

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 20 JULY 1922

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The SPEAKER (Hon. W. Bertram, *Maree*) took the chair at 3.30 p.m.

QUESTIONS.

COMPARATIVE RAILWAY STATISTICS, 1915 AND 1922.

Mr. G. P. BARNES (*Warwick*) asked the Secretary for Railways—

“1. What was the total mileage of railways open for traffic—(a) At 30th June, 1915; (b) at 30th June, 1922?”

“2. What railways were in course of construction—(a) At 30th June, 1915; (b) at 30th June, 1922?”

“3. What was the amount of capital invested in railways—(a) At 30th June, 1915; (b) 30th June, 1922?”

“4. What railways were opened for traffic between 1st July, 1915, and 30th June, 1922?”

“5. What was the mileage and cost, respectively, of the said railways?”

The SECRETARY FOR RAILWAYS (Hon. J. Larcombe, *Keppel*) replied—

“1. (a) 4,838 miles; (b) 5,799 miles.

“2.—

	Miles
(a) Enoggera-Terror's Creek	25
Malanda-Millaa Millaa (1st section) ...	9
Munbilla-Mount Edwards	16
Kingaroy-Tarong	18
Tumoulin-Cedar Creek	5
Roma-Orallo	29
Koolamarras-Mount Cuthbert	23
Mount Morgan-Dawson Valley (3rd section)	25
Cheepie-Bulloo River	48
Emmet to near Welford	32
Winton-Elderslie	38
Duchess-Carbine Creek	23
Kunwarara-Marlborough	18
Koamala-Carmila Creek	25
Mackay-St. Helens	31
Rollingstone-Ingham	34
Moolaba-Innisfail	12
Total	416

	Miles
(b) Kalbar-Mount Edwards	10
Murgon-Proston	26
Mundubbera-Monto	65
Many Peaks-Monto	45
Rannes to Monto	110
Completion of Owen's Creek line ...	1
Farleigh-Proserpine	63
Bowen Coal Fields line	50
Innisfail-Tully River	35
Total	410

“3. (a) £37,332,930; (b) approximately, £48,500,000.

“4 and 5.—

	Miles
Logan Village-Canungra	21
Drayton Deviation	10
Oakey-Cecil Plains	39
Kingaroy-Tarong	18
Enoggera-Dayboro	25
Munbilla-Kalbar	6
Yaamba-Sarina	155
Duchess-Dajarra	34
Malanda-Millaa Millaa	18
Roma-Orallo	29
Cheepie-Quilpie	47
Archer Park-Ridgeland	18

	Miles
Emmet-Yaraka	32
Koolamarras-Mount Cuthbert	28
Rollingstone-Lily Ponds	39
Oona-Dobbyn	20
Tumoulin-Ravenshoe	5
Rannes-Baralaba	23
Mackay-Farleigh	7
Cotton Vale-Amiens	12
Orallo-Injune	33
Moolaba-Daradgee	9
North Coast Junction-Innisfail Junction	1
Goondoon-Wallaville	12
Garget to near Owen's Creek	5
Total	646

As the accounts for 1921-1922 have not yet been finalised, the cost to 30th June last is not yet available, but will be published in the Commissioner's annual report.”

SAVINGS BANK FUNDS MADE AVAILABLE TO QUEENSLAND GOVERNMENT.

Mr. G. P. BARNES asked the Treasurer—

“What sum or sums of money under the Savings Bank Act has been made available to the Government—(a) On the 70 per cent. basis; (b) on account of the remaining 30 per cent.?”

The PREMIER (Hon. E. G. Theodore, *Chillagoe*) replied—

“(a) £729,665; (b) no portion of the remaining 30 per cent. has been made available to the Government, but the bank has approved of loans to various local authorities since 1st January, 1921, amounting to £341,000.”

PRICE OF SUGAR AND EARNINGS OF SUGAR WORKERS.

Mr. SWAYNE (*Mirani*) asked the Premier—

“1. Did he not once advise against a request being made for an increase in the price of sugar from £21 per ton to £24 per ton?”

“2. If the then price of £21 per ton had been adhered to, could the amount of £6,000,000, mentioned by the hon. member for Rockhampton in his question of 18th July, have been paid in wages to employes last year?”

The PREMIER replied—

“1. No.

“2. See No. 1.”

At a later stage,

Mr. SWAYNE, without notice, asked the Premier—

“In view of the Premier's reply to my question, I would like to ask the hon. gentleman if he is the Mr. Theodore who is reported to have said at the sugar conference held in April, 1918—

‘Mr. Theodore said he thought they should consider as a conference whether they would not be opening their mouths too widely in asking for £24 per ton for raw sugar. It was worth their while to consider whether they would not be more likely to achieve their object by asking for reasonable consideration, whereas by asking for something that was unreasonable they might in the end get nothing.’”

“I would also like to ask the Premier

if the following is a report of the speech made by Mr. Lennon—

“Mr. Lennon later on at the same meeting referring to the subject said, ‘I am in full accord with the opinion Mr. Theodore has expressed, that it would be unwise to ask for too much. The present is a war price and cannot be sustained. If we could get £22, it would be entirely satisfactory.’”

The SPEAKER: Order!

Mr. SWAYNE: I would also like to ask whether the Mr. Lennon mentioned was not the Secretary for Agriculture at that time.

The SPEAKER: Order!

The PREMIER: The answer to those questions is that the hon. member has wrongly construed statements made by me, and is building up an argument on false premises. (Laughter.)

EMBARGOES IN RE SALARY INCREMENTS;
ORDERS IN COUNCIL EXCLUDING
GOVERNMENT EMPLOYEES FROM INDUS-
TRIAL ARBITRATION COURT.

Mr. CORSER (*Burnett*), in the absence of the hon. member for Lockyer, asked the Chief Secretary—

“1. What embargoes have been placed upon the granting of increases to wages or salaries of Government employees in each of the financial years since 30th June, 1915?

“2. What Orders in Council have been issued under the provisions of the Industrial Arbitration Act since 30th June, 1915, prohibiting certain sections of Government employees from access to the Arbitration Court?”

The PREMIER replied—

“1. The limit for increases was £200 for 1915-17; £300 for 1917-18; £500 for 1918-19; £600 for 1919-20; £500 for 1921-22. There was no limit in 1920-21.

“2. 12th July, 1917; 14th August, 1920; 13th February, 1921; 15th July, 1921; 26th July, 1921; 2nd December, 1921.”

REMISSION OF RENTS ON AGRICULTURAL HOLDINGS;
PENALTY FOR LATE PAYMENT OF RENT.

Mr. CORSER (*Burnett*) asked the Chief Secretary—

“1. Does he remember a deputation of members of the Country party to him on 3th March, 1922, when, amongst other things, he was asked that, owing to the serious plight of the man on the land and the ruinous conditions obtaining in the dairying industry especially, the Government should wholly remit payment of rents on agricultural holdings this year?

“2. Does he remember that, in reply to that request, he stated that regarding the remission of leasehold rents, cases would be considered on their individual merits, and they would find in cases of hardship that the Government was sympathetic?

“3. Is he aware that all individual applicants for such remission of rent have been informed that payment will be insisted upon, but that it may be postponed, subject to a penalty of 10 per cent. for late payment?

“4. Will he have legislation intro-

duced this session to enable his promise to be fulfilled in the case of deserving applicants?”

The PREMIER replied—

“1 to 3. The law will not permit of such remission, but applications for extension of time to pay rents are being dealt with on their individual merits, and in cases of hardship the penalty has been either reduced or wholly remitted.

“4. The Lands Department considers such action inadvisable. Deserving cases are being sympathetically treated.”

EARNINGS OF WORKERS IN SUGAR INDUSTRY.

Mr. BRAND (*Burrum*) asked the Premier—

“In view of the fact that the hon. member for Rockhampton asked him a question on Tue-day, 13th July, wherein he stated it was a fact that a sum of approximately £6,000,000 was paid in wages to 20,000 employees in the sugar industry last year, will he—

1. Take the necessary steps, in the interests of the sugar industry, to contradict the statement made as a statement of fact, that the sugar workers earned an average income of approximately £300 per unit last year?

2. Inform the hon. member for Rockhampton that such statement made is not in the best interests of the sugar industry as a whole or of the sugar-workers of Queensland?”

The PREMIER replied—

“1. I find that the statement that approximately £6,000,000 was paid in wages in the sugar industry last year was published in the official organ of the Australian Sugar Producers' Association in a report of the proceedings of the Sugar Conference held in Brisbane on 23th February, 1922, and a similar statement was published in the official organ of the United Canegrowers' Association in its issue of 10th May, 1922. A similar statement appears also in a special supplement of the ‘Courier’ dealing with the sugar industry, issued on 11th May, 1922.”

“2. See answer to No. 1.”

ALLEGED ATTEMPT TO SECURE DELAY IN RE SUGAR AGREEMENT.

Mr. CATTERMULL (*Musgrave*) asked Mr. Forde—

“Will he give the names of the several State Country party members who were bringing influence to bear on the Commonwealth (Nationalist) Government to delay a decision on the sugar agreement, as stated in his question to the Premier on 18th July?”

Mr. FORDE (*Rockhampton*) replied—

“The hon. member's conscience is evidently troubling him; and I would suggest that at the next caucus meeting of the Country party he should move a resolution calling on the Federal Country party to demand that the Commonwealth Nationalist Government renew the sugar agreement, or, in default, that the Country party should withdraw its support, and thus disprove the prevailing impression that they are in the ‘bag’ with the Prime Minister.”

PROPOSED FRUITGROWERS' POOL BILL.

Mr. WARREN (*Murrumba*), without notice, asked the Secretary for Agriculture—

“Is it the intention of the Minister to

bring forward a Bill to enable fruit-growers to form pools for the coming fruit season?"

The SECRETARY FOR AGRICULTURE (Hon. W. N. Gillies, *Eacham*) replied—

"The Council of Agriculture has dealt exhaustively with that matter, and it is now in hand. As a matter of fact, a Bill has been drafted to give effect to what the hon. gentleman is speaking about."

PROPOSED POOL FOR AGRICULTURAL PRODUCTS.

Mr. CORSER (*Burnett*), without notice, asked the Secretary for Agriculture—

"Is he aware that, had he during last session accepted the amendments of the Opposition on the Wheat Pool Bill, there would have been no necessity now for legislation for pools for other agricultural products?"

The SECRETARY FOR AGRICULTURE replied—

"I am not aware of that, nor is any intelligent man in this House aware of it. The Wheat Pool Bill was passed for a specific purpose, and a general pooling Bill was not under consideration at that time."

GOVERNMENT MEMBERS: Hear, hear!

Mr. CORSER: The amendment was, though.

The SPEAKER: Order!

PAPER.

The following paper was laid on the table:—

Orders in Council under the Supreme Court Act of 1921.

AGRICULTURAL EDUCATION BILL.

INITIATION.

The SECRETARY FOR PUBLIC INSTRUCTION (Hon. J. Huxham, *Burandu*): I beg to move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to make better provision for agricultural education."

Question put and passed.

UNIVERSITY OF QUEENSLAND ACT AMENDMENT BILL.

INITIATION.

The SECRETARY FOR PUBLIC INSTRUCTION: I beg to move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to make provision for increased endowment to the University of Queensland."

Question put and passed.

AUCTIONEERS AND COMMISSION AGENTS BILL.

INITIATION.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I beg to move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to provide for the licensing of auctioneers and commission agents and for purposes incidental thereto."

Question put and passed.

LOANS TO LAND SETTLEMENT GROUPS FOR TRAMWAYS OR MOTOR LORRY SERVICES.

The SPEAKER calling upon Mr. Swayne to move the following motion standing in his name—

"That, in the opinion of this Parliament, for the purpose of facilitating the conveyance of produce to market, and so increasing production, it is desirable that means be provided whereby co-operative groups can be assisted with loans from the State for the building of tramways to be connected with the Queensland State railways, or other medium for its disposal."

Mr. SWAYNE (*Mirani*): I would like the permission of the House to insert the following words, after the word "tramways"—

"or the establishment of motor lorry services."

The SPEAKER: The question whether the hon. member for Mirani shall be allowed to amend his motion is in the hands of the House. Is it the pleasure of the House that the hon. member be allowed to amend his motion as requested?

HONOURABLE MEMBERS: Hear, hear!

Mr. SWAYNE: My motion deals with a subject I have already brought before previous Parliaments, and events since I first moved in the matter have more and more strengthened my opinion as to the necessity for some provision of the kind. I have spent the greater part of my life on the land; and I remember how, from time to time, we farmers have been handicapped and penalised by the difficulty of transport. I remember that forty years ago I had to ride 30 miles once a week with a box of butter—before the days of the factories, before the days of the separator—to get it to market. Again, I remember when I was maize-growing how I struggled along a bad road with a team of seven or eight horses pulling about 2 tons of maize, for which I received in the market from 2s. 6d. to 3s. 6d. a bushel. I also come from a district that has, perhaps, done more than any other, since the time I speak of, in the way of building light railways to assist in improving that position. Although those lines have proved successful, they are all privately owned. For some time it has been apparent that we should place the coping stone on the co-operative system that was built up by the Sugar Works Acts of the nineties, the Sugar Works Acts of 1911 and 1914, and the Co-operative Agricultural Production Act—under which loans can be made for the building of dairy factories, jam factories, sugar mills, and so on—by providing also for assistance to co-operative groups of farmers in the way of making available a means of transport for their produce. Action at the present time is rendered even more necessary by the very high cost that now obtains in regard to the building of agricultural lines. In my district lately a light agricultural Government line cost something over £9,000 per mile. I think it will be recognised that, if agricultural lines are going to cost over £9,000 per mile, very few will be built. Therefore, it is more than ever necessary that we should cast about for some improved means of giving the farmers transport for their produce, without placing an impossible burden upon their shoulders. Aid should be given to co-operative groups of farmers in the direction of

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establishing motor lorry services. During the last few months facts have come to our knowledge which have made many of us think that possibly we might get better and more economical service, especially where light produce such as fruit and dairy produce has to be carried, by the establishment of a line of motor lorries. To meet the new aspect I have added those words to my motion.

Coming back again to tramways, for many years it has been apparent that such lines are responsible for increased development and for the encouragement of agriculture and increased production. I have here a book on the question of light railways, how they shall be constructed, the detailed cost of construction, and the cost of working, etc., written by Mr. J. C. Mackay. In the preface, on page 8, I find this statement—

“It is no argument to say, that because this district is not capable of supporting a light line, it shall have no railway at all. We have examples of what can be done by ‘little’ railways in India to guide us in this matter, and, so long as a district has fair prospects before it, and when the people of the district are willing to take some of the financial burden on their own shoulders, it is the duty of those who have it in their power to assist in supplying the pressing needs of such a fertile district.”

