Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 2 AUGUST 1911

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LEGISLATIVE COUNCIL.

WEDNESDAY, 2 AUGUST, 1911.

The PRESIDENT (Hon. Sir Arthur Morgan) took the chair at half-past 3 o'clock.

NOTICE OF QUESTION.

LEPERS IN PEEL ISLAND LAZARET.

HON. E. J. STEVENS said: With regard to the question I have placed on the notice-paper in connection with lepers, I would like to add, if possible, another question as to the number of black and white lepers.

HON. A. H. BARLOW: I have not been able to get all the information in time for the hon. member. I intended to bring it up, as it is a matter upon which the public mind is very sensitive, but I shall have the information by the next sitting of the Council.

HONOURABLE MEMBERS: Hear, hear!

POLICE JURISDICTION AND SUMMARY OFFENCES BILL.

SECOND READING—RESUMPTION OF DEBATE.

HON. B. FAHEY said: I had no intention of addressing myself to the provisions of this Bill during its second-reading stage, though I intend to have something to say—and probably a good deal—when it is in Committee. When I moved the adjournment of the debate yesterday afternoon, it was with a view of affording some hon. members who, I understood, were anxious to address themselves to certain clauses of the Bill, notably my hon. friend, Dr. Taylor, whose long experience professionally well qualifies him, in my opinion, to make some very valuable suggestions on more than one of the clauses of this

Hon. B. Fahey.]

Bill, particularly those relating to children and minors. The Bill is essentially a Committee Bill, and will, when it has run the gauntlet in this House and in another place, and has been treated to the grafting and pruning suggested and foreshadowed by previous speakers, be to the legal profession especially a very valuable addition to the enactments of this State. It certainly suggests very sweeping and drastic changes in some of our present laws, and it also, in some instances, amplifies our present law. It will therefore be our duty in this House, undeterred as we are by external influences, to amend, and to eliminate if necessary, any clauses which in our opinion may deal harshly or unjustly with other persons, or bodies of persons, or institutions, existing under the present law. There is no law or rule changed in this House and in another place which will not—and generally does—entail disadvantages, amounting in some instances to injustice, upon someone. But if we find that any of the clauses of this Bill should entail to any individual, or to any body of men, any injustice, and that the injustice and the disadvantage may be swallowed up or counteracted by the corresponding advantages to society in general, it will be our duty to support that clause. The first clause in the Bill that occurs to me to suggest—the minimising of what is growing in this town, and probably elsewhere throughout this State, to be a very great nuisance—is clause 25, dealing with musicians. I do not suppose any hon. member, no matter how highly cultivated his sense of music may be, will oppose that clause. The next clause—26—is one of the most essential, and one of the most important, clauses in the Bill. To my knowledge, both privately and officially, for the last fifty years shipowners, shipmasters, and ship agents, have been doing their very best to suppress the pilfering of ships' cargoes, both from vessels, from wharves, and from wharf sheds; and, instead of minimising the evil at present, it is positively assuming the dimensions of a public scandal—a scandal upon our civilisation and a stigma upon our laws. It is practised at the present day wholesale and systematically. Notwithstanding the efforts made by everybody interested in the suppression of the evil, it is most glaringly on the increase, and therefore it will be our duty to give every facility to the passage of the clauses in this Bill intended to suppress an evil with which our present law is unable to cope. Clause 36 deals with what I am very pleased to say, from my knowledge, is an offence that is not very frequently committed in this State, and that is the disturbance of religious services. I have not heard of any instances of it in Queensland, though I have heard of it elsewhere. In any case, it is our duty to give every support to the clause and see that it becomes law. It is equally—more so in my opinion—our duty to adopt the provisions contained in the Bill for the protection of those citizens who from time to time have very important questions to discuss and to confer upon politically, commercially, or otherwise, and who do so at public meetings. The manner in which good citizens—particularly those identified with the management of the affairs of the State—have been treated at their public meetings for some years past in this State is more than a scandal—it is a discredit to the laws of the country; and I am very pleased to see that ample provision is being made in this Bill to suppress that evil. I have myself witnessed in this country exhibitions of the improprieties, I may mildly call them, of young people gathered at public meetings, particularly during elections, by which the good sense of the majority of those attending the meetings has been so outraged as to call for the disturbers of the meetings being severely dealt with. Evidently there are people whose sense of law and order is such that it has led them more than once within my own experience not only to disturb but to render nil the results of meetings. In future the chairman of a meeting, without any consequences to himself, will be in a position—and I hope he will have the firmness to exercise his power—to suppress any disturbances of that kind. I need scarcely refer to clause 38. The sense of decency of every hon. member of this Chamber will convince him that that clause is absolutely necessary. It deals with a matter in regard to which the sense of decency of a great many of our citizens, in recent years particularly, has been more than once outraged, and I think the sooner the authorities take it in hand the better. The power will be placed in their hands as soon as this Bill becomes law to deal with the matter, and the sooner they do so the better it will be in the interests of society. Clause 39 deals with boxing matches. We must be very careful in dealing with this practice. I hope nothing will be done in this Bill that will in any way tend to prevent the practice or the fostering of this exercise amongst our young men. It is essentially necessary that every young man, when at school, particularly, should be taught this exercise, and our law should foster the growth of the popularity of the practice amongst all Britishers. Every young man should be taught the means and the ways of protecting himself from the assaults and attacks of blackguards. Frequently in the outskirts of civilisation and settlement, to my own personal knowledge and experience, it was essentially necessary that the art of self-protection should be exercised, and unfortunate indeed were those who had not acquired some knowledge of it in their youth. Our laws should foster in the education of our children the teaching of that art. I shall do all in my power to encourage its regulated practice in the Bill. Clause 42 deals with a very delicate subject; yet, in the estimation of the highest authorities of to-day and of past ages, it is a necessary evil. It is so in the estimation of the most enlightened and advanced States on the continent of Europe—so much so that they regulate and license it. For myself, it is a subject that I do not care about dealing with. It is a well-known fact, however, that the instinct that prompts our nature to err in that direction is the strongest passion in the whole realm of Nature. Nature pervades the whole universe, and I think that those nations which have taken upon themselves the regulation and the licensing of it for the safety of the general community are not at all unwise in their philosophy. It is religious prudishness that prevents steps of that kind being taken in British countries, and, if they were taken, let me say they would be taken to the great advantage of the British forces. I have no sympathy with the conditions at present

