Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 15 NOVEMBER 1910

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LEGISLATIVE ASSEMBLY.

TUESDAY, 15 NOVEMBER, 1910.

The DEPUTY SPEAKER (W. D. Armstrong, Esq., *Lockyer*), took the chair at half-past 3 o'clock.

MEAT AND DAIRY PRODUCE ENCOURAGEMENT ACTS AMENDMENT BILL.

INTRODUCTION AND FIRST READING.

On the motion of the SECRETARY FOR AGRICULTURE (Hon. W. T. Paget, *Mackay*), this Bill, which had been initiated in Committee, was read a first time, and the second reading made an Order of the Day for to-morrow.

MARGARINE BILL.

INTRODUCTION AND FIRST READING.

On the motion of the SECRETARY FOR AGRICULTURE, this Bill, which had been initiated in Committee, was read a first time, and the second reading made an Order of the Day for to-morrow.

LAND BILL.

PROPOSED RECOMMITTAL.

Upon the Order of the Day—"Land Bill reported; Consideration of Bill as amended"—being read—

The SECRETARY FOR PUBLIC LANDS (Hon. D. F. Denham, *Oxley*): I move that this Order of the Day be discharged, and the Bill be recommitted for the consideration of a new clause to follow clause 21.

[*Hon. A. H. Barlow.*

Mr. O'SULLIVAN (*Kennedy*): I beg to move the addition of the words "and for the reconsideration of clause 6." I do not know whether it is necessary for me to enlighten the House as to why I wish to do this, but when the Bill was going through I wanted to move an amendment on clause 90, dealing with the owners of land having the right to sublease their land to aliens, and I found I could not do it at that stage. So I consulted the Parliamentary Draftsman, and with his assistance drafted an amendment, which reads as follows:—

Every such grant shall contain a condition prohibiting the grantee or his successor in interest from leasing or letting the land comprised in the grant or any part thereof to any alien who has not first obtained in the prescribed manner a certificate that he is able to read and write from dictation words in such language as the Minister may direct.

That is practically the same in substance as the amendment proposed by the hon. member for Cairns in Committee, dealing with aliens.

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

AYES, 24.

Mr. Barber	Mr. Lennon
,, Brennan	,, Mann
,, Breslin	,, May
,, Collins	,, Mullan
,, Coyne	,, Murphy
,, Crawford	,, McLachlan
,, Ferricks	,, Nevitt
,, Foley	,, O'Sullivan
,, Hamilton	,, Ryan
,, Hardacre	,, Ryland
,, Hunter, J. M.	,, Theodore
,, Land	,, Winstanley

Tellers: Mr. McLachlan and Mr. Murphy.

NOES, 29.

Mr. Allan	Mr. Hodge
,, Appel	,, Hunter, D.
,, Barnes, G. P.	,, Kidston
,, Barnes, W. H.	,, Macartney
,, Booker	,, Mackintosh
,, Bridges	,, Paget
,, Cottell	,, Petrie
,, Cribb	,, Philp
,, Denham	,, Stodart
,, Forsyth	,, Swayne
,, Fox	,, Tolmie
,, Grant	,, Walker
,, Grayson	,, White
,, Gunn	,, Wienholt
,, Hawthorn	

Tellers: Mr. Allan and Mr. G. P. Barnes.

PAIRS.

Ayes—Mr. Blair and Mr. Douglas.
Noes—Mr. Rankin and Mr. Roberts.

Resolved in the negative.

Original question stated.

Mr. HARDACRE (*Leichhardt*): I wish to move, as an amendment, the addition of the words "and for the reconsideration of clause 141." In dealing with the matter in Committee it was intended to move an amendment at that time, providing that where a resumption from a holding is made, not only shall the court take into consideration the average capacity and quality of the holding, but they shall also take into consideration the proximity to railway communication, and other facilities for closer settlement. The resumption from a holding is to be of the same quality and the same capabilities as the whole holding, but we desire, if possible, that the resumption shall be near a railway, and I desire to amend the Bill in that important matter, and, as we omitted to take advantage

of the opportunity of doing it when the Bill was in Committee, I now move this amendment.

Mr. J. M. HUNTER (*Maranoa*): I second the amendment, as I think it is a very important matter. In deciding resumptions it does sometimes happen that land better suited for closer settlement is often held by the lessee, and the resumption takes place at a greater distance from a railway than is suitable for cultivation or dairying. One or two cases of this description have happened in the Maranoa electorate, and I suppose what has happened there has happened in other places. A particular instance, I might mention, is in connection with the Bindango resumption, where the Crown lands were on both sides of the railway, but instead of granting the resumption there, the resumption was given at the extreme end of the run, about 18 or 20 miles off the railway line. The amendment had been prepared, but clause 141 was passed quickly, and we desire in future that the Land Court should be called upon to take into consideration the suitability of the area to be resumed for closer settlement, such as for agriculture and dairying purposes. I hope the Government will agree to the amendment, as I think it will be an improvement on the Bill and a decided advantage in facilitating closer settlement in the country.

The SECRETARY FOR PUBLIC LANDS: I rather regret the hon. member has moved this amendment, because it is a matter that I shall have to resist to the very end. Assuming the House gave the Committee power to reconsider clause 141, I shall have to resist it, because the thing is not practicable and is not desirable.

Mr. HARDACRE: Why?

The SECRETARY FOR PUBLIC LANDS: Why! Clause 141 provides, amongst other things, that the court shall have regard to the quality of the land, and to whether the resumed portion be superior to the general lease or not. If inferior, a larger area is given. Now the hon. member wants to introduce another element—nearness to a railway line. To provide that, the Land Court must give the land nearest to a railway line. We might not so desire, it may not be the best. Because of it being near a railway, it does not follow that it is the best land. And nearly every resumption is a subject of negotiation before it goes to the court. The lessee discusses the matter with the department, and if we cannot come to terms then we have to go to the court, but you might as well write in the law at once that this is a matter that must be dealt with wholly and solely by the Minister as to insert that the resumption is to be in a given place.

Mr. J. M. HUNTER: That is one of the considerations.

The SECRETARY FOR PUBLIC LANDS: Whilst you allow that element—that is quality and quantity, as having some relation to each other, you cannot allow the situation to have the same relation. Very often the Crown lessee is quite willing that the resumption should be near the railway line, but it would be a mistake to so instruct in the Bill. If that were inserted, instead of doing what the hon. member wants, it might actually impose on the department a disability that we certainly do not desire to have, and it might not work out for the benefit of closer settlement. Therefore I intend, if the House gives a direction for the Committee to discuss clause 141—I shall have to resist it, having given full consideration to it. The hon. member was good enough last week to speak to me about the matter, and so gave me time to consider the proposition. The view I hold of land legislation is this: I do not care where the suggestion comes from, if it appears, after consultation with the officers of my department who have been intimately associated with land legislation for years past, that it would be a good thing, I accept it. But I have had an opportunity of discussing this thing with the Under Secretary, and he advises me that it would not be in the interests of the department; therefore I shall have to resist it in this House, and I hope the House will shortly come to a decision whether it is to be recommitted or not.

Mr. COYNE (*Warrego*): I think the Secretary for Public Lands has given very good reasons why this amendment should be adopted. He has just told us before any resumption takes place the lessee comes along and has an interview with the Minister.

The SECRETARY FOR PUBLIC LANDS: Often.

Mr. COYNE: In a matter of this sort, if it was desired to resume some good land, the lessees went to the department and discussed it. You see the position the lessee is in as compared with the incoming selector, whom we do not know just yet. If the incoming selector had a say also in the matter, he might make out such a case that the Minister would decide upon the land adjacent to a railway being part of the resumption. But he will not have an opportunity. The lessee has all the advantages, and if this amendment were inserted, then the Secretary for Public Lands and his officers could decide whether it would be more advantageous to the incoming selector to have land adjacent to a railway line or not. I think the Minister should have the final say, and if there was a provision such as this in the Bill the dividing commissioner would set out that the resumed portion, or part of it, will be near a railway line, and the same facilities for carriage will be given to the selector as have been given to the lessees.

Mr. HAMILTON (*Gregory*): The dividing commissioner does not divide. He may recommend, and the court may accept his decision as to where the resumption shall take place. I understand this amendment is to be moved at the instigation of the hon. member for Maranoa, who has given a specific instance in his own district where a resumption has been made for agricultural farm purposes and the area that has been resumed was at the back of the run. We all know very well that if we want to settle people on small agricultural holdings we must put them as close to the railway as possible, and this is only an instruction to the court—that proximity to a railway shall be one of the factors as to where the resumption shall take place. When land is resumed for agricultural purposes, if a railway is in the vicinity, that should be one of the first factors—one of the leading factors; and that is what is intended by the hon. member for Maranoa. In the far West, so far as grazing selections are con-

[4 p.m.] cerned, a few miles extra for the carriage of wool is neither here nor there, but it makes a lot of difference to those engaged in agriculture. It means a lot to them to be near to a railway, and that is why we say that the resumption should be in the vicinity of a railway.

Mr. LAND (*Balonne*): It is about the first time that I have ever heard anyone get up in this House and argue that it is a good thing to have a resumption away from the railway line.

Mr. Land.]

The DEPUTY SPEAKER: Order! I wish to point out to the hon. member that the House has no knowledge yet of what the terms of the amendment are going to be.

Mr. LAND: I wish to give reasons in favour of the amendment introduced by the hon. member for Leichhardt.

The DEPUTY SPEAKER: The hon. member for Leichhardt has moved an amendment for the reconsideration of clause 141, but the House has no knowledge of what that amendment is, and hon. members must not discuss it. I have no knowledge of the terms of the amendment; those possibly will be disclosed if the House agrees to recommit clause 141.

Mr. LAND: The Secretary for Lands gave reasons. In replying to the hon. member for Leichhardt the Minister gave reasons why he could not accept the amendment. I wish to give reasons why the Minister for Lands should accept it. The effect of the amendment is that it is absolutely necessary that railway communication should be placed, practically, before anything else. I maintain that that is one of the very first reasons that should be considered. The hon. gentleman said it did not matter to a pastoral lessee whether he was 18 or 20 miles from a railway, but I know that it means a good deal to a pastoral lessee how far the railway line is from his holding, and the same thing would apply in a greater degree as regards grazing farms, and much more so for agricultural farms. I hope the mover of the amendment will test the feeling of the House, because I consider that it is of very great importance that railway facilities should be considered in the case of all resumptions.

Question—That the words proposed to be added be so added (*Mr. Hardacre's amendment*)—put; and the Committee divided:—

AYES, 23.

Mr. Barber	Mr. Mann
,, Breslin	,, May
,, Collins	,, Mullan
,, Coyne	,, Murphy
,, Crawford	,, McLach'an
,, Ferricks	,, Nevitt
,, Foley	,, O'Sullivan
,, Hamilton	,, Ryan
,, Hardacre	,, Ryland
,, Hunter, J. M.	,, Theodore
,, Land	,, Winstanley
,, Lennon	

Tellers: Mr. Breslin and Mr. O'Sullivan.

NOES, 32.

Mr. Allan	Mr. Gunn
,, Appel	,, Hawthorn
,, Barnes, G. P.	,, Hodge
,, Barnes, W. H.	,, Hunter, D.
,, Booker	,, Kidston
,, Brennan	,, Macartney
,, Bridges	,, Mackintosh
,, Corser	,, Paget
,, Cottell	,, Petrie
,, Cribb	,, Philp
,, Denham	,, Stodart
,, Forrest	,, Swayne
,, Forsyth	,, Tolmie
,, Fox	,, Walker
,, Grant	,, White
,, Grayson	,, Wienholt

Tellers: Mr. D. Hunter and Mr. Tolmie.

PAIRS.

Ayes—Mr. Blair and Mr. Douglas.
Noes—Mr. Rankin and Mr. Roberts.

Resolved in the negative.

Original motion put and passed.

COMMITTEE.

(*Mr. K. M. Grant, Rockhampton, in the chair.*)

The SECRETARY FOR PUBLIC LANDS moved that the following new clause be inserted after clause 21:—

(1.) Any present member of the court may retire from office at any time after the commencement of this Act, and shall upon such retirement be entitled to a pension, by way of annuity during his life, at the rate of five hundred pounds per annum.

The Pensions Act of 1891 shall apply to a pension payable under this subsection. Moreover, if any present member of the court, upon such retirement, becomes entitled to any superannuation allowance under the Civil Service Act of 1863, the pension granted under this subsection shall, to the extent of the amount of such superannuation allowance, abate and be suspended; and if such superannuation allowance is equal to or greater than such pension, such pension shall wholly abate and be suspended.

(2.) The following provisions shall be applicable to every member of the court who may hereafter be appointed:—

(i.) Such member shall be appointed for a term of fifteen years and no longer:

Provided that every such member shall retire from office upon attaining the age of seventy years, notwithstanding that he has not then remained in office for such term of fifteen years;

(ii.) Such member upon retirement from office after the expiration of such term of fifteen years shall be entitled to a pension by way of annuity during his life, at the rate of five hundred pounds per annum:

Such member upon retirement from office upon attaining the age of seventy years, and before he has remained in office for such term of fifteen years, shall be entitled to a pension by way of annuity during his life, and the amount of such pension shall bear the same proportion to five hundred pounds as the period during which he has remained in office bears to the term of fifteen years;

(iii.) Any such member who is disabled by reason of permanent infirmity from performing the duties of his office may, and if required by the Governor in Council shall, retire from office, notwithstanding that he has not then remained in office for such term of fifteen years:

Such member upon such retirement from office shall be entitled to a pension, by way of annuity during his life, at the rate of five hundred pounds per annum;

(iv.) The Pensions Act of 1891 shall apply to a pension payable under this subsection.

When he was preparing the consolidating land measure he gave careful consideration to the constitution of the Land Court, and in one of the earlier drafts he included a clause dealing with the term of office of future members of the court. It was not for the present members of the court, but for future members. He recognised that, so far as the present members of the Land Court were concerned, they held their commission, as the law put it, "during good behaviour"; but, as all men were mortal, and as two members of the court were reaching the time when "the conscientious discharge of duty would not represent the same efficiency as in former years," he anticipated retirement and set out the terms of the new appointment. Cabinet gave due and careful consideration to clauses dealing with annuities, which, as he had stated, occurred in one of the earlier drafts of the Land Bill. It was decided to omit all reference to future appointees, as it might be thought they were seeking to influence the Land Court by offering inducements to retire. The Government, as indicated last week, held decided views as to the independence of the Land Court. They held that the members of that court must be without the range of fear or favour; and

whilst he regretted bringing down a Bill without a provision admitting retirement on pensions to future members of the court, yet his action was solely influenced by a sense of delicacy as to the occupants of the present position, and also of the fact that the question of tenure and rents were so largely concerned. The comments which were made about the court during the committee stages of the Land Bill last week were within the memory of all.

OPPOSITION MEMBERS: Hear, hear!

The SECRETARY FOR PUBLIC LANDS: He called attention to this: That clearly enough it was not a premeditated attack on the court. The hon. member for Maranoa raised the question when he was speaking on the first clause of the division dealing with the Land Court, and when he rose he had not even prepared an amendment, and during the course of his speech he foreshadowed his amendment. He mentioned this to show that there was nothing in the way of a determined onslaught on the Land Court. The remarks made by the hon. member for Maranoa were quite spontaneous, but it was equally clear that his remarks met with a responsive chord in the Chamber.

OPPOSITION MEMBERS: Hear, hear!

The SECRETARY FOR PUBLIC LANDS: He certainly did not know that the Land Court were going to be adversely criticised. No member of the House spoke to him after the second-reading stage, so that when they went into Committee on the Bill, it was in no way a premeditated attack on the court. Certain members of the court were very much aggrieved at what took place in the House last week, and accordingly, on the evening of the 7th of this month, he received a letter signed by Messrs. Sword and Woodbine. The letter was dated the 4th November. He received it on the 7th. It was as follows:—

Brisbane, 4th November, 1910.

Sir,—It would seem, from the published reports of proceedings in the Legislative Assembly last night, that a majority of the members of the Legislative Assembly have expressed themselves as dissatisfied with the court as presently constituted, and have adversely criticised both the constitution of the court and its members as a body. We now have the honour to inform you that we, the present members of the Land Court, have no desire to avail ourselves of the incidence of our appointment under the existing laws of the State of Queensland, but are prepared upon certain conditions to retire and thus clear the way for either the appointment of new members or for the reconstitution of the Land Court to the satisfaction of the Legislature.

