

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**TUESDAY, 30 JANUARY 1917**

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the receipt of this letter it is my melancholy duty to inform the Council of the death of the hon. gentleman, and I have directed his name to be removed from the list of members. I presume it is the wish of hon. members that a letter of sympathy be sent to the family of the late Mr. McGhie.

HONOURABLE MEMBERS: Hear, hear!

The SECRETARY FOR MINES (Hon. W. Hamilton): I beg to move—

“That the Council desire to place on record their deep sense of the public loss sustained by the death of the Hon. C. S. McGhie, and to express their profound sympathy with the family of the deceased.”

Hon. members knew the late Mr. McGhie personally. He was a colonist, and a very old citizen, and one of those who helped to build up Queensland to what it is to-day. The State is at a loss through the death of such a man, and it would ill become us to allow the opportunity to go without expressing our sympathy with the family of the deceased gentleman in their great loss. (Hear, hear!)

HON. A. HINCHCLIFFE: I would like to say a word or two on the motion which has been moved by the representative of the Government. The Hon. Mr. McGhie came to this Council in 1904, at the same time as myself. He was a very old member of the party with which I am connected. For many years he was engaged in the Railway Department of this State in a responsible position. He was a man who might be described to those who knew him intimately as a “good old sort.” He was a good-hearted respected citizen, and one who would never do anyone a bad turn if he could avoid it, and I am sure that during the time he occupied a seat in this Chamber he won the respect of every member. (Hear, hear!)

HON. A. GIBSON: For over thirty years I have known the late Mr. McGhie. I first knew him as a Government surveyor on the Bundaberg and Mount Perry Railway. I was attracted to him considerably for family reasons. My children and his met together in the school and formed an association of a very pleasant character, which still remains, and I am sure that the hon. gentleman during that time did all that he possibly could for his family. (Hear, hear!) Both the male and female members of it have grown up as respected citizens in the city of Maryborough, and, having associated musically with the family, I have seen much of them. I am sure we are all sorry that he has been taken away, and believe that a very worthy citizen has passed out. I desire to record my respect for the deceased legislator and to assure his family of my sympathy, and trust that they will be cared for now that they are bereaved. (Hear, hear!)

HON. A. A. DAVEY: I would like to say a word or two on this sad occasion. Our old friend has passed away, and, so far as he is concerned, that will be a gain; but I am sure that the members of his family have lost a loving and affectionate father. In public life the late Mr. McGhie was a man for whom I had the greatest admiration, because he was a man of strong convictions, and he had the courage of his convictions. Whatever he thought was right he was always prepared to stand up for. He was not narrow-

## LEGISLATIVE COUNCIL.

TUESDAY, 30 JANUARY, 1917.

The PRESIDING CHAIRMAN (Hon. W. F. Taylor) took the chair at half-past 3 o'clock.

### DEATH OF THE PRESIDENT.

#### REPLY TO LETTER OF SYMPATHY.

The PRESIDING CHAIRMAN: I have received the following letter from Lady Morgan and family:—

“To the Presiding Chairman and Members of the Legislative Council,—

“Lady Morgan and family thank you most sincerely for your kind expressions of sympathy in their sad and sudden bereavement.

“Clinton,

“Paddington, December, 1916.”

### LEAVE OF ABSENCE TO, AND DEATH OF, HON. C. S. MCGHIE.

#### MESSAGE OF SYMPATHY.

The PRESIDING CHAIRMAN: I have to inform the Council that I have received a letter, dated 22nd December, 1916, from His Excellency the Governor intimating that he proposed to grant leave of absence from the Legislative Council for the remainder of the session to the Hon. C. S. McGhie. Since

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mindful, but was always open to argument, and I think that this Chamber has sustained a great loss in the departure of our friend. (Hear, hear!)

HON. P. J. LEAHY: Before I became a member of this Chamber I met the late Hon. Mr. McGhie on a number of occasions. The conversation turned upon politics and upon a variety of other subjects, but we did not discuss politics to any great extent. I found the late hon. gentleman a very well-read man. We discussed questions of history and literature, and it was a revelation to me to find the amount of knowledge that the late hon. gentleman had upon such matters. As a politician he was sincere in his convictions—whether they agreed with my convictions or not is quite immaterial—and he was a man who lived a long and honourable life in this State, and as a member of this Chamber his death is to be deplored.

HON. C. F. NIELSON: The late Hon. Mr. McGhie was a man of whom I suppose I have earlier recollections than of any other man in Queensland. I knew him when I was very small indeed, and when I first met him he had not long come to Queensland from South America, where he had gained a good deal of engineering experience attained there after he left his native country. He did a great deal of work in our Railway Department, particularly in the Maryborough and Bundaberg districts. His sons and daughters won distinction in the various schools they attended, and one and all are held in the highest esteem in the city in which they have been brought up. I am sure that all classes of the community in Maryborough regret the death of the late Mr. McGhie, with whom one of the early links in the history of Maryborough and the Wide Bay district has passed away. He has left behind a family of sons and daughters who are a credit to the State in every sense. To them, in common with other hon. members of the Council, I extend my sincere condolence. (Hear, hear!)

Question put and passed, hon. members rising in their places in support of the motion to express their respect for the memory of the deceased gentleman.

#### AUDITOR-GENERAL'S REPORT.

##### SAVINGS BANK SECURITIES.

The PRESIDING CHAIRMAN announced the receipt from the Auditor-General of a report, dated 26th January, 1917, under the provisions of section 6 of the Savings Bank Act of 1870, with statements showing how the funds of the Government Savings Bank were invested on 31st December, 1916.

Ordered to be printed.

#### PAPERS.

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

Despatch conveying His Majesty's assent to an Act passed during session of 1916-17.

Regulations dated 15th December, 1916, under the Health Acts, 1900 to 1911.

Amended regulations dated 12th January, 1917, under the Land Act of 1910.

Regulations dated 26th January, 1917, under the Industrial Arbitration Act of 1916.

Rules of Court dated 19th January, 1917, under the Industrial Arbitration Act of 1916.

Regulation dated 18th January, 1917, under the Public Service Acts, 1896 to 1901.

Report of Royal Commission on payment of "dirt money" to employees of the Queensland Railway Department.

