

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 12 NOVEMBER 1912

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LEGISLATIVE COUNCIL.

TUESDAY, 12 NOVEMBER, 1912.

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

PAPERS.

The following papers, laid on the table, were ordered to be printed:—

Report on vital statistics, 1911.

Despatch of date 25th September conveying His Majesty's assent to Acts passed during session of 1912.

Report by the trustees of the Agricultural Bank for 1911-12.

INDUSTRIAL PEACE BILL.

MESSAGE FROM LEGISLATIVE ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Assembly with respect to the Council's amendments in this Bill. (*Vide* page 2267 *ante*.)

On the motion of the ATTORNEY-GENERAL (Hon. T. O'Sullivan), the Assembly's message was ordered to be taken into consideration to-morrow.

POSTPONEMENT OF ORDERS OF THE DAY.

The ATTORNEY-GENERAL: I beg to move that Orders of the Day No. 1 and No. 2 be postponed until after the consideration of Order of the Day No. 3—that is, the consideration in Committee of the Criminal Code Amendment Bill. There are certain amendments which it is now proposed to add to the Bill, extending the scope of the measure beyond the objects disclosed in the title. On giving the matter further consideration, I have come to the conclusion that the course I proposed to take is rather irregular. I applied to the Council on our last sitting day for an instruction to the Committee. That instruction was given, but an objection was taken by the Hon. Mr. Brentnall and some other hon. members, which I think on consideration was a well-founded objection. I think it will be more regular now to discharge the Bill from the paper and reintroduce it with the proposed amendments in it, and with the title in its proper form.

Question—That Orders of the Day Nos. 1 and 2 be postponed until after the consideration of Order of the Day No. 3—put and passed.

CRIMINAL CODE AMENDMENT BILL.

DISCHARGED FROM THE PAPER.

On the motion of the ATTORNEY-GENERAL, the Bill was discharged from the paper.

CRIMINAL CODE AMENDMENT BILL,
No. 2.

FIRST READING.

On the motion of the ATTORNEY-GENERAL, the new Bill was read a first time. The second reading was made an Order of the Day for to-morrow.

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LIQUOR BILL.

SECOND READING.

The ATTORNEY-GENERAL said: This Bill, if it may not be described as a familiar friend, may certainly be described as an old acquaintance in this Chamber. It came to this House about 23rd November last year and remained with us till the following January. It underwent many vicissitudes. Over 100 amendments were made in the Bill in this Chamber, and, considering that it only contains a little over 200 clauses, that showed a very careful scrutiny of the measure. The Bill passed between the two Houses two or three times, and it had the honour of being the subject of a conference between representatives of both Houses—a very rare honour indeed for any measure which comes up for our consideration. Unfortunately, that conference proved abortive. Finally the measure was lost as a result of disagreement between the two Houses. It was thought at that time that the Assembly would have accepted most of the Council's amendments; but, as there were some half-dozen matters on which the Council insisted, and which were regarded by the Government as matters of vital importance, it was never really ascertained to what extent an agreement might have been arrived at as to the other matters in dispute. Now that a year has elapsed, and both sides have had time to consider the question at leisure, I think we may assume that a spirit of reasonableness will exist on both sides, and we shall be more likely to see eye to eye on the questions on which we differed last session. I think hon. members will agree that this Bill has been framed in a spirit of compromise. Out of over 100 amendments which were made by the Council, between seventy and eighty have been adopted in this Bill. Some of the amendments the Government have not been able to adopt in their entirety, but the provisions have been modified, as far as possible, to meet the Council's views. Take, for instance, the case of local option poll. A bare majority is still insisted on to carry local option. The Government have met the Council to the extent of making it necessary for a minimum vote of 25 per cent. of the voters to be recorded. Under the peculiar circumstances relative to the Bill, I do not propose to go into the whole Bill at length. That is, I do not propose to make the ordinary second-reading speech explaining the whole of the provisions. I intend to refer to the matters that were in dispute, and more particularly to the amendments of the Council which have not been adopted in the Bill. I might say, generally speaking, that the main principle of all liquor legislation is to deal with the retail sale of liquor and the sale for immediate consumption on the spot. Certain restrictions apply to persons authorised to sell; there are certain restrictions as to conditions of sale, including the hours and the days of sale; and there are certain regulations also as to the buildings in which the business of a licensed victualler is to be carried on. This Bill contains restrictions of that kind, and merely continues the policy of the present Act, which has been in force since 1885. The restrictions in that measure have been re-enacted. There may, perhaps, be some additional restrictions, and there may be some restrictions which are re-enacted with greater stringency. The only reason for greater stringency is to prevent evasion of those provisions which experience has shown to be

