Queensland

Parliamentary Debates
[Hansard]

Legislative Council

MONDAY, 3 DECEMBER 1917

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LEGISLATIVE COUNCIL.

MONDAY, 3 DECEMBER, 1917.

The PRESIDENT (Hon. W. Hamilton) took the chair at half-past 3 o'clock.

TREASURY BILLS BILL—GOVERNMENT LOANS SINKING FUND TEMPORARY SUSPENSION BILL—OPTICIANS BILL.

ASSENT.

The PRESIDENT announced the receipt of messages from the Governor, conveying His Excellency's assent to these Bills.

PARLIAMENTARY BILLS REFERENDUM ACT.

SUBMISSION OF COUNCIL'S AMENDMENTS IN REFERENDUM—ACKNOWLEDGMENT OF RESOLUTION BY HOME DEPARTMENT.

The PRESIDENT reported that the resolution agreed to by the Council on the 27th November, relating to Bills which may, under the provisions of section 4 of the Parliamentary Bills Referendum Act of 1908, be declared to have been "lost," was forwarded to the Home Secretary and that a formal acknowledgment, under date 30th November, had been received from the Under Secretary to the Home Department.

PAPERS.

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

Report of Registrar of Friendly Societies and Building Societies.

Report of the Auditor-General under the Supreme Court Funds Act of 1895.

REGULATION OF SUGAR CANE PRICES ACT AMENDMENT BILL.

MESSAGE FROM ASSEMBLY, No. 2.

The PRESIDENT announced the receipt from the Assembly of a message stating that they did not insist on their disagreement with that portion of clause 6 contained in lines 43 to 55, page 6, and agreed to the further amendment proposed by the Council in line 39 after the word "owner."

JOINT COMMITTEES.

CONTINUATION DURING RECESS—MESSAGE FROM ASSEMBLY.

The PRESIDENT announced the receipt from the Legislative Assembly of a message concurring in the Council's resolution of 30th November, providing for the continuance of the functions of the Joint Library Committee, the Joint Refreshment Rooms Committee, and the Joint Buildings Committee during the recess.

PUBLIC WORKS LAND RESUMPTION ACT AMENDMENT BILL.

COMMITTEE.

(*Hon. W. F. Taylor in the chair.*)

Clause 1—"*Short title and construction of Act*"—put and passed.

On clause 2—"*Amendment of section 4*"—

HON. T. J. O'SHEA asked the Minister to give some explanation of the reason for the introduction of the amendment. What had happened in the past that necessitated the introduction of the Bill, and was there anything behind it that was not apparent on the face of it?

The SECRETARY FOR MINES (Hon. A. J. Jones): When moving the second reading, he explained the object of the Bill, which was pretty well set out in that clause. On the second reading the Hon. Mr. O'Shea and other hon. members raised the point as to whether it would not be wise to have a definition of "township," and he thought it might meet the wishes of hon. members if they inserted at the end of the clause the words—

> "under any law in force for the time being relating to towns, town sites, township reserves, or townships."

Hon. T. J. O'SHEA: But what has happened in the past that necessitates the introduction of the Bill?

The SECRETARY FOR MINES: Nothing had happened in the past, except that the Government wanted similar powers to resume land along railway lines for township purposes, to those they already possessed in connection with the resumption of land for railway purposes.

Hon. F. T. BRENTNALL: They have general powers of resumption for that purpose under the Railways Act.

Hon. T. J. O'SHEA: Were you ever blocked in the resumption of land for township purposes?

The SECRETARY FOR MINES: He was not aware that they had been blocked in any way.

Hon. P. J. LEAHY: Will the Bill do any good, or is it like most of the other Government measures?

The SECRETARY FOR MINES: The Government would not have introduced the Bill if they had not thought it would do some good.

Hon. T. J. O'SHEA: You have not shown any necessity for it so far.

The SECRETARY FOR MINES: When speaking on the second reading he instanced the town of Kingaroy. Through the construction of the railway, land that had been purchased from the Crown for 2s. 6d. per acre had been so enhanced in value that something like £800 was realised for a quarter of an acre, and the Government wanted power to extend the provisions of the existing law so that they might be able to resume land for township purposes as well as for railway construction purposes.

Hon. P. J. LEAHY: Would you take that Kingaroy land at the pre-railway value?

The SECRETARY FOR MINES: No.

Hon. P. J. LEAHY: You would not confiscate anything?

The SECRETARY FOR MINES: It was not a confiscatory proposal at all.

Hon. P. J. LEAHY: I am very glad to hear that.

Hon. T. M. HALL: Every resumption would have to go before the Land Court?

The SECRETARY FOR MINES: Yes, the same as every other resumption had to go before the Land Court. It was just extending the power that the Government now had under the Public Works Land Resumption Act with respect to land required for Government purposes.

Hon. F. T. BRENTNALL: Haven't the Government power now to resume land for public purposes?

The SECRETARY FOR MINES: He did not think they had for township purposes, and he thought it was wise that they should have that power.

HON. C. F. NIELSON: He intimated the other evening that he would prepare an amendment on this clause. Under the Land Act of 1910 all land in Queensland was divided into three classes—country lands, suburban lands, and town lands. He moved as an amendment—

> "That all the words after the word 'apart' on line 12 be omitted, with the view of inserting words, 'as town land or suburban land within the meaning of the Land Act of 1910: Provided that no resumption for the lastnamed purposes shall take place out of any separate portion or parcel, the area whereof is less than ten acres, without the consent of the owner thereof, nor shall any such resumption take place out of any portion or parcel of land without leaving remaining to the owner thereof an area of not less than ten acres, except by the consent of such owner.'"

There was no authority under the Public Works Land Resumption Act to resume land for the purpose of subdividing it and reselling it as residential sites, but the measure now before the Committee gave the Government power to resume land for such purposes. In many towns in Queensland they would see a private residence with a nice area of land surrounding it, and there was no reason, if the owner was prepared to hold his land and pay his land taxes and local authority rates, why, because there was some pressure brought to bear upon the Government, they should have power to resume that piece of land so as to spoil his private residence. Therefore, he had provided in the amendment that, if the area was greater than 10 acres, the owner should be left 10 acres after resumption, unless he consented to take a lesser area. The Minister spoke of new railway lines. Such lines were not going through townships, but would go through country lands, and, if a man had an agricultural farm along the railway, it would have an area of 160 acres or more, and under the amendment the Government could resume 150 acres and leave the owner 10 acres. He could quite imagine that there were around Brisbane, houses built in a paddock of 7, 8, or 9 acres, and that people had lived there for years, and there was no reason why, because an agitation was got up to have that land cut up into smaller areas, any Government should yield to the agitation and cut up the land into smaller allotments without the consent of the owner.

