Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 1 OCTOBER 1912

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LEGISLATIVE ASSEMBLY.

TUESDAY, 1 OCTOBER, 1912.

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

PAPERS.

The following paper, laid on the table, was ordered to be printed:—

Return under section 9 of the Mining Machinery Advances Act of 1906.

The following papers were laid on the table:—

Copies of papers and correspondence relating to the inclusion of the Nambour district in the Gympie licensing district.

DISTRICT COURTS BILL.

FIRST READING.

On the motion of the SECRETARY FOR PUBLIC INSTRUCTION (Hon. J. W. Blair, *Ipswich*), this Bill, received from the Council, was read a first time, and its second reading made an Order of the Day for to-morrow.

LOCAL AUTHORITIES ACTS AMENDMENT BILL.

SECOND READING.

The HOME SECRETARY (Hon. J. G. Appel, *Albert*): In rising to move the second reading of this Bill, I may say that it is one which may be regarded as a non-contentious measure. It is purely a Committee Bill, and is designed for the extension and completion of the powers which have already been conferred upon local authorities, and for the purpose of clearing up certain defects in connection with the administration of the principal Act and amending Act, which have arisen during the past two years. There is no doubt that the framers of the Act of 1902 were of opinion that they practically made provision for all matters connected with local authorities; and, so far as the amending Act of 1910 is concerned, I may say that, after my short administration of the Home Department, I was of the opinion that all the necessary provision had been made in that amending Act to complete that which had been intended by the principal Act of 1902. However, the growth of settlement since that date has caused to be put into operation clauses of the principal Act and of the amending Act which were not operative before, and in administering those clauses certain defects have been found, and the measure now before the House is designed to fill those gaps. Hon. members will observe that in the present Bill the principle of the referendum has been recognised, and powers are given for the taking of a poll of the ratepayers upon certain questions. I may say that heretofore a poll on different matters has been taken, but it was an informal poll. As a matter of fact, if the expenses of that poll had been objected to, no doubt the local authority had no legal power to incur the necessary expenses. Now, many matters arise in con-

nection with the administration of local authorities which places the administrative head in a very difficult position, because, not being in the locality, and even if he were in the locality, he would probably be unable to arrive at the opinion held by a majority of the ratepayers. That being so, it will facilitate the administration very considerably if, upon certain matters, and upon any matter which the administrative head may desire to have the opinion of the ratepayers, a poll may legally be taken of the ratepayers. Again, owing to the fact that only a minority of the representatives on local authorities retire annually, practically there can be no change, or there is no change of policy in the council itself, although, as a matter of fact, a majority of the ratepayers may desire a change of policy, and this measure is likewise designed so that if the ratepayers desire to express an opinion on such question, they may have power to do so. Hon. members will observe that amongst the questions which may be submitted to the ratepayers are—

"(*a*) The site of the office of the local authority;

That is, where the office of the local authority shall be placed.

"(*b*) The abolition of all the divisions of the area;

"(*c*) The alteration of the boundaries of any division or divisions of the area, whether by increasing or decreasing the number of divisions or otherwise;

"(*d*) Any other question relating to local government upon which the opinion of the ratepayers is required by the Minister."

I submit that this is a very important matter indeed, and one by which it will be possible for the administrative head to gain a knowledge of the views of the majority of the ratepayers interested. The Bill, furthermore, defines what the roll is. Considerable difficulties have arisen as to what the roll of an area is at certain periods of the year. It is proposed in the present Bill to clearly define what the roll is. It provides that the roll shall be the annual roll compiled after all the rates have been paid, and comprised of the ratepayers who have paid their rates to the end of that year, and during the following year that roll may be amended by the addition of any ratepayers who, fourteen days before the day of nomination at an extraordinary or by-election, have paid their rates, or any amendments which may have been made by the transfer of property from one ratepayer to another. So that, if this Bill becomes law, henceforward there will be no difficulty in that connection. I might mention, for the information of hon. members, that cases have arisen where, owing to defects in the present legislation, it has happened that a by-election has taken place within the period in which ratepayers, after receiving notice, are allowed to pay their rates, with the result that on such occasions there has practically been no roll at all, except the ratepayers who happen to have paid their rates within the thirty days, in some instances constituting a minority of the ratepayers. This, it must be admitted, is undesirable, and the object of the clause dealing with this matter is to obviate that state of affairs, and it provides that the whole of the ratepayers who have paid their rates fourteen days prior to the day of nomination will have an opportunity of recording their opinion at that particular poll. It provides that the annual roll will be added to from time to time, and the ratepayers who pay their rates within fourteen days of the day of nomination in connection with a by-election will have their names added to the roll, and it will be called the annual roll and will entitle them to vote at such election. Power is also conferred on the administrative head to remove any chairman who refuses to carry out the resolutions which have been passed by the council. Cases have arisen where the council, by a majority, have come to a resolution that certain work or certain acts shall be carried out, or that a certain matter shall be attended to in the way in which they resolved, and the chairman has simply declined to carry the wishes of the majority into effect. The present legislation contains no means by which that chairman so defying the majority of the members of the council can be dealt with. The present Bill provides that in such cases the administrative head may remove such chairman or mayor from his office and may appoint another member of the council for the purpose of carrying out the declared wishes of the council. The Bill, furthermore, contains a definition as to what will constitute a majority of the council. Where the council is composed of an even number of members cases have arisen where the minority have been enabled to obstruct the business of the council for some very considerable time, and, as it was not possible to hold a meeting, they could continue to obstruct the council from month to month. The Bill proposes that the majority shall be composed of half the numbers of the council, inclusive of the chairman, where the total of the number of members of the council is equal. A very important portion of the Bill is that which provides power to lease reserves for building purposes. Local authorities are already accorded powers to erect buildings upon reserves not used for the purpose for which they were originally granted, or where the land is in excess of the requirements for that purpose. They are accorded the power to erect buildings on this land for building purposes or for the purpose of erecting dwelling-houses. In the particular clause in question power is given to the local authorities to lease that land for a term of thirty years, extending the present term of twenty-one years to thirty years.

Mr. MURPHY: What is the object of the extension?

The HOME SECRETARY: The object of the extension is that, particularly in cities and in first-class sections, the character of the building has to be of such a class that it would be impossible to enter into any reasonable agreement with those who are prepared to put up the bricks and mortar if they only received a twenty-one years' lease. As a matter of fact, the local authorities who are principally concerned in matters of this kind were anxious that the term should be fifty years, but I considered it was advisable that we should fix thirty years as the time, as that is the term that is generally adopted in other enactments where power to lease is given. It is very desirable that the local authorities should have this power, because, in some instances, it may be, to a certain extent, a speculation on the part of the local authority to

erect these buildings, more especially where they have a large area of reserves, and in some instances it might not be advisable that they should add to their indebtedness by borrowing the money which would be necessary to enable them to construct these buildings; whereas, having the land idle and lying useless, if they are prepared to enter into a business arrangement with any person or persons who are prepared to erect buildings of a sufficient character and quality, I think it is certainly advisable and desirable that the power which has already been given to the local authorities should be extended. Hon. members will observe, however, that any agreement which is entered into is subject to the approval of the Governor in Council, which I submit is a sufficient safeguard so far as the ratepayers are concerned.

Mr. HAMILTON: Will other leases of public reserves by local authorities have to come before the Governor in Council?

The HOME SECRETARY: Yes, provided it is for the purpose of letting on building lease. A very important provision is also contained in the Bill with reference to public parks. It must be recognised that there are a large number of local authorities who have failed in their duties so far as the provision of public parks for their ratepayers is concerned. (Hear, hear!) These clauses are designed to enable the ratepayers themselves, if they are desirous of having a public park or recreation reserve, to force the local authority to purchase or provide such a park or reserve.

Mr. FOLEY: You still leave it in the hands of the same people to vote—the landowners.

The HOME SECRETARY: The Bill provides that a petition shall be presented signed by one-fifth of the ratepayers, and the council is then required to take a poll of the ratepayers as to whether they desire that the council shall provide such park or recreation reserve.

Mr. THEODORE: The ratepayers are those who are rated as owners?

The HOME SECRETARY: Naturally, because they are the persons who will have to carry the responsibility.

Mr. FOLEY: Then you will have no public parks.

The HOME SECRETARY: They are the people who will have to bear the burden of the taxation which will be necessary to find the purchase money for the park or recreation reserve. That is only a reasonable proposition. Within sixty days of the receipt of that petition it is obligatory upon the local authority to take such a poll. If the resolution has been approved by a majority of ratepayers, then within six months of the taking of that poll the local authority must purchase or provide such a park or recreation reserve. To make the matter complete, the Bill contains the necessary provision that if, after six months, the local authority fails to carry out that resolution which has been determined at that poll by the ratepayers, then the Executive may purchase or provide that park, and compel the local authority to carry out the obligation imposed upon it, and make it pay for that reserve or park as decided by the ratepayers.

Mr. MURPHY: Suppose the council could not get it at a reasonable price, and that caused the delay?

[*Hon. J. G. Appel.*

The HOME SECRETARY: Of course, the Bill provides that the petition shall set out the location or site of the park. The six months' period is given so that the local authority, who have the powers of the Public Works Lands Resumption Act conferred upon them, may obtain such park or reserve, but the local authority is not compelled to pay a fictitious price. It must be admitted that more and more has the necessity become apparent for the provision by local authorities of breathing spaces for the people.

HONOURABLE MEMBERS: Hear, hear!

The HOME SECRETARY: It may happen that within the area of the local authority there is no suitable piece of ground for a park or recreation reserve. Some of the local authorities in the vicinity of the metropolis have no suitable land within their area. That has all been provided for in the Bill. Provision has therefore been made that the area need not be within the area of the local authority, but may be conterminous thereto. Further provision is made that where such a park is commonly used by the ratepayers of the local authority that is conterminous thereto such authority or authorities may be called upon to contribute their share of the expense of the purchase and maintenance of such park or public reserve. I think it must be admitted that it is absolutely necessary that such power should first of all be placed in the hands of the local authority, and, secondly, that where two or more local authorities are concerned, the necessary powers should be given to compel these neighbouring or conterminous local authorities not alone to contribute to the purchase of such park or reserve, but likewise to assist in its maintenance. The present legislation gives power to the local authorities to purchase parks and reserves, but, as I have already stated, that power has not been largely availed of. Perhaps it is for the reason—and this is one of the defects that the present Bill is designed to rectify—no legal power is given to a local authority to borrow money from the Treasurer, or by any other means—there is no such power provided in the present legislation to borrow the necessary money to accomplish the purchase of a park. In the present Bill all the necessary power is given to the local authority or local authorities concerned to borrow the necessary money to carry out such a proposal. A further provision is contained in the Bill which makes it obligatory on all persons who subdivide their estate to mark a proposed road by means of pegs. Under present legislation it is necessary for the owner of an estate first of all to submit a plan to a local authority, showing the situation of the road, the local authority having the right to require assistance or a subsidy for the purpose of constructing those particular roads, or constructing a bridge, or making the necessary cuttings or forming them.

Mr. HAMILTON: The landowner has to bear all that.

The HOME SECRETARY: Yes; before his plan can be approved of. The plan must be approved by the local authority before it is passed by the Registrar of Titles or signed by the Home Secretary. The matter may be referred to the Home Secretary by the ratepayers when the local authority and the ratepayers are unable to agree. Difficulties have arisen sometimes when the ground is not marked. The representatives of the

Council will visit the ground, and they will be told "this road is there" and "that road is there." Afterwards when the pegs are put in they will find that the position was not as shown to them in the first instance. The Bill provides that the position of those roads must be marked by pegs in the first instance, and the time has been increased within which the Minister may intervene and inspect, either personally or by surveyors, from 21 to 42 days. We have made a further provision in connection with the eradication of prickly-pear clauses contained in the 1910 amending Act. That Act provided that where an area, or a division of an area, was cleared or clearable, the clauses in question might come into operation. Practice has shown us that, in some instances, portions of an area or division are clearable, but as the law stands at present it was not possible for the department to put into operation the prickly-pear eradication clauses, so far as those portions were concerned. This Bill provides that when a portion of an area or division of an area may be clearable, the clauses which I have referred to require that the destruction of prickly-pear by the local authority may be put into operation. The Bill furthermore contains the necessary power for the administrative head to carry out the destruction of pests. Unfortunately, there are a number of local authorities which, from one cause or another, will not carry out a campaign for the destruction of pests, either vegetable or insect. Those of us who have some knowledge of local authorities are aware of the many reasons which may cause the local authority to fail to take the necessary action. I do not propose to enumerate them, but we have taken the necessary power here to enable the administrative head to compel the local authority to eradicate pests within their areas; and, if they fail to carry out such eradication, power is given to the administrative head to carry out that administration, and to obtain from the local authority the funds which have been used in carrying out such eradication. There is a proviso, however, that a local authority, in carrying out the destruction of prickly pear, which they are compelled to do under the 1910 Act, shall not be liable for any damage to stock which may be straying upon those roads. As hon. members are aware—or those who take an interest in this matter—the most effective way at the present time of destroying prickly pear is by spraying it with poisonous liquid, and it has been said that when the pear has been so sprayed, within a period thereafter the stock readily eat it, with, of course, only one result. It would be hardly fair, when we compel the local authority to carry out the eradication of the pear, that they should be liable for any damage or loss to stock which may be straying or travelling on the roads, and the clause in question frees them of such liability, provided that they give a notification that they are carrying out the destruction of prickly pear, and put the necessary notice board in the vicinity of where that destruction is taking place, and that they notify all ratepayers whose land abuts upon that road of their intention to carry out such operations.

Mr. GILLIES: Should they not also advertise it in the local papers?

The HOME SECRETARY: I have already said that they have to give a notification.

Mr. GILLIES: Not through the local Press.

The HOME SECRETARY: The notice is sufficient, because, as the Chief Secretary suggests, so far as the local paper is concerned, the owner of the travelling stock would not see that. We provide that a notification board must be placed in the vicinity of where the destruction is carried out. We provide, also, that notification must be given to the whole of the ratepayers whose land abuts upon the road where the destruction is taking place. Power is, furthermore, given to enable the local authorities to make by-laws dealing with extraordinarily heavy traffic. As hon. members are aware, the conditions with regard to traffic which passes over the roads of the State have very much altered of late years. We now find steam engines drawing heavy trailers, laden in some instances with 5 or even 6 tons or more of loading.

Mr. MURPHY: Like a Renard train.

The HOME SECRETARY: Quite so. The clause gives the local authority the necessary power to make by-laws dealing with that matter, and provides that arrangements may be made with other local authorities, or with the persons who are using such a form of traction, to obtain from them any sum which may be necessary to repair any damages which are caused by that extraordinarily heavy traffic. The Bill furthermore contains provisions in connection with the levying of rates in benefited areas. At the present time the law provides that the rating in a benefited area must be equal throughout. Experience has shown that, in some instances, a benefited area may consist of a part of one division or ward, and a part of a second division or ward. In the one division or ward the value of the land may be very much higher than in the other portion, and, if an equal rate has to be levied for the higher portion of the ward, of course, the total amount is very much in excess of that in the lower portion of the ward. I have no doubt that when the measure in question was before this House, the expression "equal rating" was considered to mean that the total amount of rate levied would be equal. Legally, if a rate of a penny is levied in one portion of a ward, a rate of a penny must be levied in the portion of the other ward or division, whereas, a farthing in one portion may be equal to a penny in the other; and the clause in question makes the necessary provision that there may be a differential rating, and it is only necessary that the total amount of rate raised should be equal. In the 1910 Act, in connection with financial separation, provision was made that where one ward or division loaned its funds to another ward or division, the ward or division so borrowing must repay the loan during the succeeding year by the levy of a special rate for the purpose. Administration has provided that that would be somewhat inequitable, and in many cases, owing to that provision, it was impossible for one ward to loan to another ward. The other ward was consequently unable to carry out necessary works, and it was necessary to borrow the money for the carrying out of any particular work. The clause in question amends the provision of the 1910 Act making it necessary that the repayment should be made during the succeeding year; it may be made from time to time, and there is a provision made for an appeal to the administrative head should the repayment be too long deferred. Further provision is made that loan and special rates must be paid into separate accounts. Experience has shown us that there are local

authorities which, having an overdraft in connection with their general account, pay into that general account the rates which have been raised from special or loan rates —which are the property of the Treasurer who has loaned the money—and in some instances considerable difficulties have arisen owing to the fact that a financial institution having impounded such funds to liquidate the overdraft, the local authority has not been able to meet its obligation. The clause in question provides that those rates must be paid to a separate account, so that they are at all times available to the Treasurer when the time comes for the half-yearly payment of interest and principal to be made.

Mr. HARDACRE: Could not the bank take the loan money for an overdraft?

The HOME SECRETARY: Oh, no; they would have to be placed to credit of a separate account.

Mr. FOLEY: If they get the account in their bank they would stick to it.