At page 108 the book deals with Belgium. We know that before the war this system of light agricultural lines was brought to greater perfection in Belgium than, perhaps, in any other country in the world. The book states—

“The railways are generally laid alongside the public roads, and are worked very cheaply. They communicate with all the principal standard-gauge railways, thus giving ready access to them for goods and passengers, tending to develop new districts, affording more numerous outlets for agricultural products, and providing means of communication with districts that would otherwise be hopelessly isolated.”

In reference to Germany, dealing with pre-war conditions, the book states—

“The trials which for a number of years have been made by the Prussian Railway Administration in the construction and working of narrow-gauge lines of 60 centimetres (1 ft. 11½ in.) have proved the efficiency and safety of these lines for passenger, as well as for goods traffic.”

It then goes on to deal with the construction of light railways in India. Economy and cheapness of construction of narrow-gauge railways is more apparent in hilly country than in flat country, inasmuch as the narrow gauge lines can have curves with a small radius, and the sharper turns enable those who are designing them to take advantage of the many easy spurs that could not be negotiated by a wider-gauge line. Dealing with India, the book says—

“Of all the local railways in India, the one that stands unique in the adaptability of railway locomotion, to practically inaccessible places, is the Darjeeling Himalayan. This is a small railway of 2-ft. gauge, running from Siliguri to Darjeeling, a distance of 51 miles.”

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The book speaks about the very steep gradients that these light lines negotiate. A committee appointed by the House of Commons on this subject, sitting under the presidency of Lord Bryce, stated—

“The committee think that it is not reasonable that undertakings of limited scope, when they are approved of by the locality they are intended to serve, should be forced, as they are now, to have recourse to the expensive tribunal of a parliamentary inquiry.”

I think that is a very important point. We know very well that at the present time, under our present methods, no matter how short or unimportant a railway is, it has to come before Parliament. We know that in connection with the Sugar Works Guarantee Act, a certain sum was voted by Parliament for the purpose of constructing sugar mills, and it was left to the discretion of the Government of the day as to how the money should be expended. I take it that, as recommended by Lord Bryce's committee, it will be found on inquiry that the best method will be, if Parliament instructs the Government to take up this scheme, for Parliament from year to year to vote a certain sum of money for the purpose of lending the money to co-operative groups of farmers for the establishment of motor lorry services or the construction of tramways. I have already referred to the advantages of a 2-foot railway. Where I was once living a light line of this description passed my door, and during one season it carried over 80,000 tons of goods. So far as the resolution goes, it does not define any gauge. It leaves that entirely for the local people to decide. If they think a 3 feet 6 inch line best suits their purposes so as to avoid any transfer of freight when it reaches the Government line, then they are at liberty to adopt that gauge. On the other hand, if they think the cheaper 2-foot gauge line will serve their purposes, under this proposal they will be at liberty to adopt that gauge. Again, they can suit themselves as to the method of traction. If they desire steam, they may have it; and, on the other hand, if they think a motor tractor will give them better service, they may use that class of tractor. Again, if the traffic is light, they may use horse power. I have left all that an open question. What I want is for Parliament to adopt the principle, and then the details can be decided afterwards. In the motion I have not stated any definite sum. If the Government in their wisdom think that the whole cost should be loaned, I have nothing to say against it. But the idea I had in view was that only two-thirds of the cost of construction should be advanced, as in all probability the local people could make up the one-third by working with their own teams, supplying timber, and so on. That is entirely a matter for future consideration. If the party opposite are sincere in their profession that they support the co-operative principle, then they cannot help supporting this resolution. I may say that, since I last moved in the matter I have received the endorsement of the

[4 p.m.] Premier himself. I have here the reports of some interviews that he gave to deputations. I find that in Mackay, in 1919, he was interviewed in connection with the Owen Creek railway. The Premier suggested that the line should be built under the provisions of the Co-operative

Sugar Works Act. He asked for full particulars, and said that he would give a definite answer on his return to Brisbane. It will be noted that, in replying to that deputation, the hon. gentleman acknowledged that there were railways that could best be built under the system I am advocating; but I do not quite agree with him that the Co-operative Sugar Works Act would be the best means of achieving the result. That Act was passed to deal with sugar mills, not tramlines. Of course I know that away back in the "nineties" the existing Act was stretched so as to allow of Government-built tramlines being built under it; but, in any case, it only applies to sugar lands. It will be realised that my resolution has a much wider scope. If passed, it will not only benefit those who are growing sugar-cane, but it will benefit those engaged in dairying, fruit-growing, wheat-growing, maize-growing, or other kinds of farming. I think I am right in saying that, if a measure is framed in accordance with this resolution, groups of miners could also avail themselves of it. Furthermore, it would provide feeders to the State railways. We know that at the present time one of our great troubles is the fact that there is not sufficient freight forthcoming along the lines already opened. These tramways would be feeders to the main lines, and would mean more freight and more production. Before I leave the subject of the Premier's utterances on this matter, I might say that, although in 1919 he expressed the opinion in Mackay that these lines could be suitably built under the Sugar Works Co-operative Act, when I telegraphed to him on the subject on 12th May, 1921, asking that the matter should be expedited, he replied—

"Your wire eleventh instant *re* Owen Creek Railway, matter being considered."

A rather long interval for the consideration, premised. As bringing home to us the increasing need for action in this direction, I find that, when the Premier was in Mackay, in May of this year, Mr. T. Kirwan, a settler in the district, said—

"About a dozen settlers at Silent Grove were held up in the matter of access to the North Coast line, and they desired to know if the Government could build a 2-foot gauge light tramway into that country. The first section, which could be from 5 to 8 miles, would materially aid settlement, and it could be extended as settlement warranted."

Mr. Kirwan is a *bonâ fide* settler who has taken up land in this country, and he is as good a man as you can find in Queensland. He puts forward a very fair request when he asks the Premier for the construction of a 2-foot line. That quite bears out what I have said. Furthermore, as verifying my statement that, as time goes on, the need for action becomes more apparent. I have received this letter from the Haughton River Tramway Board, in the Bowen district—

"Haughton River Tramway Board,

"Minchan, Ayr Line,

"23rd August, 1920.

"E. B. Swayne, Esq., M.L.A.,

"Parliament House, Brisbane.

"Sir.—I am directed to write you, thanking you for the efforts you are putting forward in trying to get light tram lines built in agricultural districts, and

to have same built and controlled by a board of farmers themselves. As you may know, this small community has taken upon themselves the burden of purchasing and erecting a sugar mill, which without tramline will not pay, especially as a number of farmers live 5 miles from the mill. The present Government promised to advance money—to construct a light line 8 miles—to the shire council, but that body could not see its way clear to undertake the work. The whole is at a standstill, and we are very pleased to read you are trying to get the money advanced to a board such as we have, and wish you every success. Hoping same will be an accomplished fact, again thanking you,

"I remain, yours respectfully,

"R. WALTON, Hon. Secretary."

That shows how this movement appeals to practical men—men who are up against things, and who know all the needs of the farmer. It would be a great saving to the country, as these lines would not only increase production, but they could be built for a great deal less than under present methods. As I have already said, a light agricultural Government line constructed in my district cost over £9,000 a mile, and if that high cost is going to continue there will be very few agricultural lines built. I am acquainted with a member of a well-known engineering firm in Brisbane, which has already built many miles of railway, having been entrusted with the expenditure of something like £1,000,000 in the building of railways. This firm built one line in the North, and another in the electorate of the hon. member for Musgrave, and this gentleman tells me that the line I mention, which cost £9,000 a mile, could have been built for £5,000 or £6,000 a mile. I take it that if the money had been spent under the control of a co-operative group of farmers, the line could have been built at the same price, instead of costing over £9,000 a mile under the present method of railway construction by the Government. In districts where a 2-foot gauge is considered sufficient, I have only to point to a line which has been lately constructed at Carmilla, in the electorate of the hon. member for Normanby. They have built 4 miles of good tramline suitable for steam traffic for something like £3,000 a mile.

Mr. PETERSON: A good line, too.

Mr. SWAYNE: It will be seen how much stronger the case for action in this regard is than it was when I first moved in the matter some years ago. I have been looking up some of the speeches which were made against the motion when on previous occasions I brought up this matter, and they strike me as being shockingly futile.

The first time I introduced this motion into the House Mr. Hardacre was a member of the Labour Government, and he seemed to see in my motion a deep-laid scheme to take the State railways from the State. I do not see how he could arrive at such a conclusion. I will simply quote the sort of arguments which were advanced against my motion the last time I brought it up. In 1917, Mr. Coyne was Secretary for Railways, and on page 993 of "Hansard" of that year we find he made use of these words—

"I must say that the hon. member for Mirani is most disingenuous"—

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I do not really see why he should have said that—

“in the time he chooses to bring the subject up in the House—now and two years' ago. The hon. member is well aware of two very important facts. One of them is that for the past twelve months the Railway Department has been almost depleted of material for the construction of railways of any sort. Another thing which is well known to everybody is that it is impossible to borrow money for that purpose.”

If those objections existed in 1917, they do not exist in 1922. We know that they have entirely disappeared. We know that we can get material, because railways have been built since then, although at extortionately heavy cost; and we also know that loan money is now available. We know that we have been able to borrow money for years both locally and overseas, and the objections which were raised in 1917 on that score have since completely disappeared. There is no sound and good reason that can be advanced against the carrying of this resolution.

The cost of the carriage of produce is a very important item, although I do not propose to go into details in moving the motion. Still, the first question which will arise is, What is it going to cost to work these lines? Will they be of any advantage in regard to the cost of carriage? As I have already stated, I have had a lot of experience in the working of these agricultural lines, and quite recently I got a balance-sheet from one of the mills in my electorate, which possesses about 50 miles of these tramways. In 1914 they carried cane to their mill, and, after providing for interest on the cost of construction, depreciation, and working expenses, they carried the cane at a cost of 5.8d. per mile, the average distance that the cane would have to be carried being 4 or 5 miles. At the same time I find that on the Government lines the minimum charge for cane was 1s. 1d. per mile, or more than twice as much as it cost to carry a ton of cane on the private tramways. If my proposal is adopted, we can carry cane on these local tramways much cheaper than on the Government lines.

I think I have made out a strong case so far as the cost of construction is concerned. If we have more of these light tramways, it will enable more primary producers to be served, and it will encourage them to produce more, because they will be able to get their produce to market at a profit to themselves. I have already mentioned that many years ago it took me nearly three days with a big team of horses to get a couple of tons of maize to market. You will see that, with the price of maize as it was then, there was not much left for the farmer. This motion is designed to overcome these difficulties. Even at the present time the roads in many localities are not much better than they were at the time I speak of. The co-operative system in the agricultural districts has been found to be sound. Loans have been made to farmers for the construction of sugar-mills, dairy factories, and bacon factories, and those loan propositions were all sound from a business point of view, and also from the point of view of benefit to the State. If more of these loans could be granted, it would add to our wealth production in the various agricultural districts.

[*Mr. Swayne.*

I have given facts to justify the passage of this motion through the House. We have passed a number of co-operative Acts, including Acts which provide for the erection of sugar-mills, butter factories, and bacon factories, and so on, but we want to complete the work and put the coping-stone on the edifice by advancing money to the farmers to assist them in getting their produce to market. If we do that, we shall be doing something for the primary producers and for the whole of Queensland as well.

I do not wish to introduce a personal tone into this discussion, but I cannot help pointing out that the Premier has seen fit from time to time to twit the Country party with possessing no constructive policy. When I brought this motion forward in 1917, I claim that it was part of a constructive policy. What more beneficial constructive policy could we have in a young country like this, with all its natural resources, than the one I propose in my motion? It will help those who are engaged in primary production, because they will be able to get their produce to market much better. In the “nineties,” when the co-operative works legislation was passed, it made provision for a constructive policy. The co-operative Acts which have since been passed, and which have enabled mills to be constructed in the North and dairy factories erected all over the place, were all part of a constructive policy. Any legislation framed on the lines that I have laid down will also be of a constructive nature. Hon. members opposite do not seem to know what a constructive policy is. They cannot distinguish between construction and destruction. They think that destruction is construction. However, I do not wish to bring anything personal into the discussion of my resolution. I think I have given good, sound reasons for the adoption of the resolution, and it will be hard for the Minister to controvert those reasons. I have much pleasure in moving the motion as amended.

Mr. WARREN (*Murrumbidgee*): I wish to second the motion. There is no denying the absolute necessity for some connection between the rail service and the man on the land. I cannot understand anybody saying that there is no need for a better transport service in the country than that which exists to-day. I am going to say further that Queensland—and in saying this I do not wish to decry the State in any way—is absolutely behind the times in its transportation facilities. A good deal of the reason for that is that we are too satisfied with the old methods. So far as these small tram services are concerned, we know that we have already had a good demonstration of the tramways in existence. We know what the trams have done for the country districts. Look at the Palmwoods-Buderim Tramway. Hon. members are aware that, before that tramway was built, there was a gap of 7 miles between the rail and the people who were producing on Buderim Mountain. In that place they have a very rich piece of country, but under the present conditions of fruit-growing they would not be able to produce fruit unless they had the tramline, because they could not profitably cart their fruit down at present prices. Before I pass from that matter, I would like to point out the necessity for completing a particular line, and not building merely short lengths. If the system is going to be encouraged by the

Government in a truly co-operative spirit, it will have to be universal throughout Queensland, and the systems will have to be completed. If the Buderim tramline had been carried on to its proper terminus, it would be at least 50 per cent. better for the people who are producing on the mountain. Again, the Nambour-Mapleton tramline makes it possible for people on the Blackall Range to put their produce on the rail at a fair profit in reasonable time. But that is not the most successful section of our tram services. The Moreton Mill tramway service extends down the Maroochy River, and they are now going to continue it to Maroochydhore and across the river.

Mr. KIRWAN: There will be a fine seaside place there. It is the best beach in Queensland.