The SECRETARY FOR MINES: The amendment was rather a cumbersome one, and would restrict the operation of the Bill, and, therefore, he did not propose to accept it. Under section 4 of the Public Works Land Resumption Act the Government had power to resume land for all public purposes, with the exception of the purpose of establishing a township. The object of the Government in introducing this measure was to extend the power given by the Public Works Land Resumption Act of 1906 to land which was "to be set apart, taken up, occupied, and used for township settlement, townships, and township purposes." To make quite clear what was intended, he had offered to insert at the end of the clause the following words:—"Under any law in force for the time being relating to towns, town sites, township reserves, or townships." If that amendment were accepted, the land could only be resumed for township purposes under any law in force for the time being. Section 9 of the Miners' Homestead Leases Act provided that—

> "If no township has been duly constituted within a mining field, the warden shall report to the Minister upon the necessity or otherwise of reserving a town site or town sites before issuing any miner's homestead lease."

There was a similar provision in the Sugar Works Act of 1911. The object of the amendment was to restrict the power of the Government in resuming land to areas of more than 10 acres, and that would render the Bill perfectly useless.

HON. C. F. NIELSON: If the hon. gentleman would investigate the matter, he would find that there were suburban allotments of 2 acres, 5 acres, or 10 acres all over Queensland. They had been sold on the outskirts of towns like Toowoomba, Warwick, Bundaberg, and Maryborough, and were probably a little distance out of town. At Bundaberg he knew some such allotments, which were probably 3 miles from the post office. They were known as suburban blocks, and had been sold by the Government as such for suburban residences. The area of 10 acres mentioned in his amendment was taken because he knew of blocks of 10 acres which were recognised by the law as suburban blocks. Under the Bill, if a certain road outside Brisbane became a popular residence acre, and private owners had cut up their land until they had reached the suburban blocks, an agitation might take place to get the Government to resume those suburban blocks and cut them up into ¼-acre blocks. That would be a wrong thing for the Government to do. It was a good thing in a country like this, where land was plentiful, to allow the people plenty of air and plenty of elbow room. But this measure would enable the Government to do the very thing which they preached against, and that was to buy land and subdivide it into smaller areas for suburban residences.

The SECRETARY FOR MINES: The Government are not going to do that.

HON. C. F. NIELSON: He was glad to hear that. He would like to see the Government pass a law which would prevent any land being subdivided into smaller allotments than a quarter of an acre for residential purposes, but this measure would practically enable the Government to become subdividers of land.

[4 p.m.] The Minister talked of a new railway line. A new railway line was not likely to touch town land or suburban land. Supposing a station were required about 6 miles from either terminus of a new railway. It would depend on the grading where the station should be. The railway surveyors would say that "5 miles 54 chains" was the place for the station. The Government required power to resume sufficient land at 5 miles 54 chains for the purposes of settlement, and he had nothing against that. If it were private land, a man would be living there in nine cases out of ten, and, if he desired to remain living there, all that the amendment said was that 10 acres should be left to him. If he were not living there, he would consent to the whole lot being resumed for township purposes. In ninety-nine cases out of a hundred it would be a holding of 160 acres that the Government would touch, so that there could not be hardship in leaving the man a reasonable area to live on, and that area had already been recognised by the Government in the Land Act to be 10 acres. Even supposing that the Government wanted to resume 10 acres of a man's private garden. There was no reason why they could not find a site somewhere else. It could not be more than 10 chains square, and 10 chains would be neither here nor there in the requirements of a township. He considered that his amendment in that respect was absolutely modest and reasonable. The Minister said they had no intention of subdividing land. What was the intention? At any rate, they had the power, immediately they saw an estate advertised, to resume it and say, "We will cut it up and sell it on the perpetual lease system." If that were the intention they should know it. If it were not the intention, why leave the Bill in such a form that that interpretation could be put on it?

HON. P. J. LEAHY: The area of 10 acres was not too much in country districts, and he entirely agreed with the Hon. Mr. Nielson in that respect. He could, however, conceive that it might be too much in the case of a city. He would suggest to the Hon. Mr. Nielson that he might well consider whether he ought not to make a distinction between the area in the country and the area in a city. He thought his grounds were very strong, and, in fact, difficult, to answer so far as residential areas were concerned, and there really was a danger that the Government might come in and, perhaps, take land which a man wanted to cut up himself. If there were a bonâ fide need for allotments, and the owner would not make the land available, there was no reason why the Government should not have the necessary power, provided they left him a reasonable area.

HON. G. S. CURTIS: It seemed to him to be a very unfair thing to give the Government the right to take land in order that they might make a large profit out of it. If there was to be a large profit, it should belong to the man who bought from the Crown—the original Crown grantee. Through the development of the country, and the increase in settlement, it had, perhaps, increased in value, and that should belong to the man who had the enterprise and foresight to purchase. If subsequently there was a demand for the land for subdivisional purposes, it should be subdivided by the owner.

If power were given to the Government to do what they proposed, at all events it should be limited in the way suggested by the Hon. Mr. Nielson. It was a question whether the Government should have power at all to resume private land in opposition to the wishes of the owner, simply for subdivisional purposes. If it were for railway or other public purposes, it was, of course, a different matter altogether. It had to be remembered, too, that in a great many instances there was not an increment in value, but a decrement. It was not suggested that the Crown should in such a case return any of the money originally received from the purchaser, and when there was an increment why should not the Crown grantee have the benefit of it?

HON. T. NEVITT: He would not say that the Hon. Mr. Nielson was trying to mislead, but he thought that the effect which the Hon. Mr. Nielson had placed before the Committee as likely to result was erroneous. Although he was not in the confidence of the Minister or the Government, he understood that the Bill meant this: At the present time, under the Public Works Land Resumption Act, the Government had only the power to take land for public purposes. The Bill extended that principle so as to enable the Government to take up land and cut it up for township purposes. Take the Burnett Railway. It was a well-known fact that little townships sprang up all along that line—Murgon, Wondai, and Kingaroy. Had the Government at the time the railway was being built resumed all, or a great portion, of the private property within a reasonable distance of both sides of the railway line at a fair and reasonable compensation, they would not have seen the extraordinary results which have occurred. It could not be said that the Government, whenever they resumed, had not treated the owners on fairly liberal terms.

Hon. P. J. LEAHY: The Land Court decides that.

HON. T. NEVITT: The Government were always prepared to pay what the Court decided, so that there was no danger of the owner being robbed, or of having his property taken from him at less than its value.

Hon. G. S. CURTIS: Why not give him the price he would get at a subdivisional sale?

