Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 22 AUGUST 1911

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LEGISLATIVE COUNCIL.

TUESDAY, 22 AUGUST, 1911.

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

QUEENSLAND NATIONAL BANK.

HALF-YEARLY REPORT.

The PRESIDENT announced the receipt from the Auditor-General of a letter, dated 18th August, covering the fourteenth half-yearly report, under the provisions of the Queensland National Bank, Limited (Agreement) Act of 1904.

Ordered to be printed.

AGENT-GENERAL'S REPORT ON SAVINGS BANK SECURITIES IN LONDON.

CORRESPONDENCE BETWEEN PRESIDENT'S OFFICE AND AGENT-GENERAL IN LONDON.

HON. A. H. BARLOW said: At the request of the President, I beg to lay on the table further correspondence relating to the Agent-General's report on the securities held in London. I beg to move that the correspondence be printed.

Question put and passed.

PAPER.

The following paper, laid on the table, was ordered to be printed:—Regulation under the Navigation Act of 1876.

SUSPENSION OF STANDING ORDERS.

On the motion of HON. A. H. BARLOW, it was resolved—

"That so much of the Standing Rules and Orders be suspended as would otherwise preclude the passing of Appropriation Bill No. 2 through all its stages in one day."

METHODIST CHURCH BILL.

FIRST READING.

On the motion of HON. A. H. BARLOW, this Bill was read a first time. The second reading was made an Order of the Day for to-morrow.

POLICE JURISDICTION AND SUMMARY OFFENCES BILL.

RESUMPTION OF COMMITTEE—CONSIDERATION OF POSTPONED CLAUSES.

On clause 3—"Interpretation"—

Definition of "Lottery."

In the last paragraph, as follows:—

"The term does not include any lottery which has obtained the sanction of the Attorney-General or Solicitor-General."

HON. A. J. THYNNE thought it would be wise to make it clear that the Gaming Act did not apply to building societies, and he therefore moved the addition of the words—

"nor any distribution by lot of the funds, property, or benefits of any duly constituted building, benefit, or friendly society amongst its members."

HON. A. G. C. HAWTHORN suggested that the words "appropriation, division, or" should be inserted before the word "distribution." "Distribution by lot" was an entirely new expression, the words in the Building Societies Act and the Friendly Societies Act being "appropriation or division," and it would be safer to insert those words in the amendment.

HON. A. J. THYNNE asked leave to move his amendment in the form suggested by the hon. member.

Amendment agreed to in amended form.

In the definitions of "Occupier" and "Owner"—

HON. A. H. BARLOW moved the insertion, after the word "property," of the words—

"or any land held under any mining tenure."

Amendment agreed to.

Clause, as amended, put and passed.

On clause 17—"Offences tending to personal injury"—in paragraph (ii.), as follows:—

"Leaves any hole, excavation, or dangerous formation in, upon, or near any public place without fencing or enclosing the same, or keeping a light burning upon such enclosure from sunset to sunrise."

HON. A. J. THYNNE moved the insertion at the beginning of the paragraph of the words "Makes and." The amendment would render the man who made the hole responsible as well as the man who left it open.

HON. M. JENSEN asked if it was not preferable to leave the clause as it was. If the amendment were agreed to, it would be necessary for the prosecution to prove not merely that a man left a dangerous excavation open, but that he also made the hole. The usual practice in connection with local government work was for one special employee to go round every evening and put up a red lamp wherever there was an excavation or a heap of metal in a road or street. It would be a defence on the part of the defendant to say that he did not both make and leave the hole.

Hon. E. J. STEVENS: Make it read "Makes or leaves."

HON. A. G. C. HAWTHORN said that the clause did not apply only to local authorities. Other people might make holes that were dangerous.

HON. M. JENSEN: That was so, but there was not the slightest danger of any injustice being done by the clause as it stood.

HON. A. J. THYNNE said it would make the person responsible who was responsible.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 26—"Pilfering ship's stores, cargoes, etc."—

HON. A. J. THYNNE moved that the word "vessel" be inserted after the word "any" on line 15, page 18. The clause as drafted seemed to give people who broached cargo on board ship an opportunity to escape punishment. The broaching of cargo on board ship was a very serious matter, and if the word "vessel" were inserted it would give an opportunity of prosecuting a man if he was guilty of that offence.

Amendment agreed to.

Clause, as amended, put and passed.

HON. A. J. THYNNE said it was necessary to insert the word "such" before the word "person" in clause 27, subclause (*b*). The clause at present read:—"Every person shall be deemed" etc. It was necessary to make it "Every such person" as it would lead to the identity of the person.

HON. A. H. BARLOW said clause 27 was passed, but he would have no objection to recommit it.