existing in this State, and I shall only be too happy to assist, when the time comes, in Committee to give every power to the police authorities for the purpose of suppressing it in Queensland under existing circumstances. Clause 46 deals with gambling. I do not know that under that clause we are not dealing with what is, to my mind, a greater menace to the youth of this State and to society generally than that to which I have just alluded. It has grown to such dimensions in Brisbane, and probably in other centres of population in Queensland, that it is a public scandal, and I think it is our duty in every way to afford facilities to the proper authorities to suppress that evil with a very strong hand. It leads to all sorts of other vices. It leads to drinking, and drinking leads to poverty, and in some cases to imprisonment. Carried out on the dimensions it has been up to the present time in Brisbane, I think it is a blot on our civilisation. Clause 61 is a ticklish clause to deal with. I fancy it will tax the sense of equity of every hon. member to deal with the clause as it should be dealt with. Some people are under the impression that bookmakers are nearer Satan than lawyers. (Laughter).

The ATTORNEY-GENERAL (Hon. T. O'Sullivan): What is your opinion?

HON. B. FAHEY: My opinion is that they are not. I suppose there is not an hon. member in this room—not even the Hon. Peter Murphy—who has had more experience of and association with horseracing, and in issuing licenses to bookmakers, for the last forty-five years than I have had. I was for several years chairman of the Central Queensland Racing Association. We had from fifty-five to sixty clubs under our jurisdiction, and I forget now the number of bookmakers plying their calling throughout the whole of Central Queensland, every one of whom had a license issued at my hands for years. I suppose there is no amateur rider in Queensland who has had more wins of bracelets and cups to his credit than I have, and yet I have never made a bet with a bookmaker or owned a racehorse in my life. Some people are under the impression that bookmakers are an evil—that they are the worst, the most insidious, and the most evil factor attached to horseracing. Now let us see. You go to a racecourse; you have a few pounds in your pocket, and you fancy yourself a judge of horses and horseflesh. You go to the saddling paddock and look around to see the horses being saddled for the ensuing race. If you consider yourself a judge, you make your choice. You transfer your attention to the bookmakers. You leave the saddling paddock and ask the first bookmaker, very likely, that you meet what he is prepared to lay against your choice winning the race, and he will probably say two to one or twenty to one that your horse won't win. You take the bet, your horse wins, and you put your money into your pocket.

The ATTORNEY-GENERAL: If you get it.

HON. B. FAHEY: If your horse wins, you will get it, and if you are a wise man you will keep your money in your pocket, for that day at all events. (Laughter.) Now, you are not the only one who has had dealings with that bookmaker, and your horse may not have been their choice; therefore, that bookmaker may have lost with you and won with others. Others also may have betted with him, backing the horse that you did; his profits on that race may be nil. These men have plied their calling publicly, honestly, and fairly; it is simply their chance against yours. You have won your money, or you may have lost your money; you did it in open competition with that man, your intellect against his, and probably your knowledge is superior to his. Now, hon. members, do you really think that the bookmaker is the most evil factor associated with horseracing? Not in my experience, by any means. Any of you who are in the habit of going to a racecourse from time to time—I do not suppose the Hon. Mr. Gibson has had much experience of that——

Hon. A. GIBSON: Very little.

HON. B. FAHEY: I do not know that the Chairman of Committees has had much experience in that respect either; but those who do go and make a little study of racing, how often have they come home under the impression—and the honest impression, too—that the best horse did not win?

Hon. P. MACPHERSON: Hear, hear!

HON. B. FAHEY: Why did it not win? It was not because the bookmakers prevented him from doing it.

The ATTORNEY-GENERAL: I am not so sure of that.

HON. B. FAHEY: You are entitled to your opinion, as I am to mine, and my experience may be a great deal riper than yours, and certainly older. Now, a horse has had a trainer and a jockey—let us even leave the owner out, in charity, though he is sometimes in the know; but let us put him out—I know from my experience that for a £5 note some jockeys—not all, by any means—will often sell a race worth £1,000.

