be subject to the supervision of the court by a probation visitor until the child attains the age of seventeen years.

3. A written notice must be given to the child or to his guardian upon the discharge of the child, specifying the conditions as prescribed by regulations under which he will become liable to rearrest, and to commitment to a reformatory or industrial school. If any child released on probation, pursuant to section 7, shall not during the term of his probation conduct himself to the satisfaction of the probation visitor, and in accordance with the condition of his discharge, the court, upon proof thereof upon oath, may by warrant, under the hands of a police magistrate or of two justices, cause the child to be arrested and brought before the court, and may thereupon commit him to a reformatory or industrial school to undergo his original sentence or so much thereof, if any, as remains to be undergone.

This system of releasing on probation children who were convicted had been followed with very great success in other countries where children's courts were held, and he thought it was highly desirable that the provision should be inserted in this Bill.

The ATTORNEY-GENERAL could not accept the amendment, in the first place because it involved the appointment of a probation officer, for which no provision had been made, and in the second place because, with the exception of such appointment, the amendment which the hon. gentleman desired to insert was already provided for by law. By section 19 of the Criminal Code it was provided—

A person convicted of any offence upon summary conviction may, instead of being sentenced to any punishment to which he is liable, be discharged upon his entering into recognisances, with or without sureties, in such amount as the justices think fit, that he shall keep the peace and be of good behaviour for a term not exceeding one year.

Then subsection (9) said—

When a person is convicted of any offence not punishable with death, the court or justices may, instead of passing sentence, discharge the offender upon his entering into his own recognisances, with or without sureties, in such sum as the court or justices may think fit, conditioned that he shall appear and receive judgment at some future sittings of the court or when called upon.

Clause 656 provided that under certain conditions a person who had been previously convicted and had received a sentence might, in the discretion of the court or justices, be dealt with in a certain way. The court might proceed to pass sentence in the usual way, or might suspend sentence if it thought fit, on the offender entering into recognisances, with or without sureties, for a certain time. Subclause 3 of that section provided—and it showed how admirably the Criminal Code was drafted by Sir Samuel Griffith to include all cases—that—

When such recognisance is entered into the offender is to be discharged from custody, but is liable to be committed to prison to undergo his sentence if during the period specified in the recognisance any of the conditions herein specified happens with respect to him.

Now, if they studied clause 6 they would see that everything the hon. gentleman desired was provided for.

Mr. PAGET: But there is no supervision of the children.

The ATTORNEY-GENERAL: He was explaining that everything, with the exception of the appointment of a probation officer, was provided for by law. Clause 6 gave a discretionary power to the court. It was not necessary for the court to convict. It might admonish, and, whether convicted or not, it could order the parents or guardians to pay costs.

Mr. JENKINSON: Does "admonish" mean that they can administer corporal punishment?

The ATTORNEY-GENERAL: Possibly. They need not spare the rod if it was to the detriment of the child. The justices had power, on the hearing of the charge against the child, either to find the charge substantiated, and convict and punish, or to find the charge substantiated and admonish, or to find the charge proven and not convict at all, or convict and liberate on certain conditions. Under the law there was supervision, but it was not, of course, the supervision of a special officer. It was the supervision of the police, or of any officer for whom the Government might arrange to do the work. He thought it unwise and unnecessary to make the appointment of a probation officer for a measure which was largely experimental. He had been speaking to the Home Secretary, and it was possible that they might arrange for a reformatory officer to exercise supervision, but if that was not satisfactory he supposed they would have to appoint a probation officer. He thought it would be two or three years before such an appointment would be necessary, because child

crime was not on the increase, and the Bill was brought in more as a preventive than anything else.

Mr. PAGET: It was to be regretted that the Minister could not see his way to accept the clause. Of course, if the hon. gentleman said that it was fatal to the clause that no provision had been made for a probation officer, all he could say was that, in his opinion, the Bill would be inoperative if the children were released without supervision.

The ATTORNEY-GENERAL: Oh, no; it won't.

Mr. PAGET thought the provision of the police to supervise the conduct of children such as these, who would be brought under the Bill, would be the very worst which could be made. It would be much more in the interests of the children if a special probation officer was appointed to supervise them when out on probation.

Mr. MAXWELL: You would want them all over Queensland, wouldn't you?