#### QUESTION.

##### TABLING OF REGULATIONS UNDER THE QUEENSLAND GOVERNMENT SAVINGS BANK ACT.

HON. E. W. H. FOWLES: May I ask the Secretary for Mines, without notice, why the regulations under the Queensland Government Savings Bank Act are not laid on the table? I think they were gazetted on 12th January.

The SECRETARY FOR MINES: I will make inquiries as to the reason for the regulations not being laid on the table.

##### CHILLAGOE AND ETHERIDGE RAILWAYS PURCHASE BILL.

##### REFERRED TO SELECT COMMITTEE.

HON. P. J. LEAHY: This is a very important Bill, involving the expenditure of some £450,000 of public money. It is not perfectly clear—at least I have not been able to see that it is perfectly clear—whether, if this Bill becomes law, this money will be paid in cash or in debentures, but whether it is paid in cash or in debentures the principle is the same, we are asked to spend practically half a million of money upon the purchase of this railway.

The Hon. Mr. Thynne, in speaking on what is known as "The Thynne and Macartney Expulsion Bill," touched upon this Bill and the negotiations between himself, on behalf of the shareholders, and Mr. Ryan, with regard to this matter, and he complained that the Government went over the heads of the shareholders and did something dishonourable in negotiating with the debenture-holders. I have no knowledge of that, beyond the statement made by the Hon. Mr. Thynne, and, as far as I am concerned, the fact as to whether the Government acted dishonourably or whether they did not act dishonourably in the matter is not a thing that impresses me at all. If they have done something that is wrong—something they ought not to have done—I do not know whether the Government have any conscience—there are individual consciences, but it is very difficult to get a collective conscience—that is a matter they will have to settle with the public. The only thing that appeals to me, and the only basis on which the question ought to be discussed, is this: Are we warranted in voting such a large sum of money as £450,000 to purchase this railway? If it is a good thing for Queensland, by all means let us have it; but, if it is a bad thing for Queensland, we should not buy it. The first thing is to ascertain the facts. I do not see how we can give a decision on this matter with the information at our command at the present time. It is

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true enough that the Minister in moving the second reading of the Bill gave us certain information, but I do not think that we have anything like the information we ought to have to put us in a position to be able to give a vote upon the question. If a new railway is submitted to us, it is necessary under our Standing Rules and Orders that it should be referred to a Select Committee for the purpose of taking evidence and reporting to this House, and, if that is so in the case of a new railway, no matter how small the amount involved may be, I think it is equally necessary in the case of a railway that is already built, because the principle in both cases is exactly the same. There is this distinction to be drawn between the two, though it is not a distinction that in any way affects the appointment of a Select Committee—that in the case of a new railway we are asked to spend money which, if it is a wise proposal, will develop the country; but in the case of this railway we are asked to spend money to buy something which already exists and which probably will not increase to any real extent the development of the country there.

The SECRETARY FOR MINES: This would open up smelting works.

HON. P. J. LEAHY: I will come to that. So, from that point of view, this railway is not as good a proposition as a new railway which would open up country. The Minister interjects that a State line would mean the opening up of smelting works. As far as my knowledge of Chillagoe goes, the whole thing amounts to this: If there is sufficient mineral in the Chillagoe district to enable smelting works to be worked at a profit the railway in all probability will pay whether it is owned by the Government or by a private company; but if there is not sufficient mineral to keep the smelting works fully employed then this railway is not going to pay.

One of the first things that should be done is to get the information we require through a Select Committee, and, if we do have a Select Committee, I have no doubt that one of the first things it will do will be to get information with regard to the mineral resources of the district. My intention is to move that this matter be referred to a Select Committee, and it is for that reason that I do not intend to continue my remarks at any length. I suppose that a Committee of five would perhaps be large enough. I beg to move—

“That the question be amended by the omission of all the words after ‘be’ with a view to the insertion in their place of the words ‘referred to a Select Committee for consideration and report.’

“That such Committee have power to send for persons, papers, and records, and leave to sit during any adjournment of the Council, and that it consist of the following members:—Hon. W. Hamilton, Hon. E. W. H. Fowles, Hon. B. Fahey, Hon. W. Stephens, Hon. A. A. Davey, and the mover.”

HON. E. W. H. FOWLES: And with leave to visit places during the recess?

HON. P. J. LEAHY: I do not know whether the Hon. Mr. Fowles is serious, but I take it that, if we are going to deal with this, we shall have to deal with it soon. We do not want to prolong the session indefinitely, and, if we are going to deal with the matter at all, we should sit tomorrow and the next day and come to a

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decision this week, much as I would like to defer to the suggestion of my eloquent friend.

HON. E. W. H. FOWLES: You never buy mining machinery without looking at it. Are we going to buy £500,000 worth of mining machinery without looking at it?

HON. P. J. LEAHY: The hon. member can move an amendment.

HON. A. G. C. HAWTHORN: I think the proposal to appoint a Select Committee is an eminently reasonable one. I am sure that hon. members of this House do not at present feel justified in voting on the proposition, for the simple reason that they have practically little or no information as to the prospects and future working of the railway. It is more particularly necessary that we should assure ourselves of the position, because the Chillagoe Railway proprietors and the owners of the mine have largely prospected and developed this district. They have lost, I believe, over a million of money in the development of the district, and when they cannot make the proposition pay, it seems to me that we should be most careful that we are not committing the taxpayers of Queensland to an expenditure of £500,000 at present, and to an unknown cost for development in the future, without having more facts before us than we have at the present time. What weighs with me is that that railway cannot be run as a paying proposition unless mining there is very much more developed than it is at the present time. If we take the railway over, we are practically opening up the mines in the district. I think that with the possibility of such an expenditure of money as may be entailed we should be doing wrong if we passed the Bill without getting further information.

There is one aspect of the Bill, too, which rather strikes me. In cases like this in the past we have always had the agreement made before the Bill is brought to this House for validation or confirmation. Here the Bill gives the power to the Commissioner to enter into any agreement on any terms practically which he likes, and that is an aspect which I think the Committee will require to look into as well as the question of the value of the railway and the course of future development.