The HOME SECRETARY: No, it is to be a separate account. The whole of the matter is amply decided by the clause in question. Powers are given to the Treasurer, furthermore, to enforce payment of principal and interest which may be due to him. It was found necessary that the powers which exist should be extended. Unfortunately, there have been local authorities in some parts of the State which have failed to meet their obligations, and which have imposed all the obstacles they could, so that the Treasurer in many instances has had extreme difficulty in obtaining payment of the principal and interest due to the State. The clauses in question give the fullest power to the Treasurer to enable him to enter into the local authorities, levy a special rate, and make the necessary provision for payment of what is due to the State, if the local authorities are obstinate and make default in that respect. Further provision is contained in the Bill that no charge or rates shall be imposed on Crown lands. It may have happened, for instance, that the Crown has leased an area, and the tenant has failed to pay his rent. Under the Local Authorities Act it is provided that all overdue rates shall be and remain a charge on the land, and a doubt has arisen as to whether that affects Crown lands or not. The clause in question makes that quite clear. No Crown land is liable for any rates which may be due by any person who has occupied it. We have made a provision in the Bill that in cases where a selection has been forfeited and improvements have been effected thereon, and the late tenant of that land has failed to pay his rates to the local authority, and the Department of Public Lands require a payment to be made by the incoming tenant or new selector for the value of those improvements, when the department has taken from the amounts so recovered the amount due for rates, any balance shall be paid to the local authority on account of rates which may have been due to it by the selector who has abandoned his selection and made default in payment of his rates. A further and necessary provision is contained in the Bill, providing that where lands have been forfeited by the non-payment of rates for seven years, the local authority within whose area those lands are situated may sell them in a block in place of selling them separately. The reason for that is that in many instances land has been sold in small areas. These lands being situated in country districts, and in many instances of very little value, are unsaleable when put up in small lots. The Bill provides that the local authority may put up adjoining or conterminous lands in a block, when, in many instances, they would be saleable, and the local authority would recover the rates overdue and would get a fresh ratepayer on to the land who would pay his rates in future. The local authority, after the sale has been effected, will make the necessary adjustment as regards payment of the balance to any ratepayers whose land has been thus blocked. A further provision is made that there shall be no necessity when this Bill becomes law to advertise the titles of those lands, which advertising has hitherto imposed a cost of something like 30s. upon the person who has bought the property. Under our present law, when a title has been lost or mislaid, before the Registrar issues a new title, it is necessary that there shall be advertised for a certain period in certain papers the fact that the old title has either been lost or mislaid. That is necessary in ordinary cases, but there is no need for it in cases where the land has been forfeited for the non-payment of rates for a period of seven years. In such cases the title of the previous owner, or the title or interest of any person who has made any advance upon that land, is absolutely gone, so it is simply imposing a charge upon the purchaser to require such advertisement. Hon. members know, too, that the land usually is of very little value, having often been bought for perhaps half a crown, and to add this 30s. means that the cost of obtaining a title to the land amounts to something like £3. As there is no necessity to advertise that the title is lost or mislaid—the title or interest of the owner being gone—the Bill contains the necessary provisions that, when the Bill becomes law, there shall be no further necessity to advertise the loss of the old title with its attendant expense.

Mr. HARDACRE: A new title will be given by the local authority?

The HOME SECRETARY: By the Registrar of Titles upon the production of the sale note from the bailiff of the court. Instead of an advertisement having to be inserted that the title is lost or mislaid, and the Registrar of Titles proposes to issue a new title, at an expense of £1 10s., the purchaser shall no longer be put to that consequent expense.

Mr. HARDACRE: No matter whether the title is good or not, the local authority, by making the statement that the rates were not paid, gives a new title?

The HOME SECRETARY: The Registrar of Titles will not issue a new title unless the old one is good. When the sale has been made by the bailiff of the court, the ratepayer loses all his right and title to the land, and the same applies to any person who has lent money on the security of that title. No further interest exists beyond the interest of the person who has purchased the land at the sale. If the title is bad there is no title, and the Registrar of Titles only deals with good titles. He will not issue a new title unless the one upon which it is based is good. A very necessary provision has been made in connection with the loans to local authorities for

the purpose of constructing or purchasing of tramways. Under the present Act the limit was £3,000 per mile. It must be apparent to hon. members that, with the price of material and labour and conditions generally having increased or improved, the £3,000 per mile is too small an amount to limit a local authority to. It is within our own knowledge where a local authority found in the construction of a tramway that such work cost a very considerable amount more than £3,000 a mile, this House had to validate a further loan which was necessary to be made to the local authority in question. I refer to the Belmont Tramway. The limit which may be allowed to local authorities in the construction of a tramway has been fixed to £5,000 per mile, and this is considered a sufficient amount to enable them to carry out work of that character. There are further provisions made in connection with joint works. One of the difficulties which has cropped up within late years, owing to the advance of settlement, is the fact of certain works having been carried out, such as the construction of bridges, which are a joint charge upon the different local authorities who are interested. The principal Act made the necessary provision that local authorities must join for carrying out such a joint work. One of the defects, however, of the existing provision was that there was no power compelling a local authority, which was required to become one of the partners in a joint action, to liquidate the proportion which they were held to be liable for in connection with that work. It was only at the instance of a ratepayer who had the power to bring a suit against the local authority that the local authority who was entrusted with the carrying out of the work of the local authority could receive the amount which was due by such defaulting local authority. The Bill makes the necessary provision that the administrative head has the fullest power to compel the defaulting local authority to pay the amount which it may have been decided it should contribute to the joint work. Furthermore, provision has been made that in place of two local authorities who may have been entrusted with the putting into operation powers in connection with these joint clauses, power is given in the Bill a little later on to provide that one local authority may take the necessary action. We have the concrete case where two local authorities were charged, principally, with the care, management, and control of a joint bridge, which was contributed to by other local authorities. It became necessary that this work should be extensively repaired or a new work should be carried out in its place. One of the two local authorities, whom the law required to join with the other in taking action, has refused to take action, and consequently the work is at a standstill; the public who use the bridge are in danger, and the whole thing is in statu quo. The Bill provides that one local authority may take the necessary action to compel joint action on the part of all the local authorities who may be concerned in the matter. Provision is also made that in connection with the amount of contribution there may be made a distinction between the capital cost and the maintenance cost. Certain local authorities may be required to pay both the capital cost and the interest thereon, and likewise the maintenance cost. Hitherto, under the present legislation, there could be no differentiation. This Bill provides that some may be required to pay towards the capital cost and to the cost of maintenance and upkeep. Others may be required to pay only towards the capital cost, and others again may be required to pay solely towards the maintenance and upkeep cost in the degree that it is of use to them. Furthermore, provision is made, where a bridge has been constructed under a special Act, for power to be given to the Governor in Council to vary the constitution of the board which has been provided for in the special enactment. I may here refer hon. members to the particular Act to which I am referring—namely, the Granville and Burnett River Bridges Act. Under that Act two local authorities are charged with the management and control of that board, and under the Act power is given to the local authorities concerned to levy tolls upon that bridge. These tolls will cease upon the repayment of the total capital and interest upon the cost of construction, or upon a resolution of the two local authorities concerned. The two local authorities are quite prepared to take the necessary action provided other local authorities who are concerned are included in the maintenance, the repayment of interest, and the cost of the upkeep generally of the bridge. Naturally, the other local authority, not being legally compelled to do so, decline to take any part in the matter. The clauses in this Bill propose to give to the Governor in Council the power to vary the constitution of the board by the inclusion of other local authorities who are interested and concerned in that particular bridge. There is a proviso that the clause requiring a resolution by both these local authorities shall be repealed. The same provisions are provided in connection with bridges that have been built under any special Act. That is, some local authorities may be required to pay towards the principal, interest, maintenance, and upkeep, while others may be required to pay solely towards the cost of maintenance and upkeep. The reason for this is that there may be some local authorities who may be but slightly interested in the structure, and upon whom there should not be imposed the obligation of paying towards the cost of interest and principal as well as to the cost of maintenance and upkeep. As they are but slightly interested, they may only be required to pay towards the cost of the maintenance and the upkeep of the bridge. We have what we may term a concrete instance in connection with the Victoria Bridge. The two principal local authorities concerned in the bridge are, of course, North and South Brisbane. Here we have local authorities who are miles away from the bridge, who practically never use it, and who are compelled to pay both to the capital cost and interest as well as to the cost of maintenance and upkeep. The powers which are conferred in this Bill will render it possible in that, or in case of the Burnett Bridge, for a distinction being arrived at whereby certain local authorities may be required to pay towards the capital cost and maintenance, and others may be required to pay towards the cost of maintenance only. Full powers are given for the resumption and the enforcement of the payment of any rates which it may be necessary to levy by the component local authorities. Full power is given to the administrative head in cases

where local authorities make default to compel obedience to the order requiring all local authorities who may have been included in the joint authority to meet their obligations, either in the payment of interest and redemption, or in the payment of maintenance that may have been levied upon them. Further provision is made so that when the office of a local [4.30 p.m.] authority is not situated within the area, the nomination of candidates may take place outside the area. At the present time the law requires that all nominations shall be made within the local authority area. There are many instances where, for the sake of convenience, the office of the local authority is not situated within the area, and under the present law it was illegal for nominations to be made at the office or headquarters of such a local authority. The Bill makes provision that wherever the office of the local authority is situated, nomination of candidates may be made at the office. Further provision is contained in the Bill whereby the provisions with regard to bathing and public baths are varied, in regard to the age at which boys may dress and use the baths of females at the different seaside resorts. At the present time it is provided that boys eight years of age may use the same dressing and bathing enclosures that are used by females. I may say that the matter has been brought before the department by different local authorities who are connected with seaside resorts, and they have complained that boys over eight years of age are in the habit of going into the bathing enclosures or bathing-houses where girls and women are attiring themselves, and I think hon. members will agree that eight years of age in Australia is a bit too old.

Mr. GUNN: How can you tell a boy's age—by looking at his mouth?

The HOME SECRETARY: I think there will be no difficulty in telling whether a boy is under or over five years of age. Therefore, we are making provision in the Bill to reduce the age from eight to five years.

Mr. BARBER: There are very precocious youths in Australia.

The HOME SECRETARY: I am only stating the matter exactly as it has been brought before me, and I have very little doubt, from my own personal knowledge, that it is one which requires reviewing in the way indicated. Further provision is made in the Bill for the repeal of the Stage Carriages Act of 1835 and the Carriers Act. These are very old Acts, which provide for the licensing and charging of fees on stage carriage and other vehicles used for public purposes, and upon those engaged in the occupation of carrying. We have already endowed local authorities with full powers to regulate and levy fees in connection with all these public vehicles. At the present time there are instances where a local authority has levied the necessary fee, and the State has then come in under these old and obsolete Acts and required the same carrier to pay a second license fee to the State. Having given local authorities all powers in this connection, it is desirable that, so far as the State is concerned, these old Acts should be wiped out, and it is proposed to repeal them. It is furthermore proposed to repeal a portion of the Steam Rollers Regulation Act. I do not know whether there are any hon. members in the House at the present time who remember the reason why that Act was passed. It was many years ago, when there was no such class of vehicle as motor or steam wagons drawing trailers through the streets, and it was considered desirable, in order to prevent accidents, that steam rollers should be preceded by a man carrying a red flag. How that would obviate any danger, or lessen the danger, I do not know. However, the House decided at that time that this provision should be made, and to-day I dare say hon. members have seen these big motor lorries and steam wagons drawing trailers travelling through the principal streets of Brisbane at a rate exceeding 4 or 5 miles an hour. Before I proceed further, I wish to state that it is only desired to repeal one subsection: the one which requires a notice-board to be placed in a public place will remain. It is only the provision which requires a man to precede a steam roller with a red flag that is to be repealed. I dare say hon. members have seen the man who is supposed to precede the steam roller a certain number of yards, walking alongside the roller engaged in an amicable conversation with the driver of the roller. I have endeavoured as fully as possible to give hon. members some idea of the proposals which are contained in this measure. They embody the experience which has been gained by the administration of present legislation. As I have already stated, the submission of local authority matters to the administrative head has very largely increased in later years, and owing to the defects which we now propose to remedy, it has placed a considerable amount of responsibility upon the administrative head and has frequently placed him in a very difficult position in arriving at exactly what was the right thing to do; and, after over three years' experience as that administrative head, and as one who had, prior to that, over twenty-three years' experience of local government, the various clauses and propositions contained in this Bill, to my mind, contain all that is necessary at the present time to complete and round off local government legislation and administration. I do not for one moment contend that it is the last word in local authority law. Perforce it cannot be, because as we increase in population, and as the State becomes settled and developed, more and more shall we require to add to or amend our law which guides and limits the powers and authorities of local government representatives. However, such as it is, as I have already stated, it embodies the experience of three years' administration. I submit it with every confidence to this Chamber. I trust that, as it is a non-contentious matter, it will not be long delayed in its passage, because many portions of it are extremely important, and ratepayers have been asking for it for a considerable time indeed, and it will very materially improve the condition of ratepayers and the effectiveness of local authority law. I have much pleasure in moving the second reading of the Bill.

Mr. THEODORE (*Chillagoe*): I think the House is indebted to the hon. gentleman who has moved the second reading of this Bill for the amount of information he has given us regarding its contents. He expressed the rather pious hope that the Bill might prove non-contentious. I am inclined

to think that there are certain clauses in the Bill which will prove of a contentious nature. I admit that many of the clauses are an improvement upon our present law. I do not know whether all the provisions contained in this measure have been suggested to the hon. gentleman by the Local Authorities' Conference or not, but I take it the local authorities have been busying themselves in getting an amendment of the law, and that the hon. gentleman has acted on their suggestions. Regarding the question of compelling the local authorities to have more regard to the wishes of the ratepayers so far as certain questions are concerned, I agree with him that this proposal is a vast improvement, as certain local authorities have no regard whatever to the wishes of the ratepayers upon the questions provided for in clause 2 of the Bill: regarding the site of the local authority office and the alteration of boundaries, and so on. The consideration of questions such as these usually resolves itself into a wrangle without any consideration for the wishes of the ratepayers, and therefore the necessity to consult the ratepayers by means of a referendum is a distinct improvement. I notice that the hon. gentleman has, at this late hour, discovered the weakness in the Act passed in 1910 regarding the disfranchisement of ratepayers for arrears of rates. A long discussion, I recollect, took place regarding that matter, and it was a new principle, I think, introduced in Queensland in our local authority law which disfranchised ratepayers who had not paid all their rates to the 31st December previous to the election, and it also penalised ratepayers who were in arrears on the 31st December previous in regard to extraordinary elections which might occur during that year. It is an obvious hardship which the hon. gentleman is now amending. There are a great number of ratepayers, persons interested in local authority government, who, through fortuitous circumstances, find themselves in arrears when the date of the election comes round. Even if they were in arrears on the 31st December previously —not through any intention whatever to evade their obligations towards the local authority—and when the 1910 amending Act was applied for the first time—it came into force within a couple of months of its passage through this Chamber—it wrought a considerable amount of hardship, because many of the local authority representatives then holding their seats found they were not legally entitled to contest the vacancies at the ensuing election, because they themselves had neglected to pay their rates up to the 31st December previous. It was not through any intention to evade their obligations to the local authority, but because of some circumstances over which they had no control at the time, and to penalise these persons for that minor default, I think, is a wrong principle. Power is given to the local authorities to recover rates and to charge interest on arrears, and I think that is sufficient penalty if the local authorities are aware of their responsibilities and observe their duty in these matters, and see that rates are paid, and take action against those who intentionally default, and not impose this general penalty which operates so harshly at the present time. I think the hon. gentleman, in the Committee stage, ought to consider some suggestion to eliminate the principle of which I have been speaking from the principal Act.

The HOME SECRETARY: I pointed out that as long as they pay within fourteen days of the nomination for either a general or a by-election, they are entitled to be placed on the roll.

Mr. THEODORE: The hon. gentleman will admit that the annual election falls in February in each year. This amending section will provide—

> "That no person shall be entitled to vote—
>
> (*a*) At the annual election of members in the month of February, or at any extraordinary election held on the same day, unless on or before the thirty-first day of December all sums then due to the local authority in respect of rates have been paid."

The HOME SECRETARY: You want to go on.

Mr. THEODORE: That means that the defaulting ratepayer is penalised for something he should have done six weeks previous. If rates are not paid on the 31st December through some oversight, they are penalised. I think that is an extreme hardship which should not be tolerated. The hon. gentleman spoke of the necessity of some provision dealing with a refractory chairman who refuses to carry out the expressed wish of his local authority. No one will, of course, gainsay the necessity for making provision whereby such a chairman could be dealt with. I think, when the occasion arises to deal with such chairman, and when the Minister or Governor in Council, acting with the power given by this clause, casts out of office such a chairman, it should be left with the remaining members of the local authority to elect another chairman. I think it would be a better principle if, instead of allowing the Minister to elect a chairman, it were left to the remaining members of the council to nominate a chairman themselves in succession to the one who was cast out of office. Regarding the question of acquiring parks which the Minister spoke about, I understand that this is a new provision, that there is no such provision contained in our present local authority law.

The HOME SECRETARY: I pointed out that at the present time the local authorities have power to purchase parks, but that power is not complete, and this Bill is completing it.

Mr. THEODORE: So far as that goes, it is a distinct improvement. Referring to clause 7, which enables a local authority to barter away certain public lands, that is a principle which should not be upheld in this Chamber. If it is understood that public lands are to be acquired as lungs for our largely populated centres, we should restrict the powers of local authorities regarding the bartering away of such lands. If the lands are necessary, then the local authority should have no power whatever to lease them for long terms as prescribed here.

The HOME SECRETARY: The safeguard is that it must be submitted to the Governor in Council first.

Mr. THEODORE: That does not always turn out right. The Governor in Council acts upon the recommendation of the Minister, and the Minister may not be aware of all circumstances, and it frequently happens that action is taken by the local authority which is afterwards regretted by the ratepayers. The ratepayers cannot be induced to evince enough interest in the

matter when it is first contemplated, and the Minister may not be aware of any evil existing until the damage is done. This power should not be given to any Minister. Under this Bill, the local authority is allowed to deal with land which is not required. Even if it is not required for the time being, a local authority may lease it for thirty years. That is not a good principle.

Mr. TROUT: Do the ratepayers object to it?

Mr. THEODORE: The ratepayers may object to it. The unfortunate part of it is, that the only ratepayers who are consulted in connection with the matter are interested persons, who may not object to it; it may be a distinct evil so far as the general community is concerned, but as they are not ratepayers, and do not own any ratable land, they will not have any say in the matter. This House should safeguard the interests of the community apart from the owners of property regarding the questions of parks and an endeavour to encourage parks wherever possible, and we should restrict the powers of local authorities so that they will not be able to barter away the public estates. I would like to ask the Home Secretary if the local authorities can take action with regard to acquiring a park without a petition of the ratepayers first being presented. It is provided here that a certain percentage of ratepayers must sign a petition to the local authority before action is taken. Will the local authorities be able to take action without a petition?

The HOME SECRETARY: Yes.