Mr. PAGET: The bulk of the cases during the last few years had occurred in Brisbane and suburbs, and the probation officers could be appointed for the more thickly-populated centres at first. He would like to ask the Chairman's ruling whether the fact that no appropriation had been made for the appointment of a probation officer was fatal to the acceptance of the amendment.

The CHAIRMAN: I would like to point out to the Committee, in the first instance, that I think hon. members when they have important amendments or clauses to submit to the Committee should get them printed. (Hear, hear!)

Mr. PAGET: It was submitted to the Minister.

The CHAIRMAN: I have had to give the amendments to the clerks in order that they may make copies of them, so that I have no opportunity of studying either the amendment or the new clause. But, speaking at the moment, I think the same objection lies to this new clause as to the amendment of the leader of the Opposition, which I overruled a short time ago, that it is unwarranted expenditure. I do not think it is in order.

Hon. R. PHILP: They might appoint as probationer an officer from some other department who would not be specially paid. They had a large staff at the Orphanage branch, and he thought it was their province to look after this business. They looked after 3,000 children in Queensland now, and had officers all over the State. They were paid now, and no more money would be required.

The ATTORNEY-GENERAL thought the leader of the Opposition had made a good suggestion. It was possible an officer might be obtained from the Orphanage department. Before the hon. gentleman spoke he had been endeavouring to arrange with the Home Secretary to see if that could not be done. If he found it necessary, he should be glad to get an officer from that department.

Mr. ADAMSON (*Maryborough*): The hon. member for Mackay seemed to be afraid that the supervision of the police would be bad.

Mr. PAGET: Not the best.

Mr. ADAMSON: He had read an account of a similar court to what was proposed here. There had been no legal machinery created and no new officers appointed; it was carried on altogether by the police themselves. Last year there were 600 juvenile offenders, and out of these forty-six went back the second and third time, but only two of them were sent to industrial schools. They were under police supervision all the time. The police did all this work, and it seemed to him that the Attorney-General was taking up a reasonable position in refusing to create any new officers—trying, in a tentative way, to carry on with the existing machinery. So far as the instance he had cited was concerned, there was no new court even; the children met the chief constable every Friday night in his office, and the result was most satisfactory.

Hon. R. PHILP: Where was this?

Mr. ADAMSON: In Hull, where he supposed there was a population of 400,000 or 500,000 people. He thought it would only be fair to give the Attorney-General's suggestion a fair trial. He believed the police could do this work in a humane way. He would support the Bill as it stood.

Proposed new clause (*Mr. Paget's*) put and negatived.

On clause 7—"Court to judge of age"—

Mr. MACARTNEY asked the Attorney-General why it should be left to the magistrate to decide the age?

The ATTORNEY-GENERAL: That only applies to cases where the evidence is not obtainable.

Mr. MACARTNEY thought the clause ought to be drawn so as to except children born in Queensland.

The ATTORNEY-GENERAL thought the clause as it stood was a very excellent one. Hon. members must know that in many of these cases it was very difficult, indeed, for the persons charged to procure evidence of the date of birth. Take the case—in an immense territory like Queensland—of a child born at Normanton being tried at Brisbane—which was, perhaps, an extreme case. It might be kept at Brisbane for a long period—until certain evidence arrived. Take the case of a child born in Toowoomba or Ipswich, and brought up for trial in Brisbane, the same objection would apply, and all the clause was inserted for was to give the court power to decide in cases of difficulty.

Mr. MACARTNEY: You could get a certificate from Toowoomba or Ipswich in a very short time.

The ATTORNEY-GENERAL: There was a difficulty where the person charged was identical in name with other persons on the register. His colleague, the Home Secretary, reminded him that there was a similar clause in the Suppression of Juvenile Smoking Bill, which had been introduced by the hon. member for Toowong. After all, it was only discretionary. Where the evidence was procurable this clause would not prevent the court from getting that evidence. The clause only applied to emergent cases, and they might safely let it go.

[8.30 p.m.]

Mr. MACARTNEY: It might be argued to the satisfaction of the Home Secretary that because a similar clause was in one Bill it should be another, but if it was wrong they should make it right. After hearing the Attorney-General, he thought perhaps that there were cases where the police magistrate should have this power, but it should only be exercised in exceptional cases.

Clause put and passed.

Clause 8 put and passed.

The House resumed. The CHAIRMAN reported the Bill with an amendment. The report was agreed to, and the third reading made an Order of the Day for Tuesday next.

## POOR PRISONERS' DEFENCE BILL.

COMMITTEE.

Clause 1 put and passed.