Mr. WARREN: The Moreton Mill Company is doing what it should be the function of the Government to do. They are opening up a vast extent of sugar land. In fact, more land will be opened up on the northern side of the river than is under cultivation at present. I point out these things to show what might be done with a properly constructed and operated tramway system. If it had not been for that tramway system there would have been practically no close settlement on the Maroochy River; but to-day we have one of the finest settlements in Australia. When I heard that this motion was going to be moved, it struck me that we, as people sent here to legislate for the good of the people, should do all in our power to encourage and extend this system. We have lower down on the North Coast line a case which shows the necessity for something of this description. The people on a portion of the Blackall Range have a butter factory in lovely country, but there is a gap between the railhead and the place of production. They have been carting their product down—I am speaking of Maleny—not for want of enterprise, because if there are enterprising people in any part of Australia it is those people. They have the most up-to-date road tractor it was possible to get in Australia; but they found that the roads were impassable for that tractor, and they were not able to use it, with the result that they lost, and have been losing. The shire council now are building a road. If we had had some service of the description mentioned in the motion, it would have opened up, not only Maleny, but also the back country, and would have been a useful feeder for the main line. Somebody said early in this debate that it might happen that the railways would not be used in the future. I am quite convinced that, if the Secretary for Railways woke up one morning and found the railways taken out of Queensland altogether, he would have a very peaceful day. We need to work our railways better, but we need feeders for them. I believe this is not going to be a country of railways. I believe that in the future we shall have our trunk lines; but we have to recognise that our main highways—the Main Roads Board may be doing something at the present time—will be the feeders of our trunk railways. Our railways are not in a paying condition simply because the land is occupied only within a short distance of them. Along the North Coast it would be almost impossible to cart produce over the roads for any great distance, because of the great rainfall and the bad nature of the soil. There are, for instance,

certain products, such as pineapples, that cannot be carted more than 4 or 5 miles, and they cannot be carted even so far at a profit. A system of motor transport or a tram service would make all the difference. We can take the soldier settlements to show the need for something of that description. The residents of Twin View have been to the Premier on several occasions asking the Government to do something in the way of constructing a tramway. You will remember, Mr. Speaker, that those men were altogether too poor to undertake co-operative enterprise without any outside assistance, and I am of the opinion that all possible assistance should be given to them, because whatever financial assistance is given to them, it will be regained in the revenue it will bring to the railways. I go so far as to say that it is already recognised that that is so. At Buderim, if they had a good crop, they would not be able to look after it, whereas, if they had a good road and some better service by which one man could cart ten times as much as at present, it would be altogether a different proposition. I want to point out how difficult this question of the transport of pineapples really is. A man with a spring cart is able to bring to market fourteen cases at most, and sometimes he may have 100 cases a day to take to the siding, so that in that case he would only get twenty-eight cases out of his 100 to the rail. Consequently, in hot weather he would be losing the better part of that quantity. It is important that something of the description mentioned in the motion should be undertaken, and I would suggest that we should have motor services, or trams, working in different directions. If the Buderim trams went in the morning to Buderim and in the evening to the Blackall side, there would be a considerable saving in expense, and, if we had a motor service centre on each side, we could have traffic in four different directions, and the cream or fruit could be brought in on the tramline from the terminus on one side and also from the other terminus on the other side. That would be co-operative effort, and would bring about a better condition for the man on the land and also commercial prosperity. The fruit or cream could be brought to market for less than half the present cost.

Now I want to deal for a few moments with the comfort which these things will bring. Take the places where these tram services already exist, and consider the difficulties which the people had previously of getting to the railway, and I think you will recognise the vast improvement they would make in the conditions of life wherever they went. It is essential that something should be done to make the lot of the people on the land more comfortable and more attractive. If nothing is done, it will react on the cities and on the prosperity of the State. A certain gentleman has said, "We shall have to take picture shows to the people in the country, the same as they have in the cities." If they are to be the same rubbishy picture shows that we see in the city, I would not like to see them go to the country and spoil the ideas of the people there regarding what is right and proper. We do not want what are called the pleasures of the city, but we do want the conveniences of the city; we want something that is going to improve the lot of the people. I ask hon. members to consider the lot of a woman in the country, miles and miles away from

communication, where there is no chance of getting to town unless she rides on horseback—very likely over roads that an ordinary city man would consider impossible. Surely we have a right to provide better facilities for travelling. The motion provides a starting point in that direction. If the Government will assist in bringing that about, they will have the blessing of those people who are living away from the rail and have no means of communication. It will be a good thing for the railways and for the State, and it will be a better thing for the man on the land. It is almost impossible to grow fruit any distance away from the rail. We have enormous possibilities in regard to fruit. For the growth of citrus and many other kinds of fruits, after having seen fruit grown in the South, I am not afraid to say that no place in Australia has any hope of competing against Queensland. Instead of that industry being worth £2,000,000, we should make it worth £15,000,000; but, if we are to make it what it should be, we shall have to improve the methods of communication. I hope the House will do its best to establish a system of co-operative tramlines and motor transport, so that we may make better than it is the lot of the people who are living in the country.

Mr. PETERSON: I desire to support the hon. member for Mirani in his motion. I do so for various reasons. First of all, because I have always maintained that we have far too much railway mileage in comparison with the population we carry, and have not considered as we ought to have done the provision of tramways or motor transport. The hon. member for Murrumba pointed out in regard to his district that, if encouragement were given in this particular direction, there would be more tramways constructed in his electorate, and they would open up for cane-growing a greater area of land than is at present under crop. If that is a fact, it is clear evidence that the Government could do a great deal worse than give immediate attention to the construction of light tramways in order to encourage and increase the sugar production. At the present time, the minimum cost of building railways in flat country amounts to about £9,000 per mile. A light tramway in the Carmilla district, strong and capable of handling heavy traffic, cost only £3,000 per mile.

Mr. SWAYNE: Rather less.

Mr. PETERSON: As the hon. member says, rather less. If you can construct light tramways which are capable of opening up a great area of country for such a small cost compared with the cost of railway construction, the Government would be doing wisely in accepting the suggestion contained in this motion. Speaking for my own electorate, if the Government can see their way to assist co-operatively in this direction, there will be a larger area thrown open for cane-growing. What is the necessity for spending millions on opening new country when you already have country served by railways which are non-paying because they have not feeders serving them? It is no use continuing year after year, building miles of railway, adding to the national debt, and making it impossible for those railways to pay. What better way could you have of making the existing railways pay than by adopting the suggestion contained in the motion? It really means that you are going to feed the main system of railways. We already have on the statute-

book a very fine measure, for which I give the Secretary for Agriculture credit—the Co-operative Agricultural Production Act. If the hon. gentleman will bring in an amending Bill this session—I understand from the Governor's Speech that that is proposed—I would commend to his attention the necessity for taking into consideration the advisability of extending the co-operative grants on the 15s. 4d. in the £1 basis, so far as the building of light railways is concerned. The Government would find that large areas of country which are too far away from the main lines would be served; we would have greater areas placed under cultivation; and the result ultimately would be greater prosperity to Queensland. We can read into the motion the advocacy of good roads. It is impossible to give effect to the motion, so far as it relates to motor traffic, unless we have good roads. We have in existence the Main Roads Board, who, I believe, are attempting to deal with road problems in various parts of the State. That board may be capable of doing a great deal of work; but, unfortunately, they will be hampered because of the want of funds. I could easily do with £5,000,000 for road construction in my district. When you discuss this phase of the question, you can see what a tremendous amount of money is involved. You could not apply the co-operative principle to that system as you could to the building of light tramlines. I respectfully bring before the Minister the advisability of amending the Co-operative Agriculture Production Act in order to make provision for settlers who are prepared to put money into these concerns and thus bring about increased settlement. I hope the Minister will not look upon this as time wasted. I believe that, deep down in his heart, he is just as sincere in desiring the progress of the State as is anyone else, and is just as anxious to do the best he can towards that end. I am prepared to offer every assistance I can in obtaining support on this side for the passage of an amending Bill of that nature.

Mr. NOTT (*Stanley*): I compliment the hon. member for Mirani on bringing forward this motion, which, if acted upon, will certainly be of a very great advantage to Queensland. The cost of construction of these lines will vary according to the width of the gauge. These lines could be used, as boring is, in conjunction with prospecting for coal, copper, and other minerals. Narrow-gauge tramlines would enable produce to be carried over them at a very cheap rate, and at the same time be an incentive to people to increase production in the various districts fairly adjacent to existing railways but not served by them. The construction of light railways will assist a great deal in the development of the country. The hon. member for Normanby mentioned that the cost of a light line in his electorate was £3,000 per mile. I believe that that line will be capable of carrying engines equal in size to those used on the Government lines of railway. But there are other means of locomotion used in connection with these narrow lines. In some cases on 2-foot lines horses are used; in other cases use is made of internal combustion engines and steam engines. I know of a line with a gauge 2 feet in South Africa. A Ford utility car is so arranged on these lines that the two front wheels are running on the rails whilst the two back wheels are straddled across the line, and in that way they are able to take fairly heavy loads at

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a speed of 14 miles an hour for lengthy distances at a particularly cheap rate. In the district that I represent mixed farming and dairying are carried on at a cost of carriage to the farmer of 4s. per ton per mile for the cartage of milk. I suppose 80 per cent. of the light lines in Queensland are operating in the sugar districts, and it is possible to carry a ton of cane over those lines at approximately 1d. per mile. There is a chance of saving, say, 3s. 11d. per ton per mile on milk, carted to the Nestlé factory in the district which I represent. The fact that produce could be brought on the narrow-gauge tramlines to feed the railway lines at certain places at a very cheap rate would certainly induce farmers situated 10, 12, and 14 miles from existing railways to produce a great amount of stuff for delivery over those lines. I have very much pleasure in supporting the motion.

Mr. CATTERMULL (*Bundaberg*): I believe that a great deal of country would be opened up if light agricultural lines of the 2-foot gauge were constructed. I believe that, if money was granted by the Government to groups of farmers, the settlers would construct their own lines far cheaper than they are constructed under the present system. The Woongarra Shire built the Woongarra tramline. That was constructed, including the cost of resumption, at £2,500 per mile. It is a 3 feet 6 inch gauge railway, and to-day the Government rolling-stock is passing over it. Some of the resumptions cost up to £25 and £30 per acre. The council made a good job of the line. The railway engineers and inspector have taken over the line, and there has only been maintenance work done up to the present time. I would like to refer to one group of farmers living at Mira, Bundaberg. They are 7 or 8 miles away from the railway line and are growing cane. They have to haul the cane over a piece of sandy wallum country a distance of 7 or 8 miles with twelve or fourteen horses in a wagon. These wagons go over this country axle-deep, making one trip a day to the railway station. I believe that the cane is costing these farmers £1 per ton for delivery from the farm to railway siding over this piece of road. This road has been gravelled by the shire council, but, unfortunately, gravel will not stand on top of sand with heavy loading. If a light 2-foot gauge line were put down on the sand, it would require no further ballasting, and the cane could be got to the railway line for one-third of the present cost. I believe the farmers will be quite willing to give a guarantee for the interest and redemption if the Government will advance the money to build that line.

I would like to refer to the Gin Gin Central Mill. Last year, in conjunction with the hon. member for Burrum and the hon. member for Burnett, I had the pleasure of introducing a deputation to the then Treasurer, Mr. Piholly, and this deputation asked the Government if they would assist them in building a light agricultural line whereby they could get their cane to the Gin Gin mill. Had the Government carried out their promise and continued the Goondoon-Kalliva line, there would have been no necessity for those men to interview the Minister. They had been encouraged by the Government to take up the land, and they selected it, felled the scrub, and planted cane, but the Government did not fulfil their promises. This deputation asked the Treasurer to give them some relief by granting them a loan so that

they could construct their own tramlines. I went into the question of the acreage the farmers had under cane and the area they were prepared to plant, and I came to the conclusion that they would have been in a position to pay the interest and redemption on the loan without difficulty; but the Treasurer turned the proposition down. If we want to keep men on the land, we shall have to give them some assistance, and the best assistance we can give them is to provide money to build light tramways to enable them to get their produce to market. If we do that, we shall encourage them to stay on the land and encourage further development. Although we have a Main Roads Board which is doing good work, in the district I am speaking of it is of no use because the roads would be too costly to make and would cost too much to maintain. On the other hand, it would be much cheaper to put a light tramway down, as there would be no formation to make, and it would be possible to shift the track at any time. These remarks apply not only to cane-growers but to fruit-growers, and I trust the Government will do something in this connection to assist these men.

Mr. BRAND (*Burrum*): I have very much pleasure in supporting the motion, and I congratulate the hon. member for Mirani in having brought it forward. I am sure that if the matter is taken up by the Government it will do more to encourage primary production than anything else. Throughout Queensland we have many hundreds of miles of main trunk railways, but most of those trunk railways have no communication whatever with the hinterland. You can have no better transport facility than small 2-foot tramlines in order to encourage production, and if such tramlines were constructed they would induce increased production and a greater traffic on our railways. We should do all we possibly can to get as much traffic as possible for our railways, because the railway workers to-day, in consequence of the small amount of traffic on the railways, have had to accept reduced wages through not getting more than four or five days' work a week. The Government only this week further reduced the wages of their employees, and I do not know how some of them are going to exist in the future. Hon. members on the Government side should be prepared to support this motion just as much as hon. members on this side. During the past few months we have heard it said throughout the length and breadth of Queensland that co-operation is the only thing that is going to save us, and this motion puts the onus on the Government of saying whether they are going to support co-operation or not. Already it has been proved that tramways constructed on the co-operative principle have been a success, and the Government have recognised that principle. Almost every hon. member who has spoken on this side of the House has instanced districts in his electorate which would immediately accept assistance under such a proposal as this. In my electorate there are many districts that would be greatly benefited if the people living in those areas had an opportunity of receiving assistance from the Government to construct tramways. In the Pialba district, which is noted for sugar production, and also for fruit-growing, there are large areas of land away from the railway which could be developed if the settlers could

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only get assistance to build a tramline. Every member of this House recognises that tramways constructed in connection with the sugar-mills in the State have proved a wonderful boon. I do not think there is one sugar-mill in the whole of Queensland that could successfully carry on if it were not for the tramways constructed in connection with the mill. We know that all the mills in the State have many miles of tramway, and it is necessary for them to have these tramways in order to get a supply of cane. It is much cheaper to construct a tramway than to construct a railway, and, in addition, the tramway will traverse the farmer's own land, thus enabling him to place his produce in the trucks on the farm. We know that the Government have seen fit to block the completion of certain railways in this State. By doing so they have retarded land development, and the consequence is that our railways are not paying. We know that the tramway from Palmwoods to Buderim has proved a great success; and if the principle has proved a success in that instance, surely it will prove successful in other districts. I trust the Government will be prepared to accept this motion and give the primary producers every assistance in this connection. We know that the Government to-day are endeavouring to build main roads. Main roads certainly will prove a valuable adjunct to our railways, but it must not be forgotten that, if they are to be macadamised roads, they will be quite as costly, if not more so, than light tramways, and, as the tramways can be constructed through the farms, they will possibly be of greater value to the people on the land than main roads. As the hon. member for Musgrave said, only last year the Government turned down a proposal to assist a body of primary producers to construct a light tramway in the Gin Gin area. Such a tramway would have served a large area of land which would have provided cane for the Gin Gin central mill. It is recognised that in South Queensland we have a greater amount of milling capacity in regard to the cane produced than they have in North Queensland, where there is a lack of milling capacity. If we can only

provide some means which will [5 p.m.] enable the primary producers to borrow money from the Government to build co-operative tramlines, we can develop large areas in Southern Queensland to grow sufficient cane to utilise the milling capacity we have now got. There are two mills—Mount Bauple and Gin Gin—which are owned by the Government, over £100,000 having been lent by the Government to those mills. It only needs some assistance such as could be obtained under the terms of this motion to open up areas which will make those milling propositions a success, and enable them in a short time to pay back the money lent by the Government. I trust that the Government will give this motion every consideration. The hon. member for Mackay should heartily support the motion.