The position we at present occupy is under the circumstances a most unenviable one, and, as it is our desire to assist your department to meet the wishes of the people as expressed by a majority of the people's representatives in the Legislative Assembly, we are willing to resign our commissions conditionally upon the Government granting each member of the court twelve months' leave of absence at the present remuneration, and the providing for the payment of adequate pensions to the members after the expiration of such twelve months.

Trusting to receive your reply in due course.

We have, etc.,
T. S. SWORD.
F. W. WOODBINE.

The Honourable D. F. Denham,
Minister for Lands, Brisbane.

To that he replied, on the 11th November, as follows—

Department of Public Lands,
Brisbane, 11th November, 1910.

Gentlemen,—I have the honour to acknowledge the receipt, on the afternoon of the 7th instant, of your joint letter of the 4th. Quite apart from the proceedings in the Legislative Assembly which have been the immediate cause of your letter, and the proposal which it contains, I have held the view that provision should be made for the honourable retirement of members of the Land Court on acceptable terms after some defined period of service or if incapacitated by illness, but as yet the law does not give the necessary authority. I hope, however, to have the question considered before the present session of Parliament closes, and after consulting my colleagues I will again communicate with you.

I have, etc.,
D. DENHAM.

Messrs. T. S. Sword and F. W. Woodbine,
Land Court, Brisbane.

Mr. Sword and Mr. Woodbine had intimated in the letter he had just read that they had no desire to avail themselves of the incidence of their appointment. So far Mr. Heeney had not communicated with the department. It would, however, appear from Press comments that Mr. Heeney shared his colleagues' views that "the position is most unenviable." It seemed to him, since publicity by the members of the court, that resignation was inevitable. He did not know whether hon. members had observed the close resemblance between the language used in the letter from the two members of the court and the report which appeared, to his amazement, in the *Courier* of Friday, the 11th instant. It was perfectly clear, to his mind, that the reporter of the *Courier* must have been given the letter by members of the court, because some of the expressions used in the *Courier* paragraph were identical with expressions contained in the letter itself. As he had said, Mr. Heeney had not so far communicated with the department, but he, too, had been drawn into a newspaper interview. It was surely exceptional for gentlemen entrusted with judicial functions to discuss matters pertaining to their appointments in the public Press. But whether they were right or wrong, their action certainly freed him from the delicacy which prevented inclusion in the Bill of clauses providing for retirement. Mr. Sword and Mr. Woodbine, in their letter, expressed their willingness to retire on certain conditions. He was meeting them as far as providing a pension was concerned, and, as to the other stipulation that was made for consideration, he held the view that provision should be made for the honourable retirement of members of the Land Court after some definite period of service. The proposal that they should each be granted twelve months' leave of absence at their present remuneration was a matter for consideration and arrangement, but it would not be possible for him, without its being written in the law, to make any arrangement with regard to the payments of pensions. He thought the amendment adequately met the case, and that it would preserve the court absolutely above any influence—Ministerial, parliamentary, or otherwise. It was not constitutional to incorporate anything in the law to restrain members of Parliament from criticising the Land Court, and yet, naturally, the Land Court was likely to be commented upon at any opportune time, seeing that they adjudicated in respect of all Crown lands, but it was greatly to be deprecated that any remarks should be made which in any way reflected on the court. It would be well if it were a recognised, a respected rule in Parliament that the Land Court could only be discussed upon a substantive motion. He wished to remark, however, that

the honour of the court had never been impugned. The members of the court had discharged their duties to the best of their ability, and in the light of individual interpretation of their commission and the law; and, therefore, it was fit and proper that, upon the retirement of present and future members, due provision should be made for them by way of annuity. The amendment which had been circulated provided that the members of the present court might, if they so wished, resign at any time, and that on retirement they should receive an annuity of £500 per annum. One member of the court, Mr. Heeney, was entitled to an annuity under the Act of 1863, and of course his pension would merge into the pension provided in the new clause—it would not be fair that his pension under the Act of 1863 should be in addition to the pension now proposed. Concerning future members of the court, it was proposed that their term of office should be fifteen years and no longer. At the end of his term of office a member would retire upon an annuity of £500 per annum. If he reached the age of seventy years before his term of fifteen years expired, he would get a proportionate amount according to the number of years he had served. If any member of the court suffered from sickness, and had to retire in consequence, he would obtain a pension as if he had served his full term.

Mr. HAMILTON: Even if he has been acting for six months only.

The SECRETARY FOR PUBLIC LANDS: Even if he had been acting for six months only. But it was to be hoped that the gentlemen appointed to the position would be physically strong. The new clause was placing them upon the same plane as to retirement as judges of the Supreme Court. It was well known that a judge of the Supreme Court, after fifteen years' service, might retire upon half his salary. He thought it was highly desirable that members of the Land Court should be quite above the influence of Parliament, because, as he remarked last week, they had to do with Crown tenants, the Crown was a party to the transactions, and it was important that they should have a thoroughly independent tribunal. A tribunal appointed under the provisions of this retiring allowance would certainly be in the public interests. All the members would have to do was to do their duty to the Crown tenants and to the Crown, and they need not consider what was said about them in Parliament or out of Parliament. The present members of the court had, by their action, made it possible to submit this amendment, and he thought it was well that the Committee should place the Government in a position to negotiate the retirement of those gentlemen, if they still wished to retire, and also in a position to deal with any future members of the court. He was sorry that the members of the present court felt themselves aggrieved, but the Committee had this satisfaction—that they were able to make the Bill more complete than it would have been if they had not felt themselves aggrieved. He moved the new clause.

Mr. LENNON thought the Minister was to be congratulated on the manner and method of the proposed amendment. The hon. gentleman had evidently taken a great amount of care in its preparation, and he had been very guarded so as not to offend the tender susceptibilities of the members of the Land Court. The hon. gentleman said that the members of the court resented criticism. It has been the practice in the past to prevent members of the House from offering any criticism of the Land Court on the Estimates. But surely it must be admitted that when they were consolidating the whole of the land laws of the State, and passing a Bill, the importance of which transcends any other that had come before the House this session—surely, under those circumstances, it was fitting and opportune to discuss the constitution of the Land Court. The criticism that had been offered by members of the Opposition side of the House had not in any way evinced hostility to members of the Land Court. It was merely the expression of an opinion which was gaining ground, not only on that side of the House, but on the other side of the House if hon. members cared to express their opinion, and which was becoming widespread throughout the State. With regard to the proposal respecting future members of the Land Court, he would like to say that members on that side of the House were unanimous in the opinion that they must offer the most strenuous opposition to pensions of any sort. They considered that unless pensions were supported by contributions from members themselves, through the medium of a superannuation fund, no pension should be granted to any officer of the service. They believed in the old-age pension, and in that pension alone. The judges of the High Court of Australia were the highest-paid judges in the Commonwealth, and they were not entitled to any pension upon retirement. Surely that should be sufficient to satisfy the Government that no pension was needed in the present case.

The PREMIER: It looks very well until the time for retirement comes.

Mr. LENNON: The Commissioner for Railways was not entitled to a pension on retirement. That gentleman was brought out from the old country for a term of five years, and quite recently his term was extended for another seven years. The Opposition thought that seven years would be a very suitable time for which to engage the services of new members of the Land Court. The proposal of the Government was that they should be engaged for fifteen years. If seven years was considered sufficient for the Railway Commissioner—who handled enormous sums of money, who had extensive responsibilities cast upon him, and who of necessity was possessed of very high ability—surely it should be sufficient for members of the Land Court. There was another point that they would [4.30 p.m.] take very strong exception to—that was, increasing the retiring age to seventy years in connection with the Land Court. The present retiring age in the public service was sixty-five, and he was under the impression that that age applied to the present Land Court.

The SECRETARY FOR PUBLIC LANDS: They are not under the Public Service Act.

Mr. LENNON: If they were under the Public Service Act their retiring age would be fixed at sixty-five years. Could anyone adduce a single argument to show any necessity for extending the retiring age of these gentlemen to seventy years?

Mr. TOLMIE: The sixty-five years of age limit is not observed, and rightly so too.

Mr. LENNON: Wrongly so. If the law said sixty-five years, it should be insisted upon. He considered that men about forty or fifty years of age—many of them with large families at a most expensive age by reason of educating them and so on—were blocked frequently by keeping very old men in the service. If the principle was wrong of turning those men out at sixty-five, it should be

altered; but as long as it was the law of the land, it should be observed. Of all positions he could think of, the position of the members of the Land Court, by reason of their duties taking them away to distant parts of the State, frequent travelling being necessary for the proper discharge of their duties, more than that of any other public officers, was one in which sixty-five years was quite old enough for any man to be fit and ready to do his duty. We wanted active men, not men in such a state, by reason of increasing age, that they could not travel long distances, and therefore the age should not be extended. There were three points to be considered. First of all, they should not sanction the idea of paying pensions, nor a long engagement. Seven years was sufficient in the case of the Railway Commissioner, and it should not be longer in the case of the members of the Land Court. And then there was the question of retiring age. If the Government intended to press the whole of the points disclosed in the amendment, members on this side would have to meet them by proposing suitable amendments to give effect to views of this side of the House.

Mr. MANN (*Cairns*): This was a long clause and contained a good deal of matter that afforded room for discussion. The Minister was right when he said that there was no premeditated attack made upon members of the Land Court, and the matter had cropped up quite unintentionally. He had in his mind the idea of saying a few words on the matter, but had prepared no amendment or speech upon it. He had said that for a long period the bulk of the people had been crying out against the antiquated methods of the Land Court, to use no harsher term, in regard to the reappraisement of the rent of the pastoral lessees. Members had said during the debate that it would be a very good thing even to pay the present salaries and get rid of the members of the court, rather than having an Act brought in to continue the present arrangements. He believed if we could get rid of them by paying fairly big pensions it would be a good thing for Queensland. Having made one blunder in the past, we should be careful not to make a blunder in the future; and if we made these men independent of Parliament, we should take care that, if we made a bad appointment, we should be able to rectify it at the earliest possible moment. He did not believe in appointing a man for fifteen years; he would rather see him put on probation for a few years, and if he did the right thing then to extend the term of service.

The PREMIER: The right thing in whose opinion?

Mr. MANN: That was what he was coming to. He did not believe in giving a man a further appointment because he was going to the extreme of charging very high rents. We should be fairly convinced that the man we appointed was doing the right thing, and not pandering either to this House or the public when he was dealing with the matter of rents and resumptions. If members were convinced that a man was honest and conscientious, even if they disagreed with him, they would agree in his reappointment. The point he wished to emphasise was that we might err upon the side of making men independent of Parliament, and while we did not wish in any way to hamper their judgment in the matter of assessing rent, we, on the other hand, must not shut our eyes to the fact that we put three men there who it was admitted did not give satisfaction. If there had been a disposition on the part of the Government to vindicate these men, why should this clause have been moved to-day? All the Land Court looked for was a defence from the Government, and they would have been satisfied and remained in the position. But, in spite of the carefully guarded utterance of the Minister, these men could clearly see behind the whole thing, and that there was not a single member of the House who could get up and defend the Land Court in every particular, although there might have been some who could have given a partial defence. Reading the interjections of the hon. member for Maryborough and the hon. member for Toowong, who said, "Let them go to play marbles," the Government were forced to take the action they did, and damn the Land Court with faint praise. In our attempt to make these men independent of Parliament, we created a tribunal that did incalculable harm to Queensland. If we could get a tribunal composed of impartial members, and a man was not giving the satisfaction he should give, he would have no hesitation in removing him from his place and putting someone else there who would give a fair deal. He would not judge a man's capabilities by his putting heavy rents on the pastoralists. A man must be conversant with the work, and if he was giving a just and honest opinion, it should be respected. The reason for his attack on the Land Court was because he did not believe the court was giving a fair deal. We had evidence that we were not getting a fair return from the pastoral lessees, judging by the rents paid by grazing lessees. The last debate showed that the rent from the resumed one-fourth was sometimes more than from the remaining three-fourths in the hands of the lessees. The Premier himself would admit that either the grazing farmers were paying too much, or the lessees too little. If the pastoral lessees were paying enough, the Lands Department should let the grazing farmers have it for less, but if, on the other hand, the pastoral lessees were paying too little, the Land Court was not doing its duty. He urged that before making a fresh appointment, we should safeguard the State, so that we could break it if it could be clearly shown to both Houses of Parliament that the court was not doing the best in the interests of settlement in Queensland.

Mr. HAMILTON: Or any one member.

Mr. MANN: Or any one member. Any amendment that would lead to a reconsideration of the appointment, if it was clearly shown that the court or any one member was not fit to discharge his duties, would have his earnest support.

Mr. MACARTNEY (*Brisbane North*): He was not present last week when what appears to have been an attack was made on the Land Court. He found, on looking up "May," the conditions which were expressly made part and parcel of our practice by recent Sessional Order. It was clearly stated, on page 278—

> Certain matters cannot be debated save upon a substantive motion, which can be dealt with by amendment, or by the distinct vote of the House, such as the conduct of the Sovereign, the heir to the throne, the Viceroy and Governor-General of India, the Lord-Lieutenant of Ireland, the Speaker, the chairman of ways and means, members of either House of Parliament and judges of the Superior

Courts of the United Kingdom, including persons holding positions of a judge, such as a judge in a court of bankruptcy, and of a county court.

Then, on page 250, it was stated—

No question can be asked which reflects on the character or conduct of those persons whose conduct, as stated on page 278, can only be dealt with on a substantive motion; and for the same reason a question is not permitted which makes or implies charges of a personal character.

It appeared from a footnote that—

A question for the 4th December, 1893, reflecting on the action in court of the Judicial Commissioner of the Irish Land Commission; and a question for the 11th May, 1899, relating to the action of a judge of the High Court, were, by the Speaker's direction, not asked.

That showed that discussion upon the conduct of gentlemen who held judicial positions was not supposed to be permitted in the House, except on a substantive motion; and he would not have mentioned it were it not that the Minister for Lands stated that criticism on the Land Court could not be prevented in Parliament.

The SECRETARY FOR PUBLIC LANDS: By statutory enactment.

Mr. MACARTNEY: Perhaps not by statutory enactment, but certainly by well-defined usage, enforced by the officers of the House with the countenance and support of the Minister. The hon. gentleman pointed out that criticism could not be stopped, and that, consequently, such criticism was more or less permissible, and then the hon. gentleman proceeded to find fault with the Land Court for having replied in the only way which was apparently open to such criticism. As a rule, a judge of the Supreme Court objected to any action he complained of by giving expression thereto on the Bench, which was made known through the Press, and it was the only way, perhaps, that judges had of expressing themselves, except by correspondence with the department; and he apprehended that the members of the Land Court had felt called upon to act as they did.

The SECRETARY FOR PUBLIC LANDS: Not in regard to judgments, but with respect to congestion of work.

Mr. MACARTNEY: He had no doubt that, if hon. members in this House proceeded to criticise the judgments they delivered, judges would proceed to give expression to their opinions on the bench.

The SECRETARY FOR PUBLIC LANDS: But not in the public Press; that is a very different way of doing it.

Mr. MACARTNEY: However, it must be said that the Land Court were placed in an unusual position. Charges were made which must be taken to affect their honour and capacity. And though the Minister defended them in a sense, the defence was of rather a mild character.

The SECRETARY FOR PUBLIC LANDS: Have you read it?

Mr. MACARTNEY said he had read it very carefully, and he thought the hon. member was rather mild in that particular. He thought it would be admitted, by every man that knew Mr. Sword, that Mr. Sword was a highly honourable man.

The SECRETARY FOR PUBLIC LANDS: It has never been questioned.

Mr. MACARTNEY said he hardly knew Mr. Sword. He had not spoken to Mr. Sword more than once or twice altogether, and he thought the same remarks would apply to both Mr. Heeney and Mr. Woodbine.

An HONOURABLE MEMBER: What about the Jimbour case?