Clause 28—"Order for delivery to the owner of goods unlawfully detained"—

HON. M. JENSEN moved the omission of the words "due notice of the claim" on line 8, with the view of inserting the word "demand." The clause was copied from the existing Act and required a personal demand; then the complainant had to write to the defendant informing him that he intended to demand the goods. His object was to make that unnecessary, and make the procedure similar to that prescribed in clause 29.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 38—"Cinematographic picture shows"—

HON. A. J. THYNNE: The Commissioner of Police had suggested the omission of the words "above the rank of sergeant" in line 13, with the view of inserting the words "authorised by the Commissioner," so that the clause would read—

"Any police officer authorised by the Commissioner may at any time enter any premises in which any show or display of cinematographic pictures or moving pictures is being conducted for gain or reward."

He therefore moved that amendment.

Hon. A. H. BARLOW: That is a valuable amendment.

HON. A. G. C. HAWTHORN suggested that the words "or police magistrate" be inserted after the word "Commissioner." It was quite conceivable that there would be cases in remote parts of the State when it might be difficult to communicate with the Commissioner, and the police magistrate in the district might be more easily communicated with, and a reply got from him which would be quite as satisfactory as sending to the Commissioner. Interference might be required suddenly, and, if his suggestion were adopted, it would save delay.

HON. A. J. THYNNE said it was not a good plan to put a police magistrate in a position to initiate proceedings, and then to subsequently adjudicate on the matter. The facilities for communicating with the Commissioner of Police or an inspector of police were very great, and it would be better, in the long run, for the Police Force to have their proper head and to be kept clear from judicial officers as much as possible.

Amendment agreed to.

Clause, as amended, put and passed

On clause 54, subclause (3)—"Racing clubs must obtain permit"—

HON. A. J. THYNNE moved the omission of the words "a police magistrate residing at or near the town or place in which the club is established," in lines 22, 23, and 24, with the view of inserting "the Commissioner." That was another amendment suggested by the Commissioner for Police.

HON. A. H. BARLOW said that he had no objection to the proposed amendment.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 83—"Ill-treatment and neglect of children"—

HON. A. J. THYNNE moved the insertion of a new subclause after line 7, as follows:—

"(3.) Any person who causes or procures any child to be in any road or in any licensed premises, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between six o'clock in the evening and six o'clock in the morning, shall be liable to a penalty of twenty-five pounds or to imprisonment for six months."

It was a good thing to prevent the employment of children at a late hour of the night.

HON. A. H. BARLOW said a similar provision was included in the State Children Bill, but there could be no objection to the amendment being inserted in that Bill.

Hon. A. J. THYNNE: It will make sure of it.

HON. W. F. TAYLOR pointed out that the amendment read "any child," while, according to the interpretation clause, a "child" was any boy under fifteen years of age, and any girl under seventeen years of age. It would be rather rough on boys to stop them selling newspapers after 6 o'clock p.m. If the age of the child was stated, he would be prepared to support the amendment.

Hon. A. H. BARLOW: It might be better to say "any female child."

HON. A. G. C. HAWTHORN said the difficulty might be met by providing that the amendment would not apply to boy vendors of papers.

HON. A. J. THYNNE moved the insertion of the word "female" before the word "child." That would exclude [4 p.m.] from the operation of the amendment any girl under the age of seventeen years.

Hon. A. H. BARLOW: That is a very proper amendment.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 88—"Supplying tobacco to youths under sixteen; smoking by youths under sixteen prohibited"—on which Hon. E. J. Stevens had moved the omission of the words—

"in any road, public place, or place of public resort, or in any public conveyance"—

HON. E. J. STEVENS said that it was a common thing to see boys under sixteen years of age smoking, and it could not be argued that it was not injurious to their health. In the earlier part of the clause the sale of tobacco to any person under the age of sixteen years rendered the seller liable to a penalty of £10. It was generally considered that the receiver was as bad as the thief, and in this case, if it was wrong for a person to sell tobacco to a young person, it was wrong for the young person to buy it. He need hardly point out the

bad effect of tobacco on youngsters. Anyone standing in Queen street between 1 and 2 o'clock could not help being struck with the poor physique of a large number of their lads, and many of them were to be seen smoking cigarettes. He thought the medical profession would bear him out when he said there was hardly anything so conducive to interfering with the growth of young people as the use of tobacco. In his opinion it was worse than drink. Drinking was not common amongst youngsters, but smoking was very common, and it produced a thirst which led them to get something to drink. It might be said that it would be an unpleasant thing to have youngsters brought up in court, but there would be very few cases. After one or two of the most determined offenders had been dealt with, he thought there would be very little trouble from the others, and they would give up smoking unless in some secret corner where they were not likely to be discovered. Offenders could be dealt with in a children's court, thereby avoiding publicity.

HON. A. H. BARLOW quite agreed with the hon. member that smoking was very bad for young people, but he was afraid the amendment would lead to all sorts of deception. It was creating a new offence. Boys would go into all sorts of places to smoke, and the amendment would lead to hypocrisy.

HON. M. JENSEN hoped the amendment would be accepted. It was true that children could not be prevented from smoking in all cases, but it was something if they could be prevented in many cases. They impliedly said by the clause as it stood that it was right for a boy to sit at a window in his own house and scoff at the police, whilst it was wrong for him to smoke in a public place. With reference to what the Hon. Mr. Barlow said about deception, the same held good with regard to the penal code generally and to many clauses in the Bill. There would be deception in a minority of cases. The amendment would tend to preserve the health of boys, who did not know the harm they were doing themselves.