On clause 2—"Provision of legal aid"—

Mr. DENHAM: When the Bill was before the House on its second reading, he gathered from the Attorney-General that counsel briefed in the defence of prisoners would receive the sum of £7 7s. Was it proposed to require the accused to enter into a bond to repay the sum advanced him, should he be able to do so at some subsequent date?

The ATTORNEY-GENERAL: Yes.

Mr. DENHAM: It was only a fair thing if through stress and strain a prisoner was unable to pay for his defence that he should be assisted in that way, but if subsequently he was able to repay it he should be called on to do so.

Mr. KENNA: Suppose he gets hung?

Hon. R. PHILP: Then they should call on you to pay it.

Mr. DENHAM: Of course, he would be unable to pay then. He would like the Attorney-General to inform the Committee if that would be done.

The ATTORNEY-GENERAL: The department would be entrusted to see, in making arrangements for the defence of poor prisoners, that if there was any possibility of the money being recovered, then undoubtedly a bond of that kind would be entered into.

Mr. BOUCHARD: The Attorney-General on the second reading dwelt more particularly on the expense of obtaining legal assistance for the prisoner, but he did not say whether that would also include providing witnesses for the purposes of defence. The last two lines of the clause said—

> may, if he thinks fit, thereupon cause arrangements to be made for the defence of the accused person.

Was it intended also to bear the expense of subpœnaing witnesses and bearing any other expenses which might be necessary in the defence of the prisoner? In England the Act specially provided for that, and laid down what expenses were to be borne by the Crown.

The ATTORNEY-GENERAL: At present, if the Crown was satisfied that it was necessary, in the interests of justice, to have a certain witness there, he was brought there. The clause would give the person administering the Department of Justice ample authority to make such arrangements as would secure a fair trial.

Hon. R. PHILP: You do that now.

The ATTORNEY-GENERAL: This clause would do that. Now the Crown only provided counsel in serious cases, such as those involving the death penalty or imprisonment for life, etc., and the Bill would give power to provide similar assistance in all indictable cases.

Mr. KENNA foresaw a difficulty which did not occur to him when speaking on the second reading. If a prisoner had limited means—say, £10—there would be a temptation for him to spend his money in the lower courts, instead of reserving it for his defence in the higher court, because he would have an assurance that the Crown would provide for his defence in the higher court. Not only so, but there would be a temptation to the police court lawyer to try and persuade him to spend his £10 in the lower court on the ground that the Crown would pay for his defence in the higher court.

The HOME SECRETARY: Might not his spending it in the lower court result in his not appearing before the higher court?

Mr. KENNA was supposing a case in which the prisoner was committed for trial. The lawyer in the police court might try to induce him to spend all his money there.

Mr. MACARTNEY: Was that your experience when you went through the mill?

Mr. KENNA: When he did go through the mill he knew enough to keep away from the hon. member for Toowong; and if he had to go through the mill again, the hon. member was about the last lawyer he would go to. He would go to somebody else than such an adept in fleecing work as the hon. member.

The CHAIRMAN: Order!

The ATTORNEY-GENERAL congratulated the hon. member on the ingenuity he displayed in raising the point. There was nothing at present to prevent a man of limited means, who was charged with murder or some other serious offence, from employing counsel or a solicitor in the lower courts, and, after that money had been expended, asking the Crown to assist him in carrying on. There was a danger that a man might spend all he had in the lower courts, but the object of the Bill was to induce prisoners who had a good defence to disclose that defence when making application to be assisted. So far from the Bill accentuating the real difficulty, which was pointed out by the hon. member for Bowen, it would practically do away with it, because it would not be long before prisoners would know that there was a possibility of getting assistance from the Crown in certain cases; and, before spending anything, they would make their applications, and the difficulty would no doubt be to discriminate between *bonâ fide* and *malâ fide* applications. As the clause was framed, abundant power was taken to protect the funds of the Crown.

Mr. MACARTNEY: The experience of the hon. member for Bowen led hon. members to sympathise with him.

Mr. KENNA: I do not want your sympathy, anyway.

Mr. MACARTNEY: The hon. member must take what sympathy he got.

Mr. KENNA: You are a cad of the first water.

Mr. MACARTNEY: It depended on the point of view from which one regarded those things. The hon. member seemed to have kept company with an extraordinary class of lawyers, judging by his remarks, and certainly, under the circumstances, he was entitled to their sympathy.