Mr. MACARTNEY said matters in connection with the Jimbour case were exceedingly badly handled by the Government of the day, and a different result would have been obtained if the thing had been handled in the way it ought to have been handled. The members of the Land Court were appointed to carry out certain judicial functions on the principles laid down in the Land Act. It was now apparent that changes had taken place in the seasons, and what appeared to have been a fair rent some years ago appeared, in the light of the prosperity of the last year or two, a very low rent indeed. At the same time, it could not be forgotten that the Crown had always been anxious to make their revenue somewhat regular and secure irrespective of the seasons. If the pastoralists had to pay a rental of 5 per cent., 10 per cent., or 15 per cent. on the profits they derived from the land held from the Crown, that might be a reasonable proposition which would give to the Crown, in good times, a very much higher rent than at present, and it would give to the Crown in bad times a lesser rent than they had now. But the Treasurer wished to have something certain, and such a principle was not adopted, and the members of the Land Court were appointed to give effect to the provision of the Act. They proceeded to do that according to the evidence brought before them, and he ventured to say hon. members on the other side of the House who criticised the findings of the Land Court had not the slightest idea of the evidence on which the Land Court based such findings, or, at any rate, more than a very general idea; yet, because they had had two or three phenomenal years—extraordinary years in the history of Queensland—hon. members on the other side were permitted to get up—backed up by some paragraphs in certain reports—and make gross attacks upon the land judges of the country. What purpose had the land judges of the country to serve by giving any lesser rent to the Crown than the Crown themselves thought they ought to get? They had no purpose at all to serve. All they had was their position, and it was only by doing their duty that they could best hope to preserve their position and to preserve the good opinion of their fellow-colonists and their personal reputations. On what ground was it suggested that they should please the Crown lessees contrary to the evidence brought before them? No reasonable case whatever was made against the members of the court, and the attitude of hon. members on the other side, backed up in a mild way by officers of the department and the Minister, was very much to be deprecated. He had no hesitation in saying that the members of the Land Court had done their duty by the people of the State, and that the attack which had been made on them was an unwarrantable one. The providing of pension provisions for the future occupants of the office is quite a different thing.

The SECRETARY FOR PUBLIC LANDS: That is what they asked us to do.

Mr. MACARTNEY said they had been forced into that position by the unusual conduct of the debate, and because the members of the Land Court had ventured to make some mild complaint at the treatment they,

as a judicial body, had received, the Minister made it the ground of the introduction of the clause.

The ACTING CHAIRMAN: I quite agree with the hon. member that any personal debate on the conduct of any of the judges should not take place unless by a substantive motion, but the debate the other night I do not consider to come under that head. As far as I can gather from the debate, it was merely a review of the policy of the court with regard to the rent of the pastoral lessees as against the rent paid by the grazing farmer, and I have risen now to state to hon. members that I hope the debate this afternoon will be such that it will not be necessary for me to interfere, because any attack on the judicial officers, whether the Supreme Court judges or members of the Land Court, should be made, as the Standing Orders provide, under a substantive motion.

Mr. HAMILTON said: The hon. member for North Brisbane stated that the attack on members of the Land Court was made by members of the Opposition, whereas the members on the Government side were just as dissatisfied with the decisions of the Land Court as members on that side. The only difference was that members on this side stated in public what hon. members on the other side said in private. It was more honourable for members to speak out the opinions they held. Hon. members knew that the Government had been dissatisfied for years at the rents obtained from pastoral holdings. The question had cropped up time after time in the House, and it was held by the Speaker that hon. members could not discuss the members of the Land Court. He dd not believe in putting members of the Land Court or of any other court in that position. Take the Commissioner for Railways. Hon. members were able to discuss his administration.

The SECRETARY FOR PUBLIC LANDS: It is quite a different matter. He is not in a judicial position—his duties are administrative.

Mr. HAMILTON: He was in charge of the biggest revenue-producing department in the State. They were allowed to criticise that gentleman, and he did not believe in putting any member of the Land Court above Parliament. The actions of members of the Land Court should be considered by Parliament. It was a strange thing that in New South Wales they were not put in such an exalted position, and were not provided with pensions, but in Queensland they were put on a pedestal.

The SECRETARY FOR PUBLIC LANDS: Would you point to New South Wales as an example in regard to land administration?

Mr. HAMILTON: He did not wish to mix the actions of the Land Court in New South Wales with those connected with the land scandals in New South Wales, but members of the Land Court in New South Wales were not put on such a high and mighty pedestal. The question had been brought up on the Estimates time after time, and if action had not been taken the other night the thing would have gone on for ever. Hon. members had no knowledge that the Government intended to bring in any amendment such as was proposed.

The SECRETARY FOR PUBLIC LANDS: We had no intention at that time.

Mr. HAMILTON: Then the position would practically have gone on for ever, and the State would have continued to lose the £70,000 or £80,000 every year. The present report of the Secretary for Lands was not the only one in which he had pointed out discrepancies between the rents paid by the grazing farmers and those paid by the pastoral lessees. The Under Secretary was just as strong in his report last year, and if the hon. member for Maranoa had not moved his amendment the other night the thing would have gone on for ever. It was a good thing for the country that that action had been taken to bring the thing to a head one way or the other. As regarded giving the members of the Land Court a pension for life, he did not know that they could get rid of them in any other way. They were appointed for life, and they could stop there till they were old and decrepit in spite of the Government, unless by a motion of both Houses of Parliament. He thought it would be a good thing for the Government to pension them off, as they were able to hold a pistol at the head of the Government and demand their own terms. That was the present position, but they should not put other members of the Land Court in the same position, and they should not put the Land Court above Parliament. Another thing he wished to know was this: Why was the suggestion made that a member of the Land Court could hang on to his position till he was seventy years old? Was there some old gentleman over sixty years of age whom the Government wished to appoint to that position? He did not believe in the age limit of sixty-five, but believed in retiring a man when he became incompetent, but if they made a law it should apply to everybody. The law at present provided that a man must retire at the age of sixty-five, but they knew that in many instances that had been put aside. Provision was made in the clause that a member of the Land Court could keep the position till he was seventy years of age. A man at that age was hardly able to do the business of the Land Court.

The SECRETARY FOR PUBLIC LANDS: I think the senior member of the court is now over that age.

Mr. HAMILTON: He was not surprised to hear it. Other members of the public service were compelled to retire at sixty-five years of age, and the members of the Land Court should be put in the same position. Why should they make provision to appoint members to the court and give them a pension when they retired? A man might become incapacitated after eighteen months or two years, and then he would draw a pension for life of £500 a year. Members of the Opposition believed in only one pension, and that was the old-age pension. He believed in paying men in that position an adequate salary, and let them make provision for their old age by purchasing annuities, or in some other way.

Mr. MURPHY: Let them be thrifty like the poor working man.

Mr. HAMILTON: When men were put in high positions in the public service, pay them an adequate salary, and let them make their own provision for old age. It had been stated that they could not get competent men otherwise. How was it the Federal Government gave no pension, and there were quite as competent men in the Federal public service as there were in the State service? There was no retiring allowance in the Federal public service and the Federal judges did not get any pensions. The Federal Government had put their foot down against the per-

[5 p.m.] petuation of the system of giving pensions. Look at the pensions which the State of Queensland had to pay at the present time! That list was an eye-opener

Mr. Hamilton.]

to anyone outside the House, and in looking at that list of pensioners it would be very hard to tell what they had done to deserve those pensions. He did not believe in giving a pension to anyone. He believed in paying their officers a good salary while in office, and let them make provision just the same as anyone else when they were called upon to retire. The public servants could do the same as the police and pay into a superannuation fund. The time was not far distant when they would have a superannuation fund in Queensland. Even at the present time there were life insurance companies from which the public servants could purchase annuities and make provision for their old age. The Labour party did not believe in pensions at all except the old-age pension. They had a few amendments drafted, and hoped to make the clause more acceptable than it was at the present time. As he said, they did not believe in pensions at all, but if the Government had to pension off the present members of the Land Court there was no reason why they should make provision for giving pensions to future members of that court.

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

The PREMIER (Hon. W. Kidston, *Rockhampton*): As members were aware, he was sorry that the discussion took place last week, and he was also sorry because of the consequences that had accrued from it. What made him apprehensive about the matter was that the Government had to recognise that they promised the lessees of the Crown that they would appoint an independent tribunal to adjudicate between them and the Crown, and if it got to be understood that that independent tribunal could be harassed out of office, where was the independence?

Mr. MANN: There would be no criticism if it were not deserved.

The PREMIER: Where was the independence if they did that? He did not hesitate to express his opinion about the matter last week. Because they suffered from disabilities through a bargain they made, that was no reason why they should want to wreck the bargain. They were all apt to be selfish, and protected themselves when they made a bargain and had a personal interest in it; but the Land Court had no personal interest in the matter at all, and surely Parliament ought to set a tone above their criticism of last week. When the Minister for Lands placed the position before the Government, the Government took up the position that the only thing they would do was to make a proposal that would leave the Land Court independent. That was the proposal they now made to the House, and, so far as they were able to do it, they wished to make the Land Court—the court which adjudicated between the Crown and the Crown tenants—really an independent body.

Mr. LENNON: You will have a long string of pensioners tacked on to the State.

The PREMIER: That was a different matter. It was part of the bargain that they made with the lessees that an independent tribunal should be appointed to adjudicate between them and the Crown, and it was the business of the House to try to make that tribunal as independent as they could make it—independent of the House as well as of the Crown lessees.

Mr. HARDACRE: Impartial too.

The PREMIER: The hon. member for Gregory asked why should they put the Land Court above Parliament? It was not the idea to put the Land Court above Parliament at all. They were just setting the Land Court aside as an independent tribunal to perform duties which Parliament would not trust the Minister to perform. (Hear, hear!) That was the difficulty. Parliament could not trust the Minister to do the work of dealing fairly with the Crown lessees, and appointed a Land Court to do it. Parliament was quite incapable of doing judicial work of that kind, and Parliament was not the body to do it.

Mr. LAND: How did you get on before you appointed the Land Court at all?

Hon. R. PHILP: The rent was all fixed then.

The PREMIER: He hoped members would keep to the point. He was not discussing the Land Court, or the wisdom of Parliament appointing the Land Court. It was a fact that Parliament did appoint the Land Court as an independent tribunal, and they must stand by the bargain they had made.

Mr. LAND: What was the reason they were appointed? You don't know the reason.

The PREMIER: The reason was given at the time they were appointed. There was no disguise about the reason given. There was the fact that Parliament made a promise for a particular kind of court, and it was the duty of the House—whether they lost money or made money on it, it was the duty of the House to keep to the bargain honourably made between the two parties.

Mr. LAND: But they are robbing the country. Your own statement—that is, the statement of your Under Secretary for Lands—shows that they robbed the people of Queensland of £87,000 last year. That is the difference between the rent paid by the pastoral tenants and the grazing farmer. Why don't you get your Under Secretary up here and ask him why he wrote that report?

The ACTING CHAIRMAN: Order!

An OPPOSITION MEMBER: That question is unanswerable.

The PREMIER: He did not look upon such appointments as putting certain men above Parliament. When they appointed a judge of the District Court, or when they appointed a certain person as a police magistrate, they did not put him above Parliament. They set him aside to do certain work that Parliament could not do, but they did not put him above Parliament in the sense of being master of Parliament; and Parliament did not interfere with that man's duties unless they exercised the same provision that was included here—that was for misconduct—and then he could be dismissed. Parliament still retained that power, and of course should always have that power. Parliament would make a mistake if it attempted to meddle and mess with judicial business.

Mr. LAND: You should not allow the court to rob any more than a pub——

The ACTING CHAIRMAN: Order!

The PREMIER: He did not think that language like that was quite proper in discussing this matter. In regard to the pension, it was not of very much consequence whether they paid a pension or whether they paid a large salary.

Mr. FERRICKS: You should not do both.

The PREMIER: Some hon. members opposite seemed to think that a pension was wrong in principle. (Hear, hear!) He thought that a pension was only the deferred part of a man's salary.

Mr. HAMILTON: The pension applies to only a few.

Mr. TOLMIE: It applies to all the judges.

Mr. MULLAN (to the Premier): When you were dealing with the Superannuation Bill you said just the opposite.

The PREMIER: The reason why they should pay a pension to officers, such as those of the Land Court, was that they should try to make the men they appointed to such responsible positions financially independent, so that once they were appointed there they need not worry, or be tempted by a monetary consideration.

Mr. LENNON: Why have you not applied that principle to the police magistrates?

Mr. MULLAN: And to members of Parliament.

The PREMIER: He was not sure whether it would not be a good thing to apply it to police magistrates, and he was quite sure that it would be a good thing to apply it to members of Parliament. (Laughter.) In fact, he had been seriously considering whether he should not have a Bill introduced to pension members of Parliament. (Laughter.)

Mr. MURPHY: If you had a pension you would not have sold us.

The PREMIER: That was the purpose of the present amendment. Whether they agreed with what was taking place or not, it was the duty of Parliament at this time—when the present holders of that office were going to retire from office—to make such provisions for the future as would insure the Crown lessees and the Crown alike having an impartial and independent court to adjudicate between them—a court which would be independent of the lessee as well as of the landlord. If they could not get something like an equitable decision from a court constituted like that, then there was no hope of getting an equitable decision from a court under the control of one party in the House.

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Mr. HARDACRE: The Premier said he was sorry at the criticism of the Land Court last week which resulted in the situation they had before them at the present time, concerning the proposed acceptance or resignation of members of the Land Court. He differed from the Premier, because he was very pleased indeed that that situation had been brought about. It was one of the happiest days that had occurred in the history of their land legislation for many years past. It was a happy release for the people of Queensland from a system that they had been suffering from for years. He would not use any strong terms, but he could say the people would be fortunate in being released from the decisions that had been given by the Land Court at various times. The Minister in charge of the measure was to be congratulated at the courageous and alert way in which he had at once taken advantage of the opportunity given to him of two members of the Land Court offering to resign. (Hear, hear!) It must be remembered that the situation had not arisen on account of one or two small reasons, but on account of the continued expression of dissatisfaction with the court for years past. For many years past, since he had been in the House, the question had frequently cropped up when they were discussing the land administration, and the same feeling of dissatisfaction had always been held by members of the House with the actions of the members of the Land Court. Last week it was the right of members of Parliament—as the supreme tribunal representing the people—in fact, it was their bounden duty—to take notice of the expressions used in the report of the Under Secretary for Lands in safeguarding their interest and calling attention to the differences in the reappraisement of rents. But, apart from that, there had been other matters quite as important as the matter of getting fair rentals for lands held by Crown lessees. There were two cases which had been recently under the consideration of the Land Court.

The ACTING CHAIRMAN: Order!

Mr. HARDACRE: He was not going to discuss the merits of the cases. In one of those cases there was a claim for £60,000, and in the other a claim for £15,000 as compensation for the unexpired term of their leases, which was six years. It was only four years since that the very Land Court which was dealing with those claims for compensation gave the lessees those leases in defiance of the provision in the Act declaring that leases should not be given unless the Land Court was satisfied that the land was not wanted for settlement. And to-day their decision with regard to those leases had given rise to law cases which would involve the country with an expenditure of thousands of pounds. Some years ago there was another case, in the Burnett district—he forgot the name of the run—in which the court resumed from the holding of the lessee the land which was furthest from railway communication and which was the worst part of the run, and at the same time granted a lease of the land near the railway which was very suitable for agricultural settlement. The decision of the court in that case caused great dissatisfaction in the district, as the hon. member for Maryborough could testify, and there were many other determinations of the court which had caused dissatisfaction in the House and in the country. It was said that Parliament should not criticise the court. Who else was to criticise the court? Members were compelled to criticise the decisions of the court, because the Government neglected their duties in the matter, though it had been brought before them time after time. The Act under which the members of the court were appointed gave the Governor in Council power to suspend them at any time they thought fit, but the Government had never exercised that power. All the criticism which had taken place in the House was in the interest of the public. He agreed with the Minister that members did not in the slightest degree impugn the honour of members of the Land Court. At any rate, he said that for himself, and he believed he might say the same for all members on the Opposition side of the House. In New South Wales the Government could remove the members of their Land Court, but in Queensland the Government could only suspend the members, and that for two reasons: first, for misbehaviour or lack of good behaviour; and, secondly, for inability. He did not impugn the honour of members of the board, because he believed the verdicts they had given were given to the best of their ability, but, judging from their decisions, he held that they had entirely outgrown their usefulness, and were antiquated in their ideas.