HON. A. A. DAVEY agreed with the Hon. Mr. Barlow that the amendment was carrying things a bit too far. It was creating a new offence, which was a very serious matter indeed. While admitting the evils that arose from children smoking, they should not forget that the amendment would make them criminals in the sight of the law. Such amendments as this tended to uproot the foundations of Anglo-Saxon civilisation. The idea in British communities in the past had been that, as far as possible, the liberty of the subject should not be interfered with, and that was a very proper idea. He was not applying that to the present case specially, but it seemed to him that there was a tendency in many of the clauses in the Bill to interfere with the liberty which belonged to every man. It was the duty of parents to see that their boys conducted themselves properly.

Hon. B. B. MORETON: They smoke when their parents cannot see them.

HON. A. A. DAVEY: Neither would the police see them, because they would skulk in some shed and smoke there. If there was to be any punishment for the offence, the parents should be fined, as it was they who were responsible. Everyone would admit that smoking was very injurious to the health of boys, but they were undertaking a big contract. He protested against this wholesale interference with the fundamental principles underlying manhood in civilised communities.

HON. A. NORTON was afraid that there was very little manhood in a good many boys. Boys who smoked wanted checking. He would not call it a crime, however, but an offence.

Hon. A. A. DAVEY: Taking them to the police court?

HON. A. NORTON: Their fathers ought to give them a good thrashing. When he was a boy fathers used to do that. Example was better than precept, and, if the fathers would give up smoking themselves, they would perhaps have no fault to find with their boys. It was useless saying it was an interference with a man's rights to check boys in the outrageous things they sometimes did. They would see little boys going along the streets puffing their smoke into ladies' faces, as men did.

Hon. A. G. C. HAWTHORN: The clause as it stands deals with boys smoking in streets.

HON. A. NORTON: He would certainly vote for the amendment. At the same time he felt that parents sometimes set their boys a bad example. As to calling it an interference with the rights of manhood, he wondered what happened to a boy at school when he was detected in such a thing. He thought his manhood was interfered with then in a particular spot. It used to be, but he did not know what happened now. Any amendment that would have the effect of reducing what was becoming an almost universal practice among boys was deserving of support.

HON. A. J. THYNNE was a confirmed smoker, and he took every opportunity of enjoying a smoke when he got it. He would like to hear what some of their medical friends had to say on the subject. He rather thought that tobacco smoking gave many people a certain immunity from infectious diseases that affected many people who did not smoke, such as influenza. The Hon. Dr. Marks shook his head. He did not know if the hon. member could speak from experience, but he thought there was a good deal to be said in favour of the theory. The use of tobacco was a matter of personal habit.

Hon. W. F. TAYLOR: A very bad habit.

HON. A. J. THYNNE: It might be a bad habit, but it might also be that the members of the medical profession had yet a lot to learn about it. It might be that there was some need in the human constitution under existing conditions which required something in the nature of tobacco to protect health. He did not know that it would be wise to pass such an amendment. He did not know that it was even wise to pass the clause as it stood, but he did not feel inclined to go any further in the matter.

HON. A. G. C. HAWTHORN said the subclause read—

"Every person under the age of sixteen years who, in any road, public place, or place of public resort, or in any public conveyance, uses or smokes tobacco in any form or smokes a cigar or cigarette, or any part thereof, shall be liable for the first offence to a penalty of five shillings, and for the second or any subsequent offence to a penalty of ten shillings."

That went far enough, and anything further would be rather exceeding what was necessary at the present time. They could see how that worked in the course of a year or two, and, if it had no effect on the smoking of cigarettes and tobacco by children, it could easily be remedied.

HON. C. S. McGHIE was of opinion that the clause even went too far, but he did not object to it as it would help to keep the lads in check. He would like to ask those hon. members who smoked, if any of them had smoked before they were sixteen years of age. Like the Hon. Mr. Thynne, he was a confirmed smoker, and he smoked long before he was sixteen years of age, and he did not think it had affected his constitution very much. The idea of a good many people now was that they were getting worse—that their habits were getting worse, but he did not think the lads now were nearly such bad boys as they were when he was young. He was very certain that his own boys were not as bad as he was. It was all right to prevent boys smoking in public places, but it was absurd to say they should not allow the boys to smoke at all. Like many other hon. members, he thought a great many of the clauses in the Bill interfered very much with the liberty of the subject.