Hon. W. V. BROWN: Some of them.

The ATTORNEY-GENERAL: Are you speaking from personal experience?

HON. B. FAHEY: I am not; I am speaking from matters which have come under my notice as chairman of the Central Queensland Racing Association, and as one who knows the jockeys. Now, the trainers are also very good men. There are also very honest trainers and honest jockeys. I am not condemning trainers or jockeys or bookmakers wholesale, but I say that a bookmaker—and I am prepared to prove it—is not the most evil factor in connection with the administration of racing or the carrying on of racing in Queensland or any other country.

Hon. P. MACPHERSON: Hear, hear!

HON. B. FAHEY: I have seen myself, not 1,000 miles from where I now am, a horse race, and the horse came in third, for a prize of £200. I have seen the same horse race again for a similar sum, and come in second. I have seen him race for £500, and win, and he could have carried almost another horse on his back and win the race. But the bookmaker had nothing at all to do with that. I am not here as an advocate of bookmakers. Knowing, I presume, that I have been connected with racing for many years, one or two of them have come and asked me to defend their position. I pledge this House my

word of honour that I have told them I would not do anything of the kind, and I never made up my mind until I came into this House what I was going to do; but I know that the bookmakers are plying their calling honestly and fairly on the racecourses of Queensland. There are to be found amongst bookmakers the good and the bad, as indeed there are to be found in every walk of human life similar distinctions, and the only protection the public have from a dishonest bookmaker is to bring influence to bear upon the racing authorities locally to prevent that man from obtaining a license. If a man has not got a license, keep your money in your breeches pocket, and have nothing to do with him. There are men amongst bookmakers to-day in Queensland to my knowledge [4 p.m.] who are as honourable as any man you can find in Queen street, and I think that if those people who have brought pressure to bear upon the framers of this Police Offences Bill, with the very best intentions, I have no doubt, to suppress bookmakers, knew as much of racing as I do, they would suppress racing altogether, and not the bookmakers alone. Let me tell hon. members that no law can be conceived by the mind of man that will suppress the bookmaker. You may prevent him plying his calling on the racecourse. He will not go to the racecourse, but he will do it all the same, and so that the law cannot catch him. And where is this exhibition of hypocrisy on the part of the authorities going to end? They will suppress the bookmaker and establish a monopoly in the shape of the totalisator. Where is the difference? You lose your money on the totalisator just as you lose your money with the bookmaker. Those who brought pressure to bear upon the authorities probably did not know as much about racing as they might do. If they did, they would not have devoted so much of their attention exclusively to the bookmakers. Bookmakers can be well regulated, and licenses only issued to those who are entitled to them. They are as essential to racing and to the success of racing as any other item in it. There are really thousands of people who would have no interest at all in racing if they could not make a bet with a bookmaker, and when they make their bets with bookmakers they win to-day and lose to-morrow. Those men can afford it; and do you mean to tell me that the people who go to racecourses and make bets and cannot afford it will be stopped from betting by the suppression of the bookmakers? Not at all. They will very likely go to the totalisator. You cannot make men honest by Act of Parliament, and you cannot make them sober by Act of Parliament, and for that reason, so far as I am concerned, I do not think that I shall find myself, when the time comes, supporting the clause to suppress bookmakers. I might offer certain suggestions with a view to amending it, but I shall certainly not support the suppression of bookmakers unless you bring in a law to suppress all forms of gambling in connection with racing.

Hon. A. A. DAVEY: Hear, hear!

HON. B. FAHEY: That is the result of my experience, at any rate, and I am going entirely by my experience in this instance. Clause 79 deals with indecent advertisements. Clause 38 deals with the exhibition of indecent pictures. It provides that any officer above the rank of sergeant can enter any room where a cinematographic performance is taking place. I think that ought to be amended, giving the power to stop the exhibition of indecent pictures to any member of the Police Force. These cinematographic performances are being carried on throughout Queensland, in places where there would not be an inspector or sub-inspector of police within perhaps 50 or 100 miles. If it is really intended to suppress this thing, it would be wise to extend the power in the way I have suggested. Whether it would be better to make such a provision apply only to certain places or to certain localities, I do not know—that is for the Attorney-General to consider; but if some provision of the kind is not made, this kind of thing can be carried on with impunity in places where there is no officer above the rank of sergeant within perhaps 50 miles. Clause 88 deals with the sale of tobacco to youths. I should like to raise the age from sixteen years to twenty, or even twenty-five years. I have had a great many cases brought under my notice where the ruin of young boys—sons, particularly of wealthy men—has ensued in consequence of their having acquired early the habit of smoking—cigarette smoking particularly. Some medical men say that there is nothing more dangerous. It has a tendency to the development of cancer. It has a tendency to stunt the growth of lads, to begin with. It has also a tendency to bring on all sorts of ailments in the system, because nicotine is a very powerful irritant poison, and, as the bodies, the muscles, and the internal organs of youths are not matured, they are more liable to the influence of the nicotine than persons of maturer years. It would have more deleterious effects than in the case of older persons. Another reason is that smoking creates thirst, and that leads to the satisfying of the thirst very frequently in a public-house, and ensues the ruin of the youth. I know more than one fine promising young fellow who started to smoke at the early age of twelve years, and at the age of seventeen they were irretrievably ruined, and are likely to end their days in a lunatic asylum. That was entirely due to their having early acquired the habit of smoking. I shall do my best in Committee to raise the age. Now comes a very important clause bearing on stock-stealing. That is a very serious crime, and more serious because of the great facilities that are afforded by Australian conditions to carry it on. One hon. member who opened the debate on the second reading of the Bill made very pregnant allusions and remarks upon the habit; in fact, I suppose he paid dearly for his experience, like every other settler in the country. I allude to the Hon. Mr. Stevens. I look upon the remarks made by the hon. member as practically authoritative on the subject. There was another hon. member whom I heard reviewing the clause dealing with cattle-stealing, and he located the crime in Northern Queensland. Now, if that hon. member trained his legal eye upon the records of criminal jurisprudence in this State, he would find that the trenchant admonitions and condemnations of the actions of juries and the failures of juries in the administration of the law in Queensland in connection with the stealing of cattle did not emanate from a judge in Northern Queensland. They emanated from a judge—and from more than one judge—when holding court in towns not north but west of Brisbane. Let me say that the people of