HON. P. MURPHY: I do not rise to oppose the motion of the Hon. Mr. Leahy. I recognise the reasonableness of the reason for that motion, as explained by the Hon. Mr. Hawthorn, namely, that more information should be got before an important agreement involving the expenditure of so much money is entered into. I rose principally for the purpose of bringing to the notice of hon. members, and also to the notice of the public, a circular which I have received, I think in common with other members of this House. It is from the Cairns Chamber of Commerce, and is signed by their secretary, Mr. E. S. Mann. The circular gives a great deal of information in connection with this proposal. It points out for one thing that it has cost the Government something like £100,000 to build a railway to a coalmine at Mount Mulligan, and that if this railway is not continued by the Government, that railway will be of no use. I can see quite clearly that, although it might not have

[4 p.m.] been profitable for the Chillagoe Company or any other company to carry on this railway, it is quite possible that the Queensland Government may be able

to carry it on profitably, because it connects with their railway which leads into Cairns, and it serves a large mining district and also a considerable number of settlers who took up land largely because there was a railway running through the district enabling them to get the produce of their land to market. I would like to read the second paragraph of this circular.

HON. F. McDONNELL: Read the whole circular.

HON. P. MURPHY: In order that the public of Queensland may be in a position to learn the whole of the facts connected with the transaction, I will take the hon. member's advice and read the whole circular:—

“Cairns, 24th January, 1917.

“To Honourable Members of the  
Legislative Council of Queensland,  
“Parliament House,  
“Brisbane.

“Gentlemen,—The resumption of smelting operations at Chillagoe is of such importance to this district that we venture to advance reasons why the Bill authorising the acquisition of the Chillagoe Railway and works which is being presented to Parliament by the Government should receive your approbation.

“The agreement existing between the Chillagoe Company and the Government respecting the Etheridge Railway provides that the Treasury shall contribute £11,000 annually to the company, shall pay twenty-eight and four-sevenths times the annual profits, and shall take over the line at the expiration of four years from this date, at not less than £225,000. The present proposal includes the acquisition of this line for £200,000; so that, obviously, the Government saves £70,000, exclusive of the profit obligation which may be found to be due at the end of the term. Further, the line cost about £500,000, and is thus evident that the Government will not be paying anything approaching the value of the property acquired.

“The Mareeba to Mungana Railway, with the smelters at Chillagoe included, is, however, the vital and important part of the scheme. The railway is worth, on a conservative estimate, not less than £500,000, and authoritative figures give the annual profit of a smelter on an even run as £45,000, and if one be operated regularly and the other intermittently, the profit which could be expected is £65,000.

“The line connects via Dimbulah with the Mount Mulligan coalfield, and that branch cost the Government £100,000, and was built ostensibly to provide cheap fuel for the Chillagoe smelters. Some appreciation of the position will be found in the fact that such railway communication was estimated to reduce the cost of the treatment of the ore from 11s. to 6s. per ton.

“It will be remembered that in February, 1914, the Chillagoe Company made application to the late Denham Government for a loan of £30,000, which was refused, and the company has since been unable, owing to lack of capital, to resume operations, so that the Mount Mulligan line is not receiving the effect of the development which was reasonably expected from the coalfield.

“Under normal conditions of smelting operations, the Chillagoe line contributes £30,000 per annum to the State line (Mareeba-Cairns)—provides one-third of the trade of Cairns—whilst in 1913 the company turned out £200,000 worth of metals, which it is contended went into the pockets of the wage-earners. Today, owing to the enhanced prices, the same product would more nearly represent £400,000. Further, the agricultural and timber industries benefited to the extent of £25,000 per annum, to say nothing of the mining revenue, which it is estimated received £3,000. A population of approximately 10,000 was maintained in the country traversed by the lines, and with the increased and increasing price of metals, settlement should be stimulated and a great impetus given to mining generally.

“Expert opinion does not hesitate to assert that the ore is in the district, and it is estimated that in the company's Einasleigh mines alone there are 25,000 tons of copper ore in sight. Further, the highest authorities strongly maintain that no reduction in the price of industrial metals can be anticipated for some years after the close of international hostilities. The smelters are in good order, and fresh deposits of ore are being weekly located all over the district. Higher grade ore is being exported in the crude state, and sympathetic treatment of the lower-grade products should assure a very large output.

“During 1916, the total shipment of picked copper ore was 4,615 tons, and when it is remembered that most of that tonnage was forwarded to New South Wales for treatment, it will be conceded that it must have been very rich indeed.

“The vast tract of metalliferous country served by the railways which have been constructed by the Chillagoe Company, or with their assistance, has been a great factor in the settlement of this part of North Queensland, and we submit that it is the duty of the State to accept the fullest responsibility of any reasonable action which will further development and prevent depopulation of a rich district which is languishing merely because the smelting works of Chillagoe are inoperative.

“The Bibohra Meat Export Company contemplate the expenditure of £100,000 upon their works, and their operations which are designed to treat 250 bullocks per day will mean largely increased stock movements on both the Einasleigh and Mungana sections of the railway, and consequently increased revenue.

“We, therefore, urge you to support the measure which the Premier has submitted to Parliament, as in our opinion the action of the Government is fully warranted, and will be highly beneficial to the State by discharging a manifest duty to one of its deserving areas and industries; to the Commonwealth by stimulating settlement in tropical latitudes; and to the Empire by increasing the output of metals which are regarded as a national necessity.

“For the Cairns Chamber of Commerce,

“E. S. MANN,  
“Secretary.”

After reading that circular I came to the

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conclusion that the majority of the people who issued it are not supporters of the present Government. I hope that the Council will not allow any feeling of prejudice to enter their minds in connection with the matter. The two railways serve one of the most important mining districts in Queensland, and there is no doubt that, if the Government are prevented from acquiring the railways and mines and the railways are closed down, in a very few years, no matter what Government may be in power, they will have to make railways through this very rich district. I hope that the Select Committee that is to be appointed is not being appointed with the object of shelving the proposal or throwing it out, but that the honest intention is to get more information. The more information that is got in connection with the matter the more convinced will the people become that the Government have made a real good bargain for the State. We heard from the Hon. Mr. Thynne, when he was making what might be called his valedictory address on this particular subject, that the Chillagoe Company, or the debenture-holders, had asked at first for between £800,000 and £900,000 for what the Government have now arranged to buy for £450,000—that is for 50 per cent. less than they were asked to pay at first. Everyone I have heard speaking about it who knows anything about railway matters is of the opinion that the Government in purchasing these railways and mines for £450,000 are making a very excellent bargain for the State.