Mr. KENNA: Miserable little cad.

Mr. MACARTNEY: There was a certain class of client whom a lawyer liked to go elsewhere; and, speaking for himself, the hon. member belonged to that particular class of client. He did not wish to pursue that subject any further.

Mr. KEOGH rose to a point of order. Was the hon. member for Bowen in order in calling the hon. member for Toowong a cad?

The CHAIRMAN: If the hon. member for Bowen made an interjection of that character, it was not in order.

Mr. KEOGH: Withdraw!

Mr. MACARTNEY really did not take any notice of what the hon. member said of that nature.

Mr. KENNA: Your face shows what notice you take.

Mr. MACARTNEY: If the principle of the Bill was a good one, it did not go far enough. At the present time they understood it was applied to persons charged with capital offences.

The ATTORNEY-GENERAL: Serious offences.

Mr. MACARTNEY: At first it was applied to blackfellows, and then it was applied to both black and white persons. It was now a matter of administration, and there was no reason why it should not continue a matter of administration. So far it had not been extended to indictable offences generally. That might be a good thing, or it might not. He was not sure that he would advocate its extension beyond capital offences. At the same time, if they were going to have the principle put on the statute-book, he did not see why they should not go a step further and give assistance to all persons without means who were charged with offences for which the punishment was imprisonment for a considerable period. With the view of having the matter discussed, he moved that at the end of line 13 the following words be inserted:—

Any person charged before a court of summary jurisdiction with any offence punishable by imprisonment for a period of six months may, before the commencement of the hearing, apply to such court for the appointment of counsel for his defence.

The ATTORNEY-GENERAL said he could not accept the amendment, because, in a Bill of this kind, it would be extending the principle too far. They had just passed through Committee a Children's Courts Bill which gave to magistrates power to deal with cases of children up to seventeen years of age charged with offences—it did not matter what kind of offence a child was charged with—and he took it that the giving of that power to magistrates would largely do away with applications being made on behalf of children for the appointment of counsel for their defence; so that, in reality, the only cases remaining to be considered were cases punishable on summary conviction before a magistrate in which the offenders were over the age of seventeen years. Those cases filled up the gap, and brought them to what this Bill provided for—indictable offences. There would be very few cases of children over seventeen years of age punishable on summary conviction, and they could leave those for consideration until they found how the measure worked. If legislative sanction was given to assist offenders charged with indictable offences that might involve the expenditure of a large amount of money, and he asked the Committee to hesitate until they saw how that worked before extending the principle in the manner proposed in the amendment of the hon. member for Toowong. Section 69, subsection 3, of the Commonwealth Judiciary Act, provided that any person in a trial for an indictable offence against the laws of the Commonwealth might at any time apply to a justice in Chambers or a judge of the Supreme Court for the appointment of counsel for his defence. The precedent established in the English Act, and the provision he had referred to in the Commonwealth Judiciary Act, in addition to the other reasons he had given, justified him in asking the Committee not to accept the amendment of the hon. member for Toowong.

Mr. LESINA: He was not quite clear how this clause would work. The provision in the English Act was more definite. Subsection (2) of section 2 of the Poor Prisoners' Defence Act, 1903, provided that—

The expenses of the defence, including the cost of a copy of the depositions, the fees of solicitor and counsel, and the expenses of any witnesses shall be allowed and paid in the same manner as the expenses of a prosecution in cases of indictment for felony, subject, nevertheless, to any rules under this Act, and to any regulations as to rates or scales of payment which may be made by one of His Majesty's Principal Secretaries of State.

He referred specifically to that, because Captain Neitenstein, the greatest penalogist we have in Australia, and the Comptroller-General of Prisons in New South Wales, dealt with the matter in a report he made on a recent trip made to inquire into the penal systems in force in Europe, Canada, and the United States of America. Speaking of the principle contained in the English Act, at page 105 of his report, Captain Neitenstein said—

I was glad to see a movement in England towards assisting impecunious unconvicted prisoners to properly defend their cases. As everyone knows, the poor man experiences disadvantages on account of his inability to employ legal assistance at his trial. This does not affect the "old hand," as the members of his fraternity outside generally manage to provide funds for his defence. The man without experience and without funds cannot command much assistance; he cannot even get a copy of the depositions taken at the lower court. Of course, the judge always extends consideration and assistance to an undefended prisoner; but the judge cannot fill the place of an advocate, especially when the prosecution employs high legal aid.