HON. B. FAHEY said the Committee was under an obligation to the Hon. Mr. Stevens for an amendment which had originated the most interesting discussion they had had on that Bill so far. One hon. member had risen to sublime heights in opposing it; but if they did not provide for those matters, where would human nature lead them? Why did they build gaols, hospitals, and benevolent asylums? Because of the weakness of human nature and their liability to err. It had been stated that they were interfering with the liberty of the youths, and that under the Bill they would make criminals of them. They were simply to be punished for a simple offence against society, not for a crime. They would never be able to agree as to whether the use of tobacco was good or injurious to human beings. All hon. gentlemen had to guide them was their own personal experience. He remembered at one time belonging to a debating society, and he was called upon to take the negative in a debate as to whether the use of tobacco was good for man or not. He had read as much as he could on the subject in the books in the local school of arts library, and he found that the opinion of medical men in the years 1665 and 1666 was that the use of tobacco tended to minimise and render people immune from the effects of the plague that then decimated London. They could not account for it very well, as they knew nothing in those days of microbic life, but that was the general opinion of the medical men of that day. He was not condemning the use of tobacco, but it had come under his own personal knowledge, and he had also read it in his researches, that the use of tobacco by youths before they arrived at the age of maturity was one of the most injurious and pernicious habits that they were allowed to indulge in. It prevented the maturing of the muscles and bone, and in fact the whole human structure, and it also tended to create a thirst that led boys into bad company and into drinking beer. It led from beer to other vicious things, and the mind was weakened and they lost full control of themselves. After the boys had arrived at the age of maturity, if they thought it desirable to smoke cigarettes or cigars, let them by all means do it, but it was their duty to prevent youths indulging in any habit that was injurious to their system and injurious to our race, and for that reason he should certainly support the amendment, and he hoped the Committee, in its wisdom, would agree to it.

HON. P. MURPHY would like to ask why boys smoked at all? He thought they did it because they saw older people smoking in public and they liked to emulate their elders. If they prevented boys smoking in public they would be going quite far enough, and there would be very little smoking in private when there was nobody to look on. It would pretty well lose all its charms to the boys if they could not smoke in public, and, notwithstanding what the Hon. Mr. Fahey had said, he (Mr. Murphy) was of the opinion that once a policeman put his hand on a child, to some extent, that child was branded as a criminal. He was inclined to think that the clause went quite far enough at present. If it was found ineffective in a year or two, it could be amended. He was only twelve years of age when he first took to the use of tobacco, and he had used it ever since, and he did not think it had had any injurious effect on him. At the same time, it was a good thing to prevent young people from smoking in public if they could, but if they went further than that then they would be interfering with the liberty of the subject. He was in favour of the clause as introduced.

HON. W. F. TAYLOR: It had been stated that the amendment would create an offence. As a matter of fact, the clause itself created a new offence. It provided—

"(2.) Every person under the age of sixteen years who, in any road, public place, or place of public resort, or in any public conveyance, uses or smokes tobacco in any form or smokes a cigar or cigarette, or any part thereof, shall be liable for the first offence to a penalty of five shillings, and for the second or any subsequent offence to a penalty of ten shillings."

Hon. A. J. THYNNE: That is already the law.

HON. W. F. TAYLOR: The amendment only extended the clause so as to prevent smoking altogether by boys under sixteen years of age. Some persons thought it was not a good thing to do that because it interfered with the liberty of the youth, and tended to brand him as a criminal. That was the risk that might be run when they took into consideration the good that would be done if they could restrict in any way the use of tobacco amongst their boys and girls—because girls were taking to it, too. Tobacco was a poison, and a very strong poison. Nicotine was one of the strongest poisons known, and the system had to become acquainted with the poison before a person could indulge in smoking. That ought to satisfy hon. members that tobacco was foreign to the human constitution. It was not conducive to good. Tobacco brought in its train many diseases, among which were hemorrhage of the lungs, and a tendency to blindness. In young children under sixteen years of age, the nervous system was very tender and very susceptible to any poison, and the use of tobacco might lay the foundation of a disease which would lead to disastrous results. In young children an infinitesimal quantity of lead introduced into the system had dire results, causing paralysis and blindness, showing the extreme sensitiveness of the nervous system in young people.

So from that view, if from no other, they should be disposed to prevent, where possible, the use of tobacco by children. It was a very wise amendment, and he would certainly vote for it. He had had many cases to treat as the result of the use of tobacco, and when he told the patients they would have to stop smoking they stated they could not give up smoking, but he had told them they had to choose between blindness and tobacco, and that if they did not give up tobacco it was no use whatever coming to him. Although some hon. members appeared to think smoking was very harmless, and they had escaped some of the effects of the poison, still they might possibly suffer in some other way. He did not intend to give a medical dissertation on the effects of the use of tobacco, but he had said enough to show that there was really some danger in smoking tobacco.