The ACTING CHAIRMAN: Order! After the hon. member for Brisbane North spoke I pointed out that it is not in order to discuss the rentals fixed by the Land Court on this proposed new clause, and I hope that members will refrain from going into the merits or otherwise of the members of the Land Court, and from discussing the manner in which they have discharged their duties. That can only be done on a substantive motion.

Mr. HARDACRE: He was not discussing the policy of the Land Court, nor was he making a personal attack on the members of the court. But he said, not that they were dishonourable men, but that they were out of date. He thought they were honourable men, but their ideas were more suited to Queensland thirty years ago than to the Queensland of to-day. He was glad that the Minister had the courage to provide for their resignation. With regard to future appointments to the court, he agreed that it should be an independent tribunal. The members of the court should be independent of the Government, but they should not be independent of Parliament. Parliament was the supreme tribunal of the State, and members had a right to criticise any or all of its servants. The office of member of the Land Court was very much less secure in New South Wales than it was in Queensland. In New South Wales the Government could remove the members of the court, but in Queensland the Government could only suspend them. In New South Wales, while the Act under which the members of the court were appointed stated that they should, it did not state the amount they were to be paid, so that their salaries had to be provided on the Estimates every year, and their actions could be discussed when the House was passing the Estimates.

Mr. TOLMIE: That takes away their independence.

Mr. HARDACRE: No, it did not, because they could only be removed from office under certain conditions.

Mr. TOLMIE: Their salaries can be reduced.

Mr. HARDACRE: Certainly. But in Queensland the salaries of members of the court were stated in the Act, and they could only be removed by Parliament. It would be a bad day for Queensland if the new members of the court were made absolutely independent of Parliament. With a sufficient tenure of office they should be in a position to act impartially between the Crown lessees and the Government without any fear of adverse criticism. At the same time, he thought they should have men appointed who were up to date in their ideas with regard to land rents and settlement.

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Hon. R. PHILP: What did the hon. member for Leichhardt mean by "up to date"? Was the hon. member himself up to date? The hon. member said that the members of the Land Court were thirty years behind time in their ideas. Mr. Woodbine had been several years in a sister State, and knew a great deal more about the lands of Queensland than the hon. member for Leichhardt. Mr. Sword also knew a great deal more about the lands of this State than members who criticised the decisions of the Land Court. He regretted that this matter had been brought up. He looked upon the members of the Land Court as judges occupying a similar position to that occupied by District Court and Supreme Court judges, who could only be brought to book by the vote of a two-thirds majority in both Houses of Parliament. If that was not so, they would not be independent. Some members of the House thought that the rents fixed by the Land Court were too low, and for that reason there was a desire to remove them from office. At some future day they would probably hear members of the House saying that the rents fixed were too high, and suggesting the removal of members of the court on that account. The Under Secretary for Lands stated in his report that when the assessments were first made the court fixed the rents at £36,000 less than the amount recommended by the assessing commissioners. It must be remembered that the assessing commissioners always did their very best to get high rents. The hon. member for Balonne stated that the Land Court, according to the report of the Under Secretary, had robbed the country of £84,000 by their decisions in regard to rents. He (Mr. Philp) could not find anything in the report which justified that statement. The Under Secretary compared the rents paid by grazing farmers with the rents paid by pastoral lessees for land carrying the same number of sheep, and said that the grazing farmers were paying £20,000 a year as against £105,000 paid by the pastoral lessees, and that if both paid the same rental we should have £84,000 a year more than we received. But he did not say that the country had been robbed of £84,000. He (Mr. Philp) had said times out of number in that House that grazing farmers were paying far too much for their land. It was well known that grazing farmers had taken up land one year, and thrown it up the next, in some instances. In bad times we had had to give them extended time in which to pay their rents, and on one occasion had arranged for special sittings of the court to deal with their rents. On that occasion their rents were reduced by £16,000 a year. What interest could the Land Court have in fixing the rents too high or too low? What grounds had members for saying that the rents fixed were not fair? Members were not in a position to judge in that matter, as they had not the evidence before them, whereas the Land Court heard evidence on both sides, and gave their verdict according to the weight of evidence. Possibly they made mistakes sometimes, but to say that they fixed lower rents than they should do was a gross charge against them. He contended that the three members of the Land Court knew more about the lands of Queensland than any three members of the House. As a member of a previous Government he had been dissatisfied with their decisions on several occasions, but that did not say that those decisions were wrong. Cases had been taken to the Supreme Court in which the rents fixed by the Land Court had been reduced, and that went to show that they had done their duty. It was unfair for members to say that the members of the court were not doing their duty. He could not find any reason why they should not do their duty, especially in view of the fact that they could not be removed except by a two-thirds majority of both Houses of Par-

[5.30 p.m.] liament. He regretted very much that the amendment had been introduced. He did not believe in pensions, but he had voted in favour of old-age pensions. He thought we should pay men sufficiently large salaries and let them save money

out of those salaries for their old age. They really invited some of the members of the court to resign.

Mr. COYNE : Accepting them at their word.

HON. R. PHILP: The hon. member for Leichhardt said it was one of the brightest things in land administration.

Mr. HARDACRE: I do. The present position is becoming intolerable.

HON. R. PHILP: Up to the present time in Queensland there had not been a finger of scorn pointed at our land administration, and that had not been the case in the other States. We had a record in Australia for the purity of our land administration. It would be a mistake if we influenced these persons to resign ; it would be said that we were removing our judges, because, in the opinion of some members, they were not doing what they ought to do. He regretted very much that this action had been taken, and as far as he could see it was inviting the members of the court to retire altogether. What guarantee had we that their successors would act differently?

Mr. HARDACRE : We can only try.

HON. R. PHILP : We might go on trying. Apparently they were not fixing the rents as high as a number of members wished. Perhaps someone else would charge too high a rent, and then they would say they must be removed. If the majority of the House were dissatisfied, they should have brought in a motion setting out the matter clearly. It would then want two-thirds majority of the two Houses to remove them. We were inviting the Land Court to retire by offering them this pension. We had appointed these gentlemen, and we should see that they carried out their duties, and, if they did things which the majority of the House disagreed with, they should carry a motion to suspend them altogether. He believed that these gentlemen were as honourable as any gentlemen who could be found for the position, and there was no guarantee if we got others that they would give more satisfaction.

Mr. LAND was one of those who had never attacked the personnel of the Land Court. Before he entered the House he was always opposed to the Land Court system, because, having practical experience, he could see the evil of it. He could always see the disparity between the rent they fixed and that of the land adjoining. The department fixed the rent for the grazing farmers, and the officers of the department endeavoured to get rent equal with that, but, through the Land Court system, they were always blocked. The report of the Under Secretary showed a difference of £80,000 odd between the rent they got and what they should receive.

Hon. R. PHILP : No ; it said if they paid the same rent as the grazing farmers.

Mr. LAND: The country had been robbed by this system, and while the court continued that would prevail. The hon. member for Townsville himself was not going to guarantee that the three men appointed would be any better than the three men we had now. It was the system which was wrong. We had to depend on our officers to carry out the laws, and, that being so, why could we not allow the officers in the Lands Department to administer the Land Act? There was only one objection, and that was because there had been an amendment in the Act which fixed an independent tribunal to act between the Crown tenant and the Government. The Government had not been satisfied, and why keep a system like this going ? We should do away with it, and have the whole of the business transacted within the department. It would be the best thing in the interests of this State. With reference to the pension referred to in this amendment, he was against all pensions except the old age pension. He did not see why the new members should get a pension, when they received the same salary as members of the old court, who had no pension. It looked as if the Government was keeping somebody ready to put into a position and give them a good pension for life. He could understand why the present court would get a pension, as it was perhaps the only way the Minister was able to come to terms, but he could not see why a new court should get it.

Mr. WIENHOLT (*Fassifern*) could not help feeling that in passing this amendment they were giving rather a strong hint to the Land Court that they were anxious to get their resignations. He had heard the whole of the speeches during the debate, and if he had been a member of the Land Court he would not have looked on what was said here in such a serious light. Members on the Opposition benches were apt to see things in a different light, and what was said by an Opposition, of whatever party, must be taken with a grain of salt. He did not think he would have been so seriously aggrieved at the lack of defence on the part of the Government. The Minister for Lands said, very fairly, that he considered himself as a party to a suit. The Minister had a very keen business-like sense, and it was most natural that he would not be altogether satisfied with the rents the Crown was getting. He did not see how they could expect the Treasurer to be perfectly unbiassed on a question of Government rent. Then again, he thought the Premier made a most fair and manly defence, and if he had been a member of the Land Court he should have taken it in that light. He had also heard many of the pastoralists complain bitterly that the Land Court decisions had been too high. He did not say now, but during bad times, and after bad times he had heard their decisions criticised from the opposite side. When both parties were dissatisfied one could safely say that, on the whole, the decisions were fair. There was just one other point which struck him about these amendments. He felt very sorry that the whole discussion had arisen, and to him it rather spoilt the pleasure of seeing the Land Bill go through—it left an unpleasant taste in one's mouth. Business of this sort was very unpleasant for the members of the Land Court. It must be very unpleasant for the members of the Government and for the lessees, and it was an unpleasant thing for members themselves, and he thought if new appointments were to be made, which he hoped there would not be, it would be better if the House had the confirmation of them. If the House confirmed any new appointment in the future they would feel that when the House had appointed those members they should really be above criticism, and it might help to give members of the Land Court immunity from any unpleasant or unfair discussion in regard to their actions.

Mr. J. M. HUNTER: The Minister was quite right when he said there was no premeditated attempt to criticise the actions of the Land Court, and there was no desire on the part of any hon. member to deal with the personnel of that board, but purely their official acts. Personally, he only knew one member of the court, and all he knew of him was in his favour. He considered hon. members were quite right in dealing with the position of members of the court, and if they had no right to deal with that, they had no right to receive a report such as was presented by the

Under Secretary for Lands. Did they not get those reports that hon. members might read them and ascertain how the business of the country was being conducted? He did not receive any pleasure from discussing that question, but he realised it to be a public duty that devolved upon members of Parliament. Some action should have been taken many years ago by the Government in regard to the court, and it should not have been left to Parliament to deal with at all. As he had stated when discussing the matter a few nights ago, he thought a court was essential, but it was a great mistake ever to have established that court. It seemed to him a most unbusiness-like procedure. He would like to know whether any private landlord would appoint an independent party to adjudicate between the tenant and himself, and decide what rent the tenant should pay. But having made that mistake, it seemed to him that the next mistake that was made was to appoint those men for life. They should have been appointed for a term of years. He did not say the members of the court were not thoroughly acquainted with the conditions of land settlement in Queensland, and he did not say they were not capable men, but he did say, on the information supplied to members, the business of that department was not being conducted in the interests of the people of Queensland, and for that reason he thought the right thing had been done. If it led to the resignation of those gentlemen, he would shed no tears, nor did he think the people of Queensland would shed any tears. Possibly the right thing would be to classify the lands in such a way that there could be no possible doubt as to what rent lands were worth—whether they were first class, second class, or third class—whether it was sheep land or cattle land, and in close proximity to a railway and water supply. All those considerations could have been worked out and a proper system of fixing the rent could have been arrived at without any court. But having entered into an agreement with the lessees, it was only right that they should be considered; but that some alteration should be made in regard to the court in the present Bill was highly essential. The present court had not always been in existence, and he hoped, when it ceased to be, no new court would be brought into existence under the same conditions. The Premier had stated that they should keep to their bargain. That was a fair proposition, but were they to go on continually receiving year after year reports such as they had received, and to reappoint fresh members of the court and continue to have those regular complaints about getting insufficient rents from Crown lands and do nothing? He had in his hand a report furnished to the House by the Under Secretary for Public Lands, and he would read a portion of it, because they had been told that there was no charge against the court. On page 9 of the report the following appeared :—

> In the case of Afton Downs, already referred to in connection with the Crown appeal from the rent determined by the Land Court, it has been noted that the lessees' valuation was 40s. per square mile, and that they acquired as grazing selections adjacent resumed land of an area equal to the holding at an average rate of 80s. 6d. per square mile. This average rent of the selections held by them would have been higher had they been successful in securing another selection for which they caused a tender of £9 13s. 4d. to be made. The rent fixed by the Land Court was 43s. 3d. per square mile, and by the Land Appeal Court 51s. 2d. per square mile. In the case of the neighbouring holding, Oondooroo, the lessees' valuation was 26s. per square mile, and they acquired 88,234 acres of resumed land as grazing selections at rents averaging 101s. 6d. per square mile, while other selectors hold 203,051 acres as grazing selections at rents averaging 67s. per square mile; the Land Court fixed the rent of the holding, comprising 333,040 acres, at 40s per square mile. The lessees of Rockwood purchased 83,633 acres at 10s. per acre, a price which at 5 per cent. per annum means an annual rent of £16 per square mile. They have selected 33,147 acres of their resumed land at rents equal to £7 6s. 4d. per square mile; other selectors hold 69,078 acres at rents equal to 54s. 6d. per square mile. The lessees' valuation of their holding, comprising 206,080 acres, was 31s. per square mile, and the rent fixed by the Land Court was 35s. 6d. per square mile.

There were other cases now in sight in which for the next six years the court fixed the rentals at £160 per annum, and compensation equal to £10,000 per annum was demanded by them.

The ACTING CHAIRMAN: Order, order!

Mr. J. M. HUNTER: Whatever knowledge the members of the Land Court might possess, and whatever class of persons they might be, they were evidently not up to date, or had not exercised their knowledge in the interests of the Crown. That was the sole reason why the discussion had taken place, and he, for one, was not the least bit sorry that it had occurred. It was the duty of Parliament to see that something was done—either do away with the court altogether or make some alteration. It had to be done away with some time, and when it was done away with, it must interfere with some tenants of the Crown. Supposing the court went to sleep and finally the rents came down to 10s. per square mile, would it be still allowed to go on simply because a bargain had been struck and because those people knew all about their business and were honest men? Was nothing to be said in defence of public interest? The position was untenable, and hon. members were in duty bound to take some stand in the matter at some stage or other, and he thought the right stage had arrived when the Bill was before the House.

Mr. TOLMIE (*Drayton and Toowoomba*): When speaking last Friday he stated he was in favour of the abolition of the Land Court, and he made that statement not because of any feeling of animosity to any member of the Land Court, but because he believed in the great principle of Ministerial responsibility. The Minister should be responsible to Parliament for every act done in connection with his department, but at the present time the Minister for Lands was always in a position to shield himself to a very large extent behind the Land Court, and it was because the Minister should not be in a position to throw his responsibility on the Land Court that he (Mr. Tolmie) said it would be a very good thing if they could abolish the Land Court altogether. At the same time he recognised that a bargain had been made, in the appointment of a Land Court, with the lessees of the Crown, and they were endeavouring to carry out that bargain as well as they could. He was not one of those who thought the Land Court had acted in a biassed way towards the interest of the State. They went on the evidence itself and, as reasonable men of wide experience in the affairs of Queensland, they came to a certain conclusion and fixed the rent accordingly. Queensland had enjoyed unprecedented prosperity during the last few years, and the Land Court would take that as a factor to a certain extent, but it was not their duty to assume that the seasons would be unprecedentedly good in the future, so they naturally fixed the rent according to what they thought was a fair thing at that particular time. To a certain extent it was unfortunate that members of the Land Court had taken umbrage at the discussion which took place in the Chamber, still they could not blame them for doing so, because they were only human, and that was the only way they had of showing their

objection. He held that members of the Land Court were judges, and as such they should be to a great extent free from the criticism which devolved upon other public servants, and that was the reason why he wanted their powers limited to the dealing with the rents of pastoral tenants only, and that all other administrative work be taken from them and put back into the hands of the Minister for Lands. The amendment proposed would not do that; they would still continue the practice which he did not consider altogether as a wise one, and he regretted the amendment did not make provision for taking back some of the responsibility which had been taken out of the hands of the department. Still, as far as the amendment went, it was a just one. It made provision for the appointment of an independent court, which should be done. He did not agree with the hon. member for Fassifern when he said it would be a good thing if Parliament were to have an opportunity of revising the names of the gentlemen who were to form the Land Court. That principle was not given to members in the appointment to any other judicial position, and he did not see why there should be any discrimination between judges of the Land Court and judges of the Supreme Court. It would not save any discussion that might subsequently take place, and it would not make the members of the Land Court as independent as they would like. He favoured the amendment introduced by the Secretary for Public Lands, which gave them a tenure of fifteen years of office rather than seven years. It would be unwise to make this House a court of review of the men appointed to the Land Court. It would have a tendency [7 p.m.] to depreciate their value in the eyes of those people with whom it was desirable that they should be considered infallible—that was the lessees of the Crown. While the amendment proposed by the Minister for Lands did not go as far as he would like, he thought it would meet the case admirably—that was if the present members of the Land Court carried out their intention of retiring. It would allow appointments to be made for fifteen years, which was much better than the lesser term, because it was possible that on reappointment on the expiration of the latter there might be a tendency in the minds of the appointees to keep their eye on and to ingratiate themselves with Parliament. He did not say that such a thing would occur, but the possibility was great that such thoughts would enter into their minds. At any rate, it was quite possible that such an allegation would be made by the general public. If they gave the members of the court an appointment for fifteen years, they would get two appraisements from them, and they might then ask them to pass out entirely. He would support the amendment, but he would very much have preferred to have seen the Minister ask for enlarged powers for his own personal administration and less powers for the Lands Department.