Hon. W. FORGAN SMITH: I have no objection to its going through.

Mr. BRAND: I am pleased to hear that the hon. gentleman is going to support the motion. He knows the value of the tramline system to sugar-growers. I congratulate the hon. member for Mirani on having introduced the motion, and hope that it will be carried.

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Hon. J. G. APPEL (*Albert*): I am sure that we should all congratulate the hon. member for Mirani for initiating this motion on a matter which is so vitally important to those who are settled in our country districts. We realise that, if the motion is carried—and I have no doubt it will be—it is merely a recommendation; but, when a recommendation is carried and arguments of sufficient weight have been adduced, I have no doubt that the Administration will take such recommendation into their favourable consideration. Of course, it is possible at the present time for local authorities to obtain loans from the Government for the construction of tramways and light railways, but this motion goes further and proposes that co-operative groups shall be placed in the same position as local authorities, and assisted by loans for tramways or other means of transport if they so desire. It often happens that the residents of an area are anxious for the construction of a tramway by which their produce can be conveyed to the railway and thence to market; but, unfortunately, if the local authority does not take the matter up, the residents are unable to obtain the tramway. Under this motion, a co-operative group will be able to undertake this work. It has been pointed out that the crux of successful land settlement in this State lies in the provision of transportation facilities. Those of us who have had practical experience know that in many instances fertile areas of land are at present lying idle owing to the fact that there are no means of getting produce to market through lack of railway or tramway communication, and even of road communication. It has been pointed out during the debate that the construction of a road in many instances is greater than the cost of construction of a tramline or light railway. I know that in our coastal districts—I refer more particularly to the Albert, which I represent—owing to the mountainous nature of the district the construction of a road will cost more than a light tramway or narrow-gauge railway. In the Albert district there are several creeks which run almost at right angles to the coast, or from east to west, which increase the cost. Some of the land along these creeks is not producing what should be derived from it in view of the fertility of the soil. Take, for instance, the Nerang Creek, which, from its source in the Mosseron Range, runs a distance of between 34 and 35 miles. When you get 10 miles from the railway line, which traverses the district parallel to the coast, you have still something like 17 or 18 miles from that point to the border of New South Wales. In those 17 or 18 miles some of the most fertile land, magnificently watered, and with a rainfall which is not surpassed anywhere within the southern portion of the State, is to-day lying practically neglected, because the cost of carriage of goods and produce is so high as to be prohibitive. Take our timber resources. At the heads of the valleys there is, in many instances, a great wealth of timber, particularly hardwood, the pine and cedar having been pretty well exhausted. A large quantity of hardwood timber is valueless to-day, owing to the fact that to carry it by wagon more than 10 miles from a railway station costs more than the value of the timber. But, after all is said and done, we are not considering the matter of taking the timber from the ground so much as the question of what a speedy and chief transportation system would effect in the settlement of our country areas. It has

been mentioned in connection with the construction of tramways or light lines of railway by the local authority or by co-operative groups, that such construction can be effected at a much cheaper rate than if constructed by the Government, and that likewise the lines can be operated at a similarly cheap rate. We have evidence of that in the Albert electorate, where there is a tramway which connects with a railway line at Beaudesert. That tramway is carried on effectively, and without entailing a loss upon the ratepayers. Furthermore, it is much more convenient than it would be for a Government railway to be run, for the simple reason that they run it like a tram. It stops at every man's holding for the purpose of taking up cream or other produce, whereas, in our Government system of railways they only stop at stated places for that purpose. In my district it would be possible, and is possible, to construct tramway lines for less than it would cost to construct a road which never would afford the same convenience to the settlers. When we take the plain country consisting, as was mentioned by the hon. member for Mu-grave, in some instances of sandy country, the construction of a road would be very great owing to the cost of metalling. Then there is the expense involved in the wear and tear of the vehicles, and the time occupied by the individual settler, and generally a greater expense is involved than would be the case by the construction of light tramways. There is no question that the same thing applies with the construction of a road versus a tramway or light line of railway on our volcanic soil. In the same level country there is no doubt that a light tramway can be constructed more cheaply than it is possible to construct a road. Furthermore, we have this fact, that, where such tramway is constructed by the local authority or a co-operative group such as is suggested, the landowners never offer any objection to such line traversing their selections or their holdings, because it really is for their own convenience; whereas, so soon as the Government construct a line of railway, the man on the land claims compensation for resumptions of land, and that all adds to the expense and adds to the burdens of the man on the land.

The hon. member for Mirani, by permission of the House, added certain words which permit of the subsidising or the initiating of motor conveniences. We realise that in some instances there would not be a sufficient amount of traffic for a tramway, and, if opportunities were afforded to settlers to use motor transport—which more and more is becoming effective and economical—it would be a great advantage to them. No doubt hon. members know that motor transport is becoming a great factor, particularly in Great Britain. In England motor services are actually competing successfully with the railways. They convey goods at a cheaper rate than the railways, and more frequently. Of course, it is needless for me to urge upon members that the whole future of the State depends upon the settlement of our country lands. Unless we can, as a State, by the construction of railways or roads, have such conveniences, we cannot effectively settle those lands and thus add to the prosperity of the State. We find in many instances some of the most fertile areas have been settled, and an immense amount of labour expended; but the settlers have had to abandon their homes owing to

the fact that there was no communication. We had a striking example of this in connection with that very beautiful plateau in the Albert electorate, known as the Beechmount Plateau, containing through the whole of its area the most beautiful and fertile scrub land in the whole of the State, and quite equal to the very best in the Commonwealth. That land was taken up many years ago, and the selectors who took it up expended the whole of their energies in clearing the scrub and putting it under fruit. But, after having done that, owing to the absence of road construction, although there was a market for their fruit, owing to the cost of transport in the majority of instances, they had to abandon their selections. To-day that particular area is coming into prominence, and it is coming into prominence because of its superior position. The present holders of the areas have put their hands in their pockets, and, owing to the patriotic assistance of the firm of Laheys Limited, who likewise granted them a subsidy, a road was constructed up the mountain which made it possible for them to have their cream and produce carted to the railway. To-day that plateau—which after a number of years' labour in clearing and making improvements had been neglected—by means of the road so constructed, and owing to the energy and assistance of the firm mentioned, is now becoming prosperous, and it will soon be one of the most prosperous areas in the whole of the State, if not in the Commonwealth. These are object lessons which should induce all the members of this House to give their attention and support to a request of this kind.

We have another instance in connection with tramways in the tramway to Buderim Mountain. For many years Buderim Mountain occupied a prominent place as a producing centre, but, owing to the lack of communication, and distance from the railway, and the consequent difficulty of getting produce to market, it could not reap an adequate return for its products. With the construction of the tramway that area has taken the position to which it is entitled. Then, we have the example of the tramways running from Nambour up to the Blackall Range, which likewise have effected a great purpose. I have no hesitation in saying that from my own personal knowledge both of those utilities have affected the settlement and the present-day condition of the greater portion of the Blackall Range. There we have actual object-lessons of what the provision of means of communication can achieve. With the knowledge that that is so, should we not do everything that is possible to extend the principle that has proved so effective? That is sought to be done now by allowing co-operative groups to join in the work and make it possible, even if the local authorities are not prepared to pledge their credit, for the selectors to obtain the necessary means of communication where the areas within the portion to be served have sufficient security for the purpose, and thus more effectively carry out the good work—for it is a good work which every settler is endeavouring to carry out—of increasing production and thereby enabling them to gain the proper reward for their labours, and likewise add materially to the prosperity of this State.

One might adduce many arguments in favour of this motion, but I think sufficient

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has been said to convince the most sceptical that, if by any means it is possible to assist the farmers in gaining more effective and more efficient means of getting their produce to market, it will add most materially to the settlement of those areas of land which are not, and will never otherwise come, within the scope of a State railway or a main road, but which are nevertheless absolutely fertile, and only require proper communication to enable them to be settled, and thus, as I said before, maintain a larger rural population, and add materially to the resources and assist the success of the State of which we are members.

Mr. TAYLOR (*Windsor*): I wish to support the motion. I think we all realise that transport is the very life or death of primary production at the present time—more so at the present time, probably, than for quite a number of years. We were satisfied to go along under the old system for quite a number of years. The old bullock team and the old horse team were considered quite sufficient to carry goods of various kinds to the nearest railway station; but now we find that, if we are to hold our position as a primary producing and manufacturing country, we shall have to adopt the most modern methods of transport we can devise. Whilst we all feel that we owe a debt of gratitude to the old bullock team and the old horse team—which no doubt on almost impassable roads and under difficult conditions have for many years contributed very largely to the prosperity of Queensland, and indeed in a number of areas even at present continue to contribute to our prosperity—nevertheless the time has come when we have to look around. We find we have to develop a tremendously large area. We have hundreds of thousands of acres of very fertile country on which we want to settle our own people; but, if we are to settle them under the conditions that prevail, we must see that they have the very best means of transport for their goods and for themselves to the nearest market, and that at as low a rate as we can bring about by the improved methods we introduce. It is gratifying to know that we have in Queensland a Main Roads Board which, if it carries out properly the functions of such a board—as I hope and believe it will—will materially assist in making our railways a more paying proposition than they are. I do not know what the revenue of the Main Roads Board is, but I think it is costing about £100,000 in salaries alone to carry on its activities. We do not mind that if the work is well done, although, when you add the cost of machinery and material, it will mean a very large sum of money. But I believe it will be forthcoming, and I have every confidence in the gentlemen who are controlling that important activity. I think that a very great service would be done to the State of Queensland if a policy could be evolved for the direction of the board—probably it is being carried out at the present time—by which, as far as possible, roads will be constructed at as early a date as possible into areas where a number of people are already settled, so as to give them the best facilities for getting their material to the nearest railway station. There are immense areas to be served by good roads in Queensland. We hear a good deal about the bad condition of the road from Brisbane to Ipswich. That, in

my opinion, can wait until the producers are served.

HONOURABLE MEMBERS: Hear, hear!

Mr. TAYLOR: I think the activities of the board should be mainly directed to assisting the primary producers, and not merely be concentrated on roads which, although perhaps a great many people may use them, are not of so much value to Queensland as the highways in country areas where quite a number of people are settled and producing. How is it that the railway from Northgate to Gympie is a paying proposition? It pays the same rate of wages and the same prices for materials which the other sections pay. It pays for the simple reason that it runs through a closely-settled area. On that section of the North Coast Railway there are some very difficult places so far as road traffic is concerned. Anyone who has been from Palmwoods to Montville by coach or motorcar must recognise the terrific difficulties the people are labouring under. It is a most prolific area, producing a great deal of fruit of all kinds, and everybody must recognise the difficulties the people experience in getting their produce to the Palmwoods Station on account of the mountainous and hilly nature of the roads they have to traverse. I think the Main Roads Board should devote a [5.30 p.m.] considerable amount of its activities to areas of that description. The question of motor transport has been raised this afternoon. If one visits the northern areas of New South Wales, he will notice the enormous strides which motor transport is making there. I understand the same holds good with regard to New Zealand, where in many districts motors are successfully competing with railways. During the war men's brains were utilised largely to improving the methods of transport of guns, material, and men, the consequence being that transport systems to-day show a vast improvement compared with what they were nine or ten years ago. I do not think we have yet reached perfection. If improvements continue to be introduced, with good roads and motor transport, I am quite sure that a lot of the difficulties facing the man on the land at the present time will be swept away. Take a settlement like the soldier settlement at Beerburum. In the pineapple season you will find forty or fifty settlers with drays and carts, each carrying up to twenty cases of pineapples to the Beerburum Railway Station. It struck me when I was there that it was a great waste of time and energy. If there were decent roads on the settlement, and depôts were provided along the route, the grower could place his cases of pineapples in a depôt with his consignment note attached, and they could be picked up by motors. Instead of losing a whole day in carting, that man would be able to look after his orchard. He would be more than compensated for the small charge he would have to pay for having those goods conveyed to the railway station by the extra time he would be able to devote to his orchard or farm. We talk about the cost of living, and question how it is to be cheapened. It is quite evident that a reduction in wages is not going to bring that about. It might assist slightly, but we shall have to improve our methods of production—not by lessening the profits to the grower but by endeavouring to save time, which, on the farm, represents money. We

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must bring the districts to such a system of perfection and production that there will be an adequate return for the man who is producing crops. During the wheat season on the Downs you cannot but be struck by the fact that, drawn up at the railway yards of a station like Clifton, are fifteen or twenty teams loaded with wheat, and there are probably as many as ten or twelve horses in each team. The men have to wait hours before they can get their wheat discharged, as there is not sufficient accommodation to enable them to get away quickly. Each plant is worth, probably, £300 to £400, yet it is not earning anything at all for that day. By proper organisation such things as that could be obviated. I recognise that, on account of the condition of the roads, those men could not get their loads to the station without having ten or twelve horses drawing them; but, if we had good roads, the work could be done with about six horses. All those things add to the cost of production, and require our attention. Some people may think they are small matters; but it is the small matters which really count, and, if we give them proper attention, there is no doubt that, when we come to the big problems we shall be able to give them all the attention they deserve.

I think we could do very much more than we have done in the laying of tramways. The hon. member for Murrumba told us what has been accomplished on the North Coast. I quite agree with him that, if it had not been for the tramway systems in operation there, we should not have had nearly the amount of settlement that we have at the present time. We want to keep in mind all the time the fact that the more men we have earning taxable incomes the better it will be for the State and the people in it. We do not want to have the payment of taxation confined to a thousand or two thousand people; we want to see that the greatest possible number earn sufficient income to bring them within the operations of the income tax. But unless we do something such as is suggested in the motion to improve the present means of transport, in the great majority of the producing areas we are not going to lessen the cost of living.