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susceptible of evasion. The tendency of all liquor legislation is in the direction of greater stringency in restrictive provisions, because experience has proved that greater stringency is necessary. As to local option, the principle is to reduce or prohibit the sale of liquor when public opinion is ripe for such reduction or prohibition. Public opinion is the opinion of the majority of persons in a particular area or locality, and the local option provisions in the Bill contain machinery for ascertaining what the opinion of the majority of persons in the area affected is on the subject of reduction or prohibition. I propose now to deal with the Bill, and the first provision to which I shall call the attention of hon. members is the definition of "lodger," in clause 4, page 3. That is new. It is taken from the South Australian law, and is of considerable importance in view of the solution of the lodger difficulty which is adopted later on in the Bill. Part II. deals with administration, and administration includes licensing districts, licensing courts, and the other matters mentioned in Part II. of the Bill which was before the House last year. There are three kinds of districts provided for in the Bill.

Hon. E. J. STEVENS: What clause is that?

The ATTORNEY-GENERAL: Clause 6. Licensing districts are the districts in which the licensing courts exercise jurisdiction, and, broadly speaking, they correspond to the petty sessions districts. A local option district, broadly speaking, comprises an electorate. A special district is also provided for in clause 8—that is, a district to which an Order in Council will apply. Such district will usually be on a railway line, and will include a strip of land 5 miles wide on each side of the railway. The only thing I need say about the Licensing Court is to remind hon. members that licensing jurisdiction will in future be transferred from the licensing justices to a police magistrate. The amendment of the Council in clause 12 extending the jurisdiction of quarterly sittings has been adopted. The jurisdiction of the quarterly sittings was not nearly so extensive when the Bill was introduced in this Chamber in 1911 as it is in this measure. Clause 20, subclause (2), contains a new provision. It extends the power of the Governor in Council to make a prohibition in a special district to provisional certificates. In other words, the Governor in Council may not only prohibit licenses in a special district, but he may also prohibit the issue of provisional certificates. Some amendments proposed by the Council in clause 23, which deals with the accommodation in licensed victuallers' premises, have been adopted in this Bill. Clause 24 is a provision which was introduced by this Council, and which has been adopted by the Government with only a slight amendment referring to regulations made from time to time by the Commissioner for Public Health. I proceed now to clause 41, which deals with packet licenses. In the 1911 Bill there were to be no licenses for river steamers, and in the license for steamers trading between ports there was to be a restriction as to the sale of liquor on Sundays, Good Friday, and Christmas Day. The Council gave river steamers the right to get licenses, and struck out the restrictions respecting Sundays and other days. This clause is a compromise. It allows licenses for all vessels, including river steamers, but retains the

restriction as to the sale of liquor on Sundays, Good Friday, and Christmas Day. It places all steamers in the same position as hotels.

Hon. W. V. BROWN: Does that include coastal steamers?

The ATTORNEY-GENERAL: All steamers—river steamers and coastal steamers—are in the same position, and are able to sell liquor on the same days as hotels can sell liquor. There is no restriction as far as hours are concerned on a packet. In the same clause—clause 41—an amendment was made, on the motion of the Hon. Mr. Carter, I think, dealing with a change of master immediately before a vessel proceeds to sea. That amendment has been adopted, and is included in this Bill. The next clause I wish to draw attention to is clause 58, which deals with license fees. The alteration made in this clause is rather an important one—in fact, I think it is the principal alteration which has been made in the Bill. The basis adopted in the 1911 Bill for determining the amount of fees to be paid for a license was rather an arbitrary one. The amount of the fee under that measure depended mainly upon whether the licensed premises were in a city or town or in the country. The basis adopted in this clause is the annual value, which is to be the determining factor in settling what the license fee shall be. The annual value, of course, depends upon the amount of business done in the hotel.

Hon. A. G. C. HAWTHORN: That is determined by the court.