HON. A. A. DAVEY: As one who knows something about the district, having travelled over it for a number of years and having seen the development of the district, I would not like to let the occasion pass without making a few remarks. If I were a wealthy man and looking round for a "spec," I should not hesitate about buying the Chillagoe Railway at the price offered, because in my judgment it will become a profitable bargain to the Government. Apart from the transaction being profitable I consider it an absolutely necessary one. There has only been one serious mistake made with regard to the Chillagoe Railway, and that is that the Government of the day allowed a private company to build the railway from Mareeba to Chillagoe. That was the most insane thing that was ever done by any Government. Anyone knowing the district knows that to take the railway up to Mareeba over almost impossible country at enormous cost and then stop it at Mareeba and allow a private company to build a comparatively inexpensive railway to open up the rich mineral resources beyond was one of the most serious mistakes ever made by any Government. I remember meeting the Premier of the time, or he may have been the ex-Premier, in Mareeba and discussing this matter with him. As a justification for the Government building this line themselves and refusing to allow any private company to build it, I used this illustration. I said, "The Government of Queensland are in the position of a man who has built a beautiful mansion and the only thing required to complete it is a cheap iron roof. By building the railway to Mareeba and then refusing to continue it through comparatively easy country, you are in the same position as that man would be in if he said he could not afford to do anything more, and, unless someone will come along and put a cheap iron roof on the mansion, the place must go

to ruin." However, the Chillagoe Company did build the line, and they have spent an enormous amount of money, and have lost an enormous amount of money. That does not mean that the State will necessarily lose by taking over the concern. The Chillagoe Company may or may not have adopted the best means for making the transaction a profitable one. They undoubtedly tried to do the best they could, but it is open to discussion whether they did adopt the best methods to make the concern a profitable one. I believe that, in the present condition of the country, it is essential to keep that line open. The Chillagoe Company built the line but they cannot keep it open, and, if the Government can obtain the line at a reasonable price and keep it open, it will help that country a great deal. There are a number of little townships growing up in that part of the State. When the Chillagoe Company was working it did not afford perhaps the best facilities to smelt ore from outside shows, but, at all events, if the works were started again, it would be a great help to the men there working small shows to be able to have their ore smelted locally. I am as certain as I am standing here that it will be a good speculation for the Government to go in for the purchase of this railway and the works, and the Government would be failing in its duty if it did not take the whole thing over. It is for the Government to say if it is worth £450,000. If it can be got for £350,000 so much the better. At the present moment my own opinion is that it would be a good transaction for the Government. If I were fortunate or unfortunate enough to be a millionaire, I should not hesitate to go in for a speculation of that kind, and therefore I have no hesitation in recommending the Government to go in for it. With regard to Einasleigh, the Government have got the responsibility there and they have to pay the interest in any case. I believe that the prospects at Einasleigh are very good. Then there is the Mount Mulligan coalfield, which seems to me to be also associated with this affair. There is no doubt at all that the Government would be doing good business if they got hold of the whole system of railways up there. If these railways are not worked, then it means closing up the whole of that part of the country, and the people who went up there under the promise of a railway and who did all the pioneering will be left in the cold. It is not the duty of the State to leave people like that in the cold. If there were any serious doubts about the matter, it would be a different thing.

HON. P. J. LEAHY: I have serious doubts myself.

HON. A. A. DAVEY: The hon. member has serious doubts about most things. In fact he is a political agnostic.

HON. P. J. LEAHY: I am not a religious one, anyhow.

HON. A. A. DAVEY: If this Select Committee meets, I have no doubt that it will come to the conclusion that it is not only a good bargain, but it is the absolute duty of the Government, under all the circumstances, to take over this line. If the line is not taken over, it will mean closing up a most important part of the country, and we cannot afford to do that. We want to open up our country and not close it up at all. The Biboohra meatworks are a great concern, and the owners propose to spend money in

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enlarging and improving their works. That will add largely to the value of the railway. In any case, it is an utter absurdity for the Government to own the railway to Mareeba after taking it over the range, and then having nothing to do with the railway into the good country. I was surprised when the Government stopped their railway at Mareeba and left that rich and grand country at the back to be developed by private enterprise. Private enterprise has failed.

HON. F. T. BRENTNALL: Can you say why they have failed?

HON. A. A. DAVEY: I was at Chillagoe when the railway was first opened, and I was there on a Sunday. I may say that I have no personal feelings about it at all, but when I was there at the opening of the railway I looked round and I could not see a working man in Chillagoe. I saw a whole crowd of people playing tennis and cricket and that sort of thing, and I noticed that there were a great number of officials. The business up there has been carried on at enormous expense and in a lavish style. I have no doubt that they thought that with the wonderful richness of that country it would pay to do that kind of thing, but for a considerable time there did not appear to be any workers about Chillagoe at all. Perhaps it would be impertinence on my part to say anything about the wisdom or unwisdom of a great company like that in the conduct of their business, but I am an ordinary business man, and I am of the opinion that it was not run on business lines. I am certain that thousands of pounds could have been saved at the start if it had been run on business lines. If it is run on business lines by the Commissioner for Railways, it will be a profitable undertaking for the State. I am rather sorry that the matter has been referred to a Select Committee, and I hope hon. members will give the matter serious consideration.

HON. W. STEPHENS: You are on the Select Committee yourself.

HON. A. A. DAVEY: Yes, that is so.

HON. W. STEPHENS: You have made up your mind before you have heard the evidence.

HON. A. A. DAVEY: I have made up my mind. I do not want any evidence. I was working through that district before the line was opened to Chillagoe, and I know the district as well as I know Brisbane—in fact, better. I know the whole of the district, as I was up there before they started to build the line at all. I do not want anything to enable me to make up my mind.

HON. W. STEPHENS: You ought to be a witness and not a member of that committee.

HON. A. A. DAVEY: I take it that we want to get through the business of the country as speedily as possible, and this reference to a Select Committee will mean delay, and I regret that there should be any delay. I can recommend this proposal to the Council with the greatest confidence. I have not a penny invested there and have no interest in it whatever, but I know every hole and corner of it. I always regarded it as a huge mistake for the Government line to stop as soon as the range was crossed. Anyone with any common sense at all would see that the Government, after taking the railway over the tops of the mountain, should not have stopped at Mareeba. They should

have pushed on to open up the back country. However, the Chillagoe Company came along and put on a cheap galvanised-iron roof, as it were, and they got the best part of it so far as the railway business was concerned. The Chillagoe Railway was not an unprofitable concern. If the works were only started again, we know that there is a very large amount of rich ore in and around that district, and, if proper facilities were afforded to the owners of small shows to get their ores smelted at a reasonable price, then that country would develop enormously. I have no doubt about its being good country, and I have no doubt about it being a wise thing for the Government to buy the line and not allow the works to be shut down and go to ruin. If the Government allow those works to go to ruin, it will be almost a crime on their part.