HON. T. NEVITT: Because there would be no sale until the railway was constructed, and until it was constructed nobody would dream of subdividing the land into allotments, because no township would spring up. Any fair-minded man must come to the conclusion that, when public money was spent, and created a value, surely that value should belong to the public. As the Minister had mentioned, a big portion of the land at Kingaroy was taken up at 2s. 6d. per acre, and since the railway was extended in some cases it was sold as high as £800 per ¼-acre. What gave it that value? Nothing in the world but the building of the railway. The Bill would merely enable the Government to take 50, or 100, or 200 acres, as the case might be, subdivide it into reasonable areas for business sites and suburban allotments, and so on, and then that publicly created value would belong to the public instead of to a private individual. That was fair and right in principle. At the same time, he was with any hon. member in trying to preserve the rights of private individuals. He would be the last in the world to suggest that any private individual, simply because he had invested his money in real property, should have it confiscated. Give him a fair value when it was resumed, but beyond that nobody should expect more. If there were another fault in the amendment, it was the fixing of the area at 10 acres. The result might be that the township would have to be extended into an unhealthy place, and for ever posterity would have to suffer. The hon. member had referred to the residences in Bundaberg, and possibly, he said, the same thing applied to Brisbane. He (Mr. Nevitt) did not think it was the object of the Government to resume any land in 5-acre blocks. It was to larger areas that he thought the principle would apply. He thought that they should adopt the Bill as it stood, on several grounds.

HON. T. J. O'SHEA: At first sight he was a bit dubious about the amendment, but the Minister assured him that it had no other object than to facilitate the acquisition of land which had been alienated. He did not object to that, nor did he think that the precaution the Hon. Mr. Nielson sought to insert was necessary, because there was already provision in the principal Act for paying compensation for damage caused by severance as well as for the area actually resumed. He thought the courts had always recognised that it was only fair to grant reasonable compensation in respect of severance.

Hon. C. F. NIELSON: That was not the kind of severance the courts took note of. The cases they took note of were where land was split in two.

HON. T. J. O'SHEA: He quite appreciated that. The Hon. Mr. Nielson said that, if a man had a 50-acre block and the Crown wanted 10 acres of it, the Crown should be compelled to take the whole 50 acres.

Hon. C. F. NIELSON: No; I put it the other way about. I said that, if they took 40 acres, they should be compelled to take the other 10.

HON. T. J. O'SHEA: He could not see the difference. He did not think the Government should be compelled to take land they did not want, and they should be entitled to take what they required upon payment of full compensation for injuries sustained through severance as well as for the value of the land resumed. He thought the present Act provided for that. The object sought to be attained by the Minister could be achieved without the difficulties which surrounded the Bill, and he would suggest to the Minister the advisability of achieving his object by altering the paragraph which it was proposed to insert in the principal Act to read—

> "to be set apart, subdivided, alienated, taken up, occupied, leased, and used as town lands or suburban lands."

That would give the Government the right to resume any land they required for suburban lands or town lands. Those were the only lands known to law that would at all coincide with the word "township." The amendment he suggested would enable the Ministry to dispose of lands so resumed under their pet perpetual leasehold system. He doubted whether the Bill as printed

would allow that to be done. In fact, it did not make provision for the alienation of the land they resumed at all, although, once land got into the hands of the Government, they had the right to alienate that land in any way they chose. If the Government desired to acquire land for railway purposes, they could also resume an area for township purposes and call it a railway reserve or by any other name they liked.

Hon. C. F. NIELSON: They do that very often.

HON. T. J. O'SHEA: Once the Crown got the title, whether in the name of the Crown or in the name of the Commissioner for Railways, there was nothing to stop them from disposing of it as perpetual leases or in any other way they liked.

Hon. T. NEVITT: In the past they have not taken sufficient for township purposes.

HON. T. J. O'SHEA: That was a blunder on their part, but the law was sufficiently wide to allow them to do it. He was prepared to make the Bill even more effective than the Government wanted it to be, and for that purpose he submitted his proposal to the Minister. If the Minister were prepared to accept the amendment he suggested, the simpler way would be to omit the paragraph in the Bill and insert his amendment.

HON. A. G. C. HAWTHORN: He understood from the Minister that the Bill was only intended to apply in the country, where a railway was being built and where no provision was made for a township.

The SECRETARY FOR MINES: Yes.

HON. A. G. C. HAWTHORN: If that were so, there ought to be an amendment precluding the Government from applying the Bill to "lands in any city constituted under the Local Authorities Act or within 10 miles thereof, or in any town constituted under the Local Authorities Act or within 5 miles thereof." He did not want to give the Minister power, as he would have under the clause as it stood, to acquire land in any suburb of Brisbane or any other big city, and make it into a township of his own. He did not think that would be a fair thing.

Hon. R. BEDFORD: Why not, if he pays fair compensation?

HON. A. G. C. HAWTHORN: He had had rather a strange experience recently in connection with the resumptions for the Terror's Creek Railway. When land was resumed the Commissioner was supposed to pay a fair price for the land that he took for railway purposes, but in the Terror's Creek case the Crown successfully raised an issue that had never been raised during the whole time Queensland had been a State—that, because the old deeds under which the land had been acquired from the Crown did not expressly say that compensation should be paid for land resumed for railway purposes, no compensation was payable, and they took the land and paid nothing for it. That was done by the present Government for the first time in sixty years. For a good many years past there was always a clause in deeds permitting the Crown to resume 10 acres out of every 160 acres for roads and railway purposes, but the purchaser of the selection did not pay anything for those 10 acres; but in the land resumed in connection with the Terror's Creek Railway the purchasers had paid for the whole of the area included in the deed of grant. To a certain extent that was an act of repudiation, and he thought some amendment was necessary to provide against that kind of thing. Seeing the Minister said distinctly that he did not want power to do anything but to resume areas for township purposes along railway lines, they should expressly exclude city, town, and suburban areas from the operations of ths Bill.

The SECRETARY FOR MINES: The very thing that the Hon. Mr. Hawthorn suggested was being done by inserting at the end of the paragraph the words "under any law in force for the time being relating to towns, township sites, township reserves, or townships." The Parliamentary Draftsman informed him that the only provisions relating to townships in the present statute law of Queensland were contained in section 180 of the Crown Lands Act, the Miners' Homestead Leases Act of 1913, and the Sugar Works Act of 1911. The Hon. Mr. Nielson was wrong in his contention that the Bill would apply to suburban allotments. It might do so if the words he (Mr. Jones) wished to insert were not inserted, but those words would make it quite clear that the only purpose to which the Bill would apply would be new townships. The Government did not want power to resume parks in Brisbane and other cities or suburban allotments.

Hon. C. F. NIELSON: Your amendment will not stop you taking suburban allotments.

The SECRETARY FOR MINES: The amendment suggested by the Hon. Mr. O'Shea was even wider than that suggested by the Parliamentary Draftsman, which would be quite sufficient to meet all contingencies.

Hon. T. J. O'SHEA: You are still using the word "township" all over the shop without defining it.