The ATTORNEY-GENERAL: Yes; the annual value is to be determined by the court. The minimum license fee is £15 and the maximum fee £100. That puts the matter of license fees on a fairer and more rational basis than it was before. After clause 66 in the original Bill we had a clause prohibiting the employment of alien labour in hotels—a clause which became known as the “Chinese cook” clause. That clause was struck out by the Council, and it is omitted from this Bill. Clause 69 deals with tied houses. The clause dealing with this subject in the Bill of 1911 was struck out by the Council altogether, and a new clause substituted introducing a different principle. That new clause has been accepted with a slight modification. Clause 71 of the original Bill contained a provision making the owner of licensed premises liable for the action of the tenant in certain cases. That clause was struck out by the Council and has not been reinserted in the present Bill. Clause 81 deals with a very important subject—the hours for sale of liquor, and also the question of lodger and traveller. In the 1911 Bill there was a prohibition of the sale of liquor during the hours of polling at any election. The Council struck out all reference to elections, one of the reasons given for so doing being that there was no discrimination between a general election and a by-election. It was pointed out that under the clause as it came to the Council there might be a prohibition of the sale of liquor in a Southern electorate because there was an election at Croydon. It is admitted that there is some force in that contention, and the present clause provides that there is to be no sale of liquor anywhere while a general election is in progress, and that in the case of a by-election the prohibition is only to apply to the district in which the election is taking place.

That seems to me to be a fair compromise as far as the selling of liquor at the time of an election is concerned. There was no provision in the Bill of 1911 for the sale to the traveller and the lodger. The Council put in both the traveller and [4 p.m.] the lodger. Under the present Bill, liquor may be sold to a resident lodger “on Sunday, Good Friday, or Christmas Day with a meal between the hours of half-past 12 and half-past 2 in the afternoon.” The traveller is not recognised at all.

Hon. B. FAHEY: Nor the public.

The ATTORNEY-GENERAL: The licensed victualler is not permitted to sell now to the general public during prohibited hours. A resident lodger can get a drink; a traveller cannot get a drink during prohibited hours. I would like to remind the hon. member of what he and a good many others seem to forget—that the prohibition only applies to after hours. The traveller can get liquor within the proper hours just the same as everybody else.

Hon. B. FAHEY: Not on Sundays.

The ATTORNEY-GENERAL: I said within the proper hours. If he comes on a prohibited day, or after hours, he cannot get drink. If a traveller cannot do without liquor, he will have to do what the Hon. Mr. Gibson did in New Zealand—(laughter)—he will have to carry a flask; or, if he cannot carry a flask, or if he forgets his flask, he will have to submit to a little inconvenience rather than include in the Bill a provision which has led to wholesale evasions in the past, and which makes it impossible to administer the law. There was another provision in the Bill of 1911 to the effect that a light in the bar after hours was *prima facie* evidence of the sale of liquor. That was struck out by the Council, and is omitted from the present Bill. It will be seen that on the points in dispute in this very important clause the Government have met the Council in a very fair spirit of compromise.

Hon. C. F. NIELSON: Not as to travellers.

The ATTORNEY-GENERAL: Well, that is one point where the compromise comes in. Clause 97 deals with adulteration. That clause was entirely recast by the Council last year, and it has been adopted in the present Bill. Part V., dealing with registered spirit merchants, was not the subject of any difference of opinion between the two Houses last year, and the same remark applies to Part VI., dealing with clubs. That part is really a re-enactment of the existing law. Clause 147 deals with the hours of supply in clubs. That clause was struck out last year by the Council, because it did not wish the provisions of the Bill applying to licensed victuallers to apply at all to clubs. It was a consistent amendment if it was granted that the provisions which governed licensed victuallers' premises as to hours of sale should not apply to clubs. This is a matter of very great importance. Under our present law a club is really regarded as an hotel. It is a place which is licensed for the sale of liquor. It is true that liquor can only be sold to members and their guests; but, if the amendment of the Council were persisted in, and liquor could be sold in clubs without any restraint as to hours, we would have mushroom clubs springing up all over the place, which would simply become drinking shops. Clause 157 of the Bill of 1911 does not