HON. F. T. BRENTNALL: I cannot speak from a great practical knowledge of the country. I have travelled over it, but not so deliberately as the Hon. Mr. Davey. Apart altogether from the country and its reputed resources, I can scarcely understand the exact purport of the address to which we have just listened. Is it intended to help the Government in the purchase of this railway?

HON. P. J. LEAHY: We want to get the facts.

HON. F. T. BRENTNALL: All the way through the Hon. Mr. Davey has simply been giving evidence that should have come before the Select Committee.

HON. A. A. DAVEY: The fact that I am on the Select Committee will not shut my mouth as to what is right.

HON. F. T. BRENTNALL: I understand that we propose to appoint a Select Committee for the purpose of getting information if it is obtainable, that may influence this Council in coming to an honourable and straightforward decision with regard to this Bill. That is what I think the Select Committee is to be appointed for, and every member of that committee should go to the meetings of the committee with an open and candid mind and receive the evidence, and then come to a rational conclusion on that evidence. I am not going to detain the House with a long speech, because I am not sure whether this is the time for making speeches. If we are going to appoint a Select Committee, it is the duty of that Select Committee to get all the evidence they can and bring to us the result of it.

HON. A. A. DAVEY: We have not appointed one yet.

HON. F. T. BRENTNALL: Well, let us appoint a Select Committee, and let the House know what their conclusion is, and the House will say whether or not they will adopt the report of the committee. We have been told that there has been a great deal of money sunk in this railway. I do not think that anybody need be told that at all if they have ever thought anything about the subject. The Hon. Mr. Davey made some reference to a previous Government having built the line from Cairns to Mareeba over very unpromising country at enormous cost. After the report we have just heard from the hon. member, it seems that it was not so bad as was first considered because of the magnificent country at the back. The people who

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subsequently built this railway evidently had that opinion also or they would not have found the money to build the railway.

Hon. P. J. LEAHY: Their opinion was wrong, because they lost their money.

Hon. T. J. O'SHEA: There is very little good land between Marceba and Mungana.

Hon. F. T. BRETNALL: If their opinion was wrong, then the Hon. Mr. Davey is wrong. If they anticipated mineral results as the result of building that line and constructing those works, then they were never realised. Neither a company nor the Government are justified in incurring the expense of working a railway which will not realise a profit. The country may be wonderful in its prospects, in its resources, and in its probabilities of remunerating the Government for the outlay which they undertake to make if they take over this property. We know very well that in this country there are a good many railways that do not pay at all. They never have paid, and they have no immediate prospect of paying. The important question that arises with me is: If the business men who constructed this railway and opened it failed to make it pay, is it ever going to be made to pay under the "Government stroke"? We have to take all these things into consideration. We know that in the past we have passed railways on splendid evidence. We came to a deliberate conclusion after hearing the evidence that there was every prospect of the railways, the plans and specifications of which we were asked to pass, being paying propositions. When we came to a decision on the question everything was rosy and optimistic and magnificent in prospect, yet we have committed the country to an expenditure again and again for the construction of lines that have not paid. When some of the Government railways have not paid one or two questions were asked. The question was asked: Why have these railways not paid? Is it because the resources of the country have been misjudged, or is it because of the inability of the Government to run the railways to make them pay; or is it that all that was expected of them is not forthcoming? Before we decide this matter we would be acting wisely in referring it to a Select Committee to go into the whole question and let them bring before us their calm, deliberate, and carefully prepared report. This is really also a speculation.

We have been told that it will be a fine investment for the country, but that has to be proved. It has not turned out a fine investment for anybody yet. We are [4.30 p.m.] told in the Bill, first of all, that an agreement is to be or has been entered into with the trustees of the debenture-holders of the Chillagoe Railway and Mines, Limited. It is with the debenture-holders that this agreement has been made. How many companies have there been already in this matter? There have been three or four, and not one of them has made this railway pay.

Hon. A. A. DAVEY: You will be getting it for less than half-price.

Hon. F. T. BRETNALL: Never mind that. If it will not pay working expenses under private expert management, is it more likely to pay under Government control, even if the purchase price may not have been so large? These people have not paid any

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dividends on their capital. We have to find out by the Select Committee whether the actual net returns from the undertaking will give a sufficient amount of money not only to pay the interest on the cost to the Government, but also to pay the cost of working the railway. You have to pay the interest on the original cost first, and then you want a sufficient margin to pay the working expenses continuously. I trust the Select Committee will find out whether they are likely to get sufficient revenue in the future, taking past figures and experience as the basis for their estimate, when nobody has been able to do it in the past. They have not been able to make these mines pay.

Hon. A. A. DAVEY: They have not money enough.

Hon. F. T. BRETNALL: Before we ask the country to commit itself through the Government to this large expenditure on what has been for a number of years past a tried experiment, let us have the fullest information, and let a Select Committee be appointed to obtain it. There is a good deal beneath the surface in connection with these companies, and it is the business of the committee to find out what they can. They cannot find out how much mineral is beneath the surface, as that can only be done by exploration. Let the committee get all the information they can, and then this House may be justified in passing the Bill.

Hon. E. W. H. FOWLES: My mind is quite open in this matter, and perhaps the Minister can give information on three points at the present time. First, could we be assured by the Crown Solicitor's Office that none of the shareholders will take action under the moratorium regulations, and that the debenture-holders cannot foreclose during the war? This is practically a foreclosure. If any of the shareholders who are debenture-holders as well like to make trouble, the State might be involved in costly lawsuits. We are hoping to buy a profitable mine, and we might buy a number of lawsuits with it. I do not know whether the Crown Solicitor's Office has gone into that matter to see whether the debenture-holders can foreclose during the war. The next point, perhaps, on which the Minister could give us information at once is with regard to the Bill itself. I notice that it says the price is £450,000; and, if that is paid, those who accept the money may either take a sum of £450,000 or debentures to the actual value of that amount. Now, the debentures would probably be about one-fifth more than the actual cash, so that under the Bill, although the price purports to be £450,000 in cash, it may turn out to be £550,000 in debentures, which may go up or may go down after the war.