HON. A. A. DAVEY: He wanted to put himself right with the Committee. He did not wish hon. members to think that he considered smoking was a good thing either for young or for old people. [4.30 p.m.] When he said that there were many clauses in the Bill that struck at the foundation of liberty, he was not speaking particularly of smoking in public or anywhere else. The drinking of coffee and tea was said to be injurious, and so were many other things; but there were lots of things far worse than smoking, or than drinking tea or coffee. If children were untruthful, unfaithful, or selfish, those were things that were likely in time to have a serious result on their lives. The objection he had to the amendment was that it would make a criminal of a child. He would like to wipe out the whole clause, because the multiplication of offences of that kind was not a good thing. It was a serious thing for a boy to be arrested and taken before a magistrate for such a thing as that, and the effect on him was likely to be more injurious than smoking. It was said by many people that smoking clouded the intellect and impaired the physical health, but he would remind hon. members that Thomas Carlyle, one of the clearest intellects they had any knowledge of, was an inveterate smoker. The late Rev. C. H. Spurgeon was an inveterate smoker, yet his influence was world-wide—as wide as that of any Christian preacher of the present day. The late poet laureate, Alfred Tennyson, was also an inveterate smoker, and his intellect did not seem to have been clouded. He thought they were taking too much upon themselves in dictating to others how they should conduct themselves, what they should eat and drink, and when and how they should eat and drink. So long as an individual did not injure others, it appeared to him that such legislation was unnecessary.

HON. A. H. PARNELL intended to support the amendment. It was their duty to legislate in the interests of young people under sixteen years of age. He did not think that any police officer was going to arrest a child. His experience was that the police generally were very lenient with children, and gave them good advice, which the young people often followed. It was a very good amendment.

HON. B. FAHEY hoped that the Hon. Dr. Marks would give them the benefit of his professional experience. No human law had yet been devised which would eradicate vice, but they could minimise it. If he had been opposed to the amendment before the Hon. Dr. Taylor spoke, he would certainly have been a convert to the hon. member's views, which were apparently the result of his professional experience.

HON. E. J. STEVENS: According to what had fallen from the Hon. Mr. Davey, anything in the nature of a breach of the law committed by a lad made him a criminal. They could carry that argument to any length, and say that, because a lad might be branded as a criminal, he should be allowed to break all the laws in the universe. He could not see any logic in that at all.

HON. A. A. DAVEY: You are creating a new offence.

HON. E. J. STEVENS: It was only partially a new offence. The Hon. Mr. Hawthorn had stated that the clause as it stood in the Bill had substantially been the law for some years, and yet it had done no good. The amendment was the only new part. They all admitted that the Hon. Mr. Murphy was a very fine and very healthy looking man, and apparently a very active man, and in full possession of his faculties; but if the hon. member had not been a confirmed smoker he might have been an even finer man, so that his argument did not prove much. (Laughter.) In some of the American States they had arrived at the conviction that smoking, especially cigarette smoking, was a serious menace to the race, and they had absolutely prohibited the use of cigarettes. If they submitted the matter to the people of Queensland, he was confident that an enormous majority would be in favour of the amendment. He was very glad it was receiving the support of hon. members, but if he had not been supported by one hon. member he would have divided the Committee on it.

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

CONTENTS, 10.

Hon. A. H. Barlow	Hon. A. G. C. Hawthorn
,, W. V. Brown	,, C. S. McGhie
,, A. A. Davey	,, P. Murphy
,, H. L. Groom	,, R. H. Smith
,, T. M. Hall	,, A. J. Thynne

Teller: Hon. A. G. C. Hawthorn.

NOT-CONTENTS, 12.

Hon. F. T. Brentnall	Hon. C. F. Marks
,, A. J. Carter	,, B. B. Moreton
,, J. Cowlishaw	,, A. Norton
,, B. Fahey	,, A. H. Parnell
,, A. Gibson	,, E. J. Stevens
,, M. Jensen	,, W. F. Taylor

Teller: Hon. M. Jensen.

Resolved in the negative.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 97—"Penalty"—

HON. M. JENSEN moved the addition of the following amendment to subclause (*c*):—

"When any such offender is the owner of the animal, the court may, in addition to or in substitution for any penalty to which an offender is liable under this part, order such animal to be forfeited to His Majesty."

In a recent case a lady complained of the

cruelty of some shire council labourers inflicted upon their horse, and afterwards, in her presence, they threatened what they would do to the horse. It was possible that they used those threats simply with the object of insulting the lady, but it was just as likely that they intended to take revenge on the horse, as he was told that such scoundrels did take revenge on the unfortunate animals afterwards. The amendment only proposed that forfeiture should take place when the offender was the owner of the animal, and, as the power was discretionary on the part of the magistrate, it did not follow that he would exercise it in the majority of cases, while he might not exercise it at all. He asked hon. members to accept the amendment on the ground that it might do some good. It certainly could not do any harm, because the magistrate was not bound to put it in force.

HON. A. H. BARLOW thought the amendment was going too far. There was no more contemptible wretch on the face of the earth than the man who ill-treated a dumb animal, but he would like to get at him through his hide. It was going too far to forfeit a valuable animal.

Amendment put and negatived.

Clause passed as printed.

On clause 152—"Mode of sale"—

HON. E. J. STEVENS moved the insertion of the following provision at the end of the clause:—

"Provided the pawnbroker only shall have the right to protect himself by placing a reserve on the article to be sold to the amount lent and auctioneer's and advertising expenses, with an addition of ten pounds per centum on the money lent.

"If an article is withdrawn from sale, any person present may require the auctioneer to state the amount of the reserve, and upon tender of the amount thereof such person shall become the purchaser of the article.

"It is further provided that when an article has been offered by auction three times, and not sold, it may be disposed of by private sale."