Northern Queensland probably are not exempt from the peccadillo or the crime of stealing their neighbours' cattle, but it never has been done to the same extent there, according to my experience and according to the records of this State, as it has been done in Southern Queensland. The people of Northern Queensland should not be maligned and slandered with impunity, and never will be within my hearing without my protesting against treating the matter with such levity. The people of Northern Queensland are the busiest, the most law-abiding, and the most industrious people that we have in any of the divisions of this State. They are too busy in their humble efforts, sparse as our population is there, to develop the rich resources placed by nature at their hands; and they find that a great deal more profitable to them, and more congenial, very likely, to their dispositions, than casting a covetous eye on their neighbours' cattle. This is a comprehensive Bill, and when it becomes law I believe it will be one of the most useful measures that has ever been brought before this House for consideration; and, whether we look upon it from a legal point of view, or whether we look upon it from a commercial point of view, aye, from a social point of view, we cannot help admiring the framers of it, and I hope it will become law with a few amendments, which will, in all probability, be made in its provisions in this Chamber and another place.

HONOURABLE MEMBERS: Hear, hear!

HON. W. F. TAYLOR: As my hon. friend who has just sat down was kind enough to move the adjournment of the debate yesterday, as he says, to afford me an opportunity of speaking, being under the impression that I know a lot about the Bill and about the offences mentioned in it, I feel it my duty to say something, although I must confess that I know very little about the offences dealt with in the measure. On looking through the Bill, it appears to me to be a very good one in many respects. The only thing, to my mind, is that it possibly goes a little too far in some cases. I think we must be careful in that respect, because we do not want to be a police-ridden community altogether; and, if this Bill passes in its present form, I think we shall be all our time trying to steer clear of some of the offences mentioned in the Bill; and if the police keep up to the letter of the law, I am afraid there will be a great many prosecutions of those who, at present, do not consider themselves at all fit subjects for prosecution. However, all that can be amended in Committee. We shall have to go through the Bill very carefully, because, although I fully understand the necessity for giving the police full power to act in cases of emergency, at the same time I do not believe in placing in their hands powers which they may exercise autocratically and injuriously. The members of the Police Force, as a rule, are very estimable men, and are carefully selected; but as a matter of fact young men must be appointed. We cannot always secure men of mature years to fill these positions, and it takes some time for a young constable to learn his duties and to curb his natural tendency to zeal in the discharge of his duties. I think it would be a very dangerous thing to place in the hands of inexperienced constables some of the extreme powers which are contained in this measure. In looking over the Bill, the first thing which attracted my attention was the definition of the word "child," and I am rather under the impression that it must be a misprint, because a child is defined to be a boy under the age of fifteen years and a girl under the age of seventeen years. As a matter of fact, it should be the reverse, because we know that girls arrive at maturity much sooner than boys do. A girl of thirteen years of age is just as mature, physiologically and mentally, as a boy of fifteen years of age. Why this extreme difference should be made between boys and girls I cannot understand, except on the assumption that there has been some misprint. Fancy a girl of seventeen years of age being placed in the same category as a boy of fifteen. A girl of seventeen is supposed to have arrived at full mature age as a woman; in fact, she "comes out" as a woman in society, and is henceforth marriageable, and to place her on the same par as a boy fifteen years of age, when he has barely arrived at the age of puberty, is to my mind somewhat of an anachronism. I presume it is a mistake, and that the hon. gentleman in charge of the Bill will rectify it in Committee; but, if not, I will certainly move an amendment in the definition. It is a most absurd one, and contrary to all physiological fact.

Hon. A. H. BARLOW: I will take a note of it, and ascertain the reason.