Hon. F. McDONNELL: That is a saving of £100,000 to the Government. The Government are buying it practically for £350,000.

Hon. E. W. H. FOWLES: There is a £100,000 gamble in it. The next question is: Is the State already committed to the £235,000 for the Etheridge Railway? Is that to be paid in any case whether this proposal for £450,000 goes through or not?

The SECRETARY FOR MINES: They must take it over.

Hon. E. W. H. FOWLES: So that the State is already committed for the £235,000?

The SECRETARY FOR MINES: By the agreement.

HON. B. FAHEY: I was detained at an important meeting from attending at the opening of the Council this afternoon, and since I have entered the Chamber I have been told that I have been nominated as a member of a proposed Select Committee to inquire into the merits of this Bill. That prevents me from having much to say on the subject of the Bill. Having been nominated as a member of the proposed Select Committee, I am in duty bound, from a sense of propriety and good taste, to refrain from saying anything until such time as the committee shall have reported.

HON. A. A. DAVEY: With the permission of the Council, I would like to have my name withdrawn from the proposed Select Committee. It is said that we want more information with regard to the wisdom or otherwise of the transaction, but I, personally, do not want any more information. I shall be very pleased to attend and give any information I can to the committee.

HON. T. J. O'SHEA: I understand a question was asked of the Minister, and that we were to get some information before we decide on the matter before us. I would like to know whether we can see the draft agreement before we commit ourselves to this proposal. It is usual that the agreement be prepared and approved by both sides, and, if not actually executed, it is added as a schedule to the Bill, so that the House may have full information respecting the terms of the contract being entered into. I think that the Chamber is entitled at least to see the draft of the proposed agreement, if the agreement is not embodied as a schedule to the Bill as an executed document before the Bill is passed.

The SECRETARY FOR MINES: The Hon. Mr. Fowles asked whether action could not be taken against the Government. That is a legal opinion which is not usually asked.

HON. P. J. LEAHY: Cannot you give it? (Laughter.)

The SECRETARY FOR MINES: I am a little bit of a bush lawyer like the Hon. Mr. Leahy, but on questions of this sort I would not attempt to give an opinion. The Crown Law Officers do not attempt to give opinions on questions of this sort.

HON. P. J. LEAHY: You have a lawyer who gives you advice.

The SECRETARY FOR MINES: That is all right, but he just gives advice to the Government. If an agreement is drawn up, it is for the debenture-holders to put themselves in a position to convey their interests to the Government; that is a matter for the debenture-holders, and not for the Government. If the debenture-holders enter into an agreement to transfer all their rights to the Government, they must put themselves in a position legally to transfer their property. They must know that they are able to get round the moratorium in some manner, or else they would not enter into this agreement. I do not think it is usual to give all the details of the agreement in the Bill. I will find out to-morrow whether it is possible to do so. The agreement is only in the rough yet. It is stated in the Bill that it is for a certain sum of money, and I suppose the agreement will be drawn up in accordance with that arrangement.

Question—That the words proposed to be omitted (*Hon. P. J. Leahy's amendment*) stand part of the question—put and negatived.

Question—That the words proposed to be inserted be so inserted—put.

HON. A. A. DAVEY: I would like the House to consent to the withdrawal of my name from the proposed committee.

The PRESIDING CHAIRMAN: Is it the pleasure of the Council that the Hon. A. A. Davey's name be withdrawn?

HONOURABLE MEMBERS: Hear, hear!

HON. P. J. LEAHY: If it is necessary to obtain my consent as the mover of the motion, I have no objection. Personally, I regret it, but if the Hon. Mr. Davey chooses to withdraw his name, I have no objection. I beg to move—That the question be amended by the omission of the Hon. A. A. Davey's name and the substitution thereof of the name of the Hon. A. H. Parnell.

Amendment (*Mr. Leahy's*) agreed to with the substitution proposed.

Question, as amended, put and passed.

#### REQUEST FOR MEMBERS OF ASSEMBLY TO GIVE EVIDENCE BEFORE SELECT COMMITTEE.

On the motion of the SECRETARY FOR MINES, a message was ordered to be sent to the Assembly requesting that leave be given to Hon. Edward Granville Theodore and Henry Joseph Ryan, Esq., members of the Assembly, to attend and give evidence before the Select Committee.

#### WAGES BILL.

#### CONSIDERATION IN COMMITTEE OF ASSEMBLY'S MESSAGE.

(*Hon. A. A. Davey in the chair.*)

Clause 6—“*Moneys received by contractor not to be attached, and to be applied in payment of wages due*?”—

The SECRETARY FOR MINES moved—

“That the Committee do not insist on their amendment in clause 6, line 37, omitting the words ‘received by’ and inserting the words ‘due to,’ and agree to the amendment proposed by the Legislative Assembly in line 37, inserting the words ‘due to or’ after the word ‘moneys.’”

HON. T. J. O'SHEA: The amendment inserted by the Committee previously had been made after full consideration and after paying attention to the peculiar phraseology of the clause and to the fact that to attach moneys was only applicable to moneys due to an individual—in that instance the contractor. He failed to see how they could attach moneys once a contractor had received them. However, he had no desire to hamper the operations of the Act or to prevent it being as effective as possible in the interests of the employee who had earned his wages. At the same time, he did not like to see a clause go through which was neither good law nor good sense. As already amended by the Committee the clause would achieve all the purposes desired and would provide even stronger safeguards than if amended as proposed by the other Chamber. Once a contractor had received money he could not conceive by what process that money could be attached, but, if the “powers that be” wanted the clause in the form proposed by the Minister's motion, he was not going to place any obstacle in the way.

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HON. P. J. LEAHY: So far as he could see there was no time limit provided. If that were so, a contractor might have received money six months or twelve months before and have applied it to some other purpose and then be called upon to hand it over.

HON. A. G. C. HAWTHORN thought the difficulty alluded to by the Hon. Mr. Leahy was met by the latter part of the clause, which made it compulsory on the contractor to "apply all such moneys received by him in payment of the wages due and to accrue due to the workers."

HON. P. J. LEAHY: But the claims might not come in for some considerable time after he had received the money.

HON. A. G. C. HAWTHORN: If he did not pay all the moneys he received to which his employees were entitled, he would commit an offence under the Act.

Question put and passed.