Mr. THEODORE: I am glad to hear that. There is one anomaly in this provision dealing with a petition sent in by the ratepayers with reference to the establishment of public parks. That is the provision which requires the conterminous local authority to contribute towards the original cost and maintenance of the park. I have no objection to any local authority in any area where the ratepayers enjoy the privileges and benefits of a public park paying for the upkeep and helping to maintain that park provided they have an opportunity of being consulted as to the necessity for the establishment of the park. It appears that one area may petition the local authority for a park to be provided, and so long as certain things are complied with, a poll must be taken, and, if a certain majority is in favour of it, the park may be provided, and then some conterminous area that has not been consulted at all may have an obligation thrown upon them of financing a park.

The HOME SECRETARY: The hon. gentleman is in error. A local authority calls upon a neighbouring local authority to enter into the matter with them for the purposes of acquiring the park.

Mr. THEODORE: Yes, for the purpose of controlling the park.

The HOME SECRETARY: And for the purchase also.

Mr. THEODORE: But there is no escape for the second local authority. Once the first local authority decide to acquire a park, or once it is acquired, as a result of a petition from the ratepayers, a neighbouring local authority must come into it and help to maintain it. That is provided for in clause 8, which says—

"(71C.) When a park is commonly used, not only by the inhabitants of the area in which it is situated, but also by the inhabitants of any co-terminous or neighbouring area or areas, the expenditure necessary in connection with the purchase, improvement, and maintenance of such park, and any income derived therefrom, shall be borne by and distributed between the local authorities concerned in such proportions as may be agreed upon between them, or, failing such agreement, as may be fixed by the Minister upon a reference to him in that behalf by any of such local authorities."

The PREMIER: There is one park on the boundary of Ithaca, Toowong, and Enoggera.

Mr. THEODORE: I can quite understand that there may be one park bounded by several local authorities which the ratepayers are anxious to acquire as a public park. It may be decided to provide such park, and the ratepayers in other areas without being consulted at all will have to bear the burden of the upkeep of the park.

The HOME SECRETARY: The hon. gentleman will note the words, "as may be agreed upon between you."

Mr. THEODORE: That is only so far as apportioning their share of it is concerned. There may be some disagreement as to the amount they have to contribute, but they must pay something. It is not the business of the second local authority to interfere until the public park is established. Only a few of the ratepayers may enjoy the benefits of the public park, and why should it be foisted upon them without their being consulted at all?

The HOME SECRETARY: You cannot foist a public park on them, because it is absolutely necessary.

Mr. THEODORE: It is absolutely necessary for those who enjoy its benefits, but only 1 per cent. of the ratepayers in the second area may enjoy its benefits.

The HOME SECRETARY: Then they will only pay proportionately.

Mr. THEODORE: Well, I hope that is borne in mind when the provision is being put into force. I desire to point out in clause 9 what is an obvious grammatical error which requires amendment. It says here—

"In subsection four of the said section, the word 'licensed' is repealed, and the word 'authorised' is inserted in lieu thereof."

On looking at the section, the hon. gentleman will see that letter "A." That should be deleted and the words "an" inserted in its place.

The HOME SECRETARY: No; that is the way it appears in other Acts.

Mr. THEODORE: The Minister has included in the Bill a provision for increasing the limit of the amounts that may be borrowed for the purchase of tramways from £3,000 to £5,000.

The HOME SECRETARY: For construction.

Mr. THEODORE: Yes, for the construction of tramways. Regarding this matter, there is a necessity for recognising the control by local authorities of all public utilities. Whilst on that, I must express my

regret that the Minister has not seen fit to embody in the Bill some provision for extending the franchise. There is a marked tendency for local authorities to engage year by year in the control of public utilities, and local authorities will become more active in that matter. Sooner or later we shall have local authorities not only controlling the tramways, but the electric power and lighting as well. And the sooner it comes about the better for the members of the community. (Hear, hear!) As soon as that comes about, there will be all the more reason for extending the local authority franchise. There is a sufficient reason now for broadening the franchise in the direction of giving every resident a say in local authority government. There is an old quip about not giving representation without taxation. An argument of that kind does not apply in this case. The franchise should be extended to not only those who pay rent, but also to the lodgers of hotels and occupiers of houses, as well as the actual owners of property. All these people contribute to the local authority revenue by reason of the fact that they are consumers. They consume the commodities that are produced, and as the producer is taxed they help to increase the revenue of the local authorities. For that reason they should be allowed a say in these local authority matters. Every resident should have a say in local authority government. If the franchise were granted to that extent, it would remove many difficulties that undoubtedly crop up at the present time. There is often a necessity for changing the policy of a local authority in certain respects, and it often happens that the particular local authority representatives are conservative, and will not carry out the desires of the community at large, and that difficulty would be entirely removed if all the residents of a community were allowed to participate in the government of the local authority. There would then be no necessity to bewail the fact that the local authority representatives went on from year to year without changing their policy. I hope that the Minister will accept an amendment in that direction.

Mr. WINSTANLEY (*Queenton*): I listened very carefully to the speech delivered by the Minister in introducing this Bill, which is one very largely for the Committee stage rather than one for dealing with on the second reading. There are one or two vital changes that might be made in Committee. In the first place, it seems to me that the Minister has a good deal of work placed upon him in connection with this Bill, but I think we will find some things contained herein which will be rather difficult to work as time goes on. I do not think for one moment that this is the last word in local authority legislation, particularly when we have local authorities' conferences held every year asking for further amendments of the Act. If those conferences continue to be held, we shall require an amending Bill every year. There is some alteration necessary in connection with the taking of the referendum. The Minister has power to direct that a referendum shall be taken when one-fifth of the ratepayers have sent in a petition [5 p.m.] asking him to take action. In loan matters, the Act requires twenty ratepayers to put the machinery in operation; but, in this instance, unless the Minister feels inclined, there is practically no provision for him to put the machinery into operation, and it seems to me that there should be some provision making it mandatory. It rests, at the present time, in the first place with the council, and if they do not do it, it rests with the Minister; but there is no provision made whereby the Minister may be moved by the ratepayers, or those people who may be more interested in the welfare of the locality than the councillors themselves appear to be in this connection. For that reason I certainly think it would be an improvement if something was done in that connection. Immediately the local authorities refused to take the necessary steps, it should be within the province of the ratepayers—either a percentage or a specified number—to petition the Home Secretary in this connection. While the Bill will receive very little opposition from this side, as we agree with most of the things in it, it seems to me that the time has arrived when men should not be disfranchised because their rates have not been paid, for, even if they are not paid within fourteen days before the election takes place, they have to be paid. I think that as long as men are ratepayers and their names are on the roll, and they are legally responsible for the rates and there are means whereby eventually they can be made to pay, they should have a vote at the election. I think the time to which it is proposed to extend the period of lease is too long. Twenty-one years would be quite ample for most buildings likely to be erected on land leased by local authorities. There may be some exceptional cases, but where there are these people would have an opportunity of getting their lease extended. Twenty-one years is quite ample, and people are not likely to put up very substantial buildings, even if they get a lease for thirty years. Then, in connection with the franchise, I am one of those who think that our local authority franchise should be on a wider basis than it is at the present time. In connection with the borrowing of loan moneys, it practically rests with the owners of the land, and the assumption is that nobody pays any taxes besides these individuals. In my opinion, those who pay rent should have an opportunity of saying what should be done in connection with the welfare of these communities. There is no doubt that parks and public recreation grounds affect, not merely the owners of land, but everybody in the community; and the community has to pay for them. If they do not pay for them directly they pay for them indirectly, and for that reason I think it is time that the franchise was extended to every adult in the community. If that was not granted, we should, at least, grant household suffrage, and everybody who pays rent would have a vote. I think the Bill will have some effect which the Home Secretary does not contemplate. Evidently he looks at the matter just from the Brisbane point of view, but there are a number of places in the State besides Brisbane. It is possible in some instances that a municipality may have a park which other people also make use of. It seems to me, from the reading of the clause, that these people may be called upon to pay, while at the same time they may have parks of their own which they have to maintain. Then a municipality may have a central park, and a shire council adjoining may have three or four parks, and yet, because the central park is made use of by the people outside, they may be called upon to pay.

The HOME SECRETARY: The clause says "commonly used."

Mr. WINSTANLEY: The difficulty is to decide how far parks may be commonly used, and when they are commonly used. Unless the clause is framed much more clearly the Minister will find it a difficult task when he is called upon to decide as to what is "commonly used," as well as the amount which people ought to be called upon to pay. As far as noxious weeds are concerned, I think every precaution should be taken that cattle do not become victims to poison lying about. While it is, no doubt, some prevention to post up notices and notify people whose land adjoins the roads or lanes where poison is being spread about, it is quite possible that travelling dairy cattle might be going along a road, and the owners might not know anything about it.

The HOME SECRETARY: There will be a notice at either end.

Mr. WINSTANLEY: That is all very well as long as the notices remain there. It seems to me that it would not incur much more expense if an advertisement were inserted in the newspapers in addition to the notices along the road. As long as the notices are there, they will serve the purpose, but sometimes they disappear. For that reason, I do not think there would be any harm, as it would not incur much expense to have an advertisement put in the newspaper as well. There are some of the other provisions with which we are in thorough agreement, particularly in regard to cases where the office is outside the area. Charters Towers is a case in point. The offices of the shire councils adjoining are inside the town, and it has caused a great deal of inconvenience, as the officials have had to go away from their own offices in order to make nominations legal. Other matters have also had to be dealt with in this Bill, and it is apparent will have to be dealt with more drastically than they are at the present time, particularly in connection with traction engines. It will be necessary for local authorities to have more power over the traffic than they have had in the past. I was informed of one traction engine which carried a load of ten tons. The reason given by the Minister for the exemption of Crown lands in connection with mortgages and all that kind of thing do not seem to me to be over-clear. And in the case of forfeited selections, we find that the Lands Department secures itself for all its demands before the local authority gets a look in at all. Where roads are bad, especially in local authorities comprised almost solely of agricultural lands, and road-making is a difficult and expensive business, I think where forfeited selections go back to the Crown, the rates ought to be a first charge instead of being a last charge. I do not see the reason for inserting the words "except for Crown lands," unless it is, as the Minister says, to make it more clear in that connection. I do not think it is fair, where selections have been taken up, and three years' rates are owing on them, that when they are forfeited, the local authorities should only come in after all the rest of the demands have been met.

The HOME SECRETARY: They do not get anything now, and we want to give them something.

Mr. WINSTANLEY: All that you are giving them is more apparent than real. I think the rates ought to be a first charge on these lands, and then if there is anything left, let the Lands Department have it. From beginning to end, it seems to me that the Lands Department gets more than it is really entitled to, in comparison with the local authorities, which have to bear the expense of construction and maintenance of the roads. There are quite a number of other little things on which information will be sought by members as the Bill goes through Committee, but I hope, at any rate, we will find the Minister prepared to accept some of our amendments to make the Bill a little more liberal, and show that we are progressive in our local authority administration.

Mr. GILLIES (*Eacham*): I recognise that the Home Secretary is to be congratulated in introducing some reform in local government; but I am glad he qualified his speech by saying it is not the last word in local government law. I regret that there is no provision made in the Bill for placing shires engaged in pioneering work, especially in Northern districts, on the same footing as shire councils were in the earlier days of local government. (Hear, hear!) As I said the other day, Queensland is the only State that does not recognise its obligation in this respect—Queensland is the only State that does not recognise that the local authorities are doing a great work in connection with pioneering. It is the only State that does not give some assistance to its local authorities where land settlement is taking place. I am sure until that principle is recognised by the Government, land settlement must necessarily be slow in Queensland. In the Bill itself there are one or two things that I take exception to. I know that the Government believe that calling upon the local authorities to raise all their revenue, as the Minister said on one occasion, "gives them a spirit of independence," and I notice that Dr. Kidston, speaking at a local authorities gathering the other day, made reference to the same thing. I do not know whether Dr. Kidston would give the Federal Government the same advice in regard to the £1 5s. per head at the present time paid to the Queensland Government——

The SPEAKER: Order!

Mr. GILLIES: With regard to the Bill itself, I want to make reference to it in passing. I am glad that provision has been made for a poll to be taken with regard to the site where the local authority shall conduct its business. That appeals to me, because in my own electorate there is one council conducting its business altogether outside the shire boundaries. I think that any little capital that is made out of the existence of the shire offices should be enjoyed in the area in which the rates are collected. I do not think it is a fair thing, however, to disfranchise any ratepayer for the non-payment of rates. My reason for saying that is this: If the local authority does its duty as laid down in the Act, the rates are all collected, because it is provided that the local authority "shall" not "may" collect the rates, so if the obligation falls upon the local authority, the ratepayer should not be disfranchised because of the non-payment of rates. With regard to clause 7, I am opposed to the idea of any local authority

having power to lease or rent any area for a term of thirty years. The Minister recognises himself that it is impossible to look thirty years ahead, when he provides for the acquiring of land for the purposes of local authorities. If a Government were wise enough to see thirty years ahead, there would be no occasion to purchase, at this early period in the history of Queensland, land for local authority requirements, for, if the Governments of the day had looked sufficiently ahead, they would have made ample provision for public parks and other requirements by local bodies in the shape of reserves. That is a justification for this House opposing permission being given to local authorities to lease land for a term exceeding twenty-one years. In any case there should be incorporated in such leases the provision that, if the land is required for public purposes, the Governor in Council may have power to resume the land, notwithstanding the lease.

Mr. WIENHOLT: With compensation.

Mr. GILLIES: With compensation. Such a proviso should be incorporated in any lease of land given by a local authority. I believe it is already in Crown leases. In the provision relating to surveyors, I am not quite clear as to the reason for substituting the word "authorised" for "licensed."

The HOME SECRETARY: It is simply for uniformity.

Mr. GILLIES: I am satisfied, so long as there is no whittling away of qualifications. With regard to the provisions dealing with the destruction of noxious weeds, I do not think that owners of stock are sufficiently safeguarded, and additional notice should be given in the local papers of intention to use poisonous sprays on vegetation. I am not referring to stock that may be travelling hundreds of miles, but to cases that might occur in the more closely settled districts. A farmer might be taking cattle from a sale, a distance of 5 or 6 miles, and unless due publicity is given of the spraying of vegetation along his route, he may lose some of his stock. Where necessary, notice should be given to the local papers that the council are spraying or using some poisonous compound that would be harmful to stock. These compounds are not used exclusively for prickly pear; they may be used to kill any noxious weed, and in the application of them good pasture may be contaminated. With regard to the Crown being exempt from paying rates, I may say that a resolution was passed at the last local authorities' conference but one, providing that where land was forfeited the rates should be paid out of the amount received by the Crown in rent. The Crown, in such cases, collect not only the value of the improvements, but rent also, and I think there is every justification for the Crown being asked to contribute rates in such cases. The local authority has been carrying out the road work of the district, and it should receive a proportion, in the shape of rates, of the rent collected by the Crown, who have done nothing. With regard to tramways, I notice there is a provision that a local authority may go to the limit of £5,000 per mile in the construction of such lines. I have no objection to that, but I certainly agree with the deputy leader of the Opposition in his argument that the time has arrived when the franchise should be extended, in order to give all the adults resident in a locality a say in the election of local authorities. The time has gone by when the local authorities should be recognised merely as a roads and bridges board. It has now to do with public health, with sanitary matters, and the extension of public utilities. For the latter reason alone I regret that provision is not made for some extension of the franchise in this Bill, so as to bring it into line with the democratic age in which we live.

Mr. LENNON (*Herbert*): The Hon. the Home Secretary, in introducing the Bill, said that it was the result of his administration of the Local Authorities Act for three years—the result, I suppose, of three years of local authorities' conferences. If this is the result of all their talk and noise, then I think the outcome is very small indeed.

The HOME SECRETARY: Then it shows how little you know of it.

Mr. LENNON: Perhaps it does; but perhaps the hon. gentleman might be a little more civil in dealing with criticisms on the measure.

The SPEAKER: Order!

The HOME SECRETARY: I would like you to exhibit a little less ignorance.

The SPEAKER: Order!

Mr. LENNON: I will proceed now you have silenced the Hon. the Home Secretary.

The SPEAKER: Order! I hope this exchange of amenities between the Hon. the Home Secretary and the hon. member for Herbert will cease, and that the hon. member for Herbert will address himself to the question of the second reading of the Bill.

Mr. LENNON: I repeat that if this is all we have got from these conferences—from all the noise that has been made at them, there is very little indeed to boast about. Many recommendations have been made from members on this side of the House, who have taken very great interest in local authority matters, but these recommendations have been ignored entirely. Again, certain recommendations have been made at the various local authority conferences which have been likewise ignored. For instance, no alteration is made in the franchise for local authorities. We have tried in this House to get one man one vote, and failing that, we have tried to get one ratepayer one vote, but without success, judging by this Bill. I know of cases where no less than nine votes have been exercised by a certain ratepayer, and we know that there are certain ratepayers who farm out their votes in such a way as to control eighteen or twenty votes. That is totally at variance with the democratic spirit of the age, about which hon. members opposite are so frequently protesting. They ought to adopt more of that spirit, and talk less about it. I am disappointed that there is no reference made in this Bill to the question of timber royalties. In scrub areas this is an important question, and the absence of provisions to deal with it entails, by reason of heavy timber traffic, very great hardships on many authorities.

The HOME SECRETARY: We have given them power to deal with that by by-law.

Mr. LENNON: I am glad to hear that. Out of the very considerable sum derived by the Government in the way of royalties, I was in the hope they would have devoted about 25 per cent. of those royalties to these local authorities.

The HOME SECRETARY: We could not deal with that in this Bill. That is a matter that would affect land administration.

Mr. LENNON: It is a matter that has been discussed at every local authorities' conference in Brisbane for the last five years; the haulage of logs over and the consequent destruction of roads is a very serious item with some authorities.

The HOME SECRETARY: We have dealt with that in a different way.