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appear in this Bill. That clause made internal communication between licensed and unlicensed premises unlawful. I thought that the Council's amendment on that part was hardly a reasonable one, because the clause only applied to premises to be licensed in the future. Clause 161 sets forth the definitions under the local option part of the Bill. That clause appeared in the Bill of 1911 in practically the form in which it appears in this Bill. It was altered by the Council striking out the words, "and includes registration of a spirit merchant and registration of a club." The retention of those words brings the spirit merchant and the club under the local option provisions, and their omission by the Council had the effect of excluding them from those provisions. The Government regarded the inclusion of both the spirit merchant and the club as a vital principle of the Bill, as their intention is that local option shall apply to them as well as to licensed victuallers. Clause 163—"Conditions of grant of new licenses until 1915"—is a very important provision, but I need not devote special attention to it now, because it is in practically the same form as that in which it was accepted by the Council last year. Clause 174 contains a most important alteration. In the Bill of 1911 the clause only required a simple majority to carry any local option poll. The Council required a three-fifths majority for the purpose of carrying Resolution D—that is, total prohibition. I had an impression that it was agreed at the conference between the representatives of the two Houses that, by way of compromise, it should be provided that a minimum vote of 25 per cent. of voters on the roll should be recorded. I certainly heard that at the time, and I think it was the Hon. Mr. Thynne who made the statement in this Chamber. I speak subject to correction.

HON. P. MURPHY: That means a majority of only 13 per cent. can carry a poll.

The ATTORNEY-GENERAL: Of course, we can discuss that matter later. At present I just want to point out the difference between this clause and the clause as it was sent back to the Assembly last year. The clause is now in the same form as that in which it came to us originally, with the exception that it requires a 25 per cent. vote of the electors in a local option area before a poll can be carried. Clause 184 provides that for the purposes of the local option part of the Act the determination of the licensing court shall be final and conclusive—that is as to a reduction in the number of hotels. It is thought that that is a matter on which the decision of the licensing authority should be final. The clause was struck out last year by the Council, but it is now restored to the Bill. Subclause (4) of clause 185 provides—

"When the court has determined that any license shall cease, such license shall, at the expiration of twelve months next following the expiration of the period for which the same was granted, cease and become absolutely void, and shall not be renewed."

The Council increased that period of twelve months to five years. The cessation of licenses cannot take place under local option polls until after periods of three, six, nine, or twelve years, respectively, and the Council proposed that those respective periods should have an extension of five years; so

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that, if the people in a district decide that there shall be a reduction of licenses in the area, the licensing authority would be compelled to grant an extension of the license for another five years under the amendment made by the Council last year. That is an unreasonable amendment. A similar amendment was made by the Council in clause 186, which says how Resolution D is to be given effect to. As Resolution D cannot take effect until 1925—thirteen years from now—I submit that an extension of the licenses for another twelve months is a fair and reasonable thing. Those are the main amendments which were made by the Council, and which do not find a place in this Bill, but I submit that the Government have met this House in a reasonable way. I take it for granted that hon. members who are opposed to this legislation will not take up the position that the Council's amendments which had been accepted by the Government are of no value whatever, and that they will make the Bill a fresh starting point for further amendments and further concessions. That would hardly be meeting the Government fairly, as I think we have done all that we could fairly be expected to do. If hon. members are satisfied that the Government have taken up a reasonable position, I trust that they will not ask us to depart from the provisions of the Bill, which we think are absolutely essential to make it an up-to-date and proper measure. I beg to move that the Bill be now read a second time.

HON. P. MURPHY: I beg to move the adjournment of the debate.

The ATTORNEY-GENERAL: Before that motion is put, I would like to ask whether any other hon. member is prepared to continue the debate at the present time, and then the Hon. Mr. Murphy can move the adjournment. It seems to me that at this stage of the session it would be advisable to go on with the debate if any hon. member is prepared to speak. If not, I do not intend to oppose the motion.

Question—That the debate be adjourned—put and passed.

The resumption of the debate was made an Order of the Day for to-morrow.

PRICKLY PEAR DESTRUCTION BILL.

COMMITTEE.

Clause 1—"Short title"—put and passed.

On clause 2—"Minister may make agreement"—

HON. P. MURPHY: It appeared to him that there must be something behind this Bill which ought to be made known to the Committee. A commission had been appointed to report on the prickly-pear problem, and it was a strange thing that the Government did not wait until the commission presented their report before introducing legislation on the subject. He should like to know if anyone had approached the Government with the view of entering into a contract under the provisions of the Bill.