HON. W. F. TAYLOR: It is a very weak point. If the hon. gentleman can ascertain the reason, we can discuss it in Committee, but at the present time I cannot understand what reason can be given for making such a difference. I think it is a question we must be very careful of, because we must bear in mind that we have to protect our boys as well as our girls. (Hear, hear!) Our little boys are subject to strong temptation from our little girls, and a very great deal of injury is done to our little boys by our little girls, and we must be just as careful to protect our boys and see that they are not made criminals of by little girls as we should be to protect the girls from the boys. I think the matter of protection is really on the side of the boys, and that they require more looking after than little girls do. We have only to go down Queen street and see the way little girls behave to understand the dangers that young boys are subject to, and, if we subject our youths to dangers of this sort from little girls, and then make criminals of them at the instigation of little girls, I think we are doing a great deal of injustice to the rising population. However, I have no more to say on the subject just now; probably I shall have more to say about it if I have to move the amendment I have indicated. There is one clause which has taken my fancy, and that is clause 54, which deals with the protection of wives from husbands who are habitual drunkards. This is a most necessary clause, and I think it is one of the best in the Bill. I know, and no doubt other hon. members know, many instances where wives have had to struggle day after day, and even late into the night, to support their families, and they have drunken husbands who, if they do not drink the earnings of their wives, at least will not work, but live on the earnings of their unfortunate wives. These men ought to be made to work. If they will not work when they can get work, and are fit to do it, then they should be separated from their wives. Something should be

done to make these lazy men do their duty and support their wives and families. They not only refuse to support their wives and families, but beat their unfortunate wives, and take every sixpence they can get for drink. I hope we shall amend this clause so as to make it possible in cases where men—non-workers as well as drunkards, and non-workers even if they are non-drinkers—are habitually lazy, and live upon the earnings of their wives, to separate these men from their wives and make them work. Something like that ought to be done. It is certainly a step in the right direction to protect the earnings of the wives from these drunken and lazy husbands, and protect the furniture which the poor women get together, and clothes for the children, and so on. Of course, the converse holds good. If there is a drunken wife, the husband ought to be protected from her, and there should be provision in that respect. I look upon the clause as a right one, and one which is likely to do a great amount of good to the community. A good deal has been said about bookmakers. I may say that I never made a bet in my life, though it may seem a very strange thing to say so. I seldom or never go to races. I have not been on a racecourse for the last twenty years, and, as I say, I have never made a bet on a horse race in my life, or any other bet. At the same time, I cannot help thinking there are worse evils than bookmakers. It appears to me that the totalisator may do a great deal more harm generally than bookmakers. As a rule, betting with bookmakers is confined, so far as I can learn, to men. Very few women are at it, and if they do it they have a show for their money, and often back the winner, as the results show. In the case of the totalisator, there is a great inducement offered to women and to children on the racecourse to go and put their half-crown or five shillings on, and the gambling spirit is encouraged in that way. There is nothing, to my mind, which encourages the gambling spirit more than the totalisator. I protested against gambling of this sort in Queensland when the Bill was first brought forward to legalise the totalisator. We find that the totalisator has flourished, and what is the result? Every woman who goes to a racecourse, who can raise half a crown, or whatever the amount is, to put on the totalisator, will take a ticket. The gambling spirit is rife in this community—much more so than it was in the days when Tattersall's sweeps were in full force here. The totalisator has encouraged the spirit of gambling. There is hardly a person you can speak to coming from a race meeting but will say, "I have backed so-and-so, and just lost by one. One horse just got in before it." The only thing they go out to the races for now is to bet on the totalisator. Racing itself is really a fine and noble sport—a useful sport if it encourages the breed of horses—the finest animals we have. (Hear, hear!) But that fine sport is degraded by the gambling element introduced into it. People do not go out to see the sport, but merely to exercise the spirit of gambling. If you win £5 on the totalisator, you rejoice; those who lose are sorry. Where does the advantage come in? Possibly you lose one time, and another time you win. Why cannot you enjoy a race without it? But people reply, "Oh, no; it gives a zest to the matter and an interest in the horses, and it gives rise to a certain amount of pleasure." I think we ought to be careful about encouraging the totalisator by doing away with the bookmakers. Personally, I would rather encourage the bookmakers and do away with the totalisator, so long as they are kept within bounds, as I believe they are now. Clause 79 deals with indecent advertisements, publications, and so on. I am very glad to see this clause, because it is simply a disgrace to our vaunted civilisation that we allow newspapers to publish indecent advertisements as they do every day, notwithstanding the fact that we have had an Indecent Advertisements Act in force for twenty years. That Act has been evaded, and is evaded every day, not only by the local papers, but by papers brought into our State from other places. The Act has never to my knowledge been enforced except on one occasion, and a conviction was then got under it. Had the Act been enfored as it should have been, we should have had far less of these indecent advertisements—these quack advertisements of infallible remedies to cure female irregularities, and infallible pills to cure nervous debility, and all that sort of thing. Notwithstanding our Act, the newspapers are full of such advertisements. Newspapers coming in from the other States are notorious for indecent advertisements. The Indecent Advertisements Act is incorporated in the Bill, and I hope, if it becomes law, that the police will try and put a stop, not only to indecent placards in windows and on hoardings, but also to the advertisements which are regularly published in our newspapers. I will not occupy the time of the House any longer. I hope the Bill will be passed, as it will be a useful measure, and I am perfectly certain that, as it leaves this Chamber, it will be a measure that will be a benefit to the community, and do a great deal of good.