In New South Wales similar disadvantages are experienced, excepting in the case of aboriginals and of persons without means who are charged with capital offences. In Scotland, poor persons on trial are not only able to acquire the services of a barrister, but can have solicitor's assistance beforehand to work up their cases. In France, and in some other countries, there is the system of *Avocat des Pauvres*. Since November, 1892, the Belgian Bar, under the influence of an ex-Minister of Justice, Senator Le Jeune, had gratuitously undertaken the defence of prisoners without money. Committees of defence are found at all the large assize centres, formed from the members of the junior bar. During my recent stay in England an Act was brought into operation (in August, 1903) dealing with this matter. It is called the Poor Prisoners' Defence Act, and it provides that at quarter sessions and assizes (corresponding to our quarter sessions and circuit courts) solicitor and counsel shall be assigned to any prisoner who is without means. Section 2 of that Act says that the expenses of the defence, including the cost of supplying depositions, the fees of solicitors and counsel, and expenses of witnesses, are to be paid in the same manner as the expenses of a prosecution in case of indictments, and in accordance with a scale laid down by the Government.

He did not know how this Bill was going to operate. It appeared that the Attorney-General —if he was satisfied that a prisoner [9 p.m.] was too poor to defend himself, and that it was desirable in the interests of justice that he should be afforded counsel—then counsel could be allotted to him on the initiative of the Attorney-General.

The ATTORNEY-GENERAL: More than that. He can get a copy of the depositions.

Mr. LESINA: He could get that now. He was not sure that he clearly understood the amendment of the hon. member for Toowong.

Hon. R. PHILP: It makes it wider. They will get more convictions, the Attorney-General says.

Mr. LESINA: The Attorney-General had explained that the clause was practically a transcript of a Commonwealth clause in the Judiciary Act dealing with indictable offences. The hon. member for Toowong wanted to extend the Bill to the defence of prisoners liable to summary conviction and imprisonment for six months. Now the great majority of offenders were those liable to under six months' imprisonment.

The ATTORNEY-GENERAL: The sentence, or the amount of the sentence, is not the criterion. It is the tribunal which deals with the offences. The seriousness of the offence renders a higher tribunal necessary.

Mr. LESINA: The term "indictable offence" would exclude hundreds of persons who were liable to lighter punishment. If it were made perfectly clear that a person charged with an indictable offence would be supplied with counsel and solicitor in the lower courts as well as the higher, also with copies of the depositions, and

would have his witnesses' expenses paid, that was as much as they could do. It seemed to him that it was as much in the interests of the State to keep innocent men out of gaol as to convict guilty ones.

Hon. R. PHILP: The Attorney-General says he will secure more convictions.

Mr. LESINA did not think so, unless a lot of young and inexperienced barristers were let loose on the prisoners. Was the Bill intended to afford an opportunity of fledgling barristers to practise on prisoners? The chances were that the Bill would confer on the Attorney-General a large amount of patronage, and he could quite understand that his life under the operation of such a Bill would not be worth living. Numbers of penniless barristers would be seeking his favour whenever a person was committed for trial for an indictable offence. There seemed to him room for suspicion that although members were animated by the purest of motives, yet the Bill might play into the hands of the legal profession. Laymen could only view legislation of that kind with a suspicious eye. The legal profession were a pretty strong union, and they banded together to look after their own interests. They might put Bills together, and leave small loopholes for their own benefit. He therefore hoped the Attorney-General would deal openly with them, and let them understand that there was nothing wrong with the clause.

HON. R. PHILP: In his opinion the only men for whom defence should be provided were those charged with capital offences. The others should take their chance. If poor prisoners read the remarks of the Attorney-General to the effect that under the Bill he would convict three or four where now he only convicted one, they would have no truck with the hon. gentleman, and would depend upon the presiding judge. He thought that the prisoner would get a far fairer show from the judge than from some barristers. It seemed very funny to him that all over Queensland they should have an army of men employed in catching—and very often not catching—(laughter)—men engaged in horse and cattle stealing, who were very difficult to catch, and on the other hand they were asked to put their hands in their pocket to employ briefless barristers to try and get them off, and he did not think it was a fair thing to the taxpayers. (Hear, hear!) The Attorney-General said the other night that he expected to get more convictions.

Mr. BOUCHARD: He did not mean it.

HON. R. PHILP: He said so; and he had no right to say so if he did not mean it. A Minister of the Crown ought to be very careful.