Mr. MANN would not have risen to speak again on this subject were it not for the statement made by the Premier that the Committee should not criticise the actions of the Land Court in any way whatever, and that they would not get good service from those men if they criticised their actions in Parliament. The hon. gentleman took up a very different position in 1907, when the hon. member for Logan moved a motion for the appointment of a Select Committee to inquire into an alleged refusal of Mr. Sword to give evidence of his valuation under the provisions of the Closer Settlement Act of 1906. On that occasion the then Secretary for Lands, the Hon. J. T. Bell, with the sanction of the Premier, moved "That the question be amended by the omission of paragraph 2 with a view of the insertion in its place of the following two 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, 1902.

The then Minister for Lands, when speaking on the question—*Hansard*, page 1159, said—

I propose, while we have a body of men who are going to inquire into my allegations in regard to a member of the Land Court in the way he thought fit to discharge his duty, that that Select Committee should at the same time inquire into certain other matters in regard to the same gentleman in the administration of his duty under the Acts. My reason for doing that was that I am endeavouring, whenever I get the opportunity, to get hold of land and make it available for settlement in smaller areas, and that particular officer I am alluding to blocked me in that.

Yet the Premier got up that afternoon and practically said, although his Minister for Lands had complained that that particular officer was blocking him in getting areas of land for close settlement, that practically he would allow the squatters and the Land court to run the show, and that the House should not make any protest against their actions. If the Premier believed that it was an improper thing for the House to criticise the court, why did he allow the Minister to move that amendment, and why did he support him by interjections while the debate was going on? The hon. gentleman supported the Minister for Lands on that occasion, because he thought the amendment would help the Government. Three years ago he was with the Minister for Lands in trying to get further land for settlement by small settlers, and at that time he was carrying out the behests of small settlers, who he said the other evening were a dangerous element.

The PREMIER: It was the hon. member for Cairns who said that, not the Premier.

Mr. MANN: Did the hon. gentleman deny using the words "A dangerous element in the community"?

The PREMIER: He denies using the words "small settlers" in connection with it.

Mr. MANN: The hon. gentleman was now anxious to retain the Land Court in the interests of the squatters.

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Mr. FORSYTH (*Moreton*): The amendment moved by the Minister for Lands on the occasion referred to by the hon. member for Cairns was somewhat different from the proposition now before the Committee. The hon. member for Leichhardt and the hon. member for Gregory had advised the Government to give the present members of the Land Court £1,000 a year to get rid of them.

Mr. HARDACRE: I did not say that.

Mr. FORSYTH: The hon. member for Gregory quoted a statement made by the hon. member for Leichhardt to that effect the other evening. At page 1878 of *Hansard* of this year the hon. member for Gregory was reported as saying—

He agreed with the hon. member for Leichhardt that it would pay the Government to pension the members of the court off for the rest of their lives at £1,000 a year, and appoint a tribunal that would get something approximating a fair rental from Crown lands.

That afternoon the hon. member for Gregory said he was entirely against pensions being paid to members of the Land Court.

Mr. HARDACRE: To the new members of the court.

Mr. FORSYTH: He did not understand the hon. member to say that.

Mr. J. M. HUNTER: That was what he meant.

Mr. FORSYTH: Well, he would not pursue that matter any further. He wished to refer to the suggestion made by the hon. member for Leichhardt and some other members, that we should dispense with the Land Court altogether. That could not be done under the existing law, because it was specifically provided in the Act that the rents must be appraised by the Land Court, so that it was evident that there must be a Land Court, whoever the members of that Court might be. The hon. member for Leichhardt said a good deal about the necessity of the Land Court being independent, and urged that an appointment for seven years would be quite long enough. He (Mr. Forsyth) thought that seven years would be too short a term. If members of the court held office only for seven years, they would possibly not be as independent as they would if their appointment were for a longer period, but knowing that in a few years they would have to retire or have their appointments renewed, they would be tempted to trim their sails in order to secure their positions. He did not think it was a fair thing to attack and condemn the members of the Land Court without giving them an opportunity of being heard in reply. The action had been severely criticised by some hon. members, and yet the hon. member for Leichhardt said they did not question the ability of the members of the court. He (Mr. Forsyth) believed that the court honestly gave their opinion according to the evidence submitted to them by both the Crown and the pastoral lessees, whereas members who criticised their decisions did so without having any evidence before them. With regard to the proposal that seventy years of age should be the age for retirement, there was a good deal to be said in favour of the contention that a man of that age might be as able as a man of fifty years of age, and that his experience would be a great advantage to the State. He thought that when a man reached seventy years of age it was a fair thing for him to retire and take things easy. Supposing the present members of the court did retire—and that was not certain under the clause as it stood—what guarantee had they that the men who would be appointed in their places would give satisfaction? They had no guarantee whatever. Were they then going to bring in another Bill to provide pensions for the next three members of the board in order to induce them to retire because their term of office had expired? He hoped that the present members would not retire, as he believed they had always given what they considered fair and just judgment as between the Crown and the pastoral lessees.

Mr. THEODORE: The hon. member for Moreton was a typical squatter, and his arguments were the arguments of a typical squatter. The hon. member always endeavoured to defend his friends, but on this occasion he had found it difficult to advance suitable arguments in their defence. The hon. member said that the members of the Land Court had no object in giving unfair decisions. No member on that side had disputed that. There was no reason why they should give unfair decisions, but that did not prove that they had not given decisions which were not just to the State. It did not prove that they had not given decisions which betrayed a natural bias in favour of their friends the pastoralists. He thought the amendment would commend itself to the Committee, because it offered a loophole for the escape of the members of the Land Court. If one of those gentlemen was over seventy years of age, as the Secretary for Lands had informed the Committee, he would no doubt welcome the opportunity to get out of office with a substantial pension. As far as he knew no member on that side had objected to a pension being given to the present members of the Land Court. It was recognised that the State had a certain obligation towards those gentlemen, owing to a mistake which was made originally when the court was established. That obligation neither the hon. member for Gregory nor any other member on that side wished to repudiate. He was strongly opposed to a provision making it obligatory on the part of the State to provide pensions for high-salaried officials. When officials were paid a high salary, they themselves should make provision for old age, and if through some misfortune they could not make provision, they should come in under the Commonwealth old-age pension. He did not believe in pampering officials, and then later on allowing them to retire on large pensions at the expense of the general taxpayers, who comprised the toiling thousands who had very meagre provision made for them in old age. He welcomed the opportunity given to the present members of the court to get out of the way and allow a new court to be appointed, the members of which would be actuated by the highest motives—as no doubt the present members were—but their efforts should be in the direction of raising rents, so that the State would get a fair return from the land.

The ACTING CHAIRMAN: Order! The hon. member must know that he is infringing a rule applied to members of the board, because by inference, if not directly, he has been accusing them of not getting a fair rent.

Mr. THEODORE: He had no intention of attacking members of the court, and if his remarks could be so construed he would withdraw them. He hoped that any court constituted in future would give more satisfaction than the present one.

Mr. GUNN (*Carnarvon*) thought the members of the Land Court ought to be treated in the same way as judges, who were entitled to a pension at the end of their term. As far as he knew, the character of the three gentlemen who occupied this position had not been impeached: fault only had been found with their judgement, but everyone was liable to err.

Mr. HARDACRE: You should allow for its removal in that case.

Mr. GUNN: He did not think they should be removed, unless it was proved that they had made an error. A good deal had been said about the difference between the rents paid by grazing farmers and lessees, but it must be remembered that the pastoral lessees took their holdings up some considerable time past, but the majority of the grazing farmers selected since the drought. The grazing farmers practically fixed the rent themselves by tender, and paid too high a rent, which would be proved when we got back to a normal period. If the Land Court could have foreseen the good seasons, no doubt they would have put higher rents on the pastoral lessee. When the next drought came along, the grazing farmers would want a reduction in their rent.

Mr. HAMILTON: How do you account for them taking out the resumptions at £6 or £7 a square mile.

Mr. GUNN: Because the seasons are so good. Just at the end of the last drought there were some grazing farms in his electorate taken up at a rental of 8d. per acre. After the drought they forfeited the holdings and paid no rent, and then re-selected them at 3d. per acre. In the past the fixing of the rents was in the control of

the Minister, but Parliament established an impartial tribunal. We should not treat the Land Court as they have been treated in this House. It was necessary to have Land Courts in New South Wales. It was unfortunate that this matter should come up just as they had got through the Land Bill so nicely, but under the circumstances they could not do better than adopt the clauses proposed by the Minister.

Mr. KEOGH (*Rosewood*) did not understand why members should cavil at what the members of the Land Court had been doing. In times past the pastoral lessees had lost great numbers of stock, and lately they had an opportunity of recouping themselves for the losses made in drought times. He thought those who cavilled at what these men were getting did not speak from the heart, but only with the lips, as he believed they were desirous that they should make a good living out of the land. He admitted that grazing farmers might be paying a little more than they had a right to do. The Minister had done everything possible to further the interests of the people on the land, and he hoped he would continue to carry out that policy.

Mr. COLLINS (*Burke*) congratulated the representatives of the Pastoralists' Association on the fight they had put up for the people they represented, but members on this side were here to protect the public of Queensland. The Land Court seemed like a piece of machinery that was out of date, and wanted displacing by new machinery. The legislators in 1884 could not say what should govern our land system in Queensland now, as we were living in different times. The people of Queensland were not getting a proper return from the public estate, because out of £26,000,000 produced in Queensland £11,000,000 came from the pastoral industry.

Hon. R. PHILP: Where do you get your figures from?

Mr. COLLINS: From a work published by the Government Statistician, Mr. Knibbs.

Hon. R. PHILP: He has made a mistake.

Mr. COLLINS: He has made no mistake, because he (Mr. Collins) had compared his figures for the past two years. He did not know whether by substituting one land [7.30 p.m.] court for another we were not going to perpetuate the evil. He noticed that after fifteen years' service the members of the court would be eligible to retire on a pension.

Mr. LENNON: During which time they would have received £15,000.

Mr. COLLINS: It was an outrageous proposal. Hon. members on the opposite side talked about thrift, and why did not they tell these highly paid officials that they had to practise thrift, or they would be put on an equal footing with the rest of the community, and come under the Commonwealth pension scheme. We had too many people at the present time drawing pensions of from £800 to £1,000 a year, while the bulk of the people only got 10s. a week old-age pension. He would oppose this pension, and he did not agree with hon. members who said they had no right to review this matter. What was the use of Parliament if they could not change the laws? Our laws were not like those of the Medes and Persians, which could not be altered, and it was the duty of Parliament to alter them as it became necessary. We had a report from the Under Secretary for Lands, showing how the people of Queensland were being robbed. It pointed out that, on the one hand, the squatter paid 2d. per head for his sheep, and the grazing selector 4½d., while in western parts of New South Wales they paid 7d. Anyone watching the debate on the Land Bill would notice that the members for Fassifern, Townsville, and Moreton stuck to their posts all through, and saw that nothing was done to injure the pastoralists' interests. The hon. member for Fassifern was at his post all the time looking after the interests of the squatter. There could be no doubt that in the past if the Land Court had not given awards to suit the pastoralists, the pastoralists would not support the court. He (Mr. Collins) had attended one Land Court in Hughenden, and anyone listening to the squatters' evidence would come to the conclusion that Queensland was the poorest country in the whole world. Their whole argument was that it would only carry one or two sheep per acre, and that Queensland was a very poor place indeed, whereas, in his mind, it would carry three or four times that number. He did not suppose they would be able to get any amendments included in the Bill. Very few amendments from that side of the House had been accepted, while all the amendments put forward by the Pastoralists' Association had been pretty well accepted.

HON. R. PHILP: He did not know where the hon. member got his figures, as the exports from the whole of Australia were £28,000,000 during last year.

Mr. COLLINS: I did not say exports; I said the value of the industry.

HON. R. PHILP: If it was £50,000,000 he would be all the better pleased. He had never been in favour of class legislation of any kind, but he was not going to see any department suffer an injustice. In 1884 Parliament took out of the hands of the Minister the power to fix rents, and put the power in the hands of the Land Court. It made a limit—it should not be less than a certain sum, and it should not be more than a certain sum. In 1890 an Act was passed by Parliament fixing lower rents than ever the court had fixed, and there was no stronger representative in the House then than the hon. member for Gregory, who tried to get lower rents and said it was not a fair schedule. The Land Court never fixed the rents so low as those, and the struggle was to get into the schedule and out of the Land Court, where the Government established splendid terms and long leases.

Mr. HARDACRE: That was mostly abandoned country.

HON. R. PHILP: It was not abandoned country. It was asking the men to take up larger areas, and the members of the House were falling over each other to help the pastoral industry. It was said after the drought that the pastoral industry was the best industry in Queensland and had to be supported, but now they had had three or four good seasons it was damned, and the squatter had no right to live. No industry had given so much work as the pastoral industry, and he hoped the good seasons would continue. He was afraid they would not. Rightly or wrongly, they had appointed a Land Court, and all the talk could not allow any Government to break a bargain made.

Mr. LENNON: No one here is advocating that.

HON. R. PHILP: If they altered the present court and got another court, what guarantee had they that the future court would not do the same as the present court had done? As for the age being against a man, he thought a man between the ages of sixty and seventy years had a more matured judgment than a man between fifty and sixty years of age. So far as he was aware, the law at present was that a civil servant had to retire at sixty-five years of age, but he

might be allowed to go on till he was seventy. He thought the Land Court should not have taken any notice of the debate, but they had done so, and had evidently forced the House to make some provision for them to resign. After the court had resigned, they would be in the same position again. The Government would appoint two new men, and the cry some day would be that the rents were too high, and if the times were bad that House would be the first to say, "We will have to get lower rents." Who were the best judges as to what was a fair rent? That could only be decided by men in a court on evidence taken from both sides. Members of Parliament could not judge.

Mr. HARDACRE: It is the only body that can judge.

HON. R. PHILP: It was only the judges of the Land Court who could fix the rent. The land commissioner was on the side of the Government, and tried to get as much as he could. The Government always wanted more revenue, and thought they ought to get more from the pastoralists than they were getting. But the Land Court would do the right thing for the people of Queensland. Members of Parliament did not hear the evidence, and did not see the witnesses giving the evidence, and it was on the evidence put before them that the court fixed the rent.

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Mr. COLLINS: He would not have risen again only the hon. member for Townsville seemed to doubt the figures he quoted. According to Knibbs, at page 1122, the estimated value of the pastoral industry for Queensland for the year 1908 was £11,709,000 out of a total production of £26,013,000. That proved what he had stated. He had no intention to misrepresent the case. He had made a special study of the production of wealth in Australia, and they were not getting the return they ought to get from an industry that produced that enormous amount of wealth. Knibbs pointed out further on that the dairying industry, poultry, and bee farming produced £2,294,000. From an industry that produced nearly half the total wealth production of Queensland they ought to get a better return.

Mr. G. P. BARNES: What about the other capital?

Hon. R. PHILP: Prove it!

Mr. COLLINS: He had only two minutes to speak, and he would not endeavour at that hour to prove it. Some other opportunity would occur later on when he would prove, right up to the hilt, that the pastoral lessees did not pay their share in wages, neither did they pay their just share to the State for the use of the land.