Mr. LENNON: Such authorities are entitled to very generous consideration from the Government. With regard to new local authorities, I would like to refer to the disabilities under which authorities in scrub areas, such as Eacham, Atherton, and Innisfail, labour. When a new local authority is created in a district with an abnormal rainfall and heavy, rich soil, it is at a very serious disadvantage compared with the older established authorities. In the olden days, we had in existence road boards that went about the country repairing the roads, and we know that shires like Warwick, Toowoomba, and Townsville had very considerable sums expended in them under the supervision of these Government road boards. Consequently they are at a distinct advantage over the newer shires, which have never enjoyed such privileges. In cases where these young shires are dealing with heavy scrub country and an abnormal rainfall, I think it is cruel to set them out on their way without attempting to level them up to the older shires. Provision should be made in this or some other Bill for these new shires to receive some special endowment, in order to put them to some extent on a level with the older shires that are still enjoying the benefits bestowed upon them by the system of road boards. I am glad to see that the Government propose to extend the system of taking local polls of ratepayers, for, in matters of that sort, local opinion is better than the opinion of people at a distance. I commend the Minister for making the improvements in the Act relating to by-elections, whereby it is permitted that rolls may be prepared by adding the new names which have gone on since the last list was published. With regard to the leasing of lands which have come into possession of the council, I notice that the Minister proposes to allow the local authority the right to lease these lands for building or business purposes for thirty years. In these go-ahead days, thirty years is out of all reason, and I suggest seven years as being sufficient. If rates are not paid on any land for seven years, the council has the right to lease the land for seven years to recover the rates, and if that period is long enough in that case, then, if the council wants to lease land for the purposes of profit, seven years is sufficient.

The HOME SECRETARY: Would the hon. member erect a first-class construction on a seven years' lease?

Mr. LENNON: The hon. member is not going to erect anything; he is pointing out that thirty years is too long. Seven years may be too short, but thirty is certainly too long. I would probably be prepared to meet the hon. gentleman. If he discussed it with me, I might be willing to make it fourteen years, as I think that would be a fair solution of the matter.

[5.30 p.m.]

With regard to park lands, the hon. member for Queenton touched upon that question. It is not a matter that I feel very much interested in, because it chiefly concerns Brisbane, or at all events, the larger cities, and it is not one that interests country members to a large extent. I think the provision in this Bill ought to work out very well, and if people want to acquire land for park purposes, there should be ample power to enable them to do so, and also to extend their powers in that respect. With regard to pests, we know very well in travelling about the Southern parts of Queensland—of course we have no pests in the North. (Laughter.) They are nearly all down here and many of them are in this Chamber. (Renewed laughter.) Consequently, I think the question of local authorities dealing with pests is one which should be enforced. In travelling about the Southern parts of Queensland one notices prickly pear growing on the roadside, and on the railway lines, too, and I think the Commissioner for Railways should not be exempted from this clause. I have noticed, between Toowoomba and Warwick particularly, prickly pear growing on the roadside and on the railway line, and before you compel people to clear their land of these pests, I think the local authorities—and the Government first always—should first keep their own premises clean. I am glad to see provision is made here to require local authorities to get a move on in this respect. Now, with regard to the danger of local authorities using poisons in the destruction or eradication of pests, of course, we know the danger is very serious, and I think there is a fair amount of provision made here to protect the owners of stock, but I think the suggestion made from this side might be very well accepted by the Home Secretary, and in addition to the notice having to be posted by the local authority, an advertisement might be inserted in some newspaper circulating in that particular locality. I do not mean an advertisement in a Brisbane paper dealing with a Northern area, or an advertisement in a Northern paper dealing with a Southern locality, but in some paper circulating in the immediate locality an advertisement should be inserted. Of course, it is understood under the Bill that if a local authority fails to post up these notices while the work is going on they render themselves liable.

The HOME SECRETARY: That is so.

Mr. LENNON: The suggestion made by the hon. member for Queenton to insert an advertisement in a local paper should be accepted, as it would not entail a very great expense. I see the Bill also deals with the valuation of lands by local authorities, and provides that these valuations shall be made in towns once at least in every three years, and in shires, once at least in five years, and it says a member of the local authority shall not be employed. I warmly approve of that suggestion, but I would ask the Minister to go a little further and make it "no member or officer of the local authority." I know

from experience that these local authority valuations are carried on by a rule of thumb. Moreover, it is the chairman of the council, or, failing him, the shire clerk, who does it, and the shire clerk, in many instances, is purely the creature of the shire councillors. His very existence depends on the goodwill of some of the large landholders, and that kind of valuation is practically worthless. There is no valuation at all. A value may be formed without any regard to the respective value of land in the area. The whole thing is fixed at 10s., 15s., or £1 an acre, perfectly regardless of the respective value of different areas.

Mr. GILLIES: It is nearly always done in the office.

Mr. LENNON: Practically always. I think the provision made in the Bill regarding the splitting up of benefited areas is a wise provision. The present clause hampers local authorities rather much in that regard, and this amendment will widen the scope and facilitate arrangement of their benefited areas for specific purposes, and I very greatly favour the proposal in that regard. With regard to the selling of lands, I have very little to say beyond this: that I think this is a wise suggestion. In some of the Northern parts of the State it is very often found impossible to find a buyer at all for land. Down in the Southern parts, where land is more in demand, and perhaps more valuable owing to a greater population, the same difficulty is not encountered, but in some of the Northern local authorities areas they cannot get a bid for some of the land, although there may be £10 or £20 overdue in rates in respect of that land, and this Bill provides that the local authority may sell one ratepayer's land along with another, or several other pieces of land in one block, so long as they can recover the amount of rates overdue on those lands. Although the owner of the land may consider it unfair to him, it must be remembered that it is unfair to a local authority if a man does not pay his rates for seven years. I think it is very necessary that those persons who are charged with the local government of the locality in which they live, whether it may be in a shire council or a municipal council, should have this power to sell land in one, two, or three areas combined, in order that they may recover rates long overdue. Of course, that power is not exercised unless rates are overdue for seven years. Any man who is interested in land in these localities has very little to complain of if he has made no effort at all for seven years to pay rates on his land. His land very often becomes a breeding-place for pests—for the harbouring of wallabies and other pests—and a nuisance to the neighbours who keep their land clean and try to benefit the district in which they live. These people who do not pay rates are, for the most part, absentees, and they do not know the trouble the residents have to endure by reason of the want of roads, and no funds to make them. The Minister went to some trouble to explain the alteration in regard to these joint bridge boards. We have heard a lot about the Burnett and some other bridges in days gone by, and from my reading of the amendment proposed, I think it will be a very great improvement in the management of these bridges, and I think the Home Secretary is to be congratulated upon making that arrangement, which I am sure will give satisfaction to the people interested in the bridges mentioned and other bridges that may exist in the future. With regard to the place of nomination, I think it is a simple matter that appeals to the common sense of everybody, and I do not think there will be any opposition from any member of the House to the proposed alteration in that respect. With regard to the bathing clause, it savours very much indeed of prudery from my point of view. In these days we have mixed bathing —I have never engaged in mixed bathing myself, nor have I ever seen it, but I regard as nothing more nor less than mere prudery the talk about reducing the age from eight years to five. I call that prudery and nothing else. With regard to the regulations respecting steam rollers, I myself have seen the red flag preceding steam rollers in many towns in Queensland, and I have always regarded it as a farce. Now, as we see motor-cars rushing about, all too rapidly, I think, this thing might very well be knocked out. Another matter that is proposed to be dealt with in the Bill is the removal, as the deputy leader of the Opposition very properly designated, of refractory chairmen. I do not know whether these refractory chairmen bear any relation to those local authority representatives who were offended at a certain remark about fossils. In many cases they have become fossilised to the chair, and think they own the whole concern. I am not exaggerating the matter when I say that some of these chairmen of local authorities think they own the whole shire, lock, stock, and barrel. Some of their sons take contracts, and some other relation holds the position of secretary, and they sit down in that chair year after year "monarch of all they survey," and they think they own the whole thing. I think such a man as that ought to be put out, and if the members of the council cannot induce him to resign, and he refuses to act according to their wishes, the Minister should be empowered, as is proposed under this amendment, to remove that refractory chairman. We know very well that nearly all the chairmen of shire councils get a small allowance for the duties they perform. If the local authorities could afford it, I am quite satisfied they would have better work done if all the shire councillors throughout the length and breadth of Queensland received some remuneration for their services. (Hear, hear!) I am quite satisfied that if the members of councils were paid, you would get a better class of candidates, and you would do away with some of the objectionable candidates who now occupy positions in connection with local authorities. I think the Bill, although a very poor thing, after all the noise that was made about it—I think these alterations are desirable ones, and will not receive much opposition from this side of the House.

Mr. BARBER (*Bundaberg*): I desire to say a word or two on this matter, as in one of the amendments, at all events, I am particularly interested. It has been pointed out that some of the amendments embodied in this measure are the result of the discussions and deliberations that have taken place at the local authority conferences each year. On reading the paper to-day, I noticed that the Brisbane Municipal Council contemplate seceding from the association. They evidently do not attach any great importance to the prestige of these local authority conferences. I regret very much that the Home

Secretary has not dealt with the question of the franchise in this measure. That is a question that has cropped up in this House every year that an amending Local Authorities Bill has been introduced. I think that the House and the country generally recognise the fact—in fact in all so-called civilised communities to-day the trend of public opinion is to place the power of electing aldermen or councillors in the hands of the whole of the qualified residents of any district. If that were done, we should have far better conditions obtaining in connection with our local authorities than we have at the present time. Anyone who attends in the vicinity of the respective polling-booths when local authority elections are taking place, cannot but be struck with the fact that there is a large amount of intriguing and scheming going on to return certain gentlemen. In many cases these gentlemen are men who hold a very large amount of property in the district.

The SPEAKER: The hon. member will be perfectly in order in referring to a principle which he considers is an omission from the Bill. But he is distinctly out of order in placing those omissions before the Chamber and debating them ad nauseam.

Mr. BARBER: Very well, Mr. Speaker, I will not deal with that any further. If the franchise was granted on the lines suggested by hon. members on this sidethis afternoon, we would have a better system of local government than we have had in the past, and the stigma which has been placed on a number of our citizens in the past would be at once removed. Last month a distinguished visitor representing some local authority—I think he was mayor of Christchurch or Auckland—paid a visit to Australia, and, after touring the various States, he pointed out, while in Sydney, that of all the places he visited in Australia, Brisbane was really the worst place, especially with regard to the accommodation at the hotels. The question of extending the time by which local authorities may grant building leases is one that I have been asked to give attention to. In one clause of the Bill the Home Secretary has acceded to the request of the local authority people by increasing the term of the lease to thirty years. I have been requested by the Bundaberg Municipal Council to favour the extension of the lease to fifty years, but, personally, I think fifty years too long. Considering the terms and conditions of the lease, I think that the twenty-one years granted under the old Act was not long enough; and I think the Home Secretary has struck a very reasonable compromise in incorporating the term of thirty years. It is a matter of considerable interest to Bundaberg, as we have one of the finest sites in the town right contiguous to the main streets lying in a very primitive state. There are no buildings erected on it, and the council are unable to secure the erection of suitable buildings on it because those who desire to build will not look at a proposal when the term of the lease is only twenty-one years. I think thirty years is a fair and reasonable time. Regarding the Burnett Bridge, the Home Secretary gave us some very valuable information on this matter. I have been interesting myself in bringing this Bill before this Chamber, and we have done all that is possible in the North Bundaberg district to get this iniquitous toll wiped out. The Home Secretary said that the whole matter rested with the Gooburrum Shire Council, in which North Bundaberg is situated, and the Bundaberg Municipal Council. On reading the clause dealing with that matter, I must congratulate the Home Secretary upon the increased power he has given to the various local authorities, which they can take advantage of when this Act comes into force. I do not intend to say anything further on that matter, but I want to see this Bill brought into operation to remove from a small number of ratepayers there many impositions they are now suffering from. Regarding the question of wiping out the pilot for steam-rollers, I think the whole affair as carried on at present is a mere farce. I have noticed that the gentleman who carries the red flag is often engaged in a quiet conversation with the man driving the steam-roller, and it is about time that such a farce was wiped out. If the Home Secretary could secure some better control over the motor-hogs driving round our suburbs he would be doing a valuable thing to the community at large. I know that when these people are in the town, where they have the keen eye of the police on them, they keep fairly within bounds, but even then in our main streets I think their speed is too excessive. I nearly got "bunged" over myself the other day. I suppose that the Home Secretary will look into this matter, too. I hope he will, at any rate, and give the police more control than they have at the present time in reducing the speed that is now indulged in. There is another matter regarding the valuation of land that I wish to speak about. The North Bundaberg Progress Association, which takes a very considerable interest in matters pertaining to that district, consider that a member or an officer of a local authority should be debarred from being a valuator for such local authority. I know that this contention will be met by the argument that the ratepayers are always safeguarded by the fact that they can appeal if they think that their valuations have been made too high, and no doubt there is a great deal in that contention. I have noticed in the outside districts that there is a strong opinion abroad that what is known commonly as "scratching each other's backs" is in existence in connection with this business of valuation. I regret very much that this Bill will not prevent that system from continuing. I do not think that an officer of any local authority should be allowed to be a valuator. I hope that the Bill will have a speedy passage through the House, and that my friends in North Bundaberg will have a New Year's gift in 1913 by having the iniquitous toll wiped out, because, as the Home Secretary has expressed himself on the matter, it was a standing disgrace to a place like Queensland that people should be called upon at the present day to have to pay a toll for the purpose of crossing the Burnett River.

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

The committal of the Bill was made an Order of the Day for to-morrow.

MINING FOR COAL AND MINERAL OIL BILL.

CONSIDERATION OF LEGISLATIVE COUNCIL'S AMENDMENT.

COMMITTEE.

(*Mr. J. Stodart, Logan, in the chair.*)

The SECRETARY FOR MINES (Hon. J. G. Appel, *Albert*): The Legislative Council proposed only one amendment in the Bill which was sent up from the Assembly, and it would be found in clause 8, on page 4. The Council deleted from that clause the words—

"And if he does so for the purpose of identifying the land, such marking shall be deemed to be the commencement of his application for the land."

The paragraph would then read—

"Provided that the applicant may mark the land before lodging his application."

He moved that the Council's amendment be agreed to. He accepted the amendment in the Legislative Assembly under a misconception, and, no doubt, the hon. member for Kennedy was under a misconception also. It was apparent that they would stultify themselves if they insisted on the clause remaining as it was when it was sent up to the Council. The whole policy of the Bill was that the application should be the initial process, and marking the land was not at all necessary before the application was made. There were two titles—the claim title and the lease title. The claim title was when the miner marked the ground and entered into possession, but the lease title dealt with the application which had been made, and which had to be ratified by the approval of the Minister. Until the agreement was entered into there was no title at all, consequently, if they allowed those added words to stand they would be stultifying the policy of the Bill. The application was not effective until the agreement was approved of by the Minister. The ground must be marked, but there was no necessity to mark it in the first instance. He moved that the Council's amendment be agreed to.

Mr. THEODORE: They had some debate upon the amendment when the Bill was passing through the Assembly, and at the time the Opposition thought the departure that was made was a good one. The hon. member for Kennedy considered that in the event of two applications being lodged at the exact time, the applicant who marked the land first should be given the greatest consideration. But if it was likely to be cumbersome, then they had no objection to leaving it out. The intention of the hon. member for Kennedy, when he moved the amendment, which was subsequently [7 p.m.] accepted and then rejected by the Council, was to make provision for the case where two applications had been lodged at the same time. It was to be decided by the warden in such a case which of the two applications should have been first lodged, but the hon. member contended that where one of the applicants had marked his land he should have priority. This did not convey what the hon. member intended, and was of no use whatever. As a matter of fact, it was confusing, because, if the applicant said he marked the land for the purpose of identifying it, it must be taken that that marking was the commencement of his application, which would not be a good state of things. Therefore, he saw no other remedy than to agree with the Council's amendment. The provision did not meet the contingency raised by the hon. member for Kennedy.

Mr. O'SULLIVAN (*Kennedy*): When the Bill was before the House he was looking after the interests of the bonâ fide prospector, and had suggested a way of getting over the difficulty. The Minister consulted the draughtsman, who preferred to put it in; but it had been struck out by the Upper House. There was now no protection at all, should any person wish to get in an application at the same time as a bonâ fide prospector, because it distinctly said it should be decided by lot. As everyone knew, if there was a bonâ fide prospector, and someone around wished to take advantage of that man's persistency in the discovery of minerals, they might go and get an application in at the same time, and stand the same chance as the bonâ fide prospector. It was regrettable that there was no provision made for the bonâ fide prospector to be protected.

Question—That the Legislative Council's amendment be agreed to—put and passed.

The House resumed. The CHAIRMAN reported that the Committee had agreed to the Legislative Council's amendment. The report was agreed to, and the Bill ordered to be returned to the Council, by message in the usual form.

DRAINAGE OF MINES BILL.

CONSIDERATION OF LEGISLATIVE COUNCIL'S AMENDMENTS.

(*Mr. J. Stodart, Logan, in the chair.*)

Clause 6—"Drainage boards"—

The SECRETARY FOR MINES: The first amendment of the Council was the insertion of the following subclause:—

"Provided that all ground which is worked together as one mining property shall for the purposes of this section be deemed to be one mine."

The amendment was the nearest approximation to what was meant by a mine for the purpose of this Bill. To his mind, it was an improvement, because it afforded a definition as to what a mine was. He moved that the amendment of the Council be agreed to.

Question put and passed.

The SECRETARY FOR MINES: On page 4, the Council had transposed clauses 13 and 14 to follow clause 17, as now printed. This was rather a convenience to the measure, and he moved that the amendment of the Council be agreed to.

Question put and passed.

Clause 13—"Rules as to contribution"—

The SECRETARY FOR MINES: The Council had omitted the words—

"Such rules shall be submitted for approval to the Governor in Council, and, if approved by him, shall be published in the *Gazette*."

He understood that the reason for the

omission was that it would probably cause unnecessary delay. These rules were matters which were entrusted to the control of the board, and concerned the domestic affairs of the board. They were matters with which the board were intimately cognisant, and the board were responsible for the discharge of their functions to the persons who elected them.

Mr. MURPHY: Would the Governor in Council be likely to interefere?

The SECRETARY FOR MINES: No; it was more a question of delay. Occasions might arise when it might be necessary, all in a moment, to make rules, and the delay consequent upon sending them for confirmation might defeat the object for which they were intended. There seemed to be considerable force in the contention, and, after conferring with the Under Secretary, he moved that the amendment of the Council be agreed to.