The ATTORNEY-GENERAL: You know what I said.

HON. R. PHILP: The hon. gentleman said that under this Bill he would get more convictions.

The ATTORNEY-GENERAL: The leader of the Opposition had dealt with this matter in a humorous mood, pointing out that he was simply taking power under the Bill to give briefs to briefless barristers. From what he knew of the profession, he did not think there were many briefless barristers practising here. Most of them did pretty well. But the Bill was not to get power to give patronage at all, but a simple, honest endeavour to give assistance in cases where they thought it should be given—to brief counsel to defend people who were not able to defend themselves, and secure the acquittal of the innocent.

Hon. R. PHILP: To get more convictions.

The ATTORNEY-GENERAL: What he had said was that, in providing counsel in certain cases, possibly more convictions would result, and in saying that he was only using the words of Lord Alverstone, the present Chief Justice of England. It was not the innocent who need fear the closest scrutiny, but the guilty; and the providing of counsel and solicitor would only mean a more thorough investigation, which would lead to the acquittal of the innocent.

Hon. R. PHILP: You said distinctly that you hoped to get more convictions under this Bill.

The ATTORNEY-GENERAL: He did not think he used the word "hoped."

Mr. MACARTNEY: You said probably.

The ATTORNEY-GENERAL: He said that now. He did not say that, reflecting on the profession. He was quoting the words of Lord Alverstone. His remarks applied now more particularly to the point raised by the hon. member for Toowong and the hon. member for Clermont. This Bill only applied to indictable offences. If hon. members looked at section 3 of the Criminal Code, they would find these words—

> Offences are of three kinds—namely, crimes, misdemeanours, and simple offences.
>
> Crimes and misdemeanours are indictable offences—that is to say, the offenders cannot, unless otherwise expressly stated, be prosecuted or convicted except upon indictment.
>
> A person guilty of a simple offence may be summarily convicted by two justices in petty sessions.
>
> An offence not otherwise designated is a simple offence.

This Bill went to the extent of providing that the Crown might, under Legislative sanction, grant the aid of counsel and solicitor to persons charged with an offence.

Mr. MACARTNEY: Counsel only.

The ATTORNEY-GENERAL: Both counsel and solicitor. Counsel in its larger sense would include solicitor—counsel could not act without solicitor.

Mr. DENHAM: Would £7 7s. include the solicitor's charges as well?

The ATTORNEY-GENERAL: He thought so in criminal cases which did not last very long. This Bill extended assistance to all people charged with crimes and misdemeanours—that was practically for every offence in the category of the criminal law. He had pointed out already that all simple offences up to the age of seventeen could be dealt with in the children's courts, so that it only left a little margin for these offences—not simple offences—over the age of seventeen. On the one hand he was twitted with endeavouring to find work for the briefless barrister, and on the other hand he was told that he had not gone far enough. It was really impossible to satisfy hon. members. But he took it that once they understood that persons charged with indictable offences could have arrangements made for their defence, which included the procuring of witnesses, the supplying of copies of depositions, supplying them with a barrister and solicitor in the higher court, they would admit the Government had gone as far as they could wisely go in an experimental Bill. (Hear, hear!)

Mr. MACARTNEY: Evidently the Attorney-General had introduced this Bill, which was apparently of a humanitarian nature, for the purpose of gaining a little political kudos in the country. It was not such a humanitarian measure after all, because if the hon. gentleman was justified in going so far in the defence of poor prisoners, he was justified in going "the whole hog." The liberty of a prisoner who was liable to get six months' imprisonment was just as great

to him as the liberty of a man liable to get two years for an indictable offence. The matter of the offence being an indictable one made no difference at all. It often happened that a poor man brought up in the police court without a shilling in his pocket—and perhaps not even with intelligence enough to indicate the witnesses he wanted to give evidence on his behalf—was more in need of assistance than the man charged with an indictable offence before the superior court. If it was to be a humanitarian measure, let it be a proper one. If the Labour friends in the corner, who were dominating the legislation, were going to go round the country blowing about their humanitarian legislation, let them get humanitarian legislation worth having.

The ATTORNEY-GENERAL: They never asked me for it.

Mr. MACARTNEY: Then the hon. gentleman was having a little electioneering on his own.

The ATTORNEY-GENERAL: I am not "a dog in the manger"; I do not object to you doing the same. (Laughter.)