Mr. HAMILTON: The hon. member for Townsville in speaking had taunted him with supporting the Act of 1900. He admitted that he did support that Act. It was the unfair thing they objected to. As far as the Act of 1900 was concerned, in which he took a great deal of interest, it only related to the far Western portion of Queensland—to leases that had expired. The Act of 1884 had not been extended to that portion of the State and most of the tenures had expired, while others would expire in a few years, and they wanted to get some sort of tenure.

The ACTING CHAIRMAN: Order! I hope the hon. member will not discuss the land laws. I allowed him to answer the hon. member for Townsville, and I hope he will now keep to the question before the Committee.

Mr. HAMILTON: Under the Act of 1900, the tenure was only twenty-one years, and the Government had the right to resume two-thirds at any time they liked. As far as the rental was concerned, they were not getting any more to-day, and a lot of that land was not even under occupation at the present time. As far as the present question of the court was concerned, they had only to take the Under Secretary's report of the action of the pastoral lessees themselves in taking up their own resumptions at £7 and £8 per square mile, and they had purchased some of the resumptions at 10s. an acre, which was equal to £16 per square mile rent, and that was sufficient condemnation of the Land Court. It was well known that when the lessees selected the resumptions they had to observe the conditions with regard to residence and other conditions, and that under the 1902 Act as a leasehold they had no conditions at all. There was a want of judgment somewhere, and if there was no other evidence, there was the Under Secretary's report, and if hon. members were not allowed to criticise those reports, what were the reports sent to Parliament for? Hon. members deserved a lot of credit for speaking out as they had, and he was willing to give them all the credit that was due to them. It was not that he had any animosity to any member of the Land Court. Personally, he had always been on the best terms with them. It was simply in their capacity as members of the Land Court that they disagreed with them. He did not wish to extort high rents from the pastoralists or from anyone else, but they were not getting an adequate rent; and he thought the action they had taken on this Bill, in criticising the members of the court as they had done, was fully justified, and it would do good. He would not shed any tears if the court did resign to-morrow

Mr. FERRICKS: When he heard an amendment was coming from the Minister having reference to the Land Court, he was one of those who welcomed the announcement, believing that it would be to the advantage of the State, but he was rather astounded on reviewing the new clause to observe the consideration shown to the members of the Land Court. He had no regret at the abolition of the Land Court; in fact, he thought the State would be well rid of those three "Old Men of the Sea"; but he was not in favour of sending them away and putting three others in their place. The great objection to the amendment was the provision for a pension to future members of the court at the end of fifteen years' tenure of office. He took no exception to the present members having a retiring allowance, as the State had given them a life appointment, but he certainly objected to the principle being perpetuated and extended to their successors. In the Treasurer's Estimates there was a most formidable array of pensioners at the present time—about fifty pensioners drawing yearly each from £800 downwards, aggregating something like £14,000. If they passed this amendment they would add three more pensions to the total, and in a few years' time three more, and so on indefinitely.

[8 p.m.] An officer drawing £1,000 a year should be able to provide not only for his current expenses but also something for a rainy day. Railway lengthsmen, men working on railway construction work, and miners, who earned from 8s. to 12s. a day, had to do that, and those men were often compelled to retire owing to broken health, caused by the arduous nature of their employment. He attributed the wrongdoing of the members of the Land Court not to any intentional dishonesty——

The ACTING CHAIRMAN: Order! The hon. member cannot discuss the action or conduct of members of the Land Court on the

motion now before the Committee. He can only do that on a substantive motion dealing with the Land Court.

Mr. FERRICKS: The dissatisfaction that had arisen in connection with the administration of the Land Court was largely due to the environment of its members. They went about the country and associated with only one class of people, so that their sympathies were unconsciously drawn towards that class. He thought that they might very well entrust the assessment of rentals to three responsible officers of the Lands Department. If those officers were inclined to put too high a rental on the land, the law of supply and demand would soon regulate that. A man who had a house to let did not call in an arbitrator to fix the rent of that house, but asked what rent he thought proper, and if the prospective tenant would not give the rent asked, then the house would remain empty. So would it be with our Crown land. If the rents were too high, the land would not be leased. In a great many instances it would be better if the land was not leased, because then the country would be selected as grazing farms. With regard to the statement of the Minister that one of the present members of the Land Court was seventy years of age, he contended that it was impossible for a man of that age to go all over Queensland, from Goondiwindi to Carpentaria, as a member of a Land Court should do. If a man was not appointed a member of the court until he was fifty years of age, and his appointment was to be for fifteen years as proposed in the new clause, that would practically be a life appointment. He was opposed to life appointments, and could not, therefore, support that proposition.

Mr. FOLEY: When the hon. member for Bourke was speaking of the unfair rents paid by squatters, and the profits that squatters made, the hon. member for Townsville called upon him to produce proof of his statement. He (Mr. Foley) did not think they could get any better proof than the following statement in the report of the Under Secretary for Lands:—

> The rents being received for the holdings at present used for the production of wool aggregate £105,187 per annum, estimated to be equal to 2½d. per sheep grazed per annum. For the grazing selections producing wool the Crown is receiving £120,482 per annum, equal to 4⅓d. per sheep grazed per annum. If, therefore, the pastoral lessees growing wool were paying a rate per sheep on an equality with that paid by the grazing selectors, the Crown would be receiving £84,150 per annum more for the holdings growing wool than it is receiving from the rents fixed for them by the courts. Under the Western Lands Act of 1901, of New South Wales, the commissioners are empowered to determine, without appeal, the rents to be paid by the lessees of the pastoral holdings in the Western Division of that State, at 7d. per sheep on the carrying capacity, estimated on a sheep basis determined by the commissioners.

There was sufficient evidence in that statement to show that the Government was not getting a fair deal in connection with pastoral rents, which, calculated on the number of sheep grazed per annum, were nearly 100 per cent. less than the rents paid by grazing farmers. He could not understand why the Government did not give the land commissioners power to assess rents as they did in New South Wales, and dispense with the Land Court. The report of the Under Secretary also stated that the rents fixed by the Land Courts were considerably less than those recommended by the land commissioners. Appeals were then made by the squatters, the result of which was that the rents were further reduced, so that practically the squatter had full control of the court. He had read of how in other countries capitalists not only owned the land court, but owned the judicial courts and even the Parliament. If they allowed this kind of thing to go much further in Queensland—if the squatters got much stronger in Queensland than they were at the present time, they might soon own the Land Court and Parliament as well.

The ACTING CHAIRMAN: Order! The hon. member is out of order in speaking in that strain. He must move a substantive motion in the House if he wishes to discuss the members of the Land Court.

Mr. FOLEY: He was led to make these remarks by the remarks of the Under Secretary for Lands in his annual report. He would just read another paragraph—

> Up to the end of 1909 the rents were assessed by the Land Court on 693 holdings under the Act of 1902. The former rents on these holdings, adjusted to the areas held under the Act of 1902, amounted to £161,580 13s. per annum, and the assessing commissioners' valuations of the rents to be paid during the first periods of the new leases amounted to £214,264 7s. 7d. per annum. The Land Court's determinations amounted to £179,830 15s. 11d. per annum. In forty-five cases the lessees appealed against the Land Court's assessments and secured reductions to the amount of £2,366 19s. 1d. per annum. The rents finally assessed for all these holdings are therefore £177,463 16s. 10d. per annum, or £36,800 10s. 9d. per annum less than the assessing commissioners' valuations, and only £15,883 3s. 10d. per annum more than was received for the same area under the former leases. Resumptions and other reductions in area since made have reduced the gross annual rents to £170,442 15s. 9d., as given in Table 7.

From that statement it would appear that the Land Court were unaware of the real value of the land or were biassed in their determination.

The ACTING CHAIRMAN: Order! The hon. member should not transgress the ruling I have already given. He is now imputing motives to the members of the Land Court, and he knows perfectly well that he cannot do that on the motion before the Committee.

Mr. FOLEY: He was not speaking personally with regard to the present members of the Land Court.

The ACTING CHAIRMAN: Order! The hon. member is not quite correct in that statement, because he was discussing the work of the members of the present Land Court, and that is not in order.

Mr. FOLEY: In conclusion, he thought they could do away with the Land Court altogether; that if the members of the Land Court resigned the Government should accept their resignations, and then empower the land commissioners to fix the rents.

The ACTING CHAIRMAN indicated that the hon. member's time had expired.

Mr. HARDACRE moved that the proposed new clause be amended by inserting in subclause (1) line 3, after the word "retirement," the words "within six months after the commencement of this Act." Subclause (1) provided that if the present members of the Land Court retired they should be allowed a pension of £500 per annum. He did not know that he personally had any objection to that proposal, because the members of the Land Court had a life tenure of office, being only removable by a special resolution of both Houses of Parliament, and if they resigned it was only reasonable that they should receive some compensation for the loss of salary which they would sustain. But while the clause provided that a pension should be granted in case of their retirement, there was no guarantee that they would retire after this provision was made. The Minister had read a letter from Messrs. Sword and Woodbine, in which those gentlemen offered to resign. Mr. Heeney, however, had not offered to resign. In an interview

with a representative of the *Daily Mail* Mr. Heeney did not intimate that he was willing to resign, but justified his action in the past, reviewed the charge which had been made against him, and pointed out that it was not he who was wrong, but the Under Secretary. He said the Under Secretary did not know anything practically about the values of land, that his knowledge was merely theoretical, and it wound up by saying—

Mr. Heeney leaves town to-morrow for the West, and will be absent until early in December.

There was not the slightest hint from Mr. Heeney that he wished to resign, so that, if they passed the clause providing for a pension upon the retirement of the Land Court, it would simply mean that Mr. Heeney might continue in office as long as he liked, and then at the end of fifteen years be guaranteed a pension.

Hon. R. PHILP: He is entitled to more than that—£666 a year.

Mr. HARDACRE: The information he had was that he was entitled to a pension of £400, and in that case this was only going to give him £100 more, so that we were offering very little inducement to Mr. Heeney to send in his resignation. His amendment proposed that the pension should be conditional on retirement within six months after the passing of this Act, and he thought the Minister would see the necessity for the amendment.

Mr. BOOKER (*Maryborough*) said that in 1902, when the Land Court took up their duties to appraise the pastoral leases under the new conditions——

The ACTING CHAIRMAN: Order! The main question is not now before the House. The question is the amendment of subclause (1).

The SECRETARY FOR PUBLIC LANDS: The hon. member for Leichhardt had moved an amendment, which would put some compulsion upon the members of the Land Court to resign within six months if they wished to avail themselves of the pension which was intended in his amendment, the object of which was to put him in a position to accept the resignation of members of the Land Court on certain lines. They had suggested that they would not stand upon the order of their going if provision was made for a pension, and he was asking power to so negotiate with them. To make it part of the law that they must comply within six months would be indiscreet and injudicious. All that the subclause provided was that at any time the present members could resign.

Mr. COTTELL: In ten years.

The SECRETARY FOR PUBLIC LANDS: Certainly; and if they did not choose to resign they remained there, and they did not get a pension until they retired. If they did not take advantage of the pension they would remain there.

Mr. COTTELL: Yes, but they can wait until senile decay sets in, and then retire on a pension.

The SECRETARY FOR PUBLIC LANDS: Certainly; that was what was designed here. He could not negotiate with them until this was passed. If the hon. member's amendment was passed, and in twelve months' time members wished to resign, and there was no pension, they could retain their positions. The amendment he had submitted was perfectly logical and defensible. It could not have been moved without the consent of the court, and he asked the House to put him in a position to negotiate with them. But if the embargo of six months was inserted, it would render the position not so good as it was now.

Mr. HAMILTON: The Minister practically asked the House to give him a blank cheque to make any arrangements he liked. He thought the House was treating the members of the court very fairly. They recognised they had some claim to consideration, and they were quite willing to give the pension, but they wanted some guarantee that the court would retire. If they did not retire, then the House should take some action, because the House and the country were not satisfied with the Land Court, and it was necessary to have some change. As he had said before, it would either have to be ended or mended. He thought they were treating the court fairly when they agreed to the £500.

Mr. MANN: It seemed to him that two members of the Land Court realised that public opinion was against them, and offered to retire, and hon. members were willing to give them a pension on that condition, but he did not think the House would grant them a pension if they remained for ten years, and then asked for this pension of £500. It would pay us to give them a bigger pension if we could be rid of them within three months, as they were a drag on Queensland. We were willing to be generous if we could get rid of them quickly.

The ACTING CHAIRMAN: Order! The hon. member must not continue in that strain. If I understood him rightly, he said that Queensland must be rid of this impurity.

OPPOSITION MEMBERS: No, no!

Mr. MANN: He did not use the words attributed to him. What he said was that we were willing to go further in the matter of a pension if we could be quickly rid of the Land Court. It was no use giving them a pension, and still being saddled with them for another period of ten years. Two at least of the men had been so stung by the criticism that they were willing to retire.

The SECRETARY FOR PUBLIC LANDS: The third man is not affected at all.

Mr. MANN: If two men were willing to go, the Minister would be justified in dispensing with the third man's service, and if the other House refused to accept it we could submit it to a referendum of the people. If the Land Court had been doing the right thing there would not be the outcry against it.

The ACTING CHAIRMAN: Order! I would ask the hon. member to speak more closely to the question before the Committee.

Mr. MANN: He was speaking to the amendment that they retire within six months. While he was prepared to go a certain length to meet the wishes of the Minister and support it for twelve instead of six months, he did not think the House should go any further.

Mr. WHITE (*Musgrave*) hoped the House would not consider the amendment, which looked like instant dismissal of the Land Court, just because it had not brought about an increase in revenue. The suggestion of dismissal within six months was out of all reason in a [8.30 p.m.] deliberative Assembly. It would mean that new judges would be put on who would know that they were expected to raise the rents of pastoral lessees in accordance with the wishes of a certain section of this House. He was not an advocate for the squatters, but he knew that plenty of those who had gone in for squatting had lost a lot of money. He should vote against the amendment.

The SECRETARY FOR PUBLIC LANDS hoped the Committee would not inflict upon the court the indignity which this amendment would submit them to. These gentlemen had always conducted themselves with perfect integ-

rity and honour; the only things that members averred against them was error of judgment. When members of the Committee read the words from gentlemen who need not have written them, and turned round as they did, it was a gratuitous insult to say, "We do not believe a word you write, and will tie you down to six months, or no negotiations will ensue."

Mr. HARDACRE: From two members.

The SECRETARY FOR PUBLIC LANDS: He was only speaking of two members, and if the third member had a spark of honour he would follow suit.

The ACTING CHAIRMAN: Order! The hon. gentleman is not in order in using those terms. (Opposition laughter.)

The SECRETARY FOR PUBLIC LANDS: "Commandeered" is a better word. If the gentleman was well advised he would follow suit. Two members of the court were taking up a certain course, and usually men stood together. The Acting Chairman was perfectly entitled to correct anyone, but in this case he was distinctly off the mark—before his time had come.

The ACTING CHAIRMAN: Order! I must correct statements which are not in order, whether used by the Minister or a private member.

The SECRETARY FOR PUBLIC LANDS: He quite recognised that the Minister had no more authority in the House than anyone else. But when the Acting Chairman interposed he was about to qualify the expression and read what he considered to be language which was quite clear and precise, and in no way justified an amendment such as had been suggested by the hon. member for Leichhardt. It was as follows:—

> We now have the honour to inform you that we, the present members of the Land Court, have no desire to avail ourselves of the incidents of our appointment under the existing laws of the State of Queensland, but are prepared upon certain conditions to retire and thus clear the way for either the appointment of new members or for the reconstitution of the Land Court to the satisfaction of the Legislature.

They made a proposition, and it was not in his power to negotiate with them apart from the authority of Parliament. That authority he was now seeking, and to introduce into that amendment a stipulation that neither of those gentlemen should benefit by the pension unless they resigned within six months was inserting something that certainly was rather derogative to the court.

Mr. HARDACRE: There was no slight put upon members of the court. There were only two members of the court who had offered to resign, and he had not the slightest doubt at all that they would keep their word. But there was another member who had not signified his intention in any way, and they could not compel him to resign, and if the clause were passed as introduced they would be simply giving him a pension which he did not possess at the present time. They were offering the members of the Land Court a pension under certain conditions—on the understanding that they resigned, and surely it was a fair thing to say that that pension shall not come into operation unless they did resign.