I always look upon the hon. member for Mirani as a patriotic Queenslander, who has the welfare of the State at heart. He brings forward quite a number of motions, I believe with the very best of motives, and he goes to quite a lot of trouble in order to procure information to place before us. I think he is to be commended for the trouble he takes in that particular direction. I think it should be the aim of every member in this Chamber to assist motions of this character, which have for their immediate object the development of primary production and the assistance of the primary producers of the State.

Mr. DEACON (*Cunningham*): We have heard from the sugar men of the success which has attended this system of transport in the sugar areas. The provisions of these facilities should be just as important a part of our agricultural policy as the primary producers' organisation scheme. The most important factor in bringing land under cultivation is the man with the plough; and he cannot work on land which is above a certain distance from a railway. In Brisbane we see that the tramways extend a long

way from the railway lines. In many districts, owing to the high cost of construction, it is impossible to build railways. If the Government are successful in reducing wages, that will not lower the cost of railway construction very much. Where railways can be built it is better to build them. There are many districts where that is not possible and where we must have some system to replace the present extraordinarily heavy cost of road traffic. There is nothing so costly as haulage by teams. I do not know whether any hon. members have had experience of hauling long distances over the bad roads that exist in most country districts. A farmer can only take his hay during dry weather. Possibly he is not able to take his produce to market because of the bad state of the roads. He loses a considerable time, and every day that he loses during certain seasons of the year is worth a lot of money to him, not to mention the loss through being compelled to wait for a favourable opportunity to visit the market. If any action is taken such as is suggested in the motion, it will not only be of benefit to the farmer, but to the whole State. We can only make our railways pay by developing greater areas of land alongside them, and it is impossible to get men to settle beyond a certain distance from a railway. The leader of the National party mentioned that an extension of the activities of the Main Roads Board would be a great benefit. The cost of building main roads exceeds the cost of construction of a tramline, and it is not half as efficient. A main road is now being constructed in the Allora Shire, and, from the latest figures I have, the cost will be £2,000 per mile. That road is being constructed in the most favourably situated position in the shire. There are tremendous areas on the Darling Downs in which it would be impossible to build a road at a cost of even £3,000 a mile. A tramway could be constructed at half the cost, and it would be more efficient. The lack of tramways means considerable inconvenience to settlers, not only in hauling their heavy goods, but in many other ways. The Government cannot expect people to settle on the land while the inconveniences exist. The whole of the money collected in land tax outside of the town areas should be devoted to the construction of roads or tramways. On looking at the land tax figures to-day, I found that the biggest portion of it is collected from rural areas, but no benefits are provided for those areas in return. The town areas do receive some benefit. I think loan money should be obtained for the construction of roads and tramways. If the Government are not prepared to carry out this construction, they should at least advance money to shire councils, or allow them to borrow money to enable them to build tramways instead of roads. If the same amount of attention as is devoted to getting shire councils to take up the main roads question were devoted to encouraging the councils to build tramlines, the people would be better served. I know of some areas where, if money was advanced on long, reasonable terms to co-operative companies, these companies would be able to build railways and tramways, and that would not only be a great assistance to the farmers, but to the districts concerned. A large amount of the cost of haulage to the railway is caused by transhipment. Goods that are transhipped from trucks to trucks would not cost nearly so much as they do now

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under the present system of transhipping at the railways. If action was taken as is desired by this motion, people would take up land, and the construction of tramways would offer greater facilities in bringing that produce to market, and that would have the effect of bringing more land under cultivation. It would do more than the imposition of any tax, or the passing of any Act of Parliament, ever yet accomplished. This motion deserves the most earnest consideration of every hon. member.

Mr. EDWARDS (*Nanango*): The hon. member for Mirani deserves the congratulations of this House for bringing forward a motion of this kind in the interests of the people who live many miles from a railway, and I want to put in a word for the soldier settlers as well as for other settlers. In my district there is one soldier settlement from 30 to 40 miles from a railway.

The SECRETARY FOR MINES: Coolabunia was settled when the nearest railway was 60 miles away.

Mr. EDWARDS: I am quite aware that Coolabunia was settled to some extent when the nearest railway was 60 miles away; but, if we are going to continue that kind of settlement, we are not going to advance very quickly in land settlement in Queensland. If we could provide communication, even by a light tramway, to those soldier settlers who at present are far distant from a railway, we would be assisting to keep them on the land. If they do not get communication of some sort, it will be impossible for many of those on small areas to remain on the land. Quite recently the soldier settlers on Burrandowan have been considering the question of growing cotton, and they find it will cost them £6 per ton to deliver that cotton to the nearest railway station. The Government should take this matter very seriously to heart and see whether it is not only possible to make loans available to assist those settlers who are helping to pay the land and income tax of this State, but also to subsidise in a big way any effort they may make through co-operation to provide transport by motor lorries or light tramways. I have in my mind one of the finest examples of co-operation in a small way that has ever occurred in Queensland. The unfortunate settlers who were settled many years ago in the Speedwell district succeeded in obtaining a motor lorry to carry their cream to market. As a result, they are able to get their cream to the factory a great deal cheaper than was possible by wagons and horses. Hon. members can understand what a tremendous effort and financial strain it was for those men to provide a motor lorry; and, if the Government can be induced to subsidise an effort such as that, they will be doing a big thing for the outback settlers. At the present time the soldier settlers are leaving their farms one by one on account of the great distances they have to cart their produce.

There is another matter that deserves the serious consideration of this House, and that is the question of quick transport for perishable articles such as cream. During the heavy rains we recently had in my district a cream wagon on one occasion was bogged for over a week in a black soil patch, and the cream had to be poured out. That is only one instance of many where the unfortu-

nate settlers in the backblocks have had to suffer loss. I know of one case where a farmer is producing cream 35 miles from a railway, and that cream is picked up in the morning and landed in the factory on the evening of the next day. Under such conditions the dairyman is not placed on the same footing as the dairymen alongside a railway or alongside a factory. In many instances his cream is second-class when it reaches the factories, and in some cases even third-class, and under those circumstances it is quite impossible for him to pay the taxes imposed on him. If we had light lines running into these outside districts to act as feeders to our present railways, they would pay better than they do at the present time. In many instances the producers have decided definitely that it is impossible for them to grow produce in bulk because of the great cost in getting it to a market. A deputation from Proston which waited on the Premier in connection with the Proston railway told him definitely that the settlers in that district had grown many tons of potatoes, but that they had to allow them to rot in the ground because the cost of carting them to the railway station was too great. If the Government desire to do something to assist the man on the land and to assist those who are coming here to settle and help us to pay the huge taxation imposed on the people on the land, then they should accept the motion put forward by the hon. member for Mirani; and something of a very definite nature must be done, and done quickly.

Question (*Mr. Swayne's motion*) put and passed.

REDISTRIBUTION OF SEATS.

PROPOSED AMENDMENT OF ELECTORAL DISTRICTS ACT.

Mr. VOWLES (*Dalby*): I desire to move the motion standing in the name of the hon. member for Drayton.

The SPEAKER: Order! It is not competent for the hon. member to do so.

Mr. VOWLES: I would like you, Mr. Speaker, to look into the Standing Orders and see whether it is competent or not competent for an hon. member to move the motion in the absence of the hon. member for Drayton.

The PREMIER: It disappears off the business-paper.

Mr. VOWLES: The motion deals with the Electoral Districts Act. It is a very important one, and one which should receive every consideration.

At 7 p.m., the House, in accordance with Sessional Order, proceeded with Government business.

TRADE UNIONS (PROPERTY) BILL.

SECOND READING.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Finders*): In moving the second reading of this Bill it is hardly necessary for me to give very much additional information to that which was submitted to the House on the initial stage of the Bill. It is merely a small measure, conceding to trade unions privileges which we have already conferred upon friendly societies and building societies, and, as a matter of fact, on joint stock companies—that is, the right to register property

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in the Titles Office under the official style of the union instead of in the names of the trustees for the time being. That is quite fair. We have conceded it to friendly societies, building societies, and joint stock companies, and it is equally fair that we should concede it to trade unions. The fact that we do not concede it now involves the unions in a good deal of trouble and expense, every time a trustee dies or a trustee goes to another State, in connection with the transfer of the name. As a matter of fact, I know of one case in connection with the Australian Workers' Union where the transfer of a small property out at Hughenden involved the loss of nearly half the property through having to go to New South Wales to find the trustee and get him to sign the necessary documents. The measure is so manifestly fair that it is not necessary for me to labour it, as every reasonably disposed man will, I think, accept the justice of it. I shall, therefore, content myself by formally moving—

“That the Bill be now read a second time.”

Mr. VOWLES (*Dalby*): I have no objection to the second reading of the Bill, as I explained at the initiatory stage. It is purely a matter of conforming to the practice in the Real Property Office in connection with friendly societies and building societies—that is, instead of having the names of the trustees on the title there will only be the official name of the trustees of the union on the title.

Question put and passed.

COMMITTEE.

(*Mr. Kirwan, Brisbane, in the Chair.*)

Clauses 1 and 2 put and passed.

The House resumed.

The CHAIRMAN reported the Bill without amendment.

The resolution was agreed to.

The third reading of the Bill was made an Order of the Day for Tuesday next.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I am glad to have the opportunity and the privilege of introducing this Bill for the abolition of capital punishment.

GOVERNMENT MEMBERS: Hear, hear!

The ATTORNEY-GENERAL: The placing of this measure upon the statute-book will represent another great reform for the Labour Government, and will give effect to another plank of the Labour platform.

Mr. FLETCHER: A questionable reform.

The ATTORNEY-GENERAL: The whole purport of this Bill is crystallised in clause 2, which reads—

“The sentence of punishment by death shall no longer be pronounced or recorded, and the punishment of death shall no longer be inflicted.”

The Bill substitutes for the death penalty imprisonment for life without mitigation by any court. That means that, where a crime is now punishable by death, the judge, if the prisoner is found guilty, will record the

sentence of imprisonment for life and for no less period.

The Bill traverses the Criminal Code, and amends those sections referring to capital punishment, and repeals those sections wholly devoted to capital punishment. The Bill makes provision for deleting from the Jury Act, the Insanity Act, and the Justices Act all references to capital punishment, which will become quite obsolete if this Bill becomes law. The Bill makes consequential amendments as a result of clause 2 of the Bill. The offences now punishable by death are treason, wilful murder, murder, piracy or attempted piracy accompanied by assault or danger to life. Philanthropists and philosophers in every age have denied the right of any earthly power to take the life of an individual. They argue that the destruction of human life is a violation of natural law. It is also contended that the penalty of death is less efficacious in deterring crime than the continued imprisonment of a culprit condemned to prison and kept there until he has repaired the injury done to society.

Mr. MORGAN: That is very questionable.

The ATTORNEY-GENERAL: I will submit sufficient argument to justify that statement.

Mr. MORGAN: I don't think you can.

The ATTORNEY-GENERAL: Laws must always be made and maintained with due regard to public opinion, because, when a law is no longer respected by public opinion, that law endangers rather than protects society.

Mr. J. JONES: Then you ought to repeal the “Repudiation Act.”

Mr. CORSER: You ought to repeal the electoral laws. (Laughter.)

The ATTORNEY-GENERAL: Owing to advanced civilisation, and the spread of more humane views, most countries have come to look upon the infliction of the death penalty as a barbarous method of dealing with crime.

Mr. KING: And yet lynching still takes place in America.

The ATTORNEY-GENERAL: And, as a result of that, when juries are confronted with the alternatives of finding a man guilty of an offence for which he may be hanged or of acquitting him, they frequently acquit him.

Mr. MORGAN: No.

The ATTORNEY-GENERAL: Experience has proved it. On the other hand, if a jury knew that a man could not suffer the death penalty, if they knew that he would probably be sentenced to imprisonment for life, they would probably find him guilty.

Mr. MORGAN: And the Governor in Council could release him.

The ATTORNEY-GENERAL: I shall come to that point later on. The point now is that juries to-day dislike hanging men, and guilty men therefore go free. During the period between 1850 and 1873, in England, of the men arraigned for capital offences only 33 per cent. were convicted, whereas of all the men tried for non-capital offences 76 per cent. were convicted, which goes to show that the odds are two to one that a man tried for murder will be acquitted, whereas they are three to one that a man

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tried for a non-capital offence will be convicted. And bad as those figures are for Great Britain, they are infinitely worse for America, because figures reveal the astounding fact that the odds are eighty to one that a man who commits a murder in America will never be convicted.

Mr. MORGAN: He will get lynched.

The ATTORNEY-GENERAL: In 1910, in America, there were 8,375 murders, and only 104 men were brought to justice; and America is one of the countries that stand for capital punishment. The aversion to capital punishment is greater now than it was then. We may therefore ask ourselves the question, "Which is the greater menace to society—the discharge of murderers whom juries will not find guilty if they believe they will suffer the death penalty, or a change in our method of punishment to imprisonment for life?" I think that the alternative of the system of imprisonment for life will be much better in the interests of society, because, by adopting it, we shall minimise the risk of criminals being acquitted and becoming a terrible menace to society.

Mr. FOWLES: Why not abolish the jury system?

Mr. EDWARDS: Are you sure of that?

The ATTORNEY-GENERAL: I am as sure as figures can make us sure. The whole history of criminology goes to show that harsh punishment does not stamp out crime. We have only to read some of the history of England to understand that. Over a century ago there were, in England, 250 offences punishable with death penalty—a felony—which was anything from highway robbery to the theft of a piece of bread—involved the death penalty to man, woman, or child. In the reign of Henry VIII., 72,000 men were sent to the gallows. We read that, during the time of Elizabeth, women were burned alive and men were boiled alive in seething lead or boiling water. A writer of this period, named Harrison, says—

"Heretics and witches were buried alive; and in cases where wilful manslaughter is perpetrated, besides hanging, the offender hath his right hand commonly stricken off before or near the place where the act was done, after which he is led forth to the place of execution and there put to death according to law."

For treason, men were hanged, drawn, and quartered. Early in the last century a boy nine years old was sentenced to be hanged because he broke a brown-paper window-pane and stole 2½d. worth of sweets. During the reigns of the first three Georges—

Mr. MORGAN: What has that to do with it?