Mr. MACARTNEY: If they would not include other cases, then they might just as well leave it as it was at present—for cases where capital punishment was involved. As the hon. gentleman was seeking a little cheap popularity in that way, likewise their friends in the corner, it was just as well to expose the sham before the Committee and before the country.

The PREMIER: Are you not going in for a little popularity, too? (Laughter.)

Mr. MACARTNEY: The Attorney-General said that solicitor and counsel would both be provided, but the language of the Bill applied only to counsel. It was a vague way of putting it. The hon. gentleman said the fee to be paid would be £7 7s., but they knew that in some cases, if counsel was provided for the defence, it would run into hundreds of pounds.

The ATTORNEY-GENERAL: We have often paid more than that. We have done it in several cases.

Mr. MACARTNEY: Take the Kenniff case. If the prisoners then charged had been entitled to defending counsel, the collection of the evidence might have run into thousands of pounds. So that, after all, the mere allotment by the Crown of a paltry fee of seven guineas for the defence of a prisoner charged with a capital offence was not an exceedingly humane provision.

The PREMIER: What is your objection to this Bill? Does it give too much or too little?

Mr. MACARTNEY: He would make his remarks in his own way, without any instructions from the Premier. It would be much better if the hon. gentleman, when he boasted about being a great humanitarian, would come down with something solid instead of bringing in something which was only a sham.

The ATTORNEY-GENERAL: You know that it is not a sham.

Mr. KEOGH quoted a case which was heard before Lord Norbury in Limerick, Ireland. The prisoner was charged with stealing a cow, and, as he was undefended, Daniel O'Connell, the great Irish Liberator, was asked to defend him. This he agreed to do, and asked, as he knew nothing about the case, if he could consult with his client outside. This was agreed to, and on going outside the court the prisoner admitted to O'Connell that he was guilty. O'Connell advised him to take "leg bail," and he did so. When O'Connell returned to the court the judge asked what about the prisoner, and he replied, "I do not know anything about him. I advised him to take 'leg bail,' and he did so." (Laughter.) He would be pleased to see barristers follow O'Connell's example, and give advice without any fee at all. (Renewed laughter.)

Mr. HUNTER thought the Government was justified in limiting the amount of expense to be incurred under the Bill. This was purely an experimental stage, and he did not think sufficient arguments had been adduced to warrant the Committee in increasing the expense in that direction. For that reason, the Committee should—and he hoped they would—vote against the amendment.

Mr. DENHAM: There was an impression in the minds of laymen that the employment of legal assistance for prisoners would tend to protract cases.

The ATTORNEY-GENERAL: That is erroneous.

Mr. DENHAM: He understood that at the present time the law courts were piled up with cases. There was a serious congestion of business, and the Chief Justice com-
[9.30 p.m.] plained that no action was taken by the Government. In view of these frequent complaints, he would ask the Attorney-General if it was not time that relief was given by a further appointment being made to the bench?

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

Mr. MACARTNEY: Under the clause the Attorney-General reserved to himself the right to sit in appeal on the decisions of judges and police magistrates.

The ATTORNEY-GENERAL: Certainly. I authorise the expenditure.

Mr. MACARTNEY: If a judge or police magistrate decided that any prisoner was entitled to the benefits of the provisions of the Bill, it should not be in the power of the Attorney-General to say "No." It should be imperative on the hon. gentleman to grant assistance once the court came to the conclusion that the case required it. He did not propose to move an amendment.

The ATTORNEY-GENERAL: There was no ground for the remarks of the hon. member. The clause was perfectly explicit. In nine cases out of ten the Attorney-General, or the person administering the department, would grant an application, certified to by a judge or police magistrate. The reason why it was left to the discretion of the Attorney-General to take exception to an application was that additional facts might come to light after the application was recommended by the judge or police magistrate which would have led the judge or the police magistrate to withhold his certificate. So far from being a wrong thing, it was an important safeguard to protect the spending of money.

Mr. MACARTNEY: There was no doubt the hon. gentleman gave good ground when he referred to additional facts being within the knowledge of the Attorney-General, for the matter being referred back to the judge or police magistrate, or to refuse to grant the application; but, unfortunately, the clause gave the Attorney-General the right to refuse in every case. If the clause provided that the Attorney-General should have discretion in cases where additional facts came to light, he would not care; but he objected to such arbitrary power being given to any Attorney-General.