The SECRETARY FOR MINES: It would not be necessary to define it.

Hon. A. H. PARNELL: Would you not confine the Bill to land required for railways or railway purposes? According to your amendment, you could resume land anywhere.

The SECRETARY FOR MINES: Only for a new township, just as they could establish a new township under the Miners' Homestead Leases Act. It was quite wrong to believe that the Government desired to interfere with the existing arrangements between the Crown and any landowner.

Hon. T. J. O'SHEA: If you insert the words "country lands," that will settle the point raised by the Hon. Mr. Hawthorn.

The SECRETARY FOR MINES: Under various Acts the Government could resume land for township purposes. If a mineral field broke out, they might establish a township under the Mining Act away from any railway. If the clause were amended as he had suggested, the Government could only use the power of resumption under the laws in force for the time being. They had no desire to interfere with township or suburban allotments.

[4.30 p.m.]

HON. T. J. O'SHEA: He thought the difficulty suggested by the Hon. Mr. Hawthorn, and commented upon by other members, could be got over by the insertion of four words, namely, "from country lands and." Country lands were lands which were not classed as either suburban or town lands, and his amendment, with the addition of those words, would enable the Government to take country lands for township purposes. The amendment, with the alteration he had suggested, would read:—

> "to be set apart from country lands and subdivided, alienated, taken up, occupied, leased, and used as town land or suburban land."

He proposed to move that amendment.

The CHAIRMAN: The question before the Committee is—That the words proposed to be omitted stand part of the clause, and the hon. member's suggested amendment will not be in order at this stage.

HON. T. J. O'SHEA: The amendment he suggested would meet every difficulty which had been raised, and would do all that was proposed by hon. members, except the restriction to 10 acres proposed by the Hon. Mr. Nielson, which he did not think was wise. He honestly did not think that the Bill was worth anything, and he was of opinion that it would be just as well to drop it.

HON. F. T. BRENTNALL: He had not heard during the debate that there was any urgent necessity for this Bill. The Hon. Mr. O'Shea had struck the nail on the head. At the end of the session they were spending a whole afternoon upon a small Bill which appeared to be of very little use. If the measure had no particular end to serve, they were simply wasting their time discussing it.

The SECRETARY FOR MINES: I have pointed out that the object of the measure is to enable the Government to establish townships principally along railway lines.

HON. F. T. BRENTNALL: If the Bill was limited to that, he did not suppose there would be any objection to it, but, as it now stood, the Government could take land anywhere where there was a probability of a township being needed. A copper mine, or a tin mine, or a wolfram mine, might be opened up, and the Government might want to establish a township there. They had not discovered the mineral; somebody else had discovered it; but the man who discovered it was to have no further right to that land. The Government could come in and take away a portion of the land to which the discoverer had become entitled by searching it out and taking it up as a lease.

The SECRETARY FOR MINES: We have that power now, unless the mineral is on private property, and then we would have to resume the land.

HON. F. T. BRENTNALL: If a man took up land for grazing or cultivation purposes, and a railway was then built in the locality, were the Government to come in under this Bill and take a portion of his land for township purposes? The railway was not bulit for forming townships, but to help the settlement of the country. He objected to the Government discovering something somewhere which made it advisable to establish a township with a good prospect of making something out of it when the poor man who had held the land and toiled on it for years was to have no finger at all in the pie. The Committee really had no idea what was the object of this measure. Why was a measure like this, if it was as simple and innocent as it looked, delayed till the third last day of the session, when it could just as easily have been brought forward three or four months earlier? Unless he got further light on the subject, he would not be prepared to vote for the Bill.

HON. E. W. H. FOWLES: He would strongly support the Hon. Mr. O'Shea's suggested amendment.

The SECRETARY FOR MINES: What about the words I have suggested?

HON. E. W. H. FOWLES: There was nothing at all in them. He did not think they gave the Government what they would regard as sufficient power. Indeed, it might well be questioned, whether the Bill gave them any more power than they had at the present time. If hon. gentlemen would read section 62 of the Local Authorities Act of 1902, they would find a list of the various purposes for which local authorities might resume land, and the purposes mentioned included pretty nearly every purpose which was necessary for a town. The only reason why the Government wished to pass this Bill, so far as he could sense the position, was that in laying out new railways they wanted to be able to resume 20 acres at one point for a township, 20 acres 10 miles further on for a Government settlement, and 20 acres further on for another Government settlement. The amendment forecast by the Hon. Mr. O'Shea would allow for that. Under the Public Works Land Resumption Act at the present time, the Government could step in and resume 10 or 20 acres if they wished to do so. They could resume 2 acres for a lockup, especially at election time. (Laughter.) In the principal Act there were forty-four or forty-five purposes for which the Government could resume land.

Hon. P. J. LEAHY: They might want to resume land for a State hotel.

HON. E. W. H. FOWLES: They could start with a State hotel, then a lockup, and then a cemetery. He gave the Government credit for good intentions in introducing the Bill, because he thought they were going to follow on the American "hub" system of laying out townships. In America, they laid out new townships like the spokes of a wheel. The public buildings and halls were right in the centre of the town, and suburbs radiated from the centre like the spokes of a wheel. He thought the suggestion came in the Home Secretary's pocket from the Adelaide town-planning conference.

The SECRETARY FOR MINES: So it did. That was referred to by the Secretary for Public Lands.

HON. E. W. H. FOWLES: If the Minister would look at the Public Works Land Resumption Act, he would see that the Government could resume land for botanic gardens, for a lockup, cemetery, gasworks, hospitals, and other purposes.

The SECRETARY FOR MINES: Do you say the Government should resume land for a cemetery and then use it for residential purposes?

Hon. E. W. H. FOWLES: No; but the Government had power to resume land for forty-five different purposes. Everyone knew the McIlwraithian railway gridiron across Queensland, which provided for 10 square miles belonging to the Government and 10 square miles for private purposes. The Government could do that at the present time. He would support the amendment forecast by the Hon. Mr. O'Shea.

Question—That the words proposed to be omitted from clause 2 (*Mr. Nielson's amendment*) stand part of the clause—put; and the Committee divided:—

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Teller: Hon. P. J. Leahy.

Resolved in the negative.

In division,

The SECRETARY FOR MINES asked for the ruling of the Chairman on a point of order. He called "Content" because he wished the words to remain in the clause, and he wished to vote against the Hon. Mr. Nielson's amendment. If he voted with the "Contents," would he be voting against the amendment?

The CHAIRMAN: Yes.

Question—That the words proposed to be inserted (*Mr. Nielson's amendment*) be so inserted—put and negatived.