Mr. WINSTANLEY was sorry to hear the Minister say that he was prepared to accept the amendment. This was one of those things which should receive publication. The Minister did not pursue this course of action in connection with some of the other departments The Bill they had been considering this afternoon went to the other extreme, and where there was a dispute it had to be referred to the Minister for decision. The Minister ought to remember that there had been cases in the past, and no doubt there would be cases in the future, where members of boards were looking after their own specific interests, which would not be the interests of those who were within the control of the boards. Everybody interested in the drainage area would have votes in the election of representatives, but it was within possibility that two or three might get control of the board in a way which might not be in the interests of the drainage area, and it seemed to him a fair thing that this matter should be advertised and made public. The Minister knew very well that in times past it had often been necessary to use a strong hand in cases of this description. He thought that to do away with the advertising and making public of these rules was not in the interests of the mining people. It would be better to have the matter referred to the Governor in Council, so that there would be an opportunity of seeing whether what was being done was in the interests of the mining community.

Mr. THEODORE thought it was well in matters of this sort always to observe the principle of not allowing any authority to impose or prescribe any method of imposing taxation, without being subject to some higher tribunal. In this case the higher tribunal should be the Governor in Council. The amendment of the Council not only provided that there should be no publication, but also took away from the Governor in Council the right to intervene. Those who originally drafted the measure evidently had in their mind the necessity of the review of these rules by the Governor in Council, because it necessitated the submission of the rules to the Governor in Council, and also provided that a rule or part of a rule might be repealed by the Governor in Council. An occasion might arise whereby those miners who were subject to the board might object to the proposed method of imposing taxation, and they might want to petition the Minister. It was quite within reason that there might be a hostile minority to the representatives on the board. In some cases there might be small miners who considered they were being harshly dealt with by the board, and under that Bill, if the proviso were deleted, such men would have no protection whatever. The board might do anything it liked with regard to the making of rules which they need not publish at all, or, if they did, in any manner they thought fit.

The SECRETARY FOR MINES: They shall be published.

Mr. THEODORE: Publication might consist of putting a type-written copy outside the office of the board in question. He thought the widest publicity should be given to the publication and the minority should have the right to appeal to the Minister as was provided in the Bill when it left the Assembly. The slight delay that would arise through the publication of the rules in the *Gazette* was not a valid argument. It would never cause more than a couple of weeks' delay, and that time was infinitesimal when they considered the years that had elapsed without any boards at all being in operation. He was opposed to the acceptance of the amendment made by the Legislative Council.

Mr. MURPHY said the members of the board would have the same powers and be subject to the same restrictions as members of Parliament. They would be subject to the votes of the mineowners within the drainage area.

Mr. THEODORE: The case is more analogous to that of local authorities.

Mr. MURPHY: In very few instances was there an appeal from a local authority? Even assuming an appeal were made, was it likely the Governor in Council would go against the authority that had been brought into being. The Governor in Council recognised that the people who were dealing with the particular matter understood it better than the Governor in Council, that they were conversant with the facts of the case, and consequently were not likely to do anything that would be absolutely wrong. So far as the amendment was concerned, it simply meant that if power were given to appeal to the Governor in Council the matter had to come before the Cabinet and any alteration would have to be gazetted. Queensland was a big place, where mining fields were very scattered, and the consequence might be a great deal of delay and disruption of operations might occur through delay. In dealing with cases like that, they had to recognise such things. The proviso was proposed by Mr. Williams when the matter was before the Committee, and most of the members of the Committee thought it might be a good thing. If they went into the matter, gave it careful consideration, and looked at it from a practical standpoint, they would find that there was no great necessity for the provision that would be lost if the Council's amendment were carried. If the drainage boards were going to do mad, rash things, then the people who owned the mines would very soon shift the members of the boards from the positions they held.

Mr. THEODORE: How about the minority?

Mr. MURPHY: The minority always suffered and would continue to suffer. In

modern civilisation "might was right," politically and otherwise. The big battalions ruled all the time, and it would be always so. So far as the amendment was concerned, he did not care whether it was in or out; there was no necessity to bother about it, because he did not think that much hardship would be done to mining fields if the action taken by the Council were agreed to. There would be no interference with the drainage operations, and what they were anxious to do was to get a start with the institution of the drainage boards. Those who lived in the mining centres believed the Act would do a vast amount of good by compelling people who had hitherto objected to assist in the drainage of mineral country to fall into line with those who had been battling at heavy cost to keep down the water. That was the main principle in connection with the Bill, and assuming that they accepted the amendment, no harm would be done to the mining fields and there would be no interference with the action of the drainage boards. It was purely a domestic matter, and he presumed that every field on which a drainage area was established would see that the rules were not likely to be harsh.

Question—That the Legislative Council's amendment be agreed to—put and passed.

The SECRETARY FOR MINES said that the acceptance of the last amendment would entail a consequential amendment in the next paragraph of the clause—namely, the omission of the word "further." He moved accordingly.

Amendment agreed to.

The SECRETARY FOR MINES: The next amendment of the Council was the omission of the following:—

> "No such alteration shall take effect unless or until it has been approved by the Governor in Council and published in the *Gazette*. A copy of the *Gazette* containing a notification of the approval of a rule or alteration thereof shall be sufficient evidence of the making of such rule or alteration and of the approval thereof.
>
> "A rule or part of a rule may be repealed by the Governor in Council."

This was really consequential on the amendments already arrived at. He moved that the amendment be agreed to.

Amendment agreed to.

The SECRETARY FOR MINES said that the Council had omitted the whole of section 16, which dealt with the power of local authorities to provide the cost of works out of local funds and which section read as follows:—

> "16. Any works constructed or maintained by a drainage board under the powers conferred by this Act shall be deemed to be works for or relating to sewerage and drainage within the meaning of section two hundred and thirteen of the Local Authorities Act of 1902.
>
> "And for the purpose of providing funds to enable a board to construct or maintain any such works, the local authority within whose jurisdiction the drainage area is situated may, if it thinks fit, make and levy special rates for defraying the cost of the construction and maintenance of such works.

> "The moneys raised by any such special rate may be paid by the local authority to the board. In any such case the provisions of this Act relating to the recovery of contributions from the owners of the mines benefited by the works shall not apply."

When the Bill was before the Committee, the section had been taken from the present Act, and had simply been an alternative. The Legislative Council had decided that it would be a mistake to have the alternative, because the funds of ratepayers who had absolutely no interest in the drainage works might become involved, and, after a careful consideration of the matter with the Under Secretary, he had come to the same conclusion himself, viz., that it was better that the Drainage Board should carry out its functions irrespective of the local authority who had really no interest in the matter of the drainage of mines which were underground. Local authorities had simply to deal with the surface, and he consequently moved that the amendment of the Legislative Council be agreed to.

Amendment agreed to.

The SECRETARY FOR MINES: In section 17, and which had now become section 14, the Council had deleted the words "no drainage area has been constituted and." The section would therefore read—

> "Where the operations of efficient machinery or appliances which are employed for draining water from a mine are beneficial to another mine," etc.

Hon. members would observe the amendment made the application of the clause universal. There might be mines immediately outside the drainage area which mines would be draining into that area. If they disagreed with the amendment, those mines which were immediately outside the area but which would be affected by the operations of the Act, would not come within its provisions. Those were matters that came up when Bills were being considered and reconsidered, and in the Legislative Council there were some of the most expert men in the State, so far as mining was concerned. After receiving amendments, he carefully scrutinised them in the Mines Department, and in this particular instance he had come to the conclusion that the amendment was a good one.

Mr. MURPHY: It is an excellent one.

The SECRETARY FOR MINES said he was prepared to accept it, and he moved accordingly.

Amendment agreed to.

The SECRETARY FOR MINES: The Council had moved a further consequential amendment by the insertion of the following:—

> "If the owner of such machinery or appliances who has claimed and received such contribution desires to discontinue such operations, he shall give at least three months' notice to all contributors, and also, if a board has been constituted, to the board; and, if such owner discontinues such operations without giving such notice, or, if a board has been constituted, without the express permission of the board, he shall be liable to damages for any injury which any contributor sustains in consequence of the discontinuance:

"Provided that such owner shall not be liable for any damages on account of the discontinuance of operations, if such discontinuance was caused by accidental injury to machinery or any other cause over which he had no control, and if due diligence was exercised in repairing such injury to machinery (if any.)"

He moved that the amendment be agreed to.

Mr. THEODORE thought the amendment was something more than consequential on the previous amendment, because [7.30 p.m.] the obligation to give notice of the discontinuance of the use of certain machinery applied to the owners, within a drainage area, and if such owner discontinued such operation without giving notice, he was liable to damages. He did not say that was a bad provision, but it might impose a considerable hardship upon a mine which suddenly decided to abandon operations because, perhaps, of a fluctuation in the metal market, outside altogether of the operations of the drainage board. However, individual hardship might be justified because of the common good.

Question—That the Legislative Council's amendment be agreed to—put and passed.

The SECRETARY FOR MINES: The Legislative Council had incorporated in the Bill a provision including regulations now in existence under the 1908 Act. The Council were of opinion that they should properly form part of the Bill, and he, after consultation with the Under Secretary, had come to a like conclusion. They were already in force, but the regulations were such that they should form part of the measure itself. He moved that the Legislative Council's amendment be agreed to.

Mr. THEODORE asked whether the amendment of the Legislative Council did not also involve the Crown? Did it not cast an obligation on the Crown and make it responsible for a mine in which water had accumulated, if that water caused injury to an adjoining mine?

The SECRETARY FOR MINES: The King can do no wrong.

Mr. THEODORE: There were abandoned mines which contained large bodies of water, and they were a source of constant danger to those near by, and if the obligation was cast on the Crown to be responsible for them, it was a pretty big undertaking.

The SECRETARY FOR MINES assured the hon. member that there was no obligation cast on the Crown. As he had already mentioned, the regulations were in existence at the present time; but, quite outside that fact, there was no obligation on the part of the Crown.

Amendment agreed to.

The SECRETARY FOR MINES: The next amendment of the Council was the addition of a new clause (16), which provided that—

"The provisions of the two last preceding sections apply to all mines whatsoever, whether situated within a drainage area or not, and whether situated upon Crown land or upon private land or elsewhere, and upon whatsoever tenure any such mine is held."

That would include mines situated upon

private land which had not hitherto been included, and which were held not to be liable by a decision of the full court. He thought it was a very useful provision, because all mines should be subject to the operations of the Bill.

Amendment agreed to.

The SECRETARY FOR MINES: The Legislative Council had inserted a further clause (17), which provided that—

"Every board shall provide and maintain plans of the drainage area showing the positions of all dams, flood-gates, and other works constructed by the board.

"All known natural features likely to influence or permit of the flow or percolation of water, and all connections between mines, shall be clearly shown thereon.

"All depths and levels marked on such plans shall refer to a common datum.

"In the event of an appeal from the board's assessment to the warden's court, the said plans shall be produced for its information if it so requires."

That was a most useful provision, and he moved that the amendment be agreed to.

Mr. WINSTANLEY said the Council had put in some important provisions, and had struck out others which were just as important, and the probabilities were that the Minister would find that some of those amendments were not so simple and so plain sailing as he imagined. He rose for the purpose of asking whether those plans would be made available for the inspection of the public. It was a well-known fact that under existing conditions it was rather a difficult task for anyone to get a look at existing plans, even on payment of a small fee. Those plans ought to be available for public inspection.

The SECRETARY FOR MINES: So they will to all ratepayers.

Mr. WINSTANLEY: There were a number of people interested besides ratepayers. Some persons might want to take up land somewhere else apart altogether from those people, and it might be of much concern to them to know where to sink their shaft. If they knew they were going to strike a waterhole, the probabilities were they would keep away from it. There were a number of instances that could arise when it would be only fair and reasonable to allow those interested to have access to the plans.

Mr. THEODORE thought the suggestion made by the hon. member for Queenton was one which should be accepted. As the hon. member had pointed out, any body of prospectors who proposed to do development work might have to sink a shaft, and if they knew they were in the vicinity of a body of water, they would be guided in their action if they could inspect the plans and see exactly where the danger lay.

The SECRETARY FOR MINES suggested that the hon. member should move the insertion after line 46 of the words, "A copy of such plan shall be lodged with the warden and shall be available for public inspection."

Mr. MURPHY: You are putting them to a lot more expense.

The SECRETARY FOR MINES: It would be a mere copy. A copy would be sufficient, and if the hon. member would move an amendment in that direction, he was prepared to accept an amendment.

Mr. WINSTANLEY was glad the Minister was prepared to accept an amendment. His own conviction was that the warden's office was the place where people went as a rule to get information concerning those things, and that is where a copy should be kept. He did not think it would incur any great expense, and therefore he moved that the words, "A copy of such plan shall be lodged with the warden, and shall be available for public inspection," be inserted after line 46. He was quite satisfied that would be an improvement.

Amendment agreed to: and Council's new clause, as amended, put and passed.

The SECRETARY FOR MINES: The Council had made a further amendment on page 7, line 16, adding a new subclause, empowering the board to grant an allowance to the chairman to cover his expenses. It was pointed out that the chairman of a drainage board would have a very large amount of responsibility; he would have to do a considerable amount of work, and would have to give a large portion of his time to his duties, and power should be given to the board, as in the case of local authorities, to make some allowance to the chairman to cover his expenses. He thought that was a reasonable proposition, because there was no doubt that the chairman of a drainage board, say in Charters Towers, would have a considerable amount of work cast upon him, and that being so he moved that the amendment of the Legislative Council be agreed to.

Council's amendment agreed to.

The SECRETARY FOR MINES: A further amendment of the Legislative Council, at the bottom of the page, read that the Governor in Council may from time to time make regulations for—

> "(9) Generally for carrying into effect the objects and purposes of this Act."

This gave a wide scope to the Bill, but perhaps it was necessary in making regulations which had to be submitted and approved of by the Governor in Council. He moved that the amendment of the Legislative Council be agreed to.

Amendment agreed to.

The House resumed. The CHAIRMAN reported that the Committee agreed to one of the Council's amendments with an amendment, and agreed to all other amendments in the Bill.

The report was agreed to, and the Bill ordered to be returned to the Legislative Council with the following message:—

> "Mr. President,—
>
> "The Legislative Assembly, having had under consideration the Legislative Council's amendments in the Drainage of Mines Bill, beg now to intimate that they—
>
> "Agree to new clause 17 with the following amendment:—
>
> "After line 46 add the words—'A copy of such plans shall be lodged with the warden, and shall be available for public inspection,'
>
> "in which amendment they invite the concurrence of the Legislative Council,
>
> "And agree to all other amendments in the Bill.
>
> "WM. DRAYTON ARMSTRONG,
> "Speaker.
>
> "Legislative Assembly Chamber,
> "Brisbane, 1st October, 1912."

BRISBANE EXHIBITION LANDS BILL.

COMMITTEE.

Clause 1 put and passed.

On clause 2—"Exhibition lands to vest in Crown"—

Mr. HUNTER (*Maranoa*): The clause dealt with the piece of land which it was proposed to take over, and also with a deed of grant issued in respect of such land. It also absolved the trustees from the liability in which they were involved. On the second reading he intimated that at the Committee stage he would have something further to say about it. He still thought, notwithstanding that the Chief Secretary said no favour was being shown, that the National Association was singled out for exceptional favour. One had only to glance at the plan that had just been submitted to the deputy leader of the Opposition, and to look at clause 2, which said that the deed of grant was to be cancelled. The grant was given to trustees in times past, and the Bill of mortgage registered against the trustees showed that £30,000 had been advanced by the Treasurer. That deed was going to be cancelled and the whole debt wiped out. In the first place, it was not a usual thing for the Treasurer to advance money to any show or race club or any other trustees appointed by public bodies to take charge of grounds. His experience was that trustees appointed to take charge of land for shows or race clubs or schools of arts or cemeteries, if they wanted money they would have to go to a banker and become guarantors for whatever they wanted, and be personally responsible for that amount. The trustees in this case, however, had been dealt with very generously. Of course, the trustees had gone, and the Treasurer was unable to follow them. The Treasurer had no chance of recovering the money lent to the trustees. Another body of men had come into possession, and they had the land now with all the advantages of that £30,000 except for the building used as a museum. And they had all those advantages for a peppercorn rental. If they looked at the thing fairly and squarely they would see that there was exceptional favour being shown. If these grounds were for the general use of the people of Brisbane it would be a different matter. The whole of the taxpayers of Queensland had contributed to that £30,000, not merely the people of Brisbane, and the grounds were reserved for a special purpose. Cricketers, footballers, and other sporting bodies could not have the free use of the ground that might have been expected, seeing that the grounds were provided out of the public funds. Before the Committee agreed to wipe out the £30,000 of debt they should have it stated in the Bill that the sporting clubs of Brisbane should have the free use of those grounds. Then there might be some excuse

for the Committee wiping out the debt. They should not wipe out the £30,000 of debt and allow the grounds to be held entirely under the control of the National Association if they were doing the fair thing to the general taxpayer. He had no wish to prevent the National Association from using the grounds for the purposes for which they wished to use it, but for ten months in the year the National Association did not require the use of the grounds at all. It was not wanted for exhibition purposes then, and some provision should be made that if the general public required the use of the grounds it should be at their service.

Mr. MURPHY: They get it at a cheaper rental.

Mr. HUNTER: It was only provided at the present time that a peppercorn rental should be paid, but the public interest had to be served, and it could only be done by making the provision that he had mentioned. It was not desirable that they should hamper the association, although they made good profits out of their shows. This year they made £3,500, and last year it was something approximating that. The association should be encouraged, because it was doing good work for the State, although it was no greater work than that which was being done by the smaller associations pro rata according to their population. In all parts of the country these associations [8 p.m.] were doing good work. The National Association had a much larger field, and were very patriotic and enterprising in the management of their shows. He had no desire to say anything against the association in that respect, but they must be just before they were generous. He thought they were rather generous in this matter, but to some extent they might be excused for being generous if they also protected the general public in the direction he had suggested.

Mr. PAYNE (*Mitchell*) thought the general public should have a larger share in these grounds, which belonged to the people of Queensland. The £30,000 which the Government had advanced was the taxpayers' money. The National Association had been treated very liberally indeed, seeing that they had been given £30,000, and he did not think it was a fair thing to make an exception by handing them over £30,000. They would not give an inland town £1 10s.