HON. A. H. BARLOW replied that he had no knowledge of anyone having approached the Government, and understood that the Bill was to be of general application.

Clause put and passed.

On clause 3—"Conditions, etc., of agreement"—

HON. A. H. BARLOW said he wished to move an amendment on line 11, page 3, to omit the words "more than," which were mere surplusage.

HON. W. V. BROWN: Before that amendment was moved, he thought they should consider the question of the minimum area of prickly-pear land to be selected. Subsection (3) provided that no block should be of a less area than 10,000 acres, and he should like to know if the Government insisted upon that as the minimum area. If they did, they would to some extent defeat the object of the Bill. Various estimates had been made of the cost of clearing land of pear, and seeing that the measure applied to heavily-infested land, they might assume that the expense would be £2 or £3 per acre. If it was £3 per acre, that would mean an expenditure of £30,000 on an area of 10,000 acres, and only a person possessed of considerable capital could undertake a task of that magnitude. Why should not a person who was prepared to take up 1,000 acres have the same advantage as a capitalist who could take up 10,000 acres? Were the Government prepared to accept any modification of the 10,000 acres?

HON. A. H. BARLOW: The difficulty with regard to prickly-pear selections hitherto, as pointed out by experienced members the other day, was that the selections were taken up and then abandoned. The idea in inserting this provision was that it should be a big undertaking. Moreover, the provision would prevent peacocking. If the selections were small, people would be able to take them up all over the country, and peacock the land by picking out the less infested areas and leaving the worst infested.

HON. A. G. C. HAWTHORN: The Bill dealt only with heavily-infested land, so that he did not see how there could be any peacocking. There was something in the contention of the Hon. Mr. Brown that 10,000 acres was rather a large area. Under the present law, a man could take up 2,560 acres, and the reports of the lands commissioners showed that in many instances that area was too large. An area of 2,560 acres was quite sufficient for a man to wrestle with where the pear was very thick. It might, therefore, be judicious to make the minimum area something less than 10,000 acres, say 3,000 or 4,000 acres.

HON. W. V. BROWN moved that the words "ten thousand" on line 10 be omitted with the view of inserting the words "two thousand five hundred and sixty." At present, selectors were allowed to take up 2,560 acres, and he thought that would be a fair minimum. A selector could not take up land under this Bill, except with the approval of the Minister, so that there would be no chance of peacocking.

HON. A. H. BARLOW: He was afraid that the amendment would upset the scheme of the Bill, and felt bound to resist it to the utmost of his ability.

HON. B. FAHEY was inclined to think that some members were disposed to adopt a dog-in-the-manger attitude with regard to this Bill. Year after year the Government undertook to introduce a Bill to deal with this matter in a practical way, and now it was proposed to allow any person to take up

from 10,000 acres to 100,000 acres, if prepared to take it up on the conditions prescribed. If a syndicate would take up the whole 15,000,000 acres which were covered with the prickly-pear pest, and undertake to eradicate it, he would allow them to do so. Anything that would overcome or check the pest should be done, and he would support any proposal of a reasonable character which would have that effect.

HON. A. NORTON wished to know why a person should not be allowed to take up a smaller area than 10,000 acres. If a man made a contract to clear 10,000 acres of pear, and he failed in his efforts, he would not be inclined to try again, whereas, if he took up 1,000 acres and was successful in clearing it of pear and keeping it clear, he would be disposed to take up the larger area, possibly 10,000 acres, and others would be encouraged to follow his example. While he agreed with the Hon. Mr. Fahey that if they could get contractors to take up the whole 15,000,000 acres they would be doing a good thing, he was afraid that they would not get many persons who would take up such large areas. They wanted to get it done as quickly as possible, but [4.30 p.m.] they wanted the land taken up in order that others might be encouraged to follow their example. He would not begrudge anybody 100,000 acres, even if the minimum was reduced. He intended to support the amendment.

HON. E. J. STEVENS: It would be a pity to reduce the minimum with a view to inducing men of small means to take up land with the object of eradicating the pear and making some money out of the land. So far as he could see, it was a problem which could only be dealt with by moneyed men. All the provisions of the Bill tended in that direction, more especially the last subclause in clause 3, which read—

"For the purposes of this section, no area of land shall be deemed to be heavily infested the cost of the clearing of which from prickly-pear would not, in the opinion of the Land Court, amount at least to the actual value of such land if not so infested."