Hon. T. J. O'SHEA: The Committee had agreed to the words down to "apart" on line 12, and he had certain words that he wished to insert in the blank that had been created. He moved the insertion of the following words after the word "apart" on line 12:—

> "Subdivided, alienated, taken up, occupied, leased and used as town lands, and suburban lands: Provided that for the lastnamed purposes resumptions shall not be made out of town lands or suburban lands as defined by the Land Act of 1910."

That limited it to resumptions from country lands for town land and for suburban land purposes.

Amendment agreed to.

The Council resumed. The CHAIRMAN reported the Bill with an amendment. The report was adopted.

[5 p.m.]

THIRD READING.

On the motion of the SECRETARY FOR MINES, the Bill was read a third time, passed, and ordered to be returned to the Assembly by message in the usual form.

LOCAL AUTHORITIES ACTS AMENDMENT BILL.

COMMITTEE.

(*Hon. W. F. Taylor in the chair.*)

Clause 1 put and passed.

On clause 2—"*Amendment of section 149*"—

The SECRETARY FOR MINES: He wished to get in an amendment giving the local authorities a similar right with respect to electric power as the clause gave them with respect to electric light.

Hon. E. W. H. FOWLES: The two should go together. That should have been in the Bill.

The SECRETARY FOR MINES moved that the following words be added to the first paragraph of the clause:—

> "and in the same section, after 'power,' wherever that word occurs, the words '(other than electric power)' are inserted."

That paragraph of the clause would then read—

> "In section 149 of the principal Act, after the word 'light,' wherever that word occurs, the words '(other than electric light)' are inserted, and in the same section, after the word 'power,' wherever that word occurs, the words '(other than electric power)' are inserted."

Hon. T. J. O'SHEA asked the Minister to paraphrase the first paragraph of section 149 of the principal Act as it would stand when the amendment made by the Bill was put in. He was sure the Minister did not know what would be the effect of the amendment.

The SECRETARY FOR MINES: Under the existing Act the local authorities had not power to instal electric light or any other light without buying out already existing companies, and the effect of the clause would be that the local authorities might instal electric light and enter into competition with the already existing companies. He wished to give the same privilege to the local authorities with regard to electric power, such as running electric tramways.

Hon. T. J. O'SHEA: The Minister had attempted to give him a definition of section 149 as it would stand with the amendment. He would like to ask the hon. gentleman, supposing a local authority wanted to start gas works, could it do so?

The SECRETARY FOR MINES: No.

Hon. T. J. O'SHEA: What difference was there in principle? Why should gas companies be protected and electric light companies not be similarly protected?

The SECRETARY FOR MINES: There is no protection.

Hon. T. J. O'SHEA: Then, could the local authorities establish gas works in Maryborough in opposition to the present company?

The SECRETARY FOR MINES: They could establish electric light works in opposition to the gas company.

Hon. T. J. O'SHEA: What was the difference? Why should electric light companies be put in a worse position than gas companies? If the Bill were passed, the

local authorities could not establish gas works in opposition to electric light companies.

The SECRETARY FOR MINES: The people would not buy gas if they could get electric light.

HON. T. J. O'SHEA: It was a mistake to think that, when an electric light company came along, the gas company went to the wall. They ran side by side. He did not want to obstruct the Bill, but it would take a Philadelphia lawyer, and a good one at that, to interpret the section in the principal Act when it was amended.

The SECRETARY FOR MINES: I am satisfied it will give the necessary power to enter into competition with existing electric light companies.

HON. T. J. O'SHEA: When the Minister moved the second reading of the Bill he mentioned that the amendment only applied to the third paragraph of section 149 of the principal Act, but, on close scrutiny, he thought it would apply to each of the three paragraphs of the section. The clause provided that, "after the word 'light,' wherever that word occurs the words (other than electric light) are inserted." The word "light" occurred in the third line of the first paragraph, on the third line of the second paragraph, and on the third line of the third paragraph of section 149.

The SECRETARY FOR MINES asked permission to withdraw the amendment he had moved with a view to insert a previous amendment.

Amendment, by leave, withdrawn.

The SECRETARY FOR MINES moved the insertion on line 11 of the words "the third paragraph of" before the word "section." That would restrict the operation of the clause to the third paragraph of section 149.

HON. E. W. H. FOWLES: The amendment would not bring about the object of the Minister at all. Of course, if the hon. gentleman meant to restrict the operation of the clause to the third paragraph of section 149, he (Mr. Fowles) had no objection, but he wished the hon. gentleman to know what he was doing.

The SECRETARY FOR MINES: The best way to facilitate business would be to postpone the consideration of the clause to give him an opportunity of looking further into the matter. He therefore moved—That the Chairman do now leave the chair, report progress, and ask leave to sit again.

Question put and passed.

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

FARM PRODUCE AGENTS BILL.

MESSAGE FROM ASSEMBLY.

The PRESIDENT announced the receipt from the Assembly of a message intimating that they did not insist on their disagreement with the amendments in the Bill upon which the Legislative Council had insisted.

BUNDABERG HARBOUR BOARD ACT AMENDMENT BILL.

COMMITTEE.

(Hon. W. F. Taylor in the chair.)

Clause 1—"*Short title, construction, and commencement of Act*"—put and passed.

On clause 2—"*Constitution of board*"—

HON. A. G. C. HAWTHORN asked the Minister if the Bill was intended to bring the franchise into conformity with that of the Cairns Harbour Board, which was regarded as the model harbour board so far as franchise was concerned.

The SECRETARY FOR MINES understood that the Bill was intended to place the Bundaberg Harbour Board on precisely the same footing as the Cairns and Townsville harbour boards.

Clause put and passed.

Clause 3—"*Repeal of certain enactments*"—put and passed.

The Council resumed. The CHAIRMAN reported the Bill without amendment. The report was adopted.

MOTION FOR THIRD READING.

The SECRETARY FOR MINES: I move—That the Bill be now read a third time.

HON. C. F. NIELSON: On Friday last, when this Bill was before the Council for its second reading, I stated that I had heard of no request for the Bill. [5.30 p.m.] I then read three telegrams to the House, and when the Council adjourned on Friday night I sent a note to Mr. P. E. Turner, president of the Bundaberg Chamber of Commerce, asking him to let me know whether there had been any public request for this Bill. At the present time the Bundaberg Harbour Board consists of nine members. One of those members is appointed by the Governor in Council, one by the Municipal Council of Bundaberg, one by the Shire Council of Woongarra, one by the Shire Council of Goodburrum, and one by the Shire Council of Barolin, and the other four are elected by those who pay harbour dues. The proposal in this measure is that the Governor in Council shall appoint two members of the board, and that certain shires shall be represented by members who are elected by the ratepayers, and that those who pay dues shall no longer have a vote. In reply to my note, I received the following letter:—

"Bundaberg, 1st December, 1917.