The SECRETARY FOR AGRICULTURE: Have you a showground at Longreach?

Mr. PAYNE: Yes.

The SECRETARY FOR AGRICULTURE: Where did you get it?

Mr. PAYNE: Did you give them any endowment to build it up?

The SECRETARY FOR AGRICULTURE: Did they get the land given to them?

Mr. PAYNE: Yes. The Minister was trying to make believe that the Government had given a great deal away when they gave land worth about £20 or £30, but had the Government helped to erect the fine sheds which were there? It was the people of Queensland who erected the buildings on the showground.

The PREMIER: Which buildings do you refer to?

Mr. PAYNE: The whole of the buildings.

The PREMIER: Sheer nonsense!

Mr. PAYNE: Who erected them?

The PREMIER: The National Association themselves.

Mr. PAYNE: Where did they get the money?

The PREMIER: The whole of their grandstands and buildings were erected by them.

The SECRETARY FOR AGRICULTURE: Not the grandstands.

The PREMIER: You do not understand it a bit. (Laughter.)

Mr. PAYNE: Perhaps he understood a little bit about it. The Premier did not know everything. (Laughter.) The people of Queensland, by advancing £30,000 in other ways, had built up those grounds, and the least the Governor in Council could do was to have the grounds opened up for recreation purposes.

The SECRETARY FOR AGRICULTURE pointed out that the object of introducing the Bill was to give a title to the land. At present, their title was comprised in the following documents—the bill of mortgage, the collateral security of the deed, and two documents, in one of which Sir Hugh Nelson in 1897 informed the National Association that he was going to enter into possession; the other instructed Mr. Peter McLean to enter into and take possession of everything in connection with the grounds on behalf of the Treasurer of Queensland. On that title, for the last fifteen years, they had been leasing the ground to the National Association. The Bill of mortgage entitled them to enter into possession of the land, and of all buildings, etc., erected thereon, and either to lease same or sell them by public auction; but they wanted to get the fee-simple of the land, and that was the reason why they introduced the Bill.

Mr. HUNTER: That is one of the reasons—there is another reason as well.

The SECRETARY FOR AGRICULTURE: The hon. member seemed to know more about the matter than the Government. The whole of the area was divided into three sections. There was an area of 3 acres 3 roods 11 3/10 perches, on which the Museum was built and the gardens were situated. The next area was 3 acres 1 rood 10 perches, at present leased by the Government to the Woolgrowers' Association, at £150 a year, for a term of years.

Mr. FORSYTH: Who gets the £150?

The SECRETARY FOR AGRICULTURE: The Government. The third area was 16 acres 1 rood 21 and 3/10 perches, on which the ring was erected and the grandstands, shed, and everything else were placed. All the grandstands, sheds, and everything else had been put up by the National Association out of their own funds, and not with one penny of the money originally borrowed from the State. The original money went into the brick buildings and the annexes, which at the present time the Government retained in their hands and which they did not propose to lease.

The SECRETARY FOR RAILWAYS: We have the organ there.

The SECRETARY FOR AGRICULTURE: Yes. After having obtained the deed for this land they proposed to lease to the National Association the 16 acres 1 rood 21 and 3/10 perches, at a peppercorn rent, on the terms and conditions which the Governor in Council thought fit. It had been

pointed out that they were doing something for the city of Brisbane which had not been done for any other place in Queensland. The hon. member for Maranoa had a showground in his district, which was granted by the people of Queensland to the people of Roma.

Mr. HUNTER: We did not get £30,000 with it.

The SECRETARY FOR AGRICULTURE: When they took into consideration the number of people in Roma at the time the grant was made to them, and the population of Brisbane, it would be found that on a per capita basis the people of Roma had been treated better than the people of Brisbane in regard to this area of land, and the same argument applied wherever a showground was granted. It was land granted by the Crown to the people of a district, in order that they might have a showground. In the city of Brisbane there was no opportunity to make such a grant, because land was not available, and the Crown then did for Brisbane what it had done elsewhere—it enabled them to purchase a certain piece of ground—and, in order that they might purchase that land, the money that they would have received by way of endowment had been taken from them all these years, and gone in payment of the land, other than the £30,000 borrowed for the purpose of putting up the expensive buildings in which the Museum was now housed, and which were in possession of the Crown.

Mr. MURPHY: Do you propose to put them on the same basis as other showgrounds now, and pay them the same subsidy?

The SECRETARY FOR AGRICULTURE: On the same footing as other showgrounds they would get a subsidy not exceeding £200. The document he had in his hand was very carefully scrutinised by one of the trustees appointed under it—Sir Samuel Griffith. There was a clause which read—

> "We hereby acknowledge as such trustees as aforesaid for ourselves and our successors in office but not so as to make us or them personally liable in any way for payment of money or other covenant with the said Sir Thomas McIlwraith and his successors in office (hereinafter called the Colonial Treasurer)——"

and so on.

Mr. HUNTER: That £30,000 really became a grant?

The SECRETARY FOR AGRICULTURE: So far as the obligation rested upon the trustees to make it good, it was to all intents and purposes a grant. But the obligation was there under which the Government could recover the land and the buildings, and they had recovered them. The vital part of the Bill was: Were they going to recover the title?

Mr. HUNTER: You can do it without this Bill.

The SECRETARY FOR AGRICULTURE: They could appoint new trustees, if they could get three men to occupy the position for the purpose of becoming defendants in a Supreme Court action. The Government would have to proceed against them by a Supreme Court action to obtain recovery of the property; that was the only other way open to them. He asked hon. members why they should waste valuable time in discussing the matter, for if they did not want the Crown to recover possession of the land they should wipe the clause out and then the Crown would be in the same position that it was now. It could continue to lease the land to the National Association. The clause before them was the one by which they were seeking to obtain recovery of the Crown's title, and he could not put it any plainer to hon. members.

Mr. HUNTER did not quite follow the Hon. the Minister in the matter. So far as he could see the Minister was perfectly safe and secure, and the only body that was not secure at this moment was the National Association.

The SECRETARY FOR AGRICULTURE: They do not come into it at all, except as tenants.

Mr. HUNTER: The lands were held by the Crown as mortgagees. As soon as the Bill became law the Minister would get his title, and the Crown would come into possession of all the land and improvements. The buildings were now on the ground, and afterwards a lease would be granted. He supposed that under the lease the buildings would become the property of the National Association.

The SECRETARY FOR AGRICULTURE: The property of the Crown.

Mr. HUNTER asked whether he was to understand the National Association would have no claim upon the buildings?

The SECRETARY FOR PUBLIC LANDS: It could not be otherwise.

Mr. HUNTER: He was surprised at a legal gentleman like the Hon. the Secretary for Lands making such a statement. The hon. gentleman knew that under a lease it could possibly be otherwise.

The SECRETARY FOR PUBLIC LANDS: It is possible for a man to remove his improvements erected under a lease, but, as you know, it is very unusual.

Mr. HUNTER: The hon. gentleman was trying to deceive the Committee, but he knew perfectly well that members were not so easily gulled. It was quite a common practice for a tenant to have the right under a lease to remove buildings, or there was still another course. A building might be bought by the lessor at a valuation. Both those courses might be adopted, and the Committee was entitled to know which was going to be followed in the present instance.

The SECRETARY FOR PUBLIC LANDS: You know that it is only temporary improvements that are, as a rule, removable.

Mr. HUNTER: It was a matter of arrangement between the lessee and the lessor, and he wanted to know what the Minister proposed to do. The clause was the vital part of the Bill, and while the Minister had said that the reason for bringing the measure before the Committee was to get a title to the land, he (Mr. Hunter) said that it was one of the reasons only. Another reason was to cancel that £30,000 which hung like a sort of millstone or as a sort of ghost about the National Association.

The SECRETARY FOR RAILWAYS: The Crown holds the security.

Mr. HUNTER: The Crown would rather have the money. The Crown did not want the buildings nor the land, but they wanted the £30,000. The hon. member had made

use of the fact that every little town or hamlet had its showground, and that in that respect Brisbane had not been treated any better than other places.

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

Mr. FORSYTH argued that it would be a very good thing if the Bill were passed, as the Government was fully entitled to get its title. They were now mortgagees in possession, and he did not think there was ever much chance of their getting the £30,000. The National Association had spent a very large sum of money out of its own funds in improving the property, notably the erection of a large grandstand.

Mr. HUNTER: With some of the money which should have gone to pay this debt.

Mr. FORSYTH: The whole of the property had passed out of the hands of the National Association, and they were practically giving up everything they had got and all they had spent.

Mr. HUNTER: Is that a fact? Are you quite sure of it? I would like the assurance of the Secretary for Agriculture on that point.

Mr. FORSYTH: All the money the association has spent on the grandstand and on other buildings would become the property of the Crown. The association could not take away the grandstand. The passing of the Bill would place the Government in a better position than that of being simply mortgagee, and having got their title they could do what they liked with the land. It was only fair that the National Association should be allowed to get the use of the land at a reasonable rate, for after all the association was doing a great deal of good right throughout Queensland, and he hoped the Bill would go through.

Mr. HUNTER said he would like the Minister to endorse the statement of the hon. member for Murrumba.

The SECRETARY FOR AGRICULTURE: What statement do you want endorsing?

Mr. HUNTER: He wanted the assurance of the Minister with regard to the correctness of statements of the member for Murrumba regarding the buildings erected by the National Association on the Exhibition grounds.

The SECRETARY FOR AGRICULTURE thought he had made it clear that the National Association had no title to anything at all on those grounds.

Mr. HUNTER: And the lease is to contain no title?

The SECRETARY FOR AGRICULTURE: So far as he was aware, the lease would contain no title. The lease would be a matter for arrangement after they had obtained the power to give a lease under the next clause. They had not drafted the lease, and they were not going to attempt to draft it until they got possession of the land and were absolutely in command.

Question—That clause 2 stand part of the Bill—put and passed.

On clause 3—

Mr. FORSYTH: This clause provided for the leasing of the land on such terms as the Governor in Council might think fit. He asked what became of the revenue derivable from, say, a cricket match played on the ground? He supposed it went to the National Association.

The SECRETARY FOR AGRICULTURE: Yes.

Mr. COYNE: And they pay nothing in the shape of rent?

Mr. MURPHY: And all their members go in free.

Mr. FORSYTH: Members of the association did not go in free, because they had to pay a guinea a year for the privilege. He was not sure what became of the funds from football matches—whether they were returned to the Government, or whether retained by the National Association, but he gathered from the Hon. the Minister that they were retained by the National Association.

The SECRETARY FOR AGRICULTURE: If hon. members went to the National Association's grounds they would see how excellently they were kept, and what beautiful surroundings there were there. To bring those grounds to that condition and to maintain them in that condition meant the expenditure annually of a large sum of money. The association had to keep several employees throughout the whole of the year in order that the grounds might be maintained in that condition. Their object was that, when their annual gathering took place, the whole grounds might be beautiful for those persons who came to see them. But because that was their object, there was no reason why they should allow all and sundry to come into those grounds in the interval, knock them about, destroy the turf, and leave things in such a condition that, when show time arrived, everything would look dilapidated. If people came to use the grounds, and wished to make a profit out of them, there was no reason why they should get them for nothing. The contention was, in some quarters, that there should be free entrance.

Mr. COYNE: No; members of the National Association should not be admitted free; they have no right to be admitted free to the sports.

The SECRETARY FOR AGRICULTURE: Why should members of the National Association be put in a position absolutely different from every other association of a similar kind or of every race club in existence in Queensland? Every member of a race club had free admission to the grounds on every day they were open.

[8.30 p.m.]

Mr. MCCORMACK: Are members of the National Association allowed to attend concerts in the Exhibition Hall free of charge?

The SECRETARY FOR AGRICULTURE: No. That was outside altogether. They had just passed a measure which would give local authorities power to borrow money for the purpose of providing recreation grounds in various parts of Queensland. He believed that a local authority could not have too many recreation grounds, but he did not see any reason why they should put a limitation upon the National Association as to the charge they might make for the use of the grounds, bearing in mind that they had beautiful grounds and very excellent conveniences for the public of Queensland.

Mr. GILLIES was glad the remarks of members of the Opposition had the effect

of inducing the Minister to take the Committee into his confidence and explain the true position with regard to the £30,000 loan. After hearing that explanation, he thought there was some justification in granting the National Association a lease of that area at a peppercorn rental. He would like the Minister to give the Committee the assurance that the lease to be granted to the National Association would only comprise the 16 acres to which they were entitled.

The SECRETARY FOR AGRICULTURE: I will give you that assurance, because I have told you so half a dozen times already.

Mr. GILLIES: The hon. gentleman did not mention the area. The total area was 23 acres. There were three distinct areas, and he would be glad to have the assurance that the National Association would only get a lease of the portion to which they were entitled.

The SECRETARY FOR AGRICULTURE: That is so, and the middle portion for one month.

Mr. MURPHY: The Opposition were not advocating that the public should have free entry into those grounds. The point was this: Under the lease to the National Association they were empowered to charge a rent to sporting bodies for the use of the ground, and they should not also have the right to say to the members of the National Association, "You can enter these grounds free on all occasions." Most people paid the guinea principally for the purpose of attending the show.

The SECRETARY FOR AGRICULTURE: You look at the articles of association. That guinea allows them free entry on all occasions.

Mr. MURPHY: They had just wiped off an indebtedness of £30,000 and were entering into a new arrangement, and when the matter had been trusted to Parliament to deal with, Parliament had the right to fix the terms and conditions upon which the lease should be granted. If the Crown liked to insist that the National Association grounds should be rented for sporting fixtures, such as football or cricket, at a certain price, the Crown would also have the right to say that on those occasions everybody would have to pay for admission, even members of the National Association. Take the case of the Hospital Cup. Recently there was a fixture between the Past Grammars and Christian Brothers Football Clubs, and the whole of the proceeds were to go to the Brisbane Hospital, and days before that fixture was to take place, in the columns of the Brisbane papers there were appeals to members of the National Association not to use their passes, because the proceeds would go to the Brisbane Hospital.

The HOME SECRETARY: And they did not.

Mr. MURPHY: Quite so. Take the big interstate football fixtures between New South Wales and members of the Brisbane Rugby Union. The Rugby Union was put to a good deal of expense in bringing the New South Wales players here, and they leased the ground from the National Association. The National Association was in a position to charge any rent it liked, and in addition to that every member of the National Association had the right to enter those grounds free. That was the point that had been raised. The State had treated the National Association fairly well, and all some members of the Committee were asking was that the National Association should treat the public fairly. Members of the Committee had only asked that the Secretary for Agriculture should go into the matter and see whether some fairer treatment could not be given to some of the sporting clubs. It was all very fine for the hon. gentleman to point out that they had passed a law under which municipal authorities could procure other recreation grounds. During the cricket season or football season, when a number of clubs were playing, several grounds were required. Members of the Committee had no desire to interfere unduly with the National Association, but they asked that the Minister should give this matter his earnest consideration when giving instructions for the preparation of the lease. They were all agreed that the National Association was a body which did good work, and they recognised that they should have full control of the grounds, and they were only asking for some consideration from them for sporting bodies.

Mr. WELSBY (*Merthyr*) pointed out that the fee for membership of the association was £1 1s. per year, and ladies 10s. 6d. a year. Any person in Queensland could become a member on paying that fee, and any member of a football or a cricket team could do so too. That fee entitled any member of the National Association to enter their grounds free. The only day on which the ground was practically closed to members was on Hospital Cup day, and surely members of the National Association were sufficiently patriotic or sympathetic or charitable enough to forego their tickets on such a day. He knew that on the last occasion the Hospital Cup was played, members of the Association did not use their tickets. The Secretary for Public Instruction was president of the Rugby Union, and he (Mr. Welsby) was vice-president, and on that day they waived their tickets for the football club and waived their tickets for the National Association, and many of them paid the hospital a very high compliment by doing that and by giving to the hospital a large amount of money. A great number of the members of the association used their tickets for the show only.

Mr. O'SULLIVAN: Country members, undoubtedly.

Mr. WELSBY: Many Brisbane residents, too. He was a life member of the Rugby Union, and a life member of the Cricket Association, and he could go into the grounds at any time of the year by showing his medal for the National Association or his paper tickets for the sporting clubs to which he belonged. Any member of the House who liked to pay his guinea a year to the National Association would also be at liberty to go into the grounds at any time of the year.

Mr. FOLEY: Suppose every member of the association went in, there would be 2,000 for a start.

Mr. WELSBY: They would not be likely to do that, because a great number of persons paid their guineas in July just to go to the Exhibition, and they rarely went to

a cricket or football match. The Government were wise in bringing the Bill forward. As the Minister for Agriculture said, there was no money passing over the transaction. The Government were just taking over the fee-simple, and were making the National Association perfectly free so far as the grounds were concerned. He looked on the Bill as a first-class measure.

Mr. COYNE (*Warrego*): No one suggested that the National Association should not charge rent to anybody who used their grounds, but what they objected to was the action of the members of the National Association in franking themselves into the grounds whilst sporting clubs were using those grounds. When a club paid rent for the use of the ground it was the owner of that ground for the time it used it, and what right had anyone else to come into the ground by reason of some fictitious right it had got.

Mr. WILLIAMS: Because they pay their guinea a year.

Mr. COYNE: They paid their guinea a year to attend the ground while the National Association business was carried on.

Mr. TROUT: They want to get as much as they can for their guinea.

Mr. COYNE: A member got more than a fair cut for his guinea now. They knew that the Oddfellows' halls in different places were let sometimes for various functions. Suppose a dramatic society came along and rented the hall, what would they say if every Oddfellow came round and wanted to go into the hall free of charge? They simply would not admit them. The same thing applied to the sporting bodies at the Exhibition ground. The National Association had done a good deal for Queensland, but it had done a good bit more for Brisbane than for the rest of Queensland. Seeing the thousands that were brought into Brisbane at that time of the year, it was only right that the Brisbane business people should pay their guinea for admission during the time the National Association's business was carried on. Members of the National Association had no right to use their privileges when the sporting clubs used the grounds and paid rent for it. There was nothing just about that, and it would be no good in equity in any court in the world. The Minister should make some provision in the lease that they might charge rent to sporting clubs, and allow the clubs to charge everyone who attended the sports.