Say, for the sake of argument, that land was worth £1 per acre cleared. The contractor would have to expend £1 per acre in clearing it. Then it would have the value of cleared land, and then he would have to trust to someone selecting it afterwards before he could make any money out of it. A person with plenty of money might be able to do that with the idea of making money in the future, but not in the near future. He imagined that anybody else would sooner select land at £1 an acre which would not need to be cleared.

HON. A. H. WHITTINGHAM supported a reduction in the area because, if they stuck to 10,000-acre blocks it would look as if the land was thickly infested in pastoral districts. There were agricultural districts where it would be a farce to let any man take up 10,000 acres. He knew some thickly-infested country where men might take up even 50 or 100 acres for agricultural purposes. He would like to see the area considerably reduced.

HON. P. MURPHY thought the Government wanted to keep their eyes open in view

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of the fact that the Royal Commission had gone abroad to try to obtain information regarding the eradication of the pest. Supposing the commission discovered an absolute antidote to the pear—a means by which it could be eradicated, say, for 5s. or 10s. an acre—why should not the State get the benefit of their discovery, seeing they were paying for the cost of the commission? If care were not taken to keep the discovery a secret, people might ask for contracts to clear 100,000 acres, and there would be room for a great deal of speculation. He would not like to see the State suffer after appointing the commission. If some cheap means of eradicating the pear could be discovered, and a large quantity of prickly-pear land was selected, the discovery would be of immense value to the State.

HON. J. DEANE was afraid there was not much chance of getting prickly-pear infested land cleared for a small amount or by poor men, and wealthy men would need some encouragement before they would undertake the work. The best plan would be to fence in the bad land if it could be done; but, if it was good land, the Government would require to offer liberal inducements. He did not consider much would be done unless the Government gave a bonus of, say, £5,000 for clearing a block of 10,000 acres. That might induce syndicates to be formed. Possibly business men in the towns would form limited liability companies for the purpose of taking up 10,000 acres, if the Government would give a bonus, but without a bonus no man would touch badly-infested prickly-pear land. Everyone who had tried it so far had burned his fingers over the business; but the necessity for doing something to cope with the pest was becoming such an urgent necessity that the Government would have to move immediately and not wait for any commission to discover some method of destroying the pear. The work required a great deal of ingenuity and capital. Very powerful machinery was required, which would be capable of bringing everything down before it, and clearing roads through the pear to give access to the place. A great deal of capital and perseverance was required. The greatest trouble he could see was keeping the land clear. He had seen land cleared, but in a year or two the pear had sprung up again all over the place. He was very pleased that the pear was not such a pest in the North as it was down here. He had passed some patches near the railway line for the last twenty years, and now they were no bigger than the table before him. He did not like to say much on the subject because the North was not particularly interested, and he might make a mistake in suggesting methods of dealing with the pest in the South; but he thought that the Government would be wise in offering to pay anybody who would undertake to clear 10,000 acres and keep it clean a bonus of £5,000.

Amendment (*Hon. W. V. Brown's*) put and negatived.

HON. A. H. BARLOW moved the omission, in line 11, of the words "more than." The clause read—"nor shall any block exceed in length more than four times its width." It would be seen that the words "more than" were surplusage.

Amendment agreed to.

(*Hon. P. Murphy.*)

HON. A. NORTON moved the omission of the following paragraph:—

"(i.) The contractor shall deposit a sum of money of an agreed amount, to be held by the Minister as security for the due performance by the contractor of the agreement."

It was absurd to expect a contractor to deposit a sum of money as security before he commenced operations.

HON. W. V. BROWN: You ought to give the contractor a sum of money.

HON. A. NORTON: He was entitled to a sum of money.

HON. A. H. BARLOW: The deposit was required as a guarantee of good faith, to prevent people without capital dabbling in the business and then leaving the prickly pear as bad as ever or worse. In almost all Government contracts some deposit was required as a guarantee of good faith. A deposit was insisted upon in the case of all syndicate railways. If the paragraph was omitted, it would open the door to all sorts of impecunious speculators, who would do more harm than good.

HON. A. NORTON: The object was to get the work done. Moneyed men were expected to undertake the work, and then they were asked to make a deposit, which they would not be able to make use of.