"Dear Sir,—We, the undersigned, state that we have no knowledge of any public demand for the Bundaberg Harbour Board Amending Bill now before the House. We have not the slightest knowledge that the Perry, Kolan, and Isis shire councils desire representation on the Harbour Board. This is self-evident in respect of the Kolan shire, seeing that that shire was not included in the Bill as first placed before the House, and presumably Isis has more community of interest with Maryborough in respect of shipping trade.

"We protest against the proposed inclusion in the new Bill of two non-elective members, as we see no justification for such.

Hon. C. F. Nielson.]

"We also emphatically protest against the idea of the board retiring as a whole at the end of the three years' term, as the board should be a continuing entity, one-third retiring annually would insure this.

"Yours faithfully,

"PERCY E. TURNER, President, Chamber of Commerce.

"C. L. GIBSON, Chairman, Woongarra Shire Council.

"A. A. MCGILL, Chairman Bundaberg Harbour Board.

"H. S SKYRING, Chairman, Barolin Shire Council.

"E. T. AMOS, President, Bundaberg Mercantile Association.

"The Hon. C. F. Nielson, M.L.C.,
"Parliament House, Brisbane."

With that document I received a covering letter saying that, owing to the short time available and the very heavy wet weather at Bundaberg on Saturday, they had no opportunity of seeing the chairmen of the other shire councils, one of whom was 30, another 60, and another 40 miles away. With regard to the inclusion of the Isis Shire Council, everyone knows that the whole of the Isis produce is shipped viâ Maryborough, and that nothing goes through Bundaberg; and I am perfectly satisfied that, until the Bill was tabled in another place, the members of the Isis Shire Council did not know that their shire was included in the Bill. The Kolan shire was omitted from the Bill, and the people never protested against it; they did not know that the Bill was before Parliament. There has been no demand for the measure, and certainly there need be no hurry to pass it. The constitution of the board as proposed in the Bill is cumbersome. There are to be ten members, and the chairman is to have a casting vote. There is no reason why the Government should have two members on the board. No harm can be done by rejecting the Bill, as it can be introduced again next session when the public have had an opportunity of expressing their opinion upon it. For the reasons I gave last Friday, which are supported by the letter I have just read, I think the third reading of the Bill should be rejected.

Question—That the Bill be now read a third time—put; and the Council divided:—

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Hon. R. Bedford	Hon. F. McDonnell
,, W. R. Crampton	,, T. Nevitt
,, A. J. Jones	,, G. Page-Hanify
,, H. C. Jones	,, W. J. Riordan
,, L. McDonald	

Teller: Hon. T. Nevitt.

NOT-CONTENTS, 12.

Hon. F. T. Brentnall	Hon. A. G. C. Hawthorn
,, G. S. Curtis	,, C. F. Marks
,, A. A. Davey	,, C. F. Nielson
,, B. Fahey	,, T. J. O'Shea
,, E. W. H. Fowles	,, A. H. Parnell
,, T. M. Hall	,, A. H. Whittingham

Teller: Hon. T. M. Hall.

Resolved in the negative.

[*Hon. C. F. Nielson.*

PHARMACY BILL.

COMMITTEE.

(*Hon. W. F. Taylor in the chair*).

Clauses 1 to 9, both inclusive, put and passed.

On clause 10—"*Persons entitled to be registered*"—

The SECRETARY FOR MINES: He had intimated on Friday night that a certain amendment might be moved to meet the case of the herbalists. He had promised the Hon. Mr. McDonnell that he would move an amendment, but since then he had found that it was not necessary. The Bill did not affect the herbalists in any way, and whatever rights they had at the present time they would still have when the Bill was passed.

HON. F. MCDONNELL: The Minister had promised to move an amendment. He thought that the amendment to suit the wishes of the herbalists was to be moved in clause 23, and he intended to bring it up when they reached that clause. He understood that the following amendment was framed to suit the wishes of the herbalists, and was to be inserted after line 3 in clause 22—

"Provided further that the sale in any premises by any herbalist or consulting herbalist of purely herbal medicines or medicinal herbs shall not be deemed to constitute the carrying on of the business of a pharmaceutical chemist."

The SECRETARY FOR MINES: That amendment was submitted to me.

HON. F. MCDONNELL: He understood that that was the amendment that the herbalists wanted the hon. member to move. Could the Minister give him an assurance that the Bill would allow the herbalists to carry on their legitimate business without any interference? He understood that the president of the Pharmacy Board had been approached, and that gentleman stated that, so far as the Pharmacy Board were concerned, the Bill in no way interfered with herbalists, and that they were not going to take any action or to institute any prosecutions against the herbalists. It was pointed out that the Bill was purely a Pharmacy Bill, and the herbalists were in exactly the same position as they were under the original Act. (Hear, hear!)

The SECRETARY FOR MINES: This Bill does not apply to them at all.

HON. F. MCDONNELL: Would the Minister give an assurance that no prosecution would be entered against any herbalist carrying out his legitimate business?

Hon. T. M. HALL: He cannot guarantee the law.

HON. F. MCDONNELL: The Minister could guarantee that the Bill would not do anything that the original Act did not do.

The SECRETARY FOR MINES: I have already said that.

HON. A. G. C. HAWTHORN: A case of hardship had been brought before his mind. A man had been practising as a chemist for seven or eight years, and had been managing a chemist's shop for the owner. He was practically qualified to dispense prescriptions, but, as he had not passed the examination in this country, he would not be qualified under the Bill. They knew that homœopathic chemists could immediately be regis-

tered under the Bill as allopathic chemists, but this man, who had far more experience than the homœopathic chemist, could not be registered. Was there any possibility of this man, who had had six or seven years' actual practice as a chemist, being registered under the Act.

HON. A. A. DAVEY: He was very pleased to hear the Minister express the opinion he did with regard to the herbalists. He was glad that the herbalists would be able to continue their business under the present Act just the same. If that had not been so, he would have supported an amendment to provide that the Act would not interfere with herbalists. He understood that the herbalists did not want to come under the Bill at all. There were herbalists and herbalists. He supposed there were dishonest herbalists, and perhaps there were also the reverse. Perhaps it was the same in the medical profession. Anyhow, he was pleased that the Bill would not affect the herbalists.

HON. A. G. C. HAWTHORN asked for some information from the Minister with regard to the point he had raised.

The SECRETARY FOR MINES pointed out that the manager of a chemist's business could not be registered under the Act unless he made himself competent by passing the examination and then becoming registered under the Act. He did not think that was a case of hardship.