Clause 17—"No order attaching wages"—

The SECRETARY FOR MINES moved—

"That the Committee do not insist on their amendment in clause 17."

Question put and passed.

Clause 21—"No set off for goods supplied to worker by employer"—

The SECRETARY FOR MINES moved—

"That the Committee do not insist on the omission of that part of clause 21 contained in lines 53 to 59, page 6, and the words on page 7, line 1, down to and including the word 'wages' on line 16."

HON. T. J. O'SHEA said he had a rooted conviction that the clause should go out, and he intended to move later [5 p.m.] on that the Committee insist on their amendment.

Question put and negatived.

HON. T. J. O'SHEA moved—

"That the Committee do insist on their amendment to omit clause 21, because the clause, if retained, would be an inducement to dishonesty and would lead to injustice and would be unworkable."

Question put and passed.

Clause 25 (now 23)—"Payment of wages may be made by cheque"—

The SECRETARY FOR MINES moved—

"That the Committee do not insist on their amendment in clause 25 (now 23)."

HON. P. J. LEAHY: The Committee debated the clause at considerable length when the Bill was going through that stage. They had just struck out a clause because it was unworkable, and this was an unworkable kind of a clause, too. If the Minister's motion were agreed to, and the clause restored to the form in which it came to the Council in the first instance it would mean that every employer throughout the length and breadth of Queensland would have to pay in cash. An employer living in Birdsville or in some other part of the West 300 miles from a bank would have to pay in cash.

HON. T. M. HALL: It will be a great inducement to bushrangers.

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HON. P. J. LEAHY: That might be the object of the clause. (Laughter.) Both the Minister and himself had lived in the West long enough to know as much about the conditions there as any member of the House, and the Hon. gentleman knew that the clause would be an injustice to all employers in the West.

The SECRETARY FOR MINES: It says, "If such worker freely consents to receive such cheque."

HON. P. J. LEAHY: That was all right in the old days when they did not have the militant unionist or the disciples of the Industrial Workers of the World round preaching the "gospel of discontent." The same good feeling did not exist in the West now that existed twenty years ago. Even if a man did get a cheque that was bad he still had the ordinary remedy under the Masters and Servants Act, and a man might be put in gaol in certain cases if he did not pay wages. He thought they should let the old system of payment by cheque continue, otherwise it would mean a great hardship throughout the western portion of Queensland.

HON. T. J. O'SHEA agreed with what had been said. If they left the clause as it stood, then when a man was leaving the service of his employer he could put him to a certain amount of trouble and inconvenience by making him go to the bank and get the cash, instead of accepting a cheque in payment. At the present time in the country where they kept paper money it was liable to fire and theft. It would be an inducement to scoundrels to go round from station to station, and hut to hut, and rob the men of their cash if all payments had to be made in cash. It might lead to the robbery of the cash that was kept for the payment of the employees. When they had members of the Industrial Workers of the World going round with their knowledge of combustibles, even a strongroom would not be safe. The Committee would make a mistake to allow the amendment to be withdrawn.

HON. A. G. C. HAWTHORN pointed out that, if a summons were issued and a verdict given, then an employer had to pay by draft or order. As the draft or order were recognised after the summons was issued and a verdict given, surely that was a good reason why payment should be permitted by draft or order before the summons was issued.

Question put and negatived.

HON. T. J. O'SHEA moved—

"That the Committee do insist on their amendment in clause 25 (now 23), because no injustice can arise from payment by cheque where such mode of payment is usual.

"To make such mode of payment illegal would cause needless and widespread inconvenience, particularly in remote districts, where it is not usual, or safe, to keep bank notes, which are liable to the risk of fire and theft.

"Under the clause, as amended by this House, payment by cheque will still be illegal excepting in those cases in which payment by cheque is the regular mode of payment."

More than £2 in silver was not legal tender, so that a man could refuse to accept payment in silver.

HON. P. J. LEAHY drew attention to the last paragraph in the motion proposed by the Hon. Mr. O'Shea, as it did not express the meaning intended. It said, "Under the clause as amended by this House payment by cheque will be illegal," whereas under the clause, as amended, it would be legal. If they left the original clause in, then payment by cheque would be illegal, but under the amendment of the Council that would not happen. He suggested that the words, "as amended by this House" be struck out.

Hon. T. J. O'SHEA: It would be a mistake to do that.

HON. F. T. BRETNALL suggested that the word "useless" should be omitted, and the word "needless" inserted in its place.

Hon. T. J. O'SHEA: Very well, I will do that.

HON. P. J. LEAHY: He would suggest to the Hon. Mr. O'Shea the addition of the word "still," making part of the motion read "under the clause as amended by the Legislative Council, payment by cheque will still be illegal."

Hon. T. J. O'SHEA: He would adopt the suggestion.

Question, as amended, put and passed.

Clause 28—"Consent of worker no defence"—

The SECRETARY FOR MINES moved—  
"That the Committee do not insist on the omission of clause 28."

HON. P. J. LEAHY: He had read the clause very carefully, and he did not see that it was going to do any good, and it might do some harm. It looked on the face of it as if it were intended to give some protection to employees, but, in his experience, he had not found that employees had stood in need of any protection of this kind. It was true enough that it might conduce to law, and if law was a good thing, there might be something to be said in favour of the clause. He thought the clause was unnecessary, and the Council would be wise in deleting it.

Question put and negatived.

HON. P. J. LEAHY moved—

"That the Committee do insist on the omission of clause 28, because the clause is useless and unnecessary."

Question put and passed.

Clause 29 (now 26)—"This part not to apply in certain cases"—

The SECRETARY FOR MINES moved—

"That the Committee do not insist on their amendments in clause 29 (now clause 26), on page 9, lines 3 and 4, and line 15."

HON. P. J. LEAHY thought they ought to insist on their amendment in this clause. They had debated it fully before, and he did not wish to argue the matter.

Question put and negatived.

[5.30 p.m.]

HON. P. J. LEAHY moved—

"That the Committee do insist on their amendments, because the amendments are not only reasonable in themselves, but, if they were not made, there would be serious and needless dislocation in the ordinary and approved conditions that obtain in places remote from towns or cities."

Question put and passed.

Clause 30 (now 27)—"Workers not entering into service according to agreement, absenting themselves, etc."—

The SECRETARY FOR MINES moved—

"That the Committee do not insist on their amendment in clause 30 (now 27)."