Mr. NEVITT: In outside places when a judge was on circuit, particularly in the North, he did not arrive until an hour or two before the holding of the court, and there was very little time for a judge to communicate with the Attorney-

General. In cases of that kind he thought the responsibility should rest on the police magistrate.

The ATTORNEY-GENERAL: That is so.

Mr. NEVITT: Some years ago a case occurred in the North, where a blackfellow was arraigned on a charge of murder. No counsel had been provided for his defence, and, when the court opened, one of the visiting solicitors was asked to undertake the defence. Speaking from memory, he was only to be allowed £5, and the solicitor refused to take up the case. The result was that the prisoner was tried without counsel.

The ATTORNEY-GENERAL: How did he get on?

Mr. NEVITT: He was let off. (Laughter.) If the Attorney-General or any other hon. member had been on that jury he would have taken up the same attitude. The Bill gave him the hope that in future persons arraigned for indictable offences would have an opportunity of getting a fairer deal than they had been able to get in the past. That was why he was supporting the Bill. He hoped sufficient power would be vested in police magistrates, or whoever the authority might be, to provide suitable counsel for prisoners in that position.

The ATTORNEY-GENERAL: Formerly, police magistrates had not power to recommend that assistance be granted; but, if the Bill became law, a police magistrate before whom a case was heard in the first instance would have power to recommend the department to grant such assistance, so that the next man similarly situated to the one which the hon. member for Carpentaria spoke of might be convicted. To show that he did not arrogate any arbitrary power to himself, he would point out that subsection (3) of section 69 of the Commonwealth Judiciary Act contained a precisely similar provision.

Mr. MACARTNEY: That does not make it right.

The ATTORNEY-GENERAL: It made it right to the extent that the Commonwealth authorities thought it was a wise safeguard to insert, and had no fear there would be any arbitrary exercise of power. He hoped the Committee would pass the clause in its present form.

Mr. DENHAM noticed that on the second reading of the Bill it was suggested that justices of the peace should have power to certify that a prisoner was without adequate means of defence, and that it was desirable that counsel should be appointed for his defence. The Attorney-General said then that if it was necessary to give the power to justices of the peace "we may accept an amendment of that kind in Committee."

The ATTORNEY-GENERAL: Well, I do not think it is necessary.

Mr. DENHAM: In wayback places they had rarely a visit from a police magistrate, and if a poor prisoner was brought up before the court, why should he not have legal assistance? Or why should a poor lawyer in the back blocks not have the benefit of the five or seven guinea fee?

The SECRETARY FOR RAILWAYS pointed out that in the outlying parts of the State where there was no police magistrate, there was no solicitor, so that, even if this power were given to justices, there would be a difficulty in providing the prisoner with legal assistance for his defence.

Mr. CREAGH did not agree with the argument of the hon. member for Toowong, because he thought some safeguard was necessary in this matter, and the Attorney-General was the proper officer to safeguard his department. There was, however, something in the suggestion of the hon. member for Oxley that justices of the peace should have the same right to certify in respect of the defence of poor prisoners as a magistrate. Under the Justices Act—and, in fact, under all Acts giving jurisdiction to police magistrates—two justices were given the same authority as a police magistrate; and if that was right in dealing out justice—or injustice, as the case might be—surely it would be right under this Bill. A prisoner who was committed for trial about four or five weeks before his trial came on might possibly have an opportunity of applying to a police magistrate for a certificate that it was in the interest of justice that he should be granted assistance in his defence; but, where a prisoner had only four or five days at his disposal, he might not be in a position to make the necessary application. If a man were committed at Northampton Downs, and had to go to Rockhampton for trial, and there were only six or seven days intervening between his committal and his trial, what chance would he have of getting legal assistance if he could not make application to two justices for the necessary certificate? He hoped the Attorney-General would give this matter further consideration before the Bill was finally passed.

The ATTORNEY-GENERAL did not think it would be wise to extend this power to justices of the peace, for this reason: that in far distant places there were police magistrates, and practically all indictable offences were tried before police magistrates. There might be some indictable offences which were tried before two or more justices, but there were not many. Moreover, it did not follow that in those cases where men were tried before justices they would not have opportunity to apply to a police magistrate. They might apply to a police magistrate by letter or otherwise, or the justices might send on the application direct to the department. There would be so few cases in which any possible injustice might be done that such an amendment as that which had been suggested was unnecessary.

Clause put and passed.

Clause 3—"Appropriation"—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.

The House adjourned at eight minutes to 10 o'clock.