Mr. CORSER: The member of the court whom you refer to has a pension of £500 already.

Mr. HARDACRE: In that case nothing at all would be given to him, and it was unfair and unreasonable to ask that gentleman to resign without giving him some inducement.

Hon. R. PHILP: He can retire now.

Mr. HARDACRE: He could retire, but it was not fair to ask him to resign without giving him something for his resignation. The amendment provided that a pension would be given to the members of the Land Court if they resigned, and if they did not resign the offer would be withdrawn. That was a mere practicable business bargain. If the clause were passed without the amendment they would find themselves in the position of having conferred a pension on those gentlemen without having obtained the object of the clause at all. The Minister should safeguard the interests of Parliament and accept the amendment. He did not mind whether it was six months or twelve months. If the Minister thought twelve months was necessary, make it twelve months.

The SECRETARY FOR PUBLIC LANDS: The member for Leichhardt had stated that the amendment had no reference to Mr. Sword or Mr. Woodbine, and he was concerned about Mr. Heeney. The hon. member wished to give away something much more than the Government were prepared to give away, as he said it was unlikely that Mr. Heeney would resign unless he received something for it. Mr. Heeney would be indeed a peculiar man if, with such a provision as the hon. member proposed put in the Bill, he did not resign to-morrow, because now, under the law, Mr. Heeney was entitled in his own right to two-thirds of his present salary as a pension. He (Mr. Denham) was not quite sure whether it was two-thirds of his present salary or two-thirds of the salary which he was enjoying when he was transferred to the Land Court. It had been laid down by a high legal authority that he was entitled to two-thirds of his present salary, which was equal to £660 a year. The hon. member said he was satisfied that this was just and fair to the two members of the court who had written, but in relation to the one member who had not written it might not be fair, but that he should have £500 independent of the pension to which he was entitled under the 1863 Act.

Mr. HARDACRE: I did not say that.

The SECRETARY FOR PUBLIC LANDS: Would the hon. member tell the Committee what he did say?

Mr. LENNON: In the clause submitted by the Minister for Lands it was proposed that at any time after the passing of the Act the members of the present Land Court might retire upon a pension of £500 per annum. Opposition members did not want to do that; they wanted to fix a time, and they proposed as a reasonable solution, a six months' limit, and they would press it to a division.

Mr. COYNE: It must be patent to the Committee that there should be some limit. The present members of the court might not retire at all; they might continue in their present position for the next two or three years, and in the meantime the Government would have appointed someone else.

The SECRETARY FOR PUBLIC LANDS: No.

Mr. COYNE: The members of the Land Court had offered to resign on a pension, and what was regarded as a substantial pension had been set out in the new clause. If they desired to retire—and he understood a majority of members wished them to retire—why not come to an agreement, and say when they would retire? Why allow the present state of affairs to go on for a couple of years and be in the same position as they were in to-day? Why not say, "We give you six months to make your arrangements, when you can retire on a pension of £500?" That was a fair thing, and he did not see why

the Minister could not agree with the amendment, as otherwise they would be in the same muddled position twelve months hence, because the members of the court were masters of the situation if the clause were passed without amendment.

The SECRETARY FOR PUBLIC LANDS: If they do not choose to come in within six months, we are just in the same position.

Mr. COYNE: If they retired in six months they would get the pension, but if they did not retire in six months then the pension would go by the board. If the time were left open and the members of the court did not wish to retire, they could snap their fingers. As a matter of fact, if they retired next week they could get the pension and whatever gratuity the Government wished to make in addition. It was just as well for the Committee to say right away that in six months the alteration would be made.

Mr. MANN: If those members of the court were willing to retire at once, he did not think it would hurt their feelings to say they must retire within six months to get the pension. If it would soothe their feelings he was quite willing to make it twelve months, but he was not prepared to give them a pension if they were allowed to stay in their present position two or three more years.

HON. R. PHILP: It must be remembered that the other night a majority voted in favour of the Land Court.

Mr. COYNE: A Land Court.

HON. R. PHILP: He was one of those who did not want the Land Court to retire. To carry out what he wanted he would vote with the member for Leichhardt, but it was far better that it should be left in the hands of the Minister. He would point out that they needed a two-thirds majority of both Houses to disturb the Land Court, and he did not believe they could get a majority of either House at the present time to discharge the Land Court, because they had not found anything substantial against the members of that court. It was a very delicate matter, and he thought the Land Court had been sufficiently insulted already by hon. members, and he would certainly vote against the amendment.

Mr. HARDACRE: Two members of the court had offered to resign on certain conditions—that they would resign on twelve months' leave of absence and an adequate pension. When the clause was passed the Minister would have to enter into negotiations with the members of the court, and would be in a position to offer them a pension of £500 and pay their salaries for the twelve months' leave of absence. Provided those negotiations fell through, the members of the Land Court need not resign, and at the same time the Committee had conferred upon them a pension of £500 when they did resign. That was not a position Parliament should place themselves in, and they should make provision that if the members of the Land Court did not resign in six months the pension would be withdrawn. That was simply making a business bargain. It did not follow that they had to resign in six months — the amendment simply provided if they did resign in six months they would get a pension of £500, and if they did not resign in six months then the pension was withdrawn. As regarded Mr. Heeney, he understood that the clause covered the resignation of the three members of the Land Court, and that Mr. Heeney was to get something in addition to the pension he was already entitled to, provided he resigned. It was quite clear that the clause was going to fail as far as one member of the Land Court was concerned, and that they would only get the resignation of two members. If the amendment were accepted, it would not be an insult to the members of the court. However, he did not wish to discuss the amendment at any greater length, and hoped that the Minister would accept it.

Question—That the words proposed to be added (*Mr. Hardacre's amendment*) be so added—put; and the Committee divided :—

AYES, 23.

Mr. Barber	Mr. Mann
,, Breslin	,, May
,, Collins	,, Mullan
,, Coyne	,, Murphy
,, Crawford	,, McLachlan
,, Ferricks	,, Nevitt
,, Foley	,, O'Sullivan
,, Hamilton	,, Ryan
,, Hardacre	,, Ryland
,, Hunter, J. M.	,, Theodore
,, Land	,, Winstanley
,, Lennon	

Tellers: Mr. May and Mr. Murphy.

NOES, 32.

Mr. Appel	Mr. Hunter, D.
,, Barnes, G. P.	,, Keogh
,, Barnes, W. H.	,, Kidston
,, Booker	,, Macartney
,, Bouchard	,, Mackintosh
,, Brennan	,, Paget
,, Bridges	,, Petrie
,, Corser	,, Philp
,, Cribb	,, Somerset
,, Denham	,, Stodart
,, Forrest	,, Swayne
,, Forsyth	,, Thorn
,, Grayson	,, Tolmie
,, Gunn	,, Walker
,, Hawthorn	,, White
,, Hodge	,, Wienholt

Tellers: Mr. Brennan and Mr. Cribb.

PAIRS.

Ayes—Mr. Blair, Mr. Douglas, and Mr. Lesina.
Noes—Mr. Rankin, Mr. Roberts, and Mr. Fox.

Resolved in the negative.

Mr. J. M. HUNTER moved that after the word "appointed" in subclause (2), line 3, the following words be inserted :—

(i.) The appointment of any such member shall not take effect unless or until confirmed by a resolution of the Legislative Assembly.

After what had taken place that afternoon he thought it would be apparent that such an amendment as this was desirable. If the representatives of the people approved of
[9 p.m.] the appointment of the members of the Land Court, there was less likelihood than there was at present of the decisions of the court being discussed in Parliament.

Mr. COYNE thought that if the House approved of the nominations, members would not be so likely to condemn the action of the court, unless there were exceptional circumstances which justified such condemnation. He was surprised at the action of the Minister in rejecting the proposition which had just been decided by a division, and trusted that he would accept the very reasonable amendment now proposed. From what had taken place during many years past in Queensland, it was evident that favours were conferred on the friends of whatever Government was in power, and it was desirable to avoid that if possible. If the Government accepted this amendment, there could be no charge of partisanship levelled against them in connection with the appointment of members of the Land Court, since those appointments have to be confirmed by the House.

The SECRETARY FOR PUBLIC LANDS: If the amendment was adopted, they would find

themselves in this position : That if the members of the Land Court resigned in January next, no court could be constituted until the House met again next June, because it was proposed that the appointment of members should not take effect "unless or until confirmed by a resolution of a Legislative Assembly." It would be highly inconvenient to have an interregnum of six months during which no appointments could be made. But, putting that consideration aside, he would remind the Committee that no judicial appointments were made in this way. The Land Court was equally as honourable and responsible as the District Court, and while it was not on the same high plane as the Supreme Court, yet the same principle with regard to the independence and responsibility prevailed. There was no ratification by Parliament of the appointment of a Supreme Court judge or a District Court judge, and he did not think that appointments of members of the Land Court should be ratified by Parliament. There should be some Ministerial responsibility in the matter; members of the Government ought not to shirk their responsibility behind a covering vote of Parliament. To adopt the amendment would be to a certain extent placing the court in the hands of Parliament, and the trend of the discussion that afternoon was that the court should not be in the hands of Parliament. Being a judicial body, there should be something in the form of a substantive motion indicating a dereliction of duty or incapacity, if the action and capacity of the court were to be subject to discussion in Parliament. He did not think the amendment would improve the Bill, and he could not accept it.

Question—That the words proposed to be inserted (*Mr. J. M. Hunter's amendment*) be so inserted—put; and the Committee divided :—

AYES, 24.

Mr. Barber	Mr. Mann
,, Breslin	,, May
,, Collins	,, Mullan
,, Coyne	,, Murphy
,, Crawford	,, McEachlan
,, Ferricks	,, Nevitt
,, Foley	,, O'Sullivan
,, Hamilton	,, Ryan
,, Hardacre	,, Ryland
,, Hunter, J. M.	,, Theodore
,, Land	,, Wienholt
Lennon	,, Winstanley

Tellers: Mr. Nevitt and Mr. O'Sullivan.

NOES, 31.

Mr. Appel	Mr. Hunter, D.
,, Barnes, G. P.	,, Keogh
,, Barnes, W. H.	,, Kidston
,, Booker	,, Macartney
,, Bouchard	,, Mackintosh
,, Brennan	,, Paget
,, Bridges	,, Petrie
,, Corser	,, Philp
,, Cribb	,, Somerset
,, Denham	,, Stodart
,, Forrest	,, Swayne
,, Forsyth	,, Thorn
,, Grayson	,, Tolmie
,, Gunn	,, Walker
,, Hawthorn	,, White
,, Hodge	

Tellers: Mr. Cribb and Mr. Tolmie.

PAIRS.

Ayes—Mr. Blair, Mr. Douglas, and Mr. Lesina.
Noes—Mr. Rankin, Mr. Roberts, and Mr. Fox.

Resolved in the negative.

Mr. LAND moved the omission on line 5 of "fifteen years and no longer," and the insertion of "seven years, and shall be eligible for reappointment for another term or terms each not exceeding seven years." He objected to appointing men to a position like this for such a long term, and failed to see how we could possibly get anything fairer than this proposal. If the members of the court were not giving satisfaction, they would have an opportunity of dispensing with their services and appointing someone else. The Government were responsible for the good management of the business of this State, and why should their hands be tied? In his opinion, a very great mistake was made in the past in giving them an appointment for the term of their natural lives, and he hoped the Minister would accept the amendment.

The SECRETARY FOR PUBLIC LANDS: For some reason or other, in all the States, fifteen years was the period set out for judicial appointments. It was so on the Supreme Court bench, after which they were eligible for retirement, and also on the District Court bench. He supposed that had arisen through the long years of experience. A man at the age of fifty was usually mature in judgment, and ripe in all his faculties, and in the ordinary course of events might expect to retain full possession of his powers for fifteen years. He thought it was preferable that it should be fifteen years, for another reason. The hon. member's amendment was for seven years, and eligible for reappointment for another seven. All men were human, and they could imagine that as the end of the seven years drew near it was quite possible that the occupant of the position would—to use a colloquialism—play up to the position, and try to please somebody in order to secure reappointment. The Commissioner for Railways really had to do with administrative matters. He was the administrative head of that big system, and the Minister had only the controlling of the loan policy and the loan vote. That was a very different position to that of a judge, which was a judicial position.

Mr. LENNON : Does he not fix the rates of freight?

The SECRETARY FOR PUBLIC LANDS: Yes, the Commissioner did; he was the administrator right through. The position of Minister for Railways was quite a sinecure compared to that of the Commissioner. Here, a judge was appointed for fifteen years—a judicial position—and if it was for seven years only it was quite possible that he might almost escape the period for reappraisement. At a certain period there were heavy reappraisements. Then there was an interregnum during which there were hardly any reappraisements. He hoped the hon. member would not press this amendment. It would be the business of the Government, whoever it might be, on the retirement of these gentlemen to secure the best possible successors. He had not anticipated the retirement of the board by even thinking who might be a possible successor. All that he wished to secure on receiving the resignation of these gentlemen was the very best possible talent for the money, and a fifteen years' term would be a greater inducement than seven years with a hope of renewal.

Mr. HAMILTON saw a great analogy between the position of the Commissioner for Railways and the judges of the Land Court, as they were both in charge of two of the biggest revenue-producing departments of the State. The Commissioner for Railways had to say what freights the public should pay on our railways, and the members of the Land Court had the right to say what those who used our public lands should pay to the Crown. He did not believe in these long appointments. No one on this side wished to see rack-renting; all they wanted was a fair rental, and if it was only a term of seven years it would be an inducement to members who received that appointment to act impartially during the whole of the term of their office, especially when they knew that they were eligible for re-election. We did not

know what might happen, and if we made the term fifteen years they could do a lot of mischief before they could be shifted. The present court had only been there eight years, and had done incalculable harm. We did not get to within £50,000 or £60,000 [9.30 p.m. annually of revenue we ought to get, and they had only been there seven or eight years. He thought seven years was quite long enough, and if they did their duty he was quite certain when they came up for re-election they would be reappointed. He supported the amendment.

Mr. J. M. HUNTER supported the amendment. He was of opinion that the Commissioner for Railways performed much more important functions than devolved upon the Land Court. He dealt with promotions and appointments, railway freights, and large contracts for materials. Yet we wanted to invest the court with the importance of a District or Supreme Court, but nothing warranted it, and in his opinion seven years was quite sufficient. Rents were a large portion of our revenue, but there was no big question of law or justice involved to warrant an appointment for fifteen years. If at the end of seven years the court had done its duty to the Crown tenants, the Governor in Council could reappoint the members. The idea of these men playing up to the positions in order to get reappointment would be fatal to themselves, because they would not please the Crown tenants, and they were not going to please the Government if they unduly harassed the tenants. The same thing would apply with regard to the latter portion of the fifteen years' term. He did not regard the court as of the importance the Minister wished to put on it, and he hoped if they did not get seven years they would get a considerable reduction in the term.

Mr. LENNON expressed surprise at the arguments of the Minister, who, as a rule, was very effective in his criticism, but he thought he missed the point when he made use of the remark that the position of the Commissioner for Railways was a sinecure in comparison with the members of the Land Court.

The SECRETARY FOR PUBLIC LANDS: No; I said the position of Minister for Railways was a sinecure to the position of Commissioner.

Mr. LENNON: Whilst you might find four or five capable members of a Land Court, you might search a long way to find a capable Commissioner for Railways. There was no need to put the Land Court on a high pedestal for admiration, before whom we must make obeisance, but we must treat them as practical business men. He hoped the Minister would accept the amendment.

Question—That the words proposed to be omitted (*Mr. Land's amendment*) stand part of the clause—put; and the Committee divided :—

AYES, 34.

Mr. Allan	Mr. Hodge
,, Appel	,, Hunter, D.
,, Barnes, G. P.	,, Keogh
,, Barnes, W. H.	,, Kidston
,, Booker	,, Macartney
,, Bouchard	,, Mackintosh
,, Brennan	,, Paget
,, Bridges	,, Petrie
,, Corser	,, Philp
,, Cottell	,, Somerset
,, Cribb	,, Stodart
,, Denham	,, Swayne
,, Forrest	,, Thorn
,, Forsyth	,, Tolmie
,, Grayson	,, Walker
,, Gunn	,, White
,, Hawthorn	,, Wienholt

Tellers: Mr. D. Hunter and Mr. Wienholt.