The PREMIER: If these tickets do not admit the holders free, then the association would charge a higher rate for the ground.

Mr. MURPHY: They charge 15 per cent. of the proceeds now.

Mr. COYNE hoped the Minister would see that some provision was made that the lease would be revoked if the buildings were not kept in a perfect state of repair.

The SECRETARY FOR AGRICULTURE: That is contained in all leases.

Mr. COYNE: But in this case they made a present of £30,000 to the National Association. They did not run the country shows on those lines. He hoped the Minister would see that some provision was made to look after the property.

The SECRETARY FOR AGRICULTURE: For the information of members, he could tell them that the lease would be drafted and provided by the Crown law officers, and it would contain all the safeguards so far as the interests of the State were concerned that it was possible to put in. The association had no tenure at all except from year to year.

Mr. HUNTER: The Crown Law Officers will only put in what you tell them.

The SECRETARY FOR AGRICULTURE: An association which put up expensive buildings would not be likely to neglect them when they had a lease before them that would enable them to do something substantial. He gathered from the speeches of hon. gentlemen opposite that they desired that the Governor in Council should give consideration to the terms of the lease, and he could assure them that their wishes would be carefully considered. They would safeguard the interests of the people of Queensland in every way they could, and also do the best they could for the National Association. That was all they could reasonably ask. In reply to the hon. member for Burke's suggestion, he could assure him that careful attention would be given to every detail of the lease. Nothing further could be said on the clause except by way of emphasis, but there was no need to emphasise it, and he hoped the members would allow the clause to go through.

Mr. LENNON: He had a few words to say by way of emphasis. The Minister for Agriculture told them that the Crown Law Officers would put in all the safeguards in preparing the lease to protect the public. Everything that existed between the National Association and the Government in the way of a lease, and anything else, would be wiped away and a new lease would be substituted. He would like to know if the rights of the Acclimatisation Society were safeguarded in the new lease. The National Association used to pay £750 a year to the Acclimatisation Society.

The SECRETARY FOR AGRICULTURE: We paid that.

Mr. LENNON: The Government came to the rescue and paid that money to the Acclimatisation Society.

The SECRETARY FOR AGRICULTURE: That society gets every ounce of its flesh.

Mr. LENNON: Under this new arrangement the Acclimatisation Society would be absolutely brushed aside.

The SECRETARY FOR AGRICULTURE: It has no interest in that land any more than you have.

Mr. LENNON: And the Government would not go on unless there was some assurance from the Chief Secretary. He was under the impression that the hon. gentleman had given an implied promise that he would continue the payment of £750 per year.

The PREMIER: To whom?

Mr. LENNON: To the Acclimatisation Society.

The PREMIER: I could not have said that, because I regard it as a needless institution.

Mr. LENNON: It might be a needless institution, but he understood that there had been certain implied promises made by the hon. gentleman, under which the trustees of the society had spent a lot of money in making the grounds attractive. They had thrown open the grounds to the general public, he believed, on the suggestion of the Chief Secretary, as a public park. Bands played there, and it had become a popular resort. He would like to know from the Chief Secretary if he was going to give any assistance to the Acclimatisation Society, as he understood that the hon. gentleman had given some such assurance? Did the hon. gentleman admit that? The trustees who had the fee-simple of the land had thrown it open as a public park, on the representation of the Government, and were entitled to some consideration. He hoped that the Premier would see that the claims of the Acclimatisation Society were not disregarded.

The PREMIER: Outside the area of land under cultivation—the proportion which was occupied as a garden by the Acclimatisation Society—there was another area that was a disgrace to Brisbane.

Mr. LENNON: It is.

The PREMIER: And it was a proportion of that disgraceful part that had recently been purchased, and would be included in a lease to the National Association. There still remained a part not acquired by the National Association, and not enclosed in the fence of the Acclimatisation Society—uncared for and unkept—and in the hope that that portion might be cared for, last year an arrangement was made with them to look after it. The first proposal was to acquire 5 acres of the rough land. The National Association represented that that area was not sufficient, so it was enlarged. When the proposition was for 5 acres, that left a small portion, which his predecessor, Dr. Kidston, regarded as an independent park. But, consequent upon the National Association increasing its area, the remainder became too small to be treated as an independent section. Last year arrangements were made with the Acclimatisation Society to look after that portion of land which belonged to them, but over which they were taking no care or regard. Whether that would be continued was a matter to which he had really not given due consideration.

Clause put and passed.

Schedule and preamble put and passed.

The House resumed. The CHAIRMAN reported the Bill without amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

COMMITTEE.

(*Mr. J. Stodart, Logan, in the chair.*)

Clauses 1 to 4, inclusive, put and passed.

On clause 5—" Amendment of section 9 "—

Mr. HUNTER asked the Minister to explain the clause in which standard weights were set down. He did not quite understand it.

The SECRETARY FOR AGRICULTURE: There were certain amendments in regard to standard weights. For instance, in avoirdupois weight there was an addition made of one-half drachm. In troy weight, the new weights were 500, 400, 300, 200, 100, 50, 40, 30, 20, and 10 ounces. Originally, it commenced with a 6-lb. weight, and went on all down the way to the smaller weights. Instead of having grains and dwts. in the second column, they would now see .05 ounce, and so on to .01 ounce, which were all new weights. Then in the apothecaries' weights there had been an omission; for instance, the 5, 10, and 20 ounces—20 oz. equivalent to 1 pt., 10 oz. to ½ pt., and 5 oz. to ¼ pt.—had been omitted. Then the half-grain was new, but some of the drachms were omitted. All the weights were enumerated in the original Act, and the differences which appeared in this Bill were easily distinguished. The Treasury in their operations found it more convenient, and more in conformity with the conditions which prevailed elsewhere, to have these weights as they were set forth in clause 5.

Mr. HUNTER: In what respect?

The SECRETARY FOR AGRICULTURE: That was the information supplied to him by the officers who were carrying out the work.

Clause put and passed.

On clause 6—"Amendment of section 12"—

Mr. HUNTER asked the Minister to explain why the change was being made with regard to the standard weight for broom millet.

The SECRETARY FOR AGRICULTURE: The reason was to conform to the method that prevailed in America and New South Wales. It was something which had been asked for by our own producers of millet—they asked that they might be permitted to sell by the short ton instead of the long ton. The traders possibly might prefer the long ton, but this brought it into conformity with the practice which prevailed in America and in New South Wales.

Clause put and passed.

Clauses 7 and 8 put and passed.

On clause 9—" Amendment of section 21 "—

Mr. HUNTER would like the Minister to explain this amendment. The words, " he is requested by the owner " were repealed, and the words " in his opinion it is necessary " were inserted in lieu thereof.

The SECRETARY FOR AGRICULTURE: With regard to that, section 21 of the principal Act provided—

> " It shall accordingly be the duty of the inspector to adjust, verify, and stamp every such weighing instrument when and so often as he is requested by the owner so to do."

It was contended that because of that provision the Government had no right to go in at any time for the purpose of adjusting the weights unless they were requested by the owner. If the owner was a person who was giving short weight, he was not likely to ask that the weights should be adjusted, and this clause was to make it clear that the

inspector could go in at any time to places, irrespective of the desire of the owners, and test the weights to find if they were correct.

Question put and passed.

On clause 10—"Amendment of section 23"—

Mr. HUNTER: This was a long clause, but under it there was nothing to prevent a person whose scales had been found out of order continuing to use them. He was simply given fourteen days' notice to put them into proper order.

The SECRETARY FOR RAILWAYS: He does not forfeit his property.

Mr. HUNTER: To him fourteen days seemed too long.

The SECRETARY FOR AGRICULTURE: He cannot use the scales.

Mr. HUNTER: He might use them.

The SECRETARY FOR AGRICULTURE: You know more about it than I do.

Mr. HUNTER: The hon. gentleman must know that it was a practice that the inspectors were desirous of putting down. If wrong practices were not followed, there would be no necessity to pass Acts of this kind, and he reiterated that fourteen days' notice was too long.

The SECRETARY FOR AGRICULTURE: It depends, of course, upon the locality.

Mr. HUNTER: As a matter of fact, each inspector should be able to adjust scales without having to send them away at all. A man who was using the scales that were out of repair, and did not know it, might continue to use them, and there had been instances of where that had occurred. If the hon. gentleman turned up the records of his office, he might get more than one case in his own town. He thought that action had been taken against some people in Toowoomba many years ago, and perhaps the hon. gentleman might have been an employee of one of those firms.

The SECRETARY FOR AGRICULTURE: No.

Mr. HUNTER: He was rather inclined to think the hon. gentleman was. However, if the scales were out of repair, they should immediately be put out of use, and he thought the provisions of the clause were altogether too liberal for scales of that description. It was quite true that in the case, say, of Camooweal, a man might not be able to get his scales repaired within a fortnight. Perhaps the difficulty might be got over by having a sliding scale as to time. He thought that seven days were ample, and, so far as he was personally concerned, he would give twenty-four hours in which to get scales in order. If a man had scales that were not working properly, twenty-four hours was quite long enough for him to have it in his possession without being attended to.

THE SECRETARY FOR AGRICULTURE said that he did not want for a moment to attribute any motive to the hon. member for Maranoa when he said that he (the hon. member) possibly knew more about it than he (the Minister) did. It was so long since he was associated with trade that he had forgotten all about it, but the hon. member, on the other hand, was constantly engaged in business, and he possibly, from what he had said,

knew that there were some persons who did use scales that were out of order.

Mr. HUNTER: I know there used to be a lot of bad ones in Toowoomba.

The SECRETARY FOR AGRICULTURE: The hon. gentleman knew very well that weights and measures in constant use were apt to get out of order without any intention on the part of the owner, and as the law stood there was no option—the man could be punished forthwith, and certain pains and penalties could be inflicted. It was proposed in the Bill to safeguard the public interest as far as possible by preventing the use of scales other than correct ones. Probably the inspector would take possession of those that were found inaccurate and see they were adjusted. The inspector would allow a certain time for the repairing, and whether fourteen days was too long or not was a matter for the Committee's consideration. They had to take into consideration whether the scales had to be rectified sometimes in out-of-the-way localities. There was a set of local standards kept at Roma, and if a person at, say, Yeulba or Yingerbay or Mitchell had to send his scales into Roma it would probably take fourteen days before the whole job was completed. He thought fourteen days was a reasonable time, but if in the working of the department it was found that it would be desirable to alter it, then the Act could be amended. In view of the fact, however, that they had a scattered community, it was just as well to leave the fourteen days, in order that no harm or wrong might be done to a very worthy class of business people.

Mr. HUNTER: If that was the reason for the fourteen days, he thought a sliding scale would meet the case. A man out at Thargomindah might have his scales out of repair, an inspector might call in, order him to discontinue the use of his scales and have them adjusted within fourteen days.

The SECRETARY FOR AGRICULTURE: Thargomindah being the centre of a local authority, would have local standards.

Mr. HUNTER contended that there was no necessity for the fourteen days, which would only encourage delays. He had no persons in his mind who would wilfully use scales that were out of repair, but if an inspector came along and found that a man did have scales out of order, that man would probably have them immediately fixed up. If he did not do so, he would consider that the man did want to use inaccurate scales, and such a man should not be allowed to retain such scales in his possession for fourteen days. He moved that on line 23 the word "fourteen" be omitted with a view of inserting "seven."

Mr. GRAYSON had no sympathy with men who used scales that were not correct; at the same time, when in business himself he had always found it most difficult to get persons competent to adjust scales, and, in fact, at times he had had to wait not fourteen days but thirty days to get his scales repaired.

Mr. HUNTER: Could you not get it done in Warwick?

Mr. GRAYSON: Not in those days. His opinion was that the inspectors should be competent persons able to adjust scales.

Mr. HUNTER: A very good suggestion.

Mr. GRAYSON: It would save business men a great deal of worry and trouble. He did not know that there were many business men who would knowingly and willingly have scales in their possession [9.30 p.m.] which were not correct. Any little profit that a man might make out of inaccurate scales would not do him much good. Seven days would certainly be long enough in Brisbane, but it would be impossible for business men at Yeulba, Roma, Muckadilla, or Mitchell to get a competent man to adjust their scales in less than fourteen days.

Mr. HUNTER: They could get it done within three days.

Mr. GRAYSON: He knew many towns of importance on the Downs where there were no competent men to adjust scales. If, at the expiration of the said fourteen days, the scales were not properly adjusted, the scales and weights would be forfeited, and that was sufficiently stringent.

Mr. HAMILTON (*Gregory*): From his point of view, it did not matter a hang whether it was seven days or fourteen days. In the outlying portions of Queensland a man could not possibly get his scales adjusted within fourteen days. A person away out in the outlying portions of the State, such as Boulia or Winton, could not send his weights to the inspector and have them back again within fourteen days. The sensible way of looking at it would be to say that if an inspector went out to those places and found the weights were wrong he should notify the owner that he must not use them until they were right. To say if they were not adjusted within fourteen days they would be forfeited—why, within that fourteen days they might be on their way down to Brisbane.

The SECRETARY FOR AGRICULTURE: You cannot forfeit them then.

Mr. HAMILTON: The clause said "may be forfeited within fourteen days."

The SECRETARY FOR AGRICULTURE: That is the time within which they must be sent away for adjustment, and if, after the expiration of fourteen days, the inspector goes round and finds these scales on the premises and not adjusted, they will be forfeited.

Mr. HAMILTON: If the inspector went round within twenty-four hours and found them being used they should be forfeited. He did not think the clause would deal fairly with the outlying portions of the State where there was no inspector.

Mr. TROUT said that it did not necessarily follow that because a man's scales were found to be out of order that that man was a dishonest man. They all knew that bad usage would put anything out of order quicker than if it was used in a proper manner. He had had a good deal to do with meat scales, and it was a very easy thing for them to get out of order. When an inspector found the scales were out of order, he ordered them to be sent to the municipal council or other place set aside for the adjustment of scales. That man might have condemned several sets of scales and weights during his round, and it might be impossible to get the whole of those scales adjusted within seven days.

Mr. HUNTER: That does not alter the position.

Mr. TROUT thought it did. It altered the position in so much that if he sent his scales in, and they could not be adjusted within the seven days, he would have to get another pair of scales or be placed at a disadvantage.

Mr. HUNTER quite agreed that the fact of scales being out of order on a man's premises did not at once mark that man as being a dishonest man, but the fact of him wanting to keep the scales on the premises when he knew they were out of order at once marked him with suspicion.

Mr. TROUT: My contention is that the department are not able to treat all the scales in the week.

Mr. HUNTER: It was not proposed to fix the time within which the scales were to be repaired. The hon. member must know that if he could not get his scales adjusted within the fourteen days he must have another set of scales, and the fact that fourteen days were allowed for repairing the scales did not guarantee that the scales would be repaired in that time. The point was that he should have his scales out of the premises and in the hands of somebody for repair, not within fourteen days, but within fourteen hours.

The SECRETARY FOR AGRICULTURE: The inspector may do that under this clause. The inspector will only exercise this provision in cases where he thinks it is a proper thing to do so.

Mr. HUNTER: He could see no advantage in the clause allowing fourteen days.

Mr. TROUT: Why not make it twenty-four hours?

Mr. HUNTER: It would be very much better to have them off the premises immediately. There was nothing in the argument of the hon. member that by fixing the time at fourteen days it would give the necessary time for repairs. If the scales were out of order, and were sent away, and the mechanic could not get them repaired, that Bill was not going to make him do it.

The bell indicated that the hon. member's second portion of time had expired.

Amendment put and negatived.

Mr. O'SULLIVAN: Immediately after the fourteen days the clause contained the statement, "and in the meantime to cease to use the same." That, of course, meant that they could not be used, and therefore they ought to be off the premises. Why should they say further down that "at the expiration of fourteen days if the weights are found on the premises they will be seized"? The implication seemed to be that while they were on the premises the scales might be used.

The SECRETARY FOR AGRICULTURE: The specific statement is that they must not be used.

Mr. O'SULLIVAN: They could be on the premises up to that time. It would be a very good thing if the travelling inspectors in the country were qualified to adjust scales which were found to be out of order. It might be the local policeman in some cases who would have to attend to it, but

the man who did that work should have some little mechanical knowledge. In his young days he used to do that work himself under the direction of the police authorities in the old country. Weights and measures were adjusted four times a year, and everyone was supposed to bring his scales for adjustment on that day. After that day, if anyone had his scales out of order he would be prosecuted. The scales would have to pass through the hands of the police at least twice a year, and would have to bear the stamp on them showing that they had been examined. That system could not very well be adopted here owing to our sparsely-populated districts. Therefore, so as not to unduly inconvenience the tradespeople in our country districts, it was very material to have a qualified man to attend to it in the outside places.

Mr. HUNTER: There was no question at all about making any implication against the user of the scales. Fourteen days was allowed by the clause to put the scales in order, and it was too long, as a man would be able to use his scales during that period. The clause said—

> "And, if such notice is complied with to the satisfaction of the inspector, he shall not take any further action under this section, but, if such notice is not so complied with, the inspector shall, at the expiration of the said fourteen days, seize the weights, measures, or weighing instruments in question; and the same consequences as to forfeiture and penalty shall ensue as if no such notice had been given by him."

That implied that a man must not allow his scales to be out of order, because if he did, then a penalty was provided. He was sorry that the Minister did not see his way to alter the clause, because, as it stood, provision was made for doing something which it was not going to do. The public were not protected at all by the clause, and the thing they wanted to provide against was not provided against at all. The scales should be taken right off the premises. If they were not to be used, what was the sense of having them on the premises at all?

The SECRETARY FOR RAILWAYS: Why should a man not come along to adjust them?

Mr. HUNTER: They should be taken off the counter, at any rate.

The SECRETARY FOR AGRICULTURE: They certainly should be taken off the counter.

Mr. HUNTER: There was nothing to make him do so by the clause, as he could leave them there for fourteen days. The inspector did not know if they were being used, as he could not stand over them and watch them all day long. For full fourteen days those scales might be used, although they were out of order.