HON. T. NEVITT thought the Hon. Mr. Hawthorn was asking too much to allow a managing chemist to be registered. They had to protect the public by seeing that men were properly qualified. He had been a practical dispenser of medicines himself for eighteen years, but he always did it under the supervision of a medical officer, and possibly that also applied to the chemist referred to by the Hon. Mr. Hawthorn. The public must be protected, and only men who had passed the examinations should be registered. He was sure that the Hon. Mr. Hawthorn would not allow a bush lawyer to practise as a solicitor just because he had been a bush lawyer for seven years. The hon. gentleman would not allow such a man to have the same standing as a legalised solicitor of the Supreme Court.

Clause 10 put and passed.

Clauses 11 to 31, both inclusive, and the schedule, put and passed.

The SECRETARY FOR MINES: Mr. Chairman, I beg to move—That you do now leave the chair and report the Bill without amendment.

HON. A. G. C. HAWTHORN: I hope the Minister will not take it that we are passing hasty legislation by allowing Bills to go through like this. I hope we shall be able to get through the first speeches of the next three Bills before adjourning. If the Minister is prepared to sit for another twenty minutes, we are prepared to help him to that extent.

Question put and passed.

The Council resumed. The CHAIRMAN reported the Bill without amendment. The report was adopted.

THIRD READING.

On the motion of the SECRETARY FOR MINES, the Bill was read a third time, passed, and ordered to be returned to the Assembly by message in the usual form.

SUCCESSION AND PROBATE DUTIES ACTS AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR MINES: This Bill, although containing a number of clauses, has practically five outstanding features.

Firstly, it proposes to exempt from the payment of succession duty estates not amounting in value to £500, where the successor is the widow or children.

[6 p.m.] That will afford a measure of relief in a great number of cases where families have lost the bread-winner, and means a loss to the revenue in duty of between £4,000 and £5,000.

Secondly, it is framed to bring within the knowledge of the Commissioners certain secret arrangements and dispositions which when investigated may be found to attract duty. There have been serious leakages in the revenue in the past owing to the defective nature of some of the provisions of the Act, hence the desire of the department to be placed in such a position that they will be able to ascertain whether any such transaction is colourable.

Thirdly, it amends section 11 of the Succession and Probate Duties Act of 1904, which rendered liable to succession duty in Queensland the interests of deceased persons in companies carrying on the business of mining, pastoral, agricultural production, or timber-getting in this State, but did not include the necessary schedule for its collection. Consequently, there has been a very serious loss to the revenue in this direction since that Act became law. This is now being remedied by the inclusion of the necessary schedule. There is a similar provision in the New South Wales Company Death Duties Act.

Hon. E. W. H. FOWLES: But they have a reciprocal arrangement with Great Britain, which we have not.

The SECRETARY FOR MINES: That is true. I think our Act was amended some years ago, and, as a result, we have less power in that direction. A schedule is also provided for shares on the branch register outside Queensland of companies incorporated in Queensland. Such shares are rendered liable to duty by section 2 of the Succession and Probate Duties Act Amendment Act of 1895, and, by the Succession and Probate Duties Act of 1904, the company must pay the duty where succession accounts are not filed in Queensland. Both of the schedules of duty are provided to assist the companies—at their request some years ago—and render unnecessary the ascertaining of the value of the estate of the deceased or the relationship of the predecessor and beneficiary.

Fourthly, the alteration of the old schedule of rates of duty payable in estates, and the introduction of an entirely new one brings us fairly into line with the rates prevailing in the other States and New Zealand. The other States have had their Acts amended and rates increased during 1914, 1915, and 1916. Our present schedule has been in operation since 1892.

Fifthly, the remaining clauses almost wholly provide the machinery which the Commissioners consider necessary for the proper protection of the revenue.

Hon. members will agree with me that this is a Bill which may probably be described as highly technical.

Hon. A. G. C. HAWTHORN: And highly inquisitorial.

The SECRETARY FOR MINES: It is also a Bill which can be better dealt with in Committee than on the second reading. It will give to those who possess a legal mind an opportunity to air their eloquence and technical knowledge. It is a very important measure, and seeks to remedy defects in the present law.

Hon. E. W. H. FOWLES: It makes dutiable all gifts made within three years of death.

The SECRETARY FOR MINES: Considering that this is a measure with which we should deal clause by clause in Committee, and as we are desirous of getting home, and I want to get the second reading of the Bill moved so that the measure may be circulated and we may discuss it to-morrow, I content myself with moving—That the Bill be now read a second time.

HON. E. W. FOWLES: I beg to move the adjournment of the debate.

Question put and passed.

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

STAMP ACT AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR MINES: I rise to move the second reading of the Stamp Act Amendment Bill.

Hon. T. M. HALL: This is a twin sister of the last Bill.

The SECRETARY FOR MINES: A twin brother or a twin sister. It is a Bill that also is highly technical, and one with which we may deal in Committee. It aims at affording a measure of relief—(laughter)—to trading companies, in so far as small agreements for sale of goods, wares, or merchandise are concerned, by reducing the duty on such contracts from a fixed duty of 2s. 6d. to a sliding scale of 6d. for every £20, or part thereof, with a maximum of 5s. The exemption from such duty of a contract under the value of £5 is retained. The scale now proposed will mean that the subject-matter of such contract will be of a value of £100 before the previous duty of 2s. 6d. is payable. Agreements not for value carry a fixed duty of 2s. 6d. Again, the old schedule of receipt duties is repealed, and a more reasonable schedule inserted with an exemption under £2.

Hon. A. G. C. HAWTHORN: To hear you, one might think that you were going to get less revenue than under the present duties.

The SECRETARY FOR MINES: The hon. member does not expect us to get less revenue out of it?

Hon. A. G. C. HAWTHORN: I thought you said you were going to give a measure of relief to trading companies.

The SECRETARY FOR MINES: It is a measure of relief. It is an adjustment of stamp duties that may bring in a little extra revenue for the Government, but, at the same time, will do a fair thing by those who should pay duty in this form. The stamp duty for a receipt not exceeding £500 is 2d. per £100, instead of 6d. as before, and above that sum it is 3d. per cent. in lieu of 6d. per cent., so that the Bill does afford a measure of relief in some directions. Duplicate and further receipts which hitherto carried stamp duty are to be exempt, with necessary safeguards. In order that there shall be no evasions of duty, it will be necessary to give a receipt in every case where the amount exceeds £2. The exemption from duty in this respect includes all receipts given by churches and charitable institutions for donations, and also receipts given by the recipients of charity.

Hon. E. W. H. FOWLES: Why put a tax on patriotic gifts?

The SECRETARY FOR MINES: Well, there are so many things that are patriotic nowadays. As a matter of fact, all our actions are patriotic. (Laughter.) There is a reduction in the duty chargeable on articles of apprenticeship to learn a trade from 21s. to 1s. The duty of £10 10s. on articles of clerkship has been abolished, and a new duty of 2s. 6d. created on articles to learn a profession, i.e., of a solicitor, surveyor, chemist, dentist, and the like.