HON. T. J. O'SHEA: The amendment made by the Council was a reasonable one because it made the penalty in subclause (b) agree with the penalties provided in subclauses (a) and (c).

Question put and negatived.

HON. T. J. O'SHEA moved—

"That the Committee do insist on their amendment in clause 30 (now 27) because the penalty provided in the amendment is identical with that provided in subclauses (a) and (c) of the clause for a similar offence, and the amount of such penalty is merely a maximum and may be reduced to a farthing if the court think fit."

Question put and passed.

Clause 38 (now 36)—"Power of court to determine all questions, etc.; rules of court"—

The SECRETARY FOR MINES moved—

"That the Committee agree to the amendment proposed by the Legislative Assembly in clause 38 (now 36) proposing to insert in lieu of the words omitted by the Legislative Council the following words:—and by such rules of court provision may be made for carrying into effect the objects of this Act. By such rules the limit in amount of any costs recoverable in any such proceedings may be fixed."

HON. T. J. O'SHEA: This seemed to be a further attempt to legislate by regulation. He was sorry the Minister had not given them an opportunity of scanning the effect of the amendment proposed by the Assembly before submitting his motion. He had no desire to hamper the administration of the Act, but he looked with a certain amount of suspicion upon government by regulation. In this case it might be harmless, but he suspected it.

The SECRETARY FOR MINES: The effect of the amendment proposed by the Assembly in substitution for the amendment previously made by the Committee was that the court would make rules for carrying into effect the provisions of the Act. Hon. members objected to the Governor in Council having power to carry out the objects of the Act by regulation, and this was the alternative proposed by the Assembly.

HON. P. J. LEAHY: On looking through the Bill he was doubtful whether the rules of court were to be made by the Supreme Court, or the District Court, or whether every police court would have power to make its own rules. If the Minister could satisfy him that the rules would be made by the Supreme Court, or even by the District Court, he would have no objection to accepting the Assembly's proposed amendment, but he had the strongest objection to the amendment if it would give power to every petty debts

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court to make its own rules. He suggested the addition of the words "provided such rules are made by the Supreme Court."

The SECRETARY FOR MINES pointed out that the clause made no alteration at all from the present method of making rules, because the rules that were made in the inferior courts had to be approved by one of the superior courts.

HON. P. J. LEAHY: The Governor in Council makes the rules for the inferior courts.

The SECRETARY FOR MINES: But they had to be approved afterwards by the District Court judges.

HON. C. F. NIELSON: The Minister was correct in his explanation. The rules of court that now existed, whether in the higher courts or in the small debts court, would apply to proceedings under this Act. It also said in the clause that provision might be made by such rules. The authority that now made the rules would still make them. That was clear. The clause did not empower any particular court to make any rules. When a proceeding under the Wages Bill got into a court—the small debts court, perhaps, or, if the amount was large enough, the District Court, or even the Supreme Court—the judge of the superior court would approve of the rules. The authority for making the rules and altering or extending existing rules, if necessary, to cover proceedings under this Act, still existed. It was perfectly clear that magistrates and justices had no power to make any rules.

HON. T. J. O'SHEA suggested, as a way of getting over the difficulty, to move as follows:—

"That the Committee do insist on their amendment, but offer to accept the offer made by the Legislative Assembly provided that the following words be added thereto—namely, 'All such rules shall be made by the Supreme Court.'"

The Supreme Court could make all the rules just the same as the District Court now made them, and the Supreme Court would make them as soon as the Act came into force. It would not create any difficulty whatever, but would simplify the procedure, as it would ensure to the public that the rules would be made by the Supreme Court and not by the Ministry of the day.

The SECRETARY FOR MINES: If he accepted the suggestion of the Hon. Mr. O'Shea, it would give the Supreme Court power to make rules for all existing courts, including the District Courts and everything else.

HON. P. J. LEAHY: That would not be a bad thing.

The SECRETARY FOR MINES: The District Court judges made their own rules now, and also approved of any rules made by the lower courts. Did they want to take away that power from the District Court judges, because that was what the suggestion of the Hon. Mr. O'Shea meant? That

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would mean that only the Supreme Court could make rules. As the Hon. Mr. Nielson pointed out, the clause did not alter the present method of making rules of court.

All rules of court made by lower [6 p.m.] courts had to be approved by a District Court judge, and when there was no alteration being made in the existing Act, why should they say that only the Supreme Court should make the rules?

HON. C. F. NIELSON: The Hon. Mr. O'Shea knew perfectly well that the court was selected according to the amount involved in the case. The jurisdiction of the different courts was limited; and the question of costs varied with the amount involved. If an employee who had a claim for wages to the amount of £10 or upwards thought his employer had no goods or chattels but knew that he owned land, he did not sue him in the Small Debts Court, because the Small Debts Court bailiff could not levy on land; but he went into the District Court, where a claim of £10 would carry costs and enable the successful plaintiff to have recourse against the land. The rules of procedure in the District Court were laid down by the District Court judges, and, if they found it necessary to frame further rules through legislation which was passed they would frame them. The Hon. Mr. O'Shea was throwing the onus on the Supreme Court to frame rules of procedure for the District Court, when the District Court Act specifically gave power to its own judges to frame their own rules. If the Hon. Mr. O'Shea wanted to provide a safeguard against magistrates making rules, he might specify in his amendment that rules in the Small Debts Court should be framed by the District Court judges; but there was no occasion to interfere with rules for Supreme Court or District Courts because each of those courts made its own rules. If the amendment were passed they would interfere with the statutory power of Supreme Court judges, who could already make statutory regulations for their own courts.

HON. T. J. O'SHEA: He had no desire to hurry the matter, and would let it stand over for consideration, but he certainly objected to rules being made by magistrates.

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

#### ADJOURNMENT.

The SECRETARY FOR MINES: I beg to move—That the Council do now adjourn. The first business to-morrow will be to dispose of the amendments in the Wages Bill, next the consideration in Committee of the Assembly's message of 22nd December on the Income Tax Act Amendment Bill, and then the Regulation of Sugar Cane Prices Act Amendment Bill in Committee. I would like to remind hon. members that under the alteration of the Sessional Order the Council now meets at half-past 2 o'clock. We have not much work to do, and I think we can finish it this week if we settle down to do it.

Question put and passed.

The Council adjourned at eight minutes past 6 o'clock.