The ATTORNEY-GENERAL: If the hon. gentleman has not the intelligence to see the connection between that and my speech, I cannot hope to supply him with it. During the reigns of the first three Georges, stealing 40s. from a dwelling or 5s. from a shop, robbing a rabbit warren, or cutting down a tree—all involved the penalty of death; and, as late as 1816, there were fifty men at one time waiting to be sent to the gallows.

Mr. FLETCHER: Is that the best argument you have?

The ATTORNEY-GENERAL: In 1810 a Bill passed the House of Commons repealing the Act which made shop-lifting to the

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amount of 5s. a capital offence. The Bill was thrown out by the House of Lords, just as our Bill for the abolition of capital punishment was thrown out by the Legislative Council a few years ago. When the discussion on this Bill took place in the House of Lords, Lord Ellenborough—who was at one time Chief Justice—made the following remarkable speech, showing the trend of public opinion at that time, and showing also how public opinion on this question has changed.

Mr. MORGAN: We do not hang people for stealing.

The ATTORNEY-GENERAL: But they did; and they thought it was just as necessary then to hang people for stealing as you think it necessary now to hang them for murder. However, Lord Ellenborough made this remarkable speech—

"My Lords, if we suffer this Bill to pass we shall not know where we stand."

Mr. FLETCHER: Hear, hear!

The ATTORNEY-GENERAL: The hon. gentleman does not know where he stands. His Lordship continued—

"We shall not know whether we are on our heads or our feet. My Lords, I think this, above all others, is a law on which so much of the security of mankind depends in its execution that I should deem myself neglectful of my duty to the public if I failed to let the law take its course."

Here was a Bill involving the abolition of capital punishment for shoplifting up to a value of 5s., and the Lord Chancellor of England took that remarkable stand; and it is easy to understand the Tories on the other side of the House taking a similar stand when we propose to abolish capital punishment for murder.

Mr. MORGAN: Why waste the time of the Committee with such "tripe"?

The ATTORNEY-GENERAL: I would remind the hon. gentleman that we are not in Committee. Then, as now, capital punishment was looked upon as a deterrent of crime, but experience has proved otherwise. Here is the proof of it. In the fifteenth and sixteenth centuries, when men were being hanged by the thousand for trifling offences, crime was more common than it is to-day. If the argument that this drastic punishment is a deterrent to crime were sound, now that it has been removed crime should be more prevalent; but, simultaneously with the removal of those harsh laws, crime has decreased. The abolition of capital punishment for 246 offences, instead of increasing crime, has diminished it, and I believe that, when capital punishment is entirely abolished, it will further decrease crime. What does it mean to hang a man as a deterrent? It means that you are not only hanging him for his own offence, but because of prospective offences by other men. That is the logic. That is brought home to us more fully when we read Wharton's "Philosophy of Criminal Law," wherein he makes reference to comments by Judge Burnet. Judge Burnet, in sentencing a man to be hanged for horse stealing, asked the prisoner what he had to say why sentence should not be pronounced upon him according to law. The prisoner said that he thought it was pretty hard to be hung for stealing a horse, and the judge replied, "Man, thou art not being

hanged for stealing a horse, but that horses may not be stolen." That is what hon. members say to-day when they say that hanging a man is a deterrent of crime.

Mr. FLETCHER: Would that be in the eleventh century?

The ATTORNEY-GENERAL: The hon. gentleman is as ignorant of history as he is of current politics, or he would know when it occurred. When a criminal commits a murder he never thinks of being caught. It never enters into his scheme of things, and, therefore, hanging cannot be a deterrent for him. When a man commits murder as a result of drink or passion, he is not thinking of hanging, and, therefore, it cannot be a deterrent for him. I have here an editorial written by a prisoner for the "Sing Sing Times," who is now undergoing the sentence of imprisonment for life. This article sets out the viewpoint of a man who has been through the mill. The article states—

"The writer expects to be in this prison throughout the remainder of his life. During the period of his confinement here he has talked with more than a hundred murderers. All are undergoing punishment. Many of them were confined for long periods in the condemned cells, some of them for years, and were saved from the electric chair only a few hours before the time set for their execution, the governor having commuted their sentences to life imprisonment. The views of all these men, and they are expressed with impressive sincerity, may carry some thoughts to the minds of those who are fighting against the movement that is now being made to abolish the death penalty.

"Some of these men claim to be innocent, convicted by perjured testimony. But even those who frankly acknowledge their guilt, say that no thought of the penalty ever entered their minds at the time the crime was committed. They all knew that the law prescribed that murderers shall be electrocuted, but in the frame of mind they were in at the time of the commission of the crime, no thought came to them of the penalty they must pay. Some were crazed with drink, many blind with passion or jealous rage, few conscious of what they were doing. Had the electric chair been before their eyes it would not have stayed the impulse to kill."

Under those circumstances, how can we say that electrocution or hanging can be a deterrent to crime? As a matter of fact, it is on record that a public hangman in England, who had hanged hundreds of men, was himself arrested and found guilty of the outrage and murder of a woman, and was subsequently hanged. At the moment when he was arrested for the crime he was carrying out his official duties of hangman, and was on his way from London to the gallows at Tyburn with a gang of criminals. This shows that there is nothing in the argument that hanging is a deterrent to crime. The change that has come over public opinion on this question of the penalties that should be imposed for various offences has been truly remarkable. Take England. Since the period I have been referring to, when England had 250 offences for which the death penalty was inflicted, things have changed. In 1923 England passed a law exempting 100 felonies from capital punishment, and other

exemptions soon followed in quick succession, till we find that in 1832 hanging for forgery was also abolished; and in 1861 we find this remarkable change took place—that capital punishment had been abolished except for four offences—for setting fire to the docks and arsenals, piracy, treason, and murder. That is a remarkable change in a short time for conservative England. In Italy capital punishment has been abolished entirely since 1839, and the death penalty had not been carried out for a long time previous to 1889.

Mr. MORGAN: What are they doing in Russia?

The ATTORNEY-GENERAL: I am telling the hon. member what they are doing in Queensland. In Italy for the ten years preceding the abolition of capital punishment, there were recorded 16.7 murders only for every 100,000 of the population, while for the ten years succeeding the abolition of capital punishment, there were 11.2 murders for every 100,000 of the population, showing that that class of crime had decreased in Italy by 32 per cent. At the International Prisons Conference, held in Chicago in 1910, after Italy had had twenty-one years' experience of abolition of capital punishment, the Italian representative there staked his reputation on the statement that the result of the abolition of capital punishment in Italy had been immensely satisfactory. Take the history of other countries. There is quite a range of countries that have abolished capital punishment. Saxony abolished capital punishment in 1863. Belgium has not carried out the penalty of capital punishment since 1868, although the law is still in existence. The Netherlands abolished capital punishment in 1870; Norway in 1876; Switzerland has abolished capital punishment in seventeen out of twenty-one cantons; Roumania abolished capital punishment in 1864; Portugal in 1867; and Sweden recently passed a law abolishing capital punishment. What is the history of our own State? In Queensland there has been no death penalty carried out for the last seven years—the seven years that the Labour party has been in power. And will anybody say that crime has increased in Queensland because of that?

Mr. FLETCHER: It shows that there is no reason for this Bill.

The ATTORNEY-GENERAL: It shows that there is no reason for this statute to be in existence, and that it ought to be repealed.

Mr. VOWLES: How many murderers were convicted during that time?

The ATTORNEY-GENERAL: I am sure the hon. member will not question my statement that crime has decreased.

Mr. VOWLES: It is against your policy to carry out the death penalty.

The ATTORNEY-GENERAL: I will prove by figures that this Bill is justified. What I intend doing has been justified by results. Take "Knibbs's" statistics for Queensland, volumes 12 and 13. What do they reveal? Take the Magistrates Courts—

or what we used to call the [7.30 p.m.] Police Courts in Queensland. The convictions for serious crimes per 10,000 of the population in 1915 were 23.9 per cent. For 1919, the last year for which "Knibbs's" statistics are available, the convictions were 21.4 per cent.; representing for serious offences in the Magistrates Courts a reduction of 10 per cent. Let us turn to the

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superior courts, and see what they reveal. In 1915, there were 5.1 per cent. serious offences tried in the superior courts for every 10,000 of the population; and in 1919 only 3.6 per cent., representing a reduction of 30 per cent. in serious crime in Queensland. That shows that the practical abolition of capital punishment by the Labour party has not increased, but has decreased crime, and, therefore, the death penalty has ceased to be of any use whatever, and should, as we propose, be repealed.

Mr. KERR: That reduction has happened all over Australia.

The ATTORNEY-GENERAL: I am dealing with Queensland, which is particularly concerned in this matter. A Royal Commission was appointed in Queen Victoria's time to investigate this question of capital punishment, and a very important paper was submitted to the British Parliament in 1858. This paper gives some very interesting details. One of the matters dealt with was the question of whether juries showed a reluctance to convict in capital cases. That is very important. Some of the witnesses gave very definite evidence on this point. I will quote a few of them. The summary of the evidence of the Hon. George Denman on the point was—

"Capital punishment leads to the acquittal of many men who would otherwise most certainly be convicted. Juries are indisposed to convict in capital cases. Juries wish to rid themselves of the responsibility of finding a man guilty of a capital offence."

Then, again, Lord Osborne made this statement—

"There can be no doubt that juries always do try and avoid bringing in a verdict of murder from reluctance to bring the prisoner to the gallows. They feel the irrevocable nature of the sentence and are naturally indisposed to be even indirectly a party to it."

Then Lord Hobart gives these reasons for the abolition of capital punishment—

"(1) Sacredness of life;
 "(2) Death alone of all punishments irrevocable and irreparable. This quality combined with the fallibility of legal tribunals was an evil of the very greatest importance."

This Commission which sat in England recommended the abolition of capital punishment in a number of cases, and they also recommended the abolition of that outrage on humanity—public hanging—which was subsequently abolished in England. An important point is this—that out of those twelve men picked from all England to go into this question as far back as before 1868, four of them, even then, added this remarkable rider to the findings of the Royal Commission—

"The undersigned members of your Majesty's Commission are of opinion that capital punishment might safely, and with advantage to the community, be at once abolished."

Those men were Stephen Lushington, John Bright, Charles Neate, and William Ewart. The objection which Lord Hobart raised to the death penalty on the ground of its being irrevocable and irreparable is as sound to-day as ever it was; and, when we consider that our legal tribunals are liable to err—and we

know they have erred—we know that innocent men have been hanged—we should not hesitate to do the right thing and preclude the possibility of a repetition of that horror. If an innocent man is hanged, as Lord Hobart states, the act is irrevocable and the loss is irretrievable. We can never undo the injury done. But if, on the other hand, a man is imprisoned for life, there is always a possibility, if ever he can by any means resurrect some evidence which will establish his innocence, of liberating him, and, to some extent, repairing the injury inflicted upon him. But when the punishment of hanging or execution is carried out, there is no possible hope of anything of the kind. I believe that the old saying is as true to-day as ever it was—that it is far better that ninety-nine guilty men should escape than that one innocent man should suffer.

A GOVERNMENT MEMBER: Hear, hear!

The ATTORNEY-GENERAL: To show the real danger that an innocent man may suffer, I will read a cablegram that was actually published in a local paper some time ago—

"FATHER HANGED.

"SON CONFESSES MURDER.

"(Reuter) Toronto, Saturday.

"Arnell Love, a prosperous young farmer of Ceylon, Ontario, who became converted to an evangelistic service, now confesses that he murdered his mother seven years ago, though his father was convicted and hanged for the crime."

Mr. KING: It was not his mother-in-law. (Laughter.)

The ATTORNEY-GENERAL—

"The police are nonplussed as to what action is advisable. The father made a confession of the crime on the scaffold apparently for the purpose of shielding the boy for ever afterwards."

There you see the danger of hanging a man on circumstantial evidence. In murder trials a person is nearly always convicted—if he is convicted—upon circumstantial evidence. This, of necessity, must be so, because we know that the murderer invariably tries to cover up his tracks, and it is almost impossible to find him guilty by direct methods. But, just as we recognise that fact, we must also recognise that, so long as we rely upon circumstantial evidence—and every man who has any experience of life at all must know it—it is always possible, no matter how strong the circumstantial evidence may be, for an innocent man to be convicted on that evidence. The Royal Commission appointed by Queen Victoria brought out this remarkable case. It is recorded in Romilly's work on the death penalty, and was stated by Sir Fitzroy Kelly, in his evidence before the Commission—

"Two men (I will call them A and B, for the names are not given by Sir Fitzroy Kelly) were drinking with others in a public-house at night. A quarrel arose between them. A, after having thrown a pint pot at B's head, ran out of the house, pursued by B, who was heard to swear that he would be the death of A. A ran a considerable distance past sheds and buildings towards a certain spot, and B was seen by several persons at different points between the public-house and that spot. By one witness, who was in a shed very near that spot, but who

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could not see what was going on there, blows were heard, and cries and struggles; shortly afterwards an appeal for mercy and other blows and loud words were heard. A minute after this, B was seen running away in great agitation from that spot at which, a few minutes later, A was found stabbed in three places and quite dead; and when B was seized he was found with his hands and the front of his clothes covered with blood. B protested his innocence and told his story—just the kind of story which a guilty man, having heard such a case against him as that of which I have given the particulars, would be likely to invent as a last chance of escape—which, resting on his unsupported assurance, could do little or nothing to weaken the force of such overwhelming proofs of his guilt. Fortunately for B and for the cause of truth and justice another man, who lay under sentence of death for a highway robbery with violence, committed in an adjoining county, confessed to the murder of A just in time to save B's life and to prove the truth of the highly improbable story which B had told in his own defence."

There you have definite proof of the danger of convicting a man on the strongest circumstantial evidence. It is scarcely believable that but a few months ago, at Mackay, three men were charged with murder, found guilty, and sentenced to death. One of the men appealed against his sentence. The Court of Appeal granted a new trial. This man had been found guilty simply because he had been wrongly coupled with the other two men, and the Crown Prosecutor, on going into the case and reading the evidence on which the man was found guilty, found it to be so weak that at the next sittings of the court he entered a *nolle prosequi*. That shows the danger of allowing circumstantial evidence to decide such cases. We should not have on the statute-book a law which is not supported by public opinion. Public opinion does not support hanging to-day. No man can stand for it. If he did, then we ought to treat our hangman with the greatest respect and dignity. What is the position of the hangman? It is the most degraded position in society to-day. You could not get a more degraded position than that of public hangman. I will do hon. members the justice of saying that there is not a man in this House who would be found associated with the public hangman. I will go further, and say that the murderer to-day is no more despised than the hangman.