If an article was put up for sale and the reserve was £1, and the bidding only reached 15s., then it would be withdrawn from sale unless some person present demanded to be told the amount due on it, including the auctioneer's and advertising expenses, plus 10 per cent., when, having ascertained that amount, he could purchase at that sum.

HON. P. MURPHY quite agreed with the amendment, but would like to draw attention to the method of calculating the advertising expenses. They were to be estimated. There might be one article in a thousand advertised, and what was the expense of advertising that one article? It should be borne in mind that it was optional with the pawnbroker. In the case of an article on which he had lent a very small sum he might increase the advertising expenses to an abnormal extent with the object of getting that article at his own price. As far as the auctioneer's expenses were concerned, it was very easy to estimate them. He did not think the advertising expenses should be included, because the cost of advertising would be infinitesimal.

HON. M. JENSEN: There would not be the slightest difficulty in ascertaining the cost of advertising. As a rule there were two or three hundred articles advertised at the same time, and the whole advertisement might come to £2, and if the pawnbroker put 6d. on each article, it would be the maximum in any case.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 188—"Registration of motor vehicles"—

HON. A. NORTON said he was under a misapprehension. His amendment referred to the licensing of drivers, which was dealt with in the next clause. As regards the registration of motors, he thought the registration should be for one year, and should apply all over the State. A driver's license should also apply all over the State.

HON. A. H. BARLOW: He was willing to recommit clause 189 to allow the hon. member to move an amendment.

Clause put and passed.

On clause 200—"Application to servants of the Crown"—

HON. A. H. BARLOW said he wished to move an amendment.

HON. A. J. THYNNE said he wished to omit the clause altogether.

HON. A. H. BARLOW: The Commissioner of Police and the Home Office were strongly in favour of the retention of the clause, but they wished to amend it by adding the words "with the exception of members of the Police Force while on duty." He moved the addition of those words. Of course if the Hon. Mr. Thynne succeeded in negativing the clause, there would be no harm done.

HON. A. J. THYNNE: I am quite satisfied with the addition of the words you mention.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 209 (2)—"Police may inspect saleyards, etc."—

HON. M. JENSEN moved the omission of the words "saleyard or" on line 15. As the clause was drawn it only allowed a police officer to enter places where animals were kept for sale. It was just as necessary that they should have power to enter omnibus stables. Within the past few weeks there was a prosecution of an omnibus proprietor, and in the course of the evidence the prosecution stated the proprietor objected to the inspector for the Society for the Prevention of Cruelty entering the premises, and that he had no right to enter. If it was right for a police officer to enter a saleyard, it was equally right that he should have power to enter the premises of a cab proprietor or an omnibus proprietor. Why have any restriction?

HON. A. H. BARLOW was not in favour of the amendment, as it would amount to a general search warrant in favour of the police. With all respect to the Hon. Mr. Jensen, he (Mr. Barlow) thought the amendment was a little too strong. However, he would leave it to the Committee to decide.

HON. M. JENSEN: It would be noticed that he did not give power to police officers to enter any place, but only places where animals were usually kept.

HON. A. H. BARLOW: A sort of roving commission.

HON. M. JENSEN: The clause was most defective as it stood, because it would not allow the police to enter omnibus stables.

[5 p.m.] If hon. members would look at the omnibus horses that came along George street they would see the necessity for inspecting the stables.

HON. A. J. THYNNE: The amendment would enable the police to go anywhere where a cat or a dog was kept. So far as cabmen and omnibus proprietors were concerned, there was no necessity to visit their stables, as their horses could be seen in the streets. There might be isolated instances of neglect, but he did not think it would be wise even in those cases to take the course suggested. The horses' condition would show the way in which they were treated. The amendment would subject all the omnibus stables and omnibus proprietors in Queensland to police inspection, and every place where there was a cow or a cat or a dog kept would also be liable to police inspection, and it would furnish a constable with a splendid excuse for going upon private premises at any moment.

HON. M. JENSEN: It would be a peculiar constable who went to inspect a cat.

Amendment put and negatived.

Clause passed as printed.

On clause 222—"Commissioner may appoint special constables"—

HON. A. J. THYNNE: This was another clause in which the Commissioner of Police had suggested an amendment. He moved the omission of the following words at the end of the clause:—

"Notice of the fact of every such appointment and suspension or determination of service shall be forthwith sent by the Commissioner to the Minister."

There was no necessity to put a matter like that in an Act of Parliament.

HON. A. H. BARLOW: The Home Office was against the amendment. They said that the words should remain because expenditure was involved, and the Minister should know what was going on.

HON. A. J. THYNNE: The Commissioner had referred to that aspect of the question. Notice would be sent to the Minister as a matter of course, because of the expenditure, but to make a statutory thing of it was going a little too far.

Amendment agreed to.

Clause, as amended, put and passed.

Clause 226—"Discontinuance of services"—was passed with a similar amendment proposed by Hon. A. J. THYNNE.