The Bill also aims at bringing into line for stamp duty purposes all conveyances, whether freehold or leasehold, and in so far as a run or station is concerned the whole of the stock and chattels shall be deemed to be property chargeable with such duty. At the present time the duty thereon is chargeable at ½ per cent. on the lease only, whereas the rate for freehold is ¾ per cent. Contracts for ordinary sales of live stock only will be subject to agreement duty only.

Hon E. W. H. FOWLES: You are taxing the transaction—not the document.

The SECRETARY FOR MINES: I know, and anybody who has been in business knows, that there has been a good deal of evasion of duty, and people who have evaded the duty have not thought they were doing any harm. How many hiring agreements under the present law, which are supposed to bear a stamp amounting to 2s. 6d.—dozens, hundreds, and thousands—are only stamped when litigation is likely to occur?

Hon. F. McDONNELL: That is quite correct.

The SECRETARY FOR MINES: Anybody who has been in business knows that hiring agreements are not stamped by agents. As a matter of fact, the agents have instructions not to stamp them. I would go further—I suppose we all have the right to our individual opinions—I would have all hiring agreements stamped, just as an instrument for the transfer of land in fee-simple is stamped. Everybody knows that the instrument is not worth the paper it is written upon unless it is impressed with a stamp at the office in Brisbane.

Hon. A. G. C. HAWTHORN: Stick to your brief.

The SECRETARY FOR MINES: That is the case, and the hon. member knows that what I say is exactly true, and that hundreds and thousands of hiring agreements are never stamped, and yet half-a-crown is collected from the client in each case.

Hon. G. S. CURTIS: Do you not think it would be a good thing if you could do without this taxation?

The SECRETARY FOR MINES: Well, when we go in for other forms of taxation, hon. members turn them down. I think there should be direct taxation, and this is one form of direct taxation. I shall defer the rest of what I intended to say on the second reading of this Bill, out of consideration for the Council, and we may then deal with the subject-matter clause by clause when the Bill gets into Committee. I have voluminous notes, but I content myself with moving—That the Bill be now read a second time.

HON. A. G. C. HAWTHORN: I beg to move the adjournment of the debate.

Question put and passed.

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

LAND ACT AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR MINES: The Land Act provides that in the case of pastoral leases and grazing selections the rent for any period is not to be fixed by the court so as to exceed the rent for the next preceding period by more than half the rent for that period. Clauses 2, 4, and 9 of this Bill seek to delete that provision, and to give the Land Court, for the future, full and unfettered discretion in fixing the rents. This is only a fair proposition. The wealth that lay undeveloped in the land belonged to the State, and the State is now claiming that the courts should be able to say what amount of that wealth is to be reserved to the State (by way of rent), and thus, indirectly, what amount is to be allowed to the person who develops that wealth. When any pastoral lease or grazing selection becomes due for reappraisement of its rent, the court should be absolutely free to use its discretion, so that a fair division of the profits of the land may be made between the State and the holder.

The Treasurer estimates that the State is at present getting considerably less than its fair share of these profits, and that if this Bill is passed, the public revenue from this source will be increased by £150,000.

Hon. E. W. H. FOWLES: By breaking an agreement.

The SECRETARY FOR MINES: I do not think it is a breach of agreement.

Hon. G. S. CURTIS: A breach of contract.

The SECRETARY FOR MINES: Not at all. Hon. members threw out, in one day last week, two Bills which would have given the Government a revenue of £300,000. They did that just by the sweep of the hand—I refer to the Land Tax Act Amendment Bill and the Income Tax Act Amendment Bill.

Hon. E. W. H. FOWLES: The Government spent that much on a couple of stations.

The SECRETARY FOR MINES: Well, we are getting a profit from them. I would emphasise that this measure will not, of itself, raise rents; that no unfairness is to be feared; that the Bill will only remove a restriction which is so far a contradiction of the judicial functions.

Hon. A. H. WHITTINGHAM: That means raising the rents. It does not mean lowering them.

The SECRETARY FOR MINES: It does not necessarily mean raising them. If a man is to be a judge at all, he must be perfectly free to make whatever order he thinks right after examining the case submitted to him.

Hon. E. W. H. FOWLES: The court will work within limits, like a penalty clause.

The SECRETARY FOR MINES: This Bill will only give the court complete freedom. The amount of the rent still remains to be decided by the impartial court. I would like to impress on the Council that, after all, the Bill does not determine the rent. The Land Court will decide the rent, and it is an impartial tribunal. So, if there is anything in the contention of hon. members that the present rents are fair and reasonable, the pastoral lessees and grazing selectors have nothing to fear from an impartial court.

Clause 3 proposes a necessary amendment of section 53A of the principal Act. Through an inadvertence of the Legislature last session, that section contains a double negative, and says exactly the opposite to what was intended.

Clause 5 adds a salutary provision to the section dealing with the taking up of perpetual town, suburban, or country leases, viz., a provision that—

> "The notification of sale may impose the condition that the lessee shall destroy noxious weeds and plants upon the land within a time to be specified, and thereafter keep the land free from noxious weeds and plants."

Clause 6, which repeals section 191 of the principal Act, deals with the disposal of land reserved in grants, when the reservation is not required. It provides that the Governor in Council may resume possession of the land reserved and may either sell it or any part of it, at a price to be determined by the court, to the grantee of the land in which the reservation was, or may grant him a perpetual lease of the reserved land, or, where the reserved land is large enough to be of separate use, may dispose of it like any other Crown land.

Clause 7 repeals section 193 (1) of the principal Act, and provides that when the applicant for the permanent closure of any road is the owner of adjoining land, the Governor in Council may sell the land comprised in the road to him, or rateably to the owners of the adjoining land, or may grant him or them a perpetual lease or leases of it, or, if it is big enough to be of separate use, may dispose of it like any other Crown land.

Clause 8 provides that on the application of a local authority within whose area a road is situated which is not required for the public use, the Governor in Council may close the road after such inquiry and public notice as he thinks advisable; and thereupon the area comprised in such road shall become Crown land.

I beg to move—That the Bill be now read a second time.

HON. A. H. WHITTINGHAM: I beg to move the adjournment of the debate.

Question put and passed.

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

ADJOURNMENT.

The SECRETARY FOR MINES: I beg to move—That the Council do now adjourn. The business to-morrow will be the resumption of the debate on the second reading of the Chillagoe and Etheridge Railways Bill, the Local Authorities Acts Amendment Bill in Committee, and then the second readings of the Clermont Flood Relief Act Amendment Bill, the Succession and Probate Duties Acts Amendment Bill, the Stamp Act Amendment Bill, and the Land Act Amendment Bill.

Question put and passed.

The Council adjourned at twenty-five minutes past 6 o'clock p.m.

Hon. A. J. Jones.]