Mr. FLETCHER: No one has a right to commit murder.

The ATTORNEY-GENERAL: If the hon. gentleman likes to associate himself with the hangman, that is his funeral.

Mr. FLETCHER: You associate with murderers.

The ATTORNEY-GENERAL: That is your funeral, if you are going to be friendly with the hangman. I think the hon. gentleman is the only man in this House who has a good word to say for the public hangman.

Mr. VOWLES: This is supposed to be a serious Bill.

The ATTORNEY-GENERAL: Here is the anomaly. Although we despise the hang-

man, the man who commits judicial murder as a hangman is no more culpable than the jury that finds a man guilty, the judge who sentences him to death, or the public that stands for this law. It is time we departed from the illogical position we take up in this connection. I know there are hard-hearted men in this House who will stand for the old doctrine of an eye for an eye, a tooth for a tooth, and a life for a life. But I want to remind hon. members that that is not Christianity. We are supposed to be standing for Christianity in this Christian country, and not for the obsolete doctrine of an eye for an eye, a tooth for a tooth, and a life for a life.

Mr. KERR: That is in the Bible.

The ATTORNEY-GENERAL: It is in the Old Testament; but we do not stand for it to-day. At any rate, I do not stand for it. Hanging has proved to be a failure; it is merely a survival of the primitive instinct for revenge, and it is time that capital punishment was abolished. We should be more humane, and adopt a more humane method. A more humane method would be to inflict the penalty of imprisonment for life. I believe that, as a result of more humane laws in connection with this matter, and more humane methods generally, and more liberal education, together with an improvement in our social conditions, we will do more to mitigate and eliminate horrible crimes than we can do by any other means. I have therefore much pleasure in moving—

"That the Bill be now read a second time."

GOVERNMENT MEMBERS: Hear, hear!

Mr. KING: Make it retrospective.

Mr. VOWLES (*Dalby*): This is not the first occasion that we have debated this subject, which to some extent is an academic one—that is, the proposed abolition of capital punishment. If we refer to the "Hansard" for 1916-17, we shall find the debate that took place when the Bill to abolish capital punishment was introduced and passed through this Chamber. If I remember rightly, the Bill was among the "slaughtered innocents" in the Upper House at the close of the session. The object of imposing penalties is to deter a person from doing wrong, and the magnitude of the penalty is mostly in accordance with the nature of the crime. The punishment is made to fit the crime. Most of the arguments submitted by the Attorney-General this evening will apply equally as well to a minor crime as they do to a serious one, or to a capital crime, because, if a man can be convicted on circumstantial evidence of murder, that man can be just as easily convicted on circumstantial evidence for petty larceny. The only thing is that, if the death sentence has been put into effect, it is irrevocable and irretrievable. There is one thing that the Attorney-General forgot in his argument. He did not inform this Assembly that there is such a thing as the prerogative of mercy—that it is the right of the Crown to intervene. In every case where a man is sentenced to death, the Governor in Council in Queensland—that is, the hon. gentlemen sitting on the front bench on the other side—have the last say as to whether the sentence shall be carried out or not.

The PREMIER: We have always exercised our prerogative.

Mr. Vowles.

Mr. VOWLES: You have exercised it because it is part of the platform of the Labour party.

The PREMIER: It is a humane and sensible prerogative.

Mr. VOWLES: That is all very well. We have to deal with the law as we find it. If a man is found guilty of wilful murder, and the hon. gentlemen wilfully allow that man to escape punishment for that crime, just because it is one of the principles of the Labour platform, then he is not carrying out his oath of office.

The PREMIER: Not escape punishment, but escape the death penalty.

Mr. VOWLES: I admit that there are doubtful convictions at times. I know they have occurred, and that is why we allow the Executive to sift the evidence and exercise their prerogative. But the law is absolutely clear. I remember on one occasion in Brisbane a man got hold of a young girl, violated and murdered her, and subsequently hid her body. He was arrested and charged with the crime, and he admitted that he did it. I say that that man is a cancer on society, and there is only one thing to do with him, and that is to get him out of the road.

OPPOSITION MEMBERS: Hear, hear!

Mr. VOWLES: In a case like that capital punishment is a deterrent.

Mr. RYAN: You have no right to take life.

Mr. VOWLES: Such a man as I have described should be made an example for the people in general. Such an example is a corrective and a deterrent.

The PREMIER: It cannot be corrective if the death penalty is carried out.

Mr. VOWLES: It is a deterrent to others. It is a warning that, if people will insist on taking the lives of their fellow beings, then they have to suffer the penalty of death. Another thing the hon. gentleman might have told us of is what took place when the Criminal Code was going through this Chamber in 1899—I am quoting now from my own speech on this subject in a previous session. He might have told us of the attitude then taken up by many of the stalwarts of the Labour party—what you might call the genuine, conscientious men of the old party; the men who stood for principle; the men who said they were acting up to ideals and were not opportunists as are their successors to-day.

The PREMIER: There was only one Labour man here in 1899.

Mr. VOWLES: Well, the date may have been 1899—I am not sure of it.

The ATTORNEY-GENERAL: It was 1899.

Mr. VOWLES: At any rate, this is what appears in "Hansard." Mr. Lesina brought forward an amendment, to which I referred when this Bill was last before us, when I quoted the following extract from "Hansard":—

"Mr. LESINA moved the omission of the word 'death,' in line 35. He had on the second reading fully explained his reasons for moving this amendment.

"The ATTORNEY-GENERAL could not accept the amendment. No doubt there was a tendency on the part of civilised men of fine notions to inflict the death penalty only in extreme cases; but the Government had gone as far as it could

in the direction of reducing the number of cases in which the death penalty was imposed to three. The case of treason was one, but it was very seldom indeed that a man was executed for that crime. At the same time it was a very salutary provision to retain, because the man who instigated treason was guilty, not only of the major acts which constituted crime and struck at one individual, but struck at the stability of the life of the nation of which he formed a part."

And then the Attorney-General went on to deal with the other crimes for which the death penalty could be inflicted. The amendment was put without any debate, and negatived on the voices. The names of the members of the Labour party who were members of the House at that time were—Mr. Bowman, Mr. Browne, Mr. Dawson, Mr. Dibley, Mr. Dunsford, Mr. Fisher, Mr. Fitzgerald, Mr. Givens, Mr. W. Hamilton, Mr. Hardacre, Mr. Higgs, Mr. Jackson, Mr. Kerr, Mr. Kidston, Mr. Lesina—the only member of the party who then opposed capital punishment—Mr. Maxwell, Mr. C. McDonald, Mr. F. McDonnell, Mr. M. Reid, Mr. Ryland, Mr. C. J. Stewart, and Mr. Turley. That is one of the matters of which the hon. gentleman might have told this House. There was an opportunity then to abolish the death penalty, but the House carried the Criminal Code with the extreme penalty in it, and it has remained on the statute-book ever since.

The PREMIER: The House has already carried a Bill against its own previous decision.

Mr. VOWLES: Mr. Fihelly, when he was dealing with the matter in this Chamber in 1916, grouped what he termed the strong arguments which might be advanced against the retention of capital punishment under several heads. First of all, he said, it could be supported on religious grounds—it did not give time for repentance. I think that is far-fetched. Another reason was based on medical grounds, and there may be more in that than in the other—that is, the prisoner might have a criminal tendency—he might have a mental kink. Mr. Fihelly went further, and supported his proposal on utilitarian grounds—that the death penalty was no deterrent—and then on legal grounds—that the conviction might be questioned from an evidence point of view—and also on the ground that, as a rule, it depended on circumstantial evidence. He further defended his proposal on moral grounds—because no reform was likely to be achieved, because the infliction of the death penalty was not a corrective, nor was it regarded as an example by the people.

I look at the matter from this point of view: The tendency of this Government ever since they have come into power has been to make things lighter for the criminal classes. We had an instance of that, first of all, when we were dealing with the Elections Act. If you remember, Mr. Speaker, the two classes of persons who were previously deprived of their electoral rights were the habitual drunkard and the wife-beater. These hon. gentlemen thought fit to rehabilitate those persons and give them the benefit of the franchise. We have claimed on many occasions in this House, and we have had records produced—they are in the "Votes and Proceedings," I have put them there myself—to prove that in a number of cases interference has taken place by the head of the department, without observing

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the practice which has always been in vogue in the past of consulting with the judge when he reviews the sentence of a criminal. We turned out to be correct in our assertion that men convicted of most serious crimes had had their sentences curtailed and were given their liberty.

The HOME SECRETARY: That is not true.

Mr. VOWLES: I say it is correct.

The HOME SECRETARY: It is not.

Mr. VOWLES: I say it is, and I can give the hon. gentleman an instance to which I have referred before, of a man—I shall not give his name—who was convicted of stealing cattle in the electorate of the hon. member for Murilla. I know the case well. That man made a boast that he would be out in three months, and he was out in a fortnight.

The HOME SECRETARY: Who did that?

Mr. VOWLES: You did. I know the case well. The man who owned the cattle met the other man in Queen street, and the latter sneered at him.

The HOME SECRETARY: I was not Home Secretary when that was done. If you say it was my act, I say you are a liar.

The SPEAKER: Order! I hope the Home Secretary will withdraw that expression.

The HOME SECRETARY: I withdraw it; but the hon. member definitely stated that I had done it.

Mr. VOWLES: I think I said the head of the department, did I not?

The HOME SECRETARY: No. You said that I did it.

The SPEAKER: The hon. member is not dealing with the Bill, which deals with the abolition of capital punishment.

Mr. VOWLES: I am talking about deterring men from committing crime, and the interference with sentences and the exercise of the prerogative are, I submit, very much wrapped up with it. That is a case where the tendency has been to pardon criminals instead of putting them where they ought to be.

The PREMIER: Do you want to hang men for cattle stealing?

Mr. VOWLES: I do not. You have only to take up the paper every day and see the crimes that are being committed in Australia with violence. It is quite a common thing to see that expert burglars, safe-breakers, and other men are going about armed; and, if we are going to make the position in Queensland more acceptable to the criminal classes than it now is, we are offering an inducement to them to come and carry on their practices in this State.

The PREMIER: You are the hanging party.

Mr. VOWLES: We are not dealing with this matter as a party matter at all. Every member of my party has the right to vote just as his conscience directs.

OPPOSITION MEMBERS: Hear, hear!

Mr. VOWLES: And I wish to goodness that hon. members sitting behind the hon. member had the same right.

The HOME SECRETARY: What if they have got none?

Mr. VOWLES: Let the hon. member speak for himself; other hon. members have. Another reason given for this Bill was that evidence taken by a Commission in England

showed that there was a reluctance on the part of juries to convict, because they knew that, if they did, it was inevitable that the death sentence would be passed; and a reflection was made on the juries here and in the old country that they did not carry out their oaths of office. If that is the state of affairs, I say that the proper place for the Government to start is on the jury system; let them get something better.

The ATTORNEY-GENERAL: What would you do with the jury system?

Mr. VOWLES: It is not for me to prescribe the medicine; it is for the hon. gentleman. They say that these acts are the seat of the trouble.

The PREMIER: The Royal Commission said that.

Mr. VOWLES: They say that obtains in Queensland to-day. If that is so, it is high time the jury system was altered and something better was put into operation. You have only to look at men in other countries glorying in their deeds. What is to be done in cases like that? Are you going to allow a man who wants to make a martyr of himself to go down the street and shoot the Premier? (Government laughter.)

Politics have got to such a stage, [5 p.m.] the people have been suffering so many inconveniences through the actions of this Government, that one of these days it might happen that someone will be guilty of doing that. (Interruption.)

The SPEAKER: Order!

Mr. VOWLES: I asked the Attorney-General a question, and he skillfully and purposely evaded it. It was "How many men have been convicted of murder during the last seven years?"

The PREMIER: Quite a number; but none of them has been hanged.

Mr. VOWLES: None has been hanged because it is contrary to the policy of the Government. They will not hang a man, and, because there have not been any hangings, they say it is an evidence of a decrease in crime. I again ask how many men have been convicted, and I would like the Attorney-General to give me the information.

The ATTORNEY-GENERAL: I showed there was a 30 per cent. decrease in serious crime in Queensland in the last seven years.

Mr. VOWLES: I ask a point-blank question—How many men have been convicted of murder? It does not suit the hon. gentleman to give me the answer. Because nobody has been hanged, it is not evidence that there has not been a large number of murders. If you take the last ten or twelve years, you will find there have not been half a dozen convictions; and when the Executive, after having sifted the evidence, have come to the conclusion that it was a case where the extreme penalty must be suffered, the public were behind the Government. A good many States in America have done away with capital punishment, and what do we find? That there are still very large numbers of murders; and, because there is no law of retaliation there, they have lynch law, and you have the public doing by force what the Government here are not prepared to do. Do hon. gentlemen want to establish that principle here?

The PREMIER: That is nonsense.

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Mr. VOWLES: I can assure the hon. gentleman that there was one man who was convicted of the murder of a returned soldier at Miles, and, if it had not been for the hon. member for Murilla, he would have been lynched. That man was convicted of murder, and we have a suspicion that he has been released.

The PREMIER: Nonsense! That man is in prison.

Mr. VOWLES: I will ask to-morrow whether that man is in custody or not; because we are given to understand that he has been released. He was a foreigner who, in a most cold-blooded way, destroyed a soldier and buried him. The soldiers came from far and wide to get hold of him, and, if it had not been for the hon. member for Murilla, he would have been lynched on the spot.

The SECRETARY FOR RAILWAYS: Then the hon. member for Murilla does not believe in capital punishment? (Laughter.)

Mr. VOWLES: He believed in giving the man a fair trial. He asked those men to give him a trial. The man got his trial, and was convicted. I do not want to appear to be bloodthirsty in this matter, but I do believe that, if you have laws and penalties, you have them for a purpose. If you say, "You shall not steal; or, if you steal, you have to suffer a certain penalty," if we steal we know what is ahead of us. The Scriptures say, "Thou shalt not kill." The law says, "If you do kill, you have to suffer the penalty of death, if you do it wilfully." That has been the practice throughout English-speaking countries practically from time immemorial. I do not know why in Queensland we should want to lead in this direction, by making the conditions better for murderers and criminals of the worst type. I admit that there are certain circumstances when—under the impulse of passion, or other conditions—a man might do something that he would not do in his normal condition. He has the benefit of the jury and of the law as far as his crime is concerned. If he is convicted by the jury, he must be sentenced. Then is the time when the prerogative comes in, and the Governor in Council has the right of saying, "We do not consider that this was premeditated or wilful. We do not think he is a criminal of the deepest dye for whom there is no hope." Mercy is extended to him, and he is sentenced to imprisonment for life. There is a misunderstanding regarding what a sentence for life means. Do I understand that under this new Bill, if a man is convicted of murder or any of its kindred crimes, he will be sentenced to gaol for the term of his natural life? Does that mean twenty years, with certain remissions?