On Hon. A. J. THYNNE proposing to offer an amendment on clause 229—"Duration of license"—

HON. A. H. BARLOW said that the clause had been passed already, but he would have it recommitted to enable the hon. gentleman to propose his amendment.

On clause 243—"General provisions as to regulations"—

HON. A. J. THYNNE moved the omission of the following paragraph:—

"At least fourteen days before such regulations are published in the *Gazette*, a notice shall be published in such newspaper as the Minister directs, stating—

"(*a*) The general subject-matter of such regulations; and

"(*b*) That a copy of such regulations is deposited at some public office or offices to be specified, and may there be inspected by all persons concerned;

and the same may be so inspected accordingly."

It was necessary that there should be no unnecessary delay in bringing regulations into force, and there was no reason why there should be any difference between those regulations and ordinary regulations.

Amendment agreed to.

HON. E. J. STEVENS moved the omission of the following paragraph:—

"The regulations may empower the Commissioner, or any police officer authorised by him for that purpose, to revoke or suspend any license, registration, or permit issued under this Act for any breach of this Act by the holder thereof, after due inquiry by the Commissioner or such officer and hearing the defendant or his counsel or solicitor. But any such revocation of a license, registration, or permit shall be subject to the prescribed right of appeal."

with the view of inserting the following:—

"Any person committing a breach of the regulations shall be proceeded against in a court of petty sessions before a police magistrate: Provided that, on the recommendation of the police magistrate, the Commissioner of Police shall have power to revoke or suspend any license, registration, or permit issued under this Act, or refuse to renew any license to the applicant."

The clause provided that there should be an appeal, and many of the people who were concerned in those matters would sooner forfeit their right of appeal than go into court again after a police officer had decided against them. He had a most profound belief in the present Commissioner of Police. He was a splendid officer, whom it would be very hard to replace, and the police of Queensland would compare very favourably with any body of police in Australia. Still there was a feeling amongst certain persons that there would be perhaps an unconscious bias on the part of one police officer in favour of another. To do away with that feeling and make it perfectly certain that there would be fair-play in those cases, it would be better to have cases tried before a police magistrate.

HON. A. H. BARLOW said that the amendment was contrary to the general scheme of the Bill, which gave the Commissioner power to regulate traffic and licenses. He did not think anybody had any need to fear either the present or any future Commissioner of Police. He was sorry he could not agree with the hon. member on the matter. It would lead to litigation, and he would very much rather trust himself to the Commissioner of Police, and give him a verbal explanation, than go before a magistrate.

HON. M. JENSEN said the amendment was a most destructive one. Supposing a cabman was convicted by a court, was the Commissioner of Police not to have the power to revoke his license? Would not the proposed amendment bring about a deadlock? If the amendment were agreed to, a wrongdoer would have an opportunity of continuing in his wrong for another week or fortnight before he could be brought before the court. Take the case of a goldbuyer. The Commissioner might want to immediately stop his license, because he knew the man was buying stolen

gold. Why give that man an opportunity of going to a court and thereby causing delay?

HON. E. J. STEVENS thought the arguments of the Hon. Mr. Jensen were not sound, because the Commissioner had to empower a police officer to take action, and it would take some time to get that power.

Hon. A. H. BARLOW: The Commissioner would give a general power to the police inspector.

HON. E. J. STEVENS said that during the afternoon it was pointed out in connection with cinematographic performances that a magistrate should not lay information, because he would have to try the case afterwards. The same thing occurred there—the police took action and the police tried the case.

Amendment put and negatived.

Clause passed as printed.

First Schedule agreed to.

On Second Schedule—"Subject-matter for regulations"—

HON. M. JENSEN moved the insertion of the words "prescribing the brakes to be used upon tramways" after paragraph 29, page 97. At the present time the brakes used on the tramways were not Westinghouse brakes, and they involved a great deal of work for the motormen. Hon. members would have noticed that a motorman always stood on one leg, and had to thrust the whole of his body back, and he (Mr. Jensen) understood his arms got black, and he was subject to varicose veins through having to stand a long time. On the Sydney trams there were two brakes—the Westinghouse brake and the vacuum brake—and the result was that the men could sit down. In Brisbane it was utterly impossible for the motorman to sit down even if seats were provided, because when sitting he could not apply the necessary force to stop the car.

Hon. C. S. MCGHIE: All he has to do in Sydney is to put his thumb on a button.

HON. M. JENSEN: In addition, another brake was required for the safety of the travelling public. At the present it took five or six seconds before the brake could be applied, while in Sydney a tram could be stopped instantaneously, and the delay might mean the loss of a life. Against that he had been told that it was possible for the motorman to reverse the current, but he understood that was most damaging to the tramcar, and so the motormen were not in the habit of doing it, whereas with the Westinghouse brake action would be almost automatic, and if a person got in front of a car it would be possible to stop the car much quicker that at present. He did not think any argument would get over the fact that the work of the motormen was very hard, and that unless another brake was supplied it would be utterly impossible for those men to sit down. Even if the amendment were carried, it did not require the Tramways Company to supply another brake. It left the matter to the Government to make regulations, and if the Government thought it unnecessary they would not compel the company to supply two brakes. He sincerely hoped the amendment would be accepted.