The SECRETARY FOR AGRICULTURE: The clause says that they must not be used.

Mr. HUNTER: The Agricultural Department must believe that they were going to be used, at any rate, because it provided a penalty for such cases. The proper thing to do would be to order the scales right away altogether, and if the inspector found them on the premises the next time he came along, he should punish the offender right away. Even if a man used them for one day he should be punished.

Mr. WIENHOLT: A man in the country would not be able to get them away in a day.

Mr. HUNTER: The fact that he packed them up and sent them away would be sufficient to show his good faith. A dishonest man should have his property confiscated, and he should be punished if he used his scales for one day, without waiting for fourteen days.

Mr. LENNON suggested that the Minister should add a word to the clause, providing that where an inspector found scales were out of order, he could impound them at once.

The SECRETARY FOR AGRICULTURE: The original Act provides that where an inspector finds any scales are of short weight, he can confiscate them. The whole proviso is to give some measure of protection to the fairly honest trader, and it is left to the discretion of the inspector. If he finds a man's scales out of order, he gives him time to put them right.

Mr. LENNON: What the hon. member for Maranoa wished to do was to have them impounded if the trader used them.

The SECRETARY FOR AGRICULTURE: The clause says he must not use them.

Mr. LENNON: But he might use them.

Mr. RYAN (*Barcoo*) agreed with the statements of the hon. member for Maranoa and the hon. member for Herbert. The proviso did not carry out the purpose for which it was intended.

The SECRETARY FOR AGRICULTURE: Vote it out.

Mr. RYAN: That was one way of doing it, but they should first try to devise some means of meeting a question that should be met. If a person was honest, and his scales were out of order, he should be given an opportunity of adjusting them. But that opened wide the gates of fraud. There was no provision for impounding the scales within the fourteen days. In fact, a trader was given a sort of license to use the scales within the fourteen days. It was contemplated that he was going to use them. The cure was worse than the disease. He was prepared to vote the provision out, and had good cause to vote it out.

Question put.

Mr. HUNTER asked if the Minister was going to sit still in his seat and refuse to consider the question? He brought the Bill into the Chamber for their consideration, and they should consider it. It was a good thing to allow an honest trader to adjust his scales, but the clause also opened the way for a dishonest trader to use his scales when they were out of order, and he could continue to use them for thirteen days.

The SECRETARY FOR AGRICULTURE pointed out that at the present time cases cropped up where scales were out of adjustment, and the clause was drafted to give the inspector discretion to deal with cases where he was satisfied that the [10 p.m.] trader was an honest man. The present law was also operative, and when an inspector found that scales were

out of order and were being improperly used, he would confiscate them right away. The clause was very necessary, and, as it had been fully discussed, hon. members might allow it to go to a division. If they thought it better, they could wipe the clause out, and allow the matter to stand as it was at the present time.

Mr. RYAN did not know why the arbitrary period of fourteen days had been fixed. There must be many instances in which a shorter period than fourteen days would suffice. Fourteen days was obviously too long, and seven days might be too long. He suggested the propriety of leaving it in the discretion of the inspector as to the time he should allow. In the city of Brisbane he might allow twenty-four hours or two days, or whatever he thought reasonable. Therefore, he would suggest the insertion after "fourteen days" of "or such shorter period as he may deem fit." That would mean a consequential amendment lower down.

The SECRETARY FOR AGRICULTURE: I will accept the amendment.

Mr. RYAN moved his amendment accordingly.

Amendment agreed to.

Mr. RYAN moved, as a consequential amendment, the omission on line 28 of "said fourteen days," and the insertion of "time specified in such notice."

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

Clause 11 put and passed.

On clause 12—"Amendment of section 31"—

Mr. RYAN asked the Minister whether weights compared with standard weights were with all the clerks of petty sessions. He remembered an occasion in Rockhampton some years ago when there were no weights with the clerk of petty sessions which had been compared with the standard weights. There was a prosecution, and there were no means of testing the scales with the standard weight by law established. What information had the Minister with regard to where these scales were?

The SECRETARY FOR AGRICULTURE: The Act made provision for the local authority to have what they called "local standards," which had been compared with the standard which was in the possession of the Treasurer.

Mr. RYAN: Have not the clerks of petty sessions got them?

The SECRETARY FOR AGRICULTURE: No. Although in the original Act there was a section which provided that the legal standard might be kept in the possession of the clerks of petty sessions, that was not always done. The local authority had to make provision under the Act, and they had amended that, so that two local authorities might combine for the purpose of purchasing a set of standard weights. The hon. member would understand that a set of standards was very costly, and it would cost the country a great deal to provide them for all clerks of petty sessions. He agreed with the hon. member that it might be a judicious thing to go to that expenditure, but at the present time it had not been considered advisable to do so. Provision was now made in the Bill whereby local authorities could make arrangements to get standards—they could be compelled to combine for that purpose. Two or three shire councils would combine, if they were not able to purchase them individually.

Clause put and passed.

The House resumed. The CHAIRMAN reported the Bill with amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for tomorrow.

FRUIT CASES BILL.

COMMITTEE.

(*Mr. J. Stodart, Logan, in the chair.*)

On clause 1—"Short title and commencement"—

Mr. GUNN moved the omission of "January" on line 9, and the insertion of "July." His object was to give orchardists, who had a number of cases on hand, time to use them up. The Act should not come into force in January, which was the busy fruit season; if it came into force in July, when a lot of fruit was packed, it would give the fruitgrowers more time to get rid of the cases they had on hand. The Minister, when introducing the Bill, intimated that he would be agreeable to alter the date of its coming into law. If it came into force in July, and the cases were not worked off, he did not think that the Minister would treat the fruitgrowers harshly.

Mr. LENNON: Will the Minister accept the amendment?

The SECRETARY FOR AGRICULTURE: Yes.

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

Clauses 2 and 3 put and passed.

On clause 4—"Size of cases for sale of fruit"—

Mr. RYAN said he noticed that according to the clause when fruit was sold in a case in Queensland, or exported in a case from Queensland to any place within the Commonwealth, such case should be of "the prescribed size, measurement, and capacity." If fruit were imported from Victoria or any other State in cases which were not of the prescribed size, what would be the position? Would they have to be repacked before they were sold?

The SECRETARY FOR AGRICULTURE: The fruit would have to be repacked in Melbourne.

Mr. RYAN: Was that retaliatory?

The SECRETARY FOR AGRICULTURE: Not retaliatory; it is a conformity measure.

Mr. RYAN: Our fruit had to be repacked in Melbourne, and therefore it appeared that the fruit from Victoria had to be repacked here. Who was going to bear the expense? The consumer.

The SECRETARY FOR AGRICULTURE: No.

Mr. RYAN: This was only another illustration of the kind of legislation that should not be dealt with by the State, but by the Commonwealth. It might be that New South Wales had a certain size of case prescribed, and fruit coming to Queensland in such a case would have to be repacked. The position that arose was unfair and unjust, but they were not going to get over it by legislation of this kind.

An HONOURABLE MEMBER: You can discuss that next March.

Mr. RYAN: In the meantime, he wanted to know what was going to be the effect of the proposed legislation. There were numbers of vendors and consumers who would be affected by it, and he wanted it explained why it was necessary or desirable.

The SECRETARY FOR AGRICULTURE: The Bill when it was passed would be very much to the advantage of the fruitgrower and the fruit consumer. The fruit consumer would know the exact quantity of fruit in any case he might be purchasing. The very converse in the position implied by the hon, the leader of the Opposition must prevail. He gathered from the hon. member's statement that a case of fruit might come from a Southern State which would be of bigger dimensions than the size prescribed by the Bill. Of course, if that case had to be repacked, the consumer would not get so large a case of fruit; but, on the other hand, a very small case might come forward and the consumer in purchasing it might be misled into believing that he was purchasing a bushel or half-bushel of fruit, as the case might be, whereas the case might not contain that quantity. Whether it would be better for the Commonwealth Government to take over the matter of legislating for the size of fruit cases was a question he was not prepared to discuss, and what he would do next March had nothing to do with the Bill, which was either a good or a bad one. A similar Bill had been passed in Victoria and Tasmania, and Queensland would be the third State to practically have a Bill word for word with the other two mentioned. New South Wales had a similar Bill before its House. Most of the fruit-growing districts had had the measure under consideration, and they were very desirous of its being passed. The hon. member for Murrumba had sent copies to his constituents and had received no replies from them concerning it. The reason was, his constituents were already conforming to its provisions at the present time in order to save themselves loss and trouble when they sent their produce South. The fruit-growing district represented by the hon. member for Carnarvon had sent a deputation to him (Mr. Tolmie) representing three organisations, and they had expressed themselves as very pleased with the Bill. He had explained one or two points to them on which they were not too clear, and they had suggested some small amendments which the hon. member for Carnarvon had undertaken to move. They were of such a nature that he thought they would meet with the approval of the House. So far as this particular clause was concerned, he would like to point out that it was a clause which gave the same advantage to the people of Queensland as was given to the other States in regard to the quantity of fruit a man purchased. He did not think that when all the States had passed the Act there would be any necessity for repacking at all. The consumer was not going to suffer, but was going to gain through knowing the exact quantity of fruit he was purchasing.

Mr. LENNON: The Minister had said that the Bill was a good Bill or a bad one; he might have added that it was possibly an indifferent one.

The SECRETARY FOR AGRICULTURE: I always like to leave something to the imagination of my auditors.

Mr. LENNON: The Minister was satisfied all round, simply because some fruitgrowers in the neighbourhood of Brisbane had expressed themselves as satisfied. He asked whether the Minister had sent copies of the Bill to Ingham, Port Douglas, or Cooktown. But those places did not belong to Queensland; they were not worth considering.

The SECRETARY FOR AGRICULTURE: I hope you sent them to the Herbert.

Mr. LENNON: He had not. So long as the Minister satisfied the people of Toowoomba and its suburbs, like Stanthorpe, he was quite satisfied. He was certainly in favour of passing a measure to compel people to use cases of a given size, so that a man might know whether he was buying a bushel or a half-bushel of fruit. If the Bill, as had been stated, had been brought in in conformity with legislation in other States, that, too, was good. If a man bought a half-case of apples or plums he knew what the contents ought to be, and that was satisfactory. But, according to the definition, a "case" was—

> "Any box, case, or receptacle used, or capable of being used, or intended to be used, for containing fruit."

That was very comprehensive. Clause 4 said that when fruit was sold in Queensland in a case, such case had to be "of the prescribed size, management, and capacity." When the Bill was going through its second reading he had drawn attention to the fact that the banana was a fruit of very great importance to Queensland, although in the opinion of the present Minister, and the Queen street Cabinet, it was of no importance whatever, judging by the consideration given in the Bill to the man who exported bananas.

The SECRETARY FOR RAILWAYS: Look at clause 3.

Mr. LENNON: Clause 3 was no good at all. He had had a conversation with the Minister, and the hon. gentleman had assured him that the clause would have no bearing on bananas at all. But a "case," according to the definition, was a receptacle, and a banana crate was a receptacle, and the hold of a ship was a receptacle. It seemed to him that, in order to protect the banana growers—which was on the eve of becoming a white man's industry—the matter should be made clearer. He had given an instance the other night of where a white man had grown the best bananas yet produced in North Queensland. The industry was likely to become an important one in Ingham, Port Douglas, Innisfail, and Cairns, all of which districts were capable

of great development in the direction of banana culture, and he was apprehensive that if the Bill became law in its present form it might impose such restrictions on the banana traffic that would render the export and sale of the fruit very troublesome indeed. The hon. gentleman had asked him if he had sent a copy of the Bill to the Herbert. For one thing, he had not had the time to do so, and hitherto the banana-growing had largely been in the hands of the Chinese, but in the near future he had hopes of there being a very large number of successful white growers in his district. He would therefore like an assurance from the Minister that banana-growers would not be injuriously affected by the operations of the Bill. If he received that assurance, he would offer no further opposition to the measure.

The SECRETARY FOR AGRICULTURE: When the hon. member had directed his attention to the way in which the measure might affect the banana-grower, he had made it his business to inquire into the matter, notwithstanding that the hon. member was of opinion the Minister had no concern for the banana industry. In that connection, he desired to assure the hon. member that he had a great regard for the industry. His department had gone to considerable expense in introducing a large number of plants at very considerable expense of a variety likely to improve the commercial value of the bananas exported from Queensland, and a variety that was likely to prove of great benefit to the white grower. At present there was in the Botanic Gardens a large number of these plants. The eyes had been taken out of otherwise disease-affected plants, and these eyes had been fostered and cared for in order that they might be of very great advantage to the hon. member's constituents. With regard to cases, there were three sizes at present in use in the banana trade. First, there was the great big crate which contained 4 cwt. or 5 cwt. Then there was the case which was [10.30 p.m.] very much in vogue so far as the Melbourne and Sydney trade was concerned, which contained from fifty to seventy-five dozen bananas. Then there was the third case, which was used largely in the Adelaide business. The Adelaide case was on all-fours with what were called "tropical cases," and contained a bushel and a-half. The officers of the department had informed him that full provision was made for the safeguarding of the banana industry, and, if that was not so, he would take good care that the banana-grower was not injured in any way.

Mr. HUNTER: That clause was one which might tie the hands of the fruit-growers in Queensland, and, if it did not tie the hands of the growers, it would have the effect of tying the hands of the fruit merchants. He had not heard that the whole of the States of the Commonwealth had passed a similar Bill; and, if that were so, they at once met a difficulty.

The SECRETARY FOR AGRICULTURE: We are securing uniformity in the States as much as we can.

Mr. HUNTER: He would like to know which of the States had agreed to pass similar legislation.

The SECRETARY FOR AGRICULTURE: Every State.

Mr. HUNTER: Which States had passed similar legislation?

The SECRETARY FOR AGRICULTURE: Victoria and Tasmania have done so; Queensland and New South Wales are trying to do so, and the other two intend taking action.

Mr. HUNTER: Suppose Queensland passed such legislation, and the three other States did not?

The SECRETARY FOR AGRICULTURE: We are no worse off.

Mr. HUNTER: They were very much worse off. They were committing the exporters to a certain sized case, and the other States had not. It just showed the folly of the Government of the State trying to legislate for the Commonwealth—in trying to imitate what the Commonwealth did when they fixed a uniform sized bag for the whole of the Commonwealth. The Secretaries for Agriculture throughout the Commonwealth had decided that it was necessary to have a uniform case, which he quite agreed with. He did not fall out with the principle or purpose of the Bill, but if they had asked the Commonwealth to pass legislation of this description there would have been no doubt about the matter. He could see some difficulties that might arise on account of the passing of such legislation. At present, as far as fruitgrowers sending oranges to the South was concerned, it would work out very well.

The SECRETARY FOR RAILWAYS: A large number of them have been using these cases.

Mr. HUNTER: To compel them to use those cases was the difficulty. The Orange Growers' Association was a very big and powerful body, and they knew perfectly well what sized cases were required. There was no need to legislate on the matter, because their own common sense and business acumen would tell them to pack the oranges in a certain sized case. In his district there were a large number of grapegrowers who used certain cases, and others packed their grapes in casks, and sent them to Brisbane to the winemakers. In clause 4 they had run up against something which the Committee should consider very carefully. They should consider whether it was desirable to pass the clause as it stood without being quite sure that the other States of the Commonwealth had already passed similar legislation. It was absolute folly for any State to attempt to legislate for the Commonwealth, or for six Premiers or six Ministers to think they could equalise matters of this description. Had it been possible to do that sort of thing, they never would have federated. It was because they found that the Premiers' conferences ended in nothing—what one Parliament passed another would not, and they could not get uniformity—they found the proper thing was to federate. It would be wise for the Committee to reconsider the matter.

Mr. WIENHOLT (*Fassifern*) wondered whether it was a wise thing to put in the words "within the Commonwealth." They might want to do an oversea trade some day, and the insertion of those words might possibly do harm. If there was no reason for the inclusion of the words, he would move that they be omitted. He moved that the words "within the Commonwealth" on lines 26 and 27 be omitted.

The SECRETARY FOR AGRICULTURE was sorry the member for Fassifern had moved the amendment, as he could not accept it. He wanted to have uniformity with the measures passed in the other States. They had, at the present time, no oversea trade, and there was no reason why the words should be omitted. They were making very strenuous efforts to see if their fruits would keep. If the fruitgrowers got into the habit of using a certain sized case they could use that case.

Mr. LENNON thought the amendment was a perfectly reasonable one, and the Minister had shown nothing to the contrary. The clause proposed to put on Queensland a kind of obligation that they would never export any fruit whatsoever beyond the confines of Australia. Why not strike out the words "within the Commonwealth" and allow fruit to be exported oversea? That was perfectly clear, and it would be an improvement on the clause.

The SECRETARY FOR AGRICULTURE: On again reading the clause he could not see any objection to the amendment, and would certainly accept it. (Laughter.) No doubt, it would be a source of great pleasure to hon. members opposite that the hon. member for Fassifern had been successful in his amendment.

Mr. RYAN: Seeing that the Minister could not argue anything against the acceptance of the amendment, he had decided to accept it. That only emphasised the point they had been making all the evening, not only as regarded the uniformity of Queensland with the other States of the Commonwealth, but with all the civilised nations of the world. That was the position they were in now that the amendment was accepted. It was emphasised by the acceptance of the amendment. They could not now export fruit out of Queensland except in a regulation case. But suppose other countries would not accept any fruit from Queensland unless it was in a regulation case, what then?

The SECRETARY FOR RAILWAYS: You have led them into a trap.

Mr. RYAN: It was only another evidence of having such legislation in the hands of the Commonwealth. The power of the Commonwealth was to deal with trade and commerce with other countries and between the States. If in March next they gave the Commonwealth power to legislate generally with regard to trade and commerce—in fact, they had that power now—where would this Bill be? He trusted that if any injury was inflicted on the fruitgrowers by the Bill it would be rectified by the National Parliament.

Amendment (*Mr. Wienholt's*) agreed to.

Clause 4, as amended, put and passed.

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

The House adjourned at ten minutes to 11 o'clock.