HONOURABLE MEMBERS: Hear, hear!

The ATTORNEY-GENERAL (Hon. T O'Sullivan): I propose to say a few words on this measure before the motion for the second reading is carried. My colleague has introduced the measure in a careful speech, and dealt with the salient points in the Bill. Other speakers have discussed the matter in a way which shows they have carefully perused the Bill, and have considered some of its important features. As some speaker before me has said, it is a Bill which has been very carefully prepared, being the result of a great deal of work, and the recommendations and opinions of some of our most experienced officers are embodied in some of the provisions. The Bill is a codification of that branch of the criminal law which is administered by courts of petty sessions. As hon. members know, that branch of the criminal law which is dealt with in our superior courts is already embodied in the Criminal Code. This Bill seeks to accomplish the same purpose in reference to the branch of the law to which I have just referred as the Criminal Code does in connection with the other branch of the law. In addition to codifying the law, advantage has been [4.30 p.m.] taken of the opportunity to bring the law up to date. As the Hon. Mr. Hawthorn pointed out, some of the Acts which are repealed and re-enacted in an improved form go back to the year 1855,

and ten of them were passed before separation. Measures of this kind have been passed in the other States, and it is absolutely necessary that we should bring our law up to the same modern standard as obtains in those States. As my colleague and other speakers have dealt with most of the provisions of the Bill, I do not intend to do more than refer to some of what I consider the most important provisions in the Bill, and also to refer to some of the arguments which have been used by hon. members who have spoken before me on the second reading of the Bill. One of the parts of the Bill that has been discussed most fully is that which refers to bookmakers. I congratulate my old friend, the Hon. Mr. Fahey, on discovering that he is an authority on this subject as well as on a good many other subjects. He has had a great deal of experience in many parts of the State and on a great many matters, but I was not aware until to-day that the hon. member's wide and varied experience included the subjects of horseracing and bookmakers. I think his reminiscences and the information he gave to the Council on those subjects were very interesting, and I certainly listened to him with very great pleasure. The general consensus of opinion amongst hon. members who have spoken is that, while they look upon it as desirable to abolish betting, they think there should be one exception—that is, in the case of bookmakers betting on racecourses. I listened with some care to the arguments by which that exception was justified. The principal argument seems to be that the presence of bookmakers on racecourses tends to improve the breed of horses, and that the benefit resulting to the community from the improvement of the breed of horses more than counterbalances any disadvantages that might result from that form of betting. Of course, it is on those who assert that proposition to establish it, and I suppose the reasons and the arguments in support of the proposition will receive further elucidation in Committee. It has been pointed out, too, by several members that it is inconsistent to retain the totalisator if it is intended to go in for the abolition of betting altogether. I think it was the Hon. Mr. Stevens who pointed out that wherever you have racing you have a certain amount of betting, and the retention of the totalisator seems to be a recognition of that fact. The Hon. Dr. Taylor thinks that the totalisator encourages the gambling spirit; but I think that, if the totalisator were also abolished as well as betting, you would have the young people and the ladies to whom the hon. member referred going to racecourses and making up sweeps like they used to do in the days before we had the totalisator. At any rate, the totalisator seems to have this in its favour—that the odds must always be fair odds, because they are arrived at automatically by the number of members of the public who put their money on the horses. It has also no tendency to unfair dealing with horses, or to anything like that. There is also this advantage connected with it, that the funds derived from the percentage which is retained of the money put through the totalisator go to swell the funds of the club. However, there is no doubt that theoretically there is a good deal in the argument that it is inconsistent to abolish bookmakers and retain the totalisator. If the true statement of the case is as the Hon. Mr. Davey put it—that betting is either good or bad—that it should be either retained or abolished—then, of course, the argument that if one goes the other should go prevails. But I think that you cannot put an argument dealing with such a thing as betting in a syllogistic form. The public will not go in certain matters beyond a certain length, and any attempt to make them go beyond the distance they are prepared to go will only result in failure; so that, if there must be some betting on a racecourse, I think it is a fair argument to say that, as the totalisator form of gambling is the least objectionable and the least harmful to the community, it should be retained. The Hon. Mr. Hawthorn referred to some of the definitions, which are very wide and very much extended beyond the meanings which they have at the present time. I think he referred to the definitions of "gaming place" and "lottery." I would also refer to two definitions which will be very useful indeed—the definitions of "public place" and "unlawful game." Most of the offences under the Vagrant Act depend on the meaning of "public place" and "unlawful game." Those words are used in the Act, but no definition of them exists in any statute, so far as I am aware. The advisability of having the terms defined and of having the definitions on record is obvious. I might also say, in reference to clause 5 and the following clauses, that they are a re-enactment of the Towns Police Acts. There are three Towns Police Acts, the earliest of them going back to the year 1838. The clauses in the Bill to which I have referred are a re-enactment of some of the provisions in those Acts. But the existing Acts only apply to certain towns which are mentioned in the Acts themselves or to which the provisions of the Acts are subsequently applied by proclamation. This important distinction is made by the Bill—that those provisions will apply to the whole of the State, and no proclamation will be necessary to extend them to any part of Queensland. I also wish to refer to clause 17, which seems to me rather an important one. It is a new clause which deals with the subject of offences tending to personal injury, and is based on a New Zealand section. Clauses 18 to 20, which deal with drunkenness, increase the power of arrest which the police have, and hon. members will notice that clause 19 divides drunkenness into two classes—drunkenness pure and simple, and drunkenness with circumstances of aggravation. The provision contained in clause 21 is rather interesting—that is, as to taking the pledge. That is based on the recommendation of the senior police magistrate of Brisbane, who got some information on the subject from some police magistrate, I think, in the old country. I am not quite certain as to the source of the information, but Mr. Ranking is a very strong believer in the good which can be got out of the judicious administration of the clause. The Hon. Dr. Taylor referred to the advantages of clause 24, which deals with the protection of the property of wives of habitual drunkards, and gives similar protection to the property of the husbands of drunken wives. I entirely agree with the hon. member in that. I think that is one of the most useful provisions in the Bill. In my own experience, I have known many cases of hardship which have arisen from the want of such a provision. The Hon. Mr. Fahey has referred to the clause dealing with street musicians being