HON. A. H. BARLOW: We want them to have enough money for both purposes.

HON. A. H. WHITTINGHAM thought the provision was a good one. It would tend to do away with the abuses that had cropped up in connection with many prickly-pear selections. Men had taken up selections for a year or two at a low rental, made use of them, and then forfeited them. At the same time, if a deposit was insisted upon in every case it might prevent men of small means engaging in the business. Perhaps the difficulty would be overcome if, as an alternative to a deposit, a man was allowed to find a good guarantor as security that he would carry out his contract.

HON. A. G. C. HAWTHORN thought the paragraph was necessary. Past experience showed that men took up prickly-pear selections and kept the land as long as the Government would allow them, and eventually the Government had to clear them out. Still, if a deposit was required, the contractor should be paid $3\frac{1}{2}$ per cent. or 4 per cent. interest on it, as the Government would be having the use of the money.

HON. F. T. BRETNALL: He should like to know whether there was any business in this Bill. If it was meant for business, then it was going a long way round to do it. To ask a man to undertake a herculean task of this sort, and at the same time require him to make a deposit of a sum of money in proof of his bona fides, seemed to him most unreasonable. If they omitted subsection (i.), they should also omit subsection (ii.). If a man should not make a deposit as a guarantee of good faith, neither should he be expected to pay the cost of surveying an area of land on which he might spend a lot of labour and time, and never get anything out of it. Was the prickly-pear pest a hindrance to the progress and prosperity of the country or not? If it was a hindrance to the progress of the country,

then let them deal with it in a straightforward and business-like manner. If the 15,000,000 acres of land which were now infested with prickly pear were available for the people who were coming in to settle on our territory it would provide 500 acres for 30,000 families, and reckoning four persons to each family, that would be nearly equal to one-fourth of the present population of the country. But instead of settling the land in that way, it had been allowed to be overrun and infested with a pest which appeared to be ineradicable, except at enormous cost. If the prickly pear was to be destroyed, then the Government should act generously with the people who were prepared to undertake the task of destroying it, and rather than ask anybody to put down a deposit as a guarantee of good faith and pay the cost of surveying the land, they should let anybody take possession of it who would take the trouble to clear it of pear. He should be glad to hear some intelligent and practical proposal for dealing with the problem in a successful and profitable way. On economic grounds, a person would be a fool who undertook such a difficult task as the clearing of land of prickly pear on the terms laid down in the Bill. If we wanted to have this evil remedied, then we should go to work in the readiest and most expeditious way, and, instead of taxing a man at the start, give him a free hand. He believed that sooner or later we should have to deal with the matter in the way indicated by the Hon. Mr. Deane, and subsidise the people whom we asked to undertake the task of clearing the land of prickly pear.

HON. W. V. BROWN: Under the agreement, the contractor would be bound to commence clearing his land of prickly pear within a certain time, and he would have to clear a certain proportion of the land within twelve months of the date of the agreement, so that it appeared to be quite unnecessary for him to make a deposit as a guarantee of good faith. It was not likely that the Minister would make an agreement with a man if he was not capable of carrying out what he undertook to do. He also agreed with the Hon. Mr. Brentnall that it would be a good thing to do away with the charge for the survey of the land.

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

CONTENTS, 13.

Hon. A. H. Barlow	Hon. P. Murphy
" T. C. Beirne	" T. O'Sullivan
" B. Fahey	" W. Stephens
" E. W. H. Fowles	" E. J. Stevens
" A. Gibson	" L. Thomas
" A. G. C. Hawthorn	" A.H. Whittingham.
" C. S. McGhie	
Teller: Hon. A. G. C. Hawthorn.	

NOT-CONTENTS, 11.

Hon. F. T. Brentnall	Hon. J. Lalor
" W. V. Brown	" C. F. Marks
" J. Cowlshaw	" C. F. Nielson
" J. Deane	" A. Norton
" H. L. Groom	" W. F. Taylor
" F. H. Hart	

Teller: Hon. W. V. Brown.

Resolved in the affirmative.

HON. A. H. WHITTINGHAM moved that at the end of subsection (i.) there be added the following words:—

"Provided that in place of the deposit of a sum of money the Minister may accept a guarantee to be approved of by himself."

Amendment agreed to.