HON. A. H. BARLOW: The amendment was outside the scope of the Bill, and it would be better to let it be put in in another place.

HON. A. J. THYNNE: It should not be the duty of the Commissioner of Police to decide what kind of a brake should be used on the tramcars.

HON. M. JENSEN: The Tramways Act did not state that the Secretary for Railways should be in charge of those matters. His contention was that the present brake was insufficient both in the interests of the motormen and in the interests of the travelling public. The Hon. Mr. Thynne said that the Commissioner of Police should not have power to make regulations. Of course, it would be the Governor in Council who would frame the regulations.

Hon. A. J. THYNNE: The Commissioner will have to administer them.

HON. M. JENSEN said the Commissioner would seek the advice of experts, presumably in the Railway Department.

HON. A. H. BARLOW said that matter had nothing to do with the Bill. He was afraid it would lead to trouble, and he hoped the hon. member would not insist on the amendment. Let it be put in in the Assembly.

Hon. C. S. MCGHIE: To whom did the Tramways Act give power to deal with those matters?

HON. M. JENSEN: The Minister charged for the time being with the administration of the Tramways Act, and the Minister always had been the Secretary for Railways.

HON. C. S. MCGHIE was very anxious to see better brakes in the tramways. Whether that was the proper place to insert the necessary power he could not say, but it was somebody's business to attend to the matter.

Hon. M. JENSEN: It will never be inserted unless we insert it here.

HON. C. S. MCGHIE: The hand brake was too slow. If the Westinghouse brake were supplied, a motorman could stop a tramcar within its own length.

Amendment put and negatived.

Schedule passed as printed.

The Council resumed. The CHAIRMAN reported the Bill with amendments.

MOTION FOR RECOMMITAL.

HON. A. H. BARLOW: I beg to move that the Bill be recommitted for the purpose of reconsidering clauses 13, 27, 189, and 229.

Question put and passed.

COMMITTEE.

On clause 13—"Unlawful user of boats, vehicles, etc."—

HON. A. H. BARLOW moved that after the word "Removes" in paragraph (*b*) of subclause (1) the words "or does any act which will cause the removal," be inserted.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 27—Paragraph (*b*) of subclause (2), as follows—

"Every person shall be deemed to have had possession of the thing at the time and place when and where the same was found or seized."

HON. A. J. THYNNE moved the insertion of the word "such" after the word "Every" at the commencement of the paragraph.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 189—"Licensing of drivers"—

HON. A. NORTON: This clause limited a person to one license. If a license did not apply all over the State, a com- [5.30 p.m.] mercial traveller, for instance, would need to take out a license in other districts. The clause should be amended to make it clear that a license would apply to all Queensland.

HON. A. H. BARLOW moved the omission of the words—

"A person who already holds a license shall be disqualified from obtaining another license while his license is in force."

with the view of inserting the words—

"Such license shall be operative in all parts of the State."

HON. C. F. MARKS thought the paragraph which the hon. gentleman asked them to omit was intended as a punitive measure in the event of a man contravening the regulations and his license had to be suspended. If the provision were omitted, the Commissioner would be obliged to grant him a license under another clause, which provided that the Commissioner and his officers should grant a license to drive a motor vehicle to any person applying for it on payment of the necessary fee.

Hon. A. H. BARLOW: If his license were suspended, it would not be in force.

HON. C. F. MARKS: It would be in existence, though. That paragraph said that he should not hold a second license.

Hon. A. J. THYNNE: While his license is suspended, he is disqualified from holding another.

Hon. A. H. BARLOW: Unless the Commissioner chooses to give it to him.

HON. C. F. MARKS: That seemed contradictory and unnecessary.

HON. A. H. BARLOW: It appeared to him that if a license was cancelled or suspended it was no longer in force.

Hon. C. F. MARKS: If it is cancelled, yes; but if it is only suspended it may be returned to him.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 229—"Duration of license"—

HON. A. J. THYNNE moved that subclause (4), which read—

"The Commissioner shall cause to be entered, in the prescribed form, in registers to be kept at prescribed police stations, particulars of every license granted, renewed, or revoked under this Act"—

be amended by omitting the words "prescribed police stations" with the view of inserting the words "such police stations as he may deem necessary." The amendment would obviate the necessity of gazetting every change of stations which might take place.

Amendment agreed to.

Clause, as amended, put and passed.

HON. A. J. THYNNE thanked the Minister for his courtesy in arranging for the postponement and recommittal of clauses to enable him to submit his amendments.

The Council resumed. The CHAIRMAN reported the Bill with further amendments, and the report was adopted. The third reading was made an Order of the Day for Tuesday next.

ADJOURNMENT.

HON. A. H. BARLOW: I beg to move that the Council do now adjourn. I hope that we may have a quorum to-morrow. My colleague will go on with the Methodist Church Bill, and we may take the first reading of some Bill from the other place.

Question put and passed.

The Council adjourned at twenty minutes to 6 o'clock.