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compelled to depart when desired to do so. The hon. member also referred to the clause dealing with the pilfering of cargo. There is no doubt legislation in both those directions is very badly wanted. (Hear, hear!) As to the clause dealing with disturbing divine service, to which the Hon. Mr. Fahey referred, I might inform the hon. member that a case of disturbance of divine service has occurred in Queensland, and it was in consequence of that case that the clause which is now being re-enacted as clause 36 was originally passed. As to the clause dealing with disturbances at public meetings, that has been received so favourably by all the hon. members who have spoken that it is not necessary for me to say anything specially about it. As to the cinematographic pictures, I think some legislation was urgently required. There is no doubt that cinematographic pictures are an educational factor of very great importance. They are a most excellent institution, but they require to be controlled, and I think the amount of control taken in the Bill is not more than the circumstances demand.

Hon. B. FAHEY: The clause does not go far enough.

The ATTORNEY-GENERAL: If it does not go far enough, I am quite prepared to add any further amount of control that can be shown to be necessary. The Vagrant Acts, speaking generally, are repealed by this Bill, and are re-enacted in a better form than the existing law. The experience of many years has shown that a great many loopholes and defects exist in the present law, and, with the assistance of recommendations from the Commissioner of Police and other officers, the law is re-enacted in a form in which it will be very much more effective in carrying out the purposes for which it was designed. The provisions as to stock-stealing are very important indeed. As the Hon. Mr. Hawthorn has pointed out, and as every legal man knows, it has been an extremely difficult matter to cope with, because it is extremely difficult to get a conviction for stock-stealing or offences of a kindred nature in many districts. The Hon. Mr. Hawthorn suggested that the Jury Act might be amended so as to facilitate convictions, but I need hardly point out that that could not be done in this measure—it would be outside the scope of this Bill. But I hope to have the pleasure later in the session of again introducing the Jury Bill which was passed by this Chamber last session, and in which the principle of majority verdicts is established. If I get the support of hon. members again, I think that will be an important aid in dealing with juries who refuse to convict, sometimes in very serious offences. The explanation very often of a jury not convicting in such a case is that the prisoner has a friend or a sympathiser on the jury, or that the jurymen regard the offence as a mere peccadillo, and not as a crime at all. One of the great difficulties in getting a conviction in a case of stock-stealing is that it is difficult to prove the identity of the stock. A hide for which a man cannot account may be in his possession, or meat may be in his possession; but the brand on the hide has probably been defaced, and the meat cannot be identified. If hon. members look at the provisions dealing with stock-stealing, they will see that they go in the direction of making identification easier of proof than it is under the existing law. As to gold-stealing, the addition to our law which is embodied in the provisions contained in the Bill are very much wanted. The clauses are taken from the law in another State, and the central feature is that no person is to buy gold unless he is a licensed person. Of course, exceptions are made in the case of banks and others as to whom no suspicion or temptation would attach. The provisions as to pawnbrokers were referred to by the Hon. Mr. Hawthorn. The Pawnbrokers' Acts have been repealed, the provisions consolidated, and the important alteration has been made that licenses are to be granted by the Commissioner of Police instead of by justices, as they are under the existing law. Then we have the collectors and dealers in second-hand wares. The avocation of this class of persons gives them greater opportunities than ordinary persons have for committing crimes, and very often they are people who are liable to more temptation than others, and the experience of the police shows that some restrictions must be put on persons who ply a trade as dealers in second-hand wares. Certain restrictions are contained in this measure with regard to granting licenses, and compelling collectors to wear badges. There are also special powers to deal with a matter which gave a great deal of trouble, I remember, in the country some two or three years back—that is, people of that class going on to premises for the ostensible purpose of collecting wares in which they wished to trade, and, finding that no men were on the premises, became a menace to the women there, and were thereby in a position to extort money or anything else they wanted; at any rate, they caused a great deal of trouble and difficulty, and they can be dealt with effectively in the provisions which are contained in the Bill. The provisions as to traffic are also included in the Bill. Every motor vehicle will now have to be registered by the Commissioner, and drivers must be licensed, under a penalty, by license issued by the Commissioner. The clauses follow the Act passed in England in 1903.