HON. A. G. C. HAWTHORN: He was afraid that the suggestion he made as to the payment to the contractor of interest on the deposit could not be acted upon by the Committee; but, all the same, he thought it was a good idea. It was provided in connection with the Normanton-Cloncurry Railway that the contractor should receive interest equal to the rate paid for deposits in the Government Savings Bank, and it would be a fair thing to pay a contractor under this measure interest on his deposit while it remained in the hands of the Government.

HON. A. H. BARLOW did not think there was anything to prevent them making provision to that effect. The 300th Standing Order of the Assembly stated that the Assembly would not insist on its privileges—

"(2) When the fees are imposed in respect of benefits taken or services rendered under the Bill, and in order to the execution of the Bill, and are not made payable into the Treasury, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus."

This money was not to be paid out of the consolidated revenue.

HON. W. V. BROWN: How is it to be paid?

HON. A. H. BARLOW: Out of the Savings Bank funds.

THE ATTORNEY-GENERAL: I think it will be a charge on the consolidated revenue.

HON. W. V. BROWN: I think contractors should get interest if they are compelled to make a deposit.

THE ATTORNEY-GENERAL: We cannot do that. There is no legal power to pay interest.

HON. A. H. BARLOW: He thought that a contractor might make it a condition of his contract that the money should be deposited in the Government Savings Bank. However, he was not going to accept any amendment on the subject.

HON. A. G. C. HAWTHORN said that he did not propose to move an amendment, but he made the suggestion because it would be an inducement to contractors if they could get some interest on their money.

Clause, as amended, put and passed.

On clause 4—"Leases of land heavily infested with prickly pear"—

HON. W. V. BROWN said that in any amendments he had to move his object was to make the measure more liberal and to give the Minister greater powers. His feeling was that the Minister would find himself greatly hampered, and it would be very much better if he had a wider discretion. This clause as it stood was rather absurd. There was a proposition to give people areas from 10,000 acres up to 100,000 acres to take the land and clear it; but

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this proposal was to declare land which was heavily infested with prickly pear open for lease for a term not exceeding fifty years. The first term of the lease was to be twenty years: after that period the lessee was to pay rent, to destroy the prickly pear on the holding, and then, at the termination of the lease, after clearing the land, he had to hand the land back to the Crown. It would be some inducement if the fee-simple was given, but a lease of fifty years was not sufficient inducement. The terms provided in the previous clause were much more liberal. If Parliament gave the Minister power to deal in that way with partially-infested land, there would be some sense in it. He felt so strongly on the matter that he moved the omission of the word "heavily" on line 52, with the view of inserting the word "partially."

HON. A. H. BARLOW would accept the amendment if it would improve the Bill, but he thought it would run counter to the ordinary prickly-pear selections. The Bill was only intended to deal with heavily-infested land, and it would give the Minister too great powers. He hoped the present Minister would remain in office for many years, but the clause amended as proposed by the hon. member would place a dangerous power in the hands of some future Minister which would enable him to give a lease of land which had only a few small patches of pear here and there.

HON. W. V. BROWN: What harm would be done if the lessee kept it clear?

HON. A. H. BARLOW: It would be a fraud.

HON. W. V. BROWN: He would have to pay rent for it.

HON. A. H. BARLOW: They were quite satisfied with the present administration of the Lands Department, but a scandalous administration might come in which would give land with little patches of pear on it to their friends for fifty years. He thought the amendment would place a dangerous power in the hands of the Minister, and he could not accept it.

Amendment (*Hon. W. V. Brown's*) put and negatived.

Clause 4 put and passed.

The Council resumed. The CHAIRMAN reported the Bill with an amendment, and the report was adopted. The third reading was made an Order of the Day for to-morrow.

ADJOURNMENT.

HON. A. H. BARLOW: I beg to move that the Council do now adjourn. With regard to the Harbour Boards Act Amendment Bill, a deputation is going to wait on the Treasurer to-morrow, and it is impossible to go on with the Bill to-day. I am exceedingly sorry that with this magnificent attendance we are obliged to separate at this early hour; but I hope we shall now get down to solid work with the Liquor Bill. I can assure hon. members they will not be brought here on Fridays unless it is absolutely necessary, but that will depend upon the progress made with the measures which the Government have the honour to submit to the Council.

Question put and passed.

The Council adjourned at ten minutes past 5 o'clock.

[*Hon. W. V. Brown.*]