NOES, 23.

Mr. Barber	Mr. Mann
,, Breslin	,, May
,, Collins	,, Mullan
,, Coyne	,, Murphy
,, Crawford	,, McLachlan
,, Ferricks	,, Nevitt
,, Foley	,, O'Sullivan
,, Hamilton	,, Ryan
,, Hardacre	,, Ryland
,, Hunter, J. M.	,, Theodore
,, Land	,, Winstanley
,, Lennon	

Tellers: Mr. Mann and Mr. Theodore.

PAIRS.

Ayes—Mr. Blair, Mr. Douglas, and Mr. Lesina.
Noes—Mr. Rankin, Mr. Roberts, and Mr. Fox.

Resolved in the affirmative.

Mr. HAMILTON moved the omission of "seventy" on line eight with the view of inserting the word "sixty-five." The amendment provided that the members of the court should retire at the age of seventy years. The reason why he moved the amendment was that right throughout the public service there was a regulation that the retiring age shall be sixty-five years. He did not believe in that—he did not believe in retiring a man until he was incompetent—but when it was the law of the land it should apply to everybody. It looked to him as if there was some individual who would just fill the position, and it was necessary to extend the time to seventy years in order to allow him to serve the fifteen years. They knew very well there were some members of the public service who had political influence behind them, and when they had to retire other positions were found for them. Some were not compelled to retire and others who had no political pull had to go out. He knew many men at sixty-five years of age who were mentally and physically more vigorous and strong than some men were at fifty; and while he did not believe in the principle, while it was the law it should be made to apply to everybody, and the members of the Land Court should also retire at the age of sixty-five years.

The SECRETARY FOR PUBLIC LANDS: There was a good deal of logic in the arguments of the hon. member. Of course the Land Court was not in the public service in the ordinary sense of the word, but inasmuch as the members of the Land Court should be vigorous, seeing that they had to travel round the country, perhaps sixty-five would be a better age at which to retire than seventy, and therefore he proposed to accept the amendment.

OPPOSITION MEMBERS: Hear, hear!

Amendment agreed to.

Mr. MULLAN moved the insertion after "year" on line 10, subclause (2.), of the words, "and such member shall not be entitled to a gratuity or pension on his retirement." The object of the amendment was to do away with any pension whatever. He saw no reason why members of the Land Court should be specially entitled to a pension. As had been pointed out already, the Railway Commissioner, who was in receipt of a higher salary than the members of the Land Court, and who had control of £27,000,000 of State money in railways, was not entitled to a pension, nor did he expect to receive one when he was appointed to the position. Seeing that the Federal Government had seen fit to dispense with pensions altogether, it was a fair proposition that they should dispense with pensions in connection with the Land Court judges. It was a strange thing that they were asked to guarantee £500 a year each for the members of the Land Court whilst the Government were only prepared to pay the miserable pittance of 3s. a week towards

the support of the orphans of the State, and they could not afford to pay 8s. a day to the workers on the railways. When the Superannuation Bill was before the House last year the Premier laid it down, and was supported by members sitting behind him, that it was a reasonable thing that those men who would receive the superannuation should themselves defray the expenses in connection with that superannuation. Now he wanted the Government to be consistent, and apply that principle to the members of the Land Court. Those men, who received a competent salary from the State, should make adequate provision during the currency of that salary to purchase an annuity. He was in favour of every man being paid full value for his labour, whether it was worth £100 a year or £10,000 a year, and that man, no matter who he was, should be able to buy an annuity if he wanted one. It had been pointed out that they should pay those men a decent salary to make them honest. Why should they pay a premium for honesty? That was not an incentive to honesty. It was a sordid thing if they had to pay a man a premium to keep him honest. He hoped the provision would be wiped out altogether, and that the whole citizens of the State would be put on an equality, and if the members of the Land Court wanted a pension it should be the same as that obtained by every other member of the community—that was the old-age pension.

Mr. MANN: He was not too keen on the amendment, because there was nothing to prevent the Government, if the amendment were carried, paying the members of the court a salary of £1,500 a year.

Mr. LENNON: The salary is fixed by the Act at £1,000 a year.

Mr. MANN: If the salary was fixed, it was a different thing. In every case where a pension was given, something should be paid into the fund by the party who would receive the pension. For example, they were compelled to pay £21,500 a year simply because the Government did not draw sufficient from the pay of those officers to make the fund solvent. It might be a good thing or it might not be a good thing, but still they had to pay that £21,500, and there was a good deal of dissatisfaction, and there would be a good deal of dissatisfaction until they had a superannuation fund founded on a sound actuarial basis. He was largely of opinion that it was not a good thing to give a man a pension who was drawing a big salary, but there was no justification in giving the big man a pension and refusing a pension to the man who was drawing a small salary. The Minister should withdraw the proviso and accept the amendment, because it would make an invidious distinction. As had been pointed out, the Railway Commissioner did not get a pension, and he did not see why the members of the Land Court should get a pension either. He would rather increase the salary than give them a pension.

Mr. D. HUNTER: There was a good deal to be said in the arguments advanced by members of the Opposition. A man who worked in the service all his life would not get a pension until he reached the age of sixty-five years and then only the old-age pension, and yet under the Bill they were asked to give a man a pension of £500 a year after fifteen years' service. It seemed to him they were making one law for the rich and another for the poor. If a man got into the railway service, he could not be put out while he did his work well until he reached the age limit, but in that case the men were put out after fifteen years' service.

Mr. COYNE: No; they can be reappointed.

Mr. D. HUNTER: It was inferred that the men, after fifteen years' service, would receive a pension of £500. A man might be appointed to the Land Court at thirty-five years of age, and if he retired at fifty, he would draw a pension of £500 a year for another twenty years. He could not possibly vote for the pension of £500 while it was possible to appoint a young man.

Mr. MURPHY: If a person were appointed to a position at £1,000 a year for 15 years, he ought to be able to save sufficient in that time to keep him in his old age, and it did not follow that at the end of fifteen years any member of the Land Court would be dismissed. Parliament might be asked to agree to reappoint him the same as they agreed to the reappointment of the Commissioner for Railways. The suggestion to pay the members of the Land Court £1,000 a year for fifteen years and then, if they want to retire, to give them a pension of £500, seemed to him ridiculous. It had been pointed out that they ought to do that in order to keep those people absolutely honest. It seemed to him the Government were not particularly anxious to get honest porters in the railway, because they were only prepared to pay them 6s. a day. As had been pointed out, the pension list already amounted to £21,000 a year, and they paid £21,500 a year out of the consolidated revenue to the pensions in connection with the Police Force. If they went on at the rate they were going they would soon be in the same position
[10 p.m.] as the American Government—they would be paying pensions all round. But the poor man would not get much of a pension—only 10s. a week. Parliament could provide only 5s. a week for those in receipt of the indigence allowance, and, as pointed out by the hon. member for Charters Towers, only 3s. a week for those who were orphans, and yet it was proposed to allow men in receipt of £1,000 a year a pension of £500 per annum. He hoped the Committee would remember their duty to Queensland, and not pile up the pension list in the way proposed.

Mr. COYNE: After all that had been said that evening, it might with justice be said that this proposal to give the new members of the Land Court a pension of £500 a year was a slur on the outgoing members, who were appointed at £1,000 a year without any pension. Were the new members of the court to be better men than those they would succeed?

Mr. D. HUNTER: This new clause limits their term of office,

Mr. COYNE: One member of the present Land Court had been in that position only eight years.

The TREASURER: Mr. Sword has been there twenty-five years.

Mr. COYNE: Not on the Land Court.

The TREASURER: On the Land Board and the Land Court, which is the same thing.

Mr. COYNE: It was not the same thing by a long way. This proposition was a gratuitous slur on the outgoing members of the Land Court.

Mr. TOLMIE: Aren't you going to give them a pension, too?

Mr. COYNE: No; the present members of the Land Court had a life appointment, and the proposal was to give them a pension of £500 a year if they retired. The new members of the court might be far worse than the present members, and yet they were to be guaranteed a pension of £500 a year at the end of fifteen years' service.

Mr. J. M. HUNTER would support the amendment because it laid down a sound principle. The system of pensions was a very

reprehensible one, which operated unfairly in regard to different classes of officers, and the proposal before the Committee discriminated unfairly between highly-paid officers and low-paid officers. The members of the Land Court were paid good salaries, and out of those salaries they should be able to make full provision for their old age. If they did not, it would be their fault. Pensions such as it was proposed to provide in the new clause would only have a tendency to make officers careless while they were young, and would probably induce them to speculate in a way they would not speculate if they knew they had to make provision for their old age out of their income. All the responsibility for making that provision should be theirs, and not the State's. The only pension that he was in favour of was the old-age pension and the indigent allowance. If a man receiving a high salary fell upon evil days, then he should be in the same category as every other person in the State. With regard to the argument that pensions were necessary to make members of the court honest, he thought that if a man had a disposition to be dishonest the pension would not alter that disposition He did not think the Minister had stated yet whether he was prepared to accept the amendment, and he hoped the hon. gentleman would inform the Committee that he would accede to a proposition so reasonable.

Mr. HAMILTON thought it was nearly time the State Government followed the course adopted by the Federal Government and abolished the system of pensions altogether. Let them pay a man a salary commensurate with the duties he was called upon to perform, and then let that man do as everybody else in the State had to do—make provision for his own old age. On the front page of the Estimates there were pensions amounting to £13,819, and that was exclusive of the sum of £21,500 voted from the consolidated revenue in aid of the police superannuation fund. Among the list of pensioners he noticed the name of Mr. W. C. Hume, who was a member of the Land Board for ten or twelve years, when he retired on a pension of £634 per annum. In the lower grades of the service and on railway construction works men were working for 6s. or 7s. a day, and they had to make provision out of their earnings for their own old age. The members of the Land Court received large salaries, and yet it was proposed that on retirement they should receive a pension of £500 per annum. A member of the court might act only for twelve or eighteen months, and yet receive a pension on retirement, because it was provided in the clause that if "any such member is disabled by reason of permanent infirmity from performing the duties of his office," he should be permitted to retire and still be entitled to a pension at the rate of £500 per annum. If a member of the court had the gout and could not travel about to perform his duty, he could retire on a pension. He did not consider that a reasonable proposal, and hoped to hear the Minister say that he would delete that provision from the clause.

The SECRETARY FOR PUBLIC LANDS: If members had not been so anxious to get up and air their eloquence he would have made a statement which would have settled the question.

Mr. HAMILTON: Will you accept the amendment?

The SECRETARY FOR PUBLIC LANDS: Certainly.

OPPOSITION MEMBERS: Hear, hear!

The SECRETARY FOR PUBLIC LANDS: If the hon. member for Charters Towers withdrew his amendment he would move the omission of the balance of the clause, and then future members of the court would not be entitled to get any pension on retirement.

Amendment (*Mr. Mullan's*), by leave, withdrawn.

The SECRETARY FOR PUBLIC LANDS moved that paragraphs (ii.), (iii.), and (iv.) of sub-clause (2) be omitted.

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

The House resumed; and the ACTING CHAIRMAN reported the Bill with a further amendment.

The report was adopted.

The SECRETARY FOR PUBLIC LANDS: I move that the third reading be made an Order of the Day for Thursday next. Before taking the third reading, I expect I shall be able to get a special draft ready in order to submit to the House.

Question put and passed.

STATE EDUCATION ACTS AMENDMENT BILL.

MESSAGE FROM COUNCIL.

The DEPUTY SPEAKER announced the receipt of a message from the Council, returning this Bill without amendment.

Mr. HAMILTON: Hadn't you better sing "Praise God from whom all blessings flow."

RIGHTS IN WATER AND WATER CONSERVATION AND UTILIZATION BILL.

COMMITTEE.

On clause 1—"Short title, construction, and commencement of Act"—

Mr. MANN: The clause provided that the Act should take effect on and from the first day of January, 1911. He asked the Treasurer what provision had been made for allowing sugar-mills, cyanide works, and sawmills to divert their refuse water to some other place than the creek close to their premises? A sugar-mill might have to make a drain or reservoir, and a reasonable time should be given. At one mill he knew of they had a dam, but when a flood came along it might be burst and the water run into the creek and become a source of pollution.

The TREASURER: Provision was made in clause 54 for prevention of pollution of watercourses, but he could assure the hon. member that they did not intend to act harshly, and reasonable time would be given in the cases he mentioned.

Mr. MANN was glad to receive the Minister's assurance, but he hoped the matter would not be allowed to hang for years, like the requirements under the Shearers and Sugar Workers Accommodation Act, before anything was done. He would be glad if the Minister would insert 1st July instead of 1st January, which would give ample time. He moved the deletion on the twelfth line of "January," and the insertion of "July."

The TREASURER thought that was rather too long a term, but he would meet the hon. member by making it the 1st day of March.

The ACTING CHAIRMAN: Will the hon. member for Cairns withdraw his amendment?

Mr. MANN would withdraw his amendment if the Minister thought it was too long a time.

Amendment withdrawn accordingly.

The TREASURER moved the omission of "January," and the insertion of "March" in line 12.

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

Clauses 2 and 3 put and passed.

On clause 4—"Interpretation"—

The TREASURER moved the omission on line 18 of "includes an artesian," and the insertion of "does not include any." That was to exclude from the operation of the Bill all sub-artesian flows—water that did not come to the surface of its own accord, where it had to be pumped or raised by some other artificial means. It had been pointed out that this might prevent wells from being sunk where there was no likelihood of interfering with other people, or where the necessity might arise for putting a sub-artesian well down in a hurry. Under those circumstances, he thought it necessary to make the alteration.

Mr. HARDACRE: Looking over the amendments in the short time they had been before him they had taken away many of the objections which he had had on the second reading of the Bill, and this amendment in particular. One objection he had had was that while the principle of the Bill was all right, the details would prevent a man sinking a well unless he applied for a license in some office in Brisbane. It would only apply now to artesian wells. In future a selector or any other person could sink an ordinary well without asking anybody. There might be some objections later on to compelling anyone who wished to sink an artesian well to apply for a license.

Mr. COYNE: The difficulty he had was about artesian wells. At Morven there was what was purely and simply an artesian well, which did not overflow. For some reason or other the contractor declined to take it any further, and the supply ended there. Nobody could call that a sub-artesian well. They did not go deep enough.

The TREASURER: If it does not flow naturally it does not come under the Bill.

Mr. COYNE: If the Crown would not take possession of that well unless there was an artesian flow there, it would go on for ever as an unfinished well if left in the hands of the local authorities.

Hon. R. PHILP: This is only the definition clause.

Mr. COYNE: Suppose the Government did not propose to take over sub-artesian wells, the thing would go on for ever in the
[10.30 p.m.] hands of the local authorities; they would make no move at all in deepening that well, and he honestly thought if the well were sunk another 20 feet they would strike an artesian flow.

Amendment agreed to.

The TREASURER moved that after line 25 the following definition be inserted:—

"Bank of a Watercourse"—The bank which on either side limits the main or principal watercourse under normal conditions as indicated by the normal water level, or the water mark, or any bed of shingle, sand, or mud, as the case may be.

On the second reading it was intimated that that seemed to be a defect, and he had endeavoured, as far as possible, to meet the defect by giving that definition, which he thought would meet the case.

Mr. LENNON: He understood that the Minister had come to an arrangement to adjourn at half-past 10 o'clock. The amendments had only been put into the hands of hon. members recently.

The TREASURER: I would like to get through this definition clause first.

Mr. LENNON: The amendments had only been put into the hands of hon. members, and as they had been very busy considering the Land Bill, they had not had time to give proper consideration to the Water Conservation Bill. They wanted to bring an intelligent discussion to bear on this kind of legislation, and the way it was being rushed through did not give hon. members a chance of properly understanding what they were doing. Of course if members of the Opposition were possessed of the brilliant intellect of members opposite, it might be all right——

The TREASURER (rising): I would like——

The CHAIRMAN: Order!

Mr. LENNON: He declined to sit down at the wave of the hand of the Premier.

The TREASURER: If there was any compact entered into, he was prepared to carry it out.

The House resumed. The ACTING CHAIRMAN reported progress, and leave was obtained to sit again to-morrow.

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