Hon. C. F. MARKS: Why not all vehicles?

The ATTORNEY-GENERAL: Does the hon. member mean vehicles drawn by horses as well as motor vehicles?

Hon. C. F. MARKS: Yes.

The ATTORNEY-GENERAL: I do not think there is the same necessity to license the driver of a vehicle drawn by a horse as there is to license the driver of a motor-car, because the latter must have a knowledge of machinery. One of the objections made to the Bill by some hon. members was to the clause setting out certain presumptions of law, as, in their opinion, that conflicts with the principle that every person is considered innocent until he is proved to be guilty. That is a view which generally strikes a man at first sight, especially a man who is not experienced in the administration of law; but a little experience in the administration of law in our courts shows that you must have presumptions of law of this kind if you want the administration of the criminal law to be in the slightest degree effective. Take, for instance, one of the most ordinary presumptions of law—that arising from the recent possession of stolen goods. If you prove that a person is in the recent possession of stolen goods, that does not prove that he has

stolen the goods, but there is the presumption of law that he stole them unless he can give a satisfactory explanation. That is a perfectly reasonable presumption, and is not a presumption that would get in the way of any honest man at any time; but, if it were not there, it would be a very great assistance to thieves. Again, take the presumption about the sale of liquor by an unlicensed person. The person charged has to prove that he has got a license—the prosecution have not got to prove that he is unlicensed. Then, take the case of entry on enclosed lands without lawful excuse. If the defendant has a lawful excuse, he can show it without the slightest trouble, and it is no hardship on him to show it; whereas, if you allow the onus of proving it to rest on the prosecution, it might be impossible for the prosecution to prove it.

Hon. A. H. BARLOW: Or in connection with a gaming-house.

The ATTORNEY-GENERAL: The same presumption arises in the case of a man being found in a gaming-house; the onus of showing lawful excuse for being there rests on him. If a man has a lawful excuse for being in a betting-house, there should be no difficulty for him to show that; whereas if the prosecution had to prove the lawful excuse it would be a matter of impossibility very often, and would mean that the law would be a dead letter. The same principle also applies to cases under the Customs Acts. Under certain circumstances, a man is presumed not to have paid the duty, or he is presumed to have got possession of goods with the intent to defraud the Customs. The circumstances which will exonerate him are matters within his own knowledge, and can be proved by him without the slightest difficulty; but, if the onus is cast on the prosecution of proving matters which are within the special knowledge of the defendant and which the prosecution cannot prove in one case out of a hundred, you are opening a loophole, and are practically rendering the law futile. It is a recognition of that principle which has led to the insertion in this Bill of various presumptions in different cases, which, if hon. members will examine them, I think they will agree with me, inflict no hardship really on the persons who are charged, as there is no difficulty in honest men discharging the onus cast on them; whereas, if the onus of proof is cast on the prosecution, it will mean that the law will practically be a dead letter. On the whole, I think that this Bill, coming to us as it does with the recommendation of the best officers in the service and with long experience in dealing with the matters dealt with by the Bill, will have the effect of helping the authorities to keep a certain part of the community in order who require to be restrained. Dealing with what the Hon. Dr. Taylor said about the danger of this being a police-ridden community, I might point out that it is always advisable to state the powers given to the police at the highest point that they are likely to be required, because the powers as stated in the Act are the maximum powers. It must always be borne in mind that the police are likely to act with discretion in the exercise of their powers, and it is not in one case out of a hundred that they require to use their powers up to the full amount stated in the Act; but, if you do not state the powers at the maximum in the Act, they cannot go beyond the limitations which the Act contains; they can keep within them, but they cannot go beyond. On the whole, I agree with what hon. members before me have said—that this will be a very useful measure; and, as it is recognised that it is pretty well a Commitee Bill, I think that the very best thing we can do, after the discussion we have had on the matter, is to get it into Committee as soon as possible. I shall have very much pleasure in supporting the second reading of the Bill.

HONOURABLE MEMBERS: Hear, hear!

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

On the motion of HON. A. H. BARLOW, the committal of the Bill was made an Order of the Day for the next sitting of the House.

SPECIAL ADJOURNMENT.

HON. A. H. BARLOW: I think hon. members will agree that it will be no use meeting next week, being Exhibition week, and therefore I propose, unless there is a strong dissent, to move that the House, at its rising, do adjourn till Tuesday, 15th August. I may mention that I indicated to the Commissioner of Police, Mr. Cahill, the strong probability that he will be called on to assist the House, and he expressed his sense of the high honour that would be conferred upon him. As there is no particular dissent, I move that the House, at its rising, adjourn till 15th August.

Question put and passed.

ADJOURNMENT.

HON. A. H. BARLOW: I beg to move that the House do now adjourn.

Question put and passed.

The Council adjourned at four minutes to 5 o'clock.