The ATTORNEY-GENERAL: No—for life.

Mr. VOWLES: He has to stay there the whole time?

The ATTORNEY-GENERAL: Yes—for life.

Mr. VOWLES: From what I have read on the subject of criminology, regarding some of these men who have been incarcerated for the term of their natural lives and have been subjected to solitary confinement, it would be a more charitable thing to do away with them in the first place.

The PREMIER: There is no solitary confinement.

The ATTORNEY-GENERAL: Do you say that it is worse than the other?

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Mr. VOWLES: I am arguing that the present conditions are the best. Every case should be judged on its merits. If the man is a hopeless criminal and there is no chance for him, if he is a danger to society, there is a chance, if the Executive so think, to get him away from society.

Mr. RYAN: Hang him like a dog.

Mr. VOWLES: I have known cases where hanging like a dog was too good for them. The case which I mentioned is one such. I believe in standing by the law. No good reasons have been advanced why that law should be altered, and, until such time as good and valid reasons are brought before this Chamber, I have no intention of supporting a proposition such as this.

Mr. TAYLOR (Hindson): I think most of us listened with attention to the remarks of the Attorney-General in connection with this Bill.

Before dealing with the Bill I would like to offer to the Premier and the Government a suggestion in regard to Bills such as this. If they would supply the clauses that are proposed to be amended or deleted in parallel columns with the proposals in the Bill it would help us very materially to discuss the measure more intelligently, and it would not add very greatly to the expense.

The strongest point in the Attorney-General's argument was that, once the death penalty has been recorded, it is irrevocable and no change of any kind can be made. We all know that quite well. But in connection with a number of crimes against society we feel that the death penalty is a deterrent, and we also think it is necessary that it should be carried out. We have the instance in Sydney a few days ago, where that bank manager was travelling home in a railway train late at night and was attacked and killed by a ruffianly scoundrel for whom the penalty of death is quite good enough. But we do not need to go as far as Sydney. A few years ago a most horrible crime was committed at Gatton. Unfortunately, the persons who committed it were never brought to justice; but, had they been, I think the community would have said that the death penalty was quite good enough for them. Hon. members opposite had a lot to say about the sacredness of human life; but there are things even more sacred than life itself. The honour of a man and the honour of a woman are more sacred and more dear than life itself. If any man in this community went to the home of the Attorney-General or any other hon. member opposite and attempted to commit a crime on his wife or children, and the hon. gentleman had a revolver handy, he would shoot that man dead in two minutes.

Mr. PAYNE: Of course, he would protect his wife and family.

The ATTORNEY-GENERAL: And you would hang me for shooting the man.

Mr. TAYLOR: No hon. member in this House would hesitate to shoot down a man who attempted any crime in his home on his wife or family, and he would be perfectly justified in taking such action. Society has exactly the same right to protect itself from scoundrels and villains who do not value the sacredness of life or anything of that kind.

The PREMIER: Society will protect itself by putting him in prison for life.

Mr. TAYLOR: To a certain extent. I object to maintaining a murderer in prison if the community is to be put to the expense of maintaining him during the whole period of his life. I take it that the figures and statements made by the Attorney-General are correct. I am certainly amazed when he tells us that 3,975 murders were committed in America in 1910. I have a book entitled "The New Encyclopedia of Social Reform," by William D. P. Bliss, 1910, which states—

"The infliction of the death penalty has existed among all peoples and in all times. Only recently has there been any serious agitation for its abandonment. In the earliest times and through the middle ages it was often accompanied by the most terrible tortures. Death on the wheel, by quartering, by flaying alive, by burning, by crucifixion, by immersion in boiling oil."

We have made very pronounced changes and advancement since that time. I take it that people at that time thought they were acting in the right way.

The ATTORNEY-GENERAL: And you believe you are right now.

Mr. TAYLOR: Yes, I honestly and sincerely believe we are right. The book goes on to state—

"Capital punishment has been defended in all times and by the greatest philosophers. The Mosaic and the Germanic law allowed retaliation—a life for a life. Plato argued for its limitation to incorrigible culprits, whose death would serve the public good."

The SECRETARY FOR PUBLIC INSTRUCTION: What does the Christian law say?

Mr. TAYLOR: I suppose an eye for an eye and a tooth for a tooth.

Mr. KIRWAN: That is the Old Testament—the Jewish law.

Mr. TAYLOR: I take it we are discussing a very serious matter, and I would urge hon. members to discuss it without any undue levity. We are dealing in this Bill with human life.

The SPEAKER: Order! I would ask hon. members to refrain from interjecting.

Mr. WINSTANLEY: Hon. members opposite did not refrain from interjecting when the Attorney-General was speaking.

Mr. TAYLOR: The book further states—

"Grotius treats the question from a religious point, basing his argument on the law of Moses. Montesquieu defends it as a sort of retaliation by society based on the nature of things. Rousseau, following Hobbs, defends it on the ground that the criminal is a rebel to the social contract. Kant says that in the social contract man consents to the penal law, and so can be put to death. Beccaria in his 'Essay on Crimes and Punishments,' 1775, was the first to argue for its total disuse. He did so on the ground that society had no right to take away life since it did not give life, and that it was not the punishment most deterrent to crime. Bentham argued that it was the most deterrent. Romilly argued that if it is not the supreme penalty, and society has the right to inflict worse penalty, it surely has that right.

"The main arguments for capital punishment have been based on the abso-

lute justice of demanding life for life, or scripture warrants, and, above all, on the asserted teaching of experience that the death penalty is actually the most deterrent punishment, and, therefore, the most effective. Men have striven to show that where the death penalty has been abolished murder has decreased. This, on the other hand, is strenuously denied; and the argument against the death penalty is based on the denial of the right of the State to take life, on Christian charity, and, above all, on the claim that it works evil, brutalises the community, making it think life cheap, even adding a horrible fascination to murderers, and delivering juries from convicting murderers, etc. It has been abolished in Michigan 1864, Wisconsin 1852, Rhode Island 1852, Iowa 1877, Maine 1887, and New York; but has been restored in Iowa and New York. In 1838 the latter State substituted death by electricity for hanging.

"In Europe it seems to be going out of use. In Holland there have been no executions since 1860, and the penalty was abolished in 1870."

I have tried to be fair in giving quotations both ways. I think that in all Australian States during the last two years, less than two per year have suffered the death penalty—not on account of its abolition, but, I take it, the people are becoming more civilised and more educated, and we have been told that there has been less crime committed during the last few years. I fail to see any justification for the introduction of a Bill such as this, and I contend that for some of the crimes such as have been mentioned to-night the death penalty is quite good enough for the individuals concerned. In my opinion, imprisonment for life is not sufficient punishment for those individuals. As the leader of the Opposition stated, the Executive or the Governor in Council have the last say. The Attorney-General has referred to what happened in Mackay. If that case had come before the Cabinet, probably exactly the same result would have followed as has now taken place.

The ATTORNEY-GENERAL: It might not have happened with other Cabinets.

Mr. TAYLOR: I am quite prepared to admit that, but the Governor in Council or the Cabinet has the last say as to whether a man shall be executed or not.

The SECRETARY FOR PUBLIC INSTRUCTION: During the last seven years no protest has been made against the commutation of the death sentence.

Mr. TAYLOR: The matter is a serious one, and I hope the Government will not insist on carrying this Bill. In my opinion, the death sentence is a deterrent to crime. Many murders, we know, are committed in the heat of passion. The murder of the bank manager in the train, which I mentioned a few moments ago, was not committed in the heat of passion. Probably it was not intended to kill him, but the whole plan of the robbery was worked out beforehand.

The PREMIER: The statement of the police in New South Wales is contrary to that. They state that it was not a premeditated murder.

Mr. TAYLOR: The police may say that, but probably they are not correct. They have not got the individual yet. It is very difficult

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to believe that it was not a premeditated murder. I hope the Government will give that matter proper consideration, and that they will not insist on placing it on the statute-book. I think it is necessary to retain capital punishment, because I believe that certain individuals would probably not commit the crime if they knew that their lives would be sacrificed for it, and that hanging would be carried out.

Mr. PAYNE (*Mitchell*): The leader of the Nationalist party and the leader of the Country party are surprised that this measure has been brought in, because there has been no legislation for the abolition of capital punishment brought forward in any other part of the British Empire. I would like to remind both those hon. members that the Queensland Labour Government is leading the world to-day so far as democracy is concerned. (Opposition laughter.) Hon. members may laugh, but that is the fact. This is the only Parliament under the British Constitution possessing sovereign rights that is working to-day with a single Chamber.

Mr. ELPHINSTONE: It is the only Communist Parliament in the British Empire—I admit that.

Mr. PAYNE: I am somewhat surprised at the attitude adopted by those two hon. members, because they gave no logical reasons why this measure should not be passed. In fact both admitted that to keep a man in gaol for the term of his natural life is a worse punishment than hanging him. We all know that in Australia and in every part of the civilised world, innocent men have been hanged, and, if it was only to protect innocent men from being hanged, I would support this Bill. The leader of the Nationalist party referred to the question of honour. I quite agree with him that the honour of a good man or the honour of a good woman is the most sacred thing in the world; but what of the man who has reared a big family and who is arrested on circumstantial evidence, put in the dock, charged with murder, and hanged, although he may be as innocent as any member of this House? What about his family? That kind of thing has happened many a time in Queensland. Take the Kenniff case, and the peculiar circumstances surrounding that case. Both those men were found guilty. The late Government liberated one of the brothers, but the hanging of Paddy Kenniff—I never saw him in my life—has placed a stigma on the fair name of Queensland that it will take many years to efface. Paddy Kenniff lost his life on the uncorroborated evidence of an aboriginal. All of us who are true Australians and who have lived and worked in districts frequented by aboriginals, know that the word of a blackfellow cannot be taken as gospel. I defy any man in this Chamber, and I challenge any man in Queensland, to say that he can rely on the word of either a blackfellow or a gin. A blackfellow will tell you just what he thinks will please you. There is no disadvantage in amending the law so as to wipe out capital punishment, and hon. members opposite have themselves proved that a long term of imprisonment is worse than capital punishment. I take it that they advocate the principle of a life for a life; but, so far as I can see, hanging a man is more charitable than keeping him in gaol for the term of his natural life, especially if it is a bad gaol where there are dark cells. Again I say that innocent men have

been hanged in Australia, and, if it was only for the purpose of giving men found guilty of murder a further opportunity of proving their innocence, I would support this Bill.

HON. J. G. APPEL (*Albert*): My mind is fairly evenly balanced on this question. There has been, and there is, a division of opinion on this subject amongst men of all classes, and I confess that, from the practical experience I have had in connection with the Prisons Department of this State, I am somewhat inclined to believe that capital punishment is not altogether a deterrent of murder. That is the experience of many men who have studied this matter, and, as was pointed out by the leader of the Nationalist party, in other countries the capital penalty has been abolished, and, so far, it has not led to an increase in the crime of murder. It has been said that where a criminal has committed the crime of murder, the fact that he knows he will suffer the extreme penalty often has the effect of causing him to commit further murder, and there is no question that that is a fact. This matter has been brought before the House by the present Government, and it has been stated, correctly or not, that it is a part of their platform. Rightly or wrongly, there is an impression abroad that the present Administration are sympathetic towards the criminal. That has been inferentially denied from the front bench on the other side.

The HOME SECRETARY: We have given about the same number of remissions that you gave.

HON. J. G. APPEL: That may be; but there is one particular case—there is no need to mention names—and it was an extremely bad case, where a remission was granted. That is the Pinkerba case. The jury found the man guilty of manslaughter instead of murder, and he was sentenced to imprisonment for life. The matter came up for review by myself on at least two occasions, and I went very carefully into the whole question. I consulted the judge who tried the case, and, having in view the fact that it was a most abominable and atrocious crime, I refused to interfere with the sentence. But it is a fact that no sooner had the present Administration come into power than the offender was released.

Mr. MORGAN: Shame!

The HOME SECRETARY: You let a man out after six months who was sentenced for five years in Toowoomba—not you, perhaps, but your Administration.

HON. J. G. APPEL: Quite likely. I remitted the sentences of many prisoners, but the whole matter was very fully inquired into, and the opinion of the judge who tried the particular case was obtained; and in the particular case that the Home Secretary is referring to I discussed the matter with His Excellency the Governor.

The HOME SECRETARY: I agree with what you did, but the point is that the judge turned you down.

HON. J. G. APPEL: Quite so; but I discussed it in Cabinet, and, furthermore, I discussed it with His Excellency the Governor, who agreed with the view I took. Naturally, in dealing with the prisoners of this State, we have to take many a matter into consideration, and I am one who has always believed that a man who has committed a crime is not lost forever, and that it is the duty of the State to reprieve him under

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certain circumstances. That was the policy that I always carried out. But that is not the question. The question is whether [8.30 p.m.] capital punishment is to cease, and imprisonment for life is to take its place. I have no doubt that, if a man has committed the crime of murder, the penalty of imprisonment for life is a far greater punishment than the mere taking of his life in an instant. It is simply a question of whether it is advisable that capital punishment should be abolished or not—whether imprisonment for life is a sufficient punishment. There is no doubt that at the present time a considerable number of murders are being committed.

The HOME SECRETARY: They are increasing.

HON. J. G. APPEL: Several murders have taken place recently in Queensland, but they are the aftermath of the war, and may be said to be somewhat abnormal. As I have said before, my mind is fairly evenly balanced on the question. My personal opinion is that, provided there is no interference with the sentence of imprisonment for the term of an offender's natural life, that is a far greater punishment than the infliction of the death penalty. That is the opinion I have formed after the experience I have had in connection with the Prisons Department during the time I occupied the position of Home Secretary.

Mr. MORGAN (*Murilla*): I am sorry that the Government have thought fit to introduce this Bill at this period. The Government have been in power for seven years, and, as the Premier said, during the period they have occupied the Government benches they have not agreed to the death penalty being carried out in any cases. I am sorry to see that the Government are endeavouring to make this a party question. So far as the Country party are concerned, we have left it to each member to vote as he desires. I wish to make my position clear. I intend to vote against the second reading of the Bill, because I think that the death penalty should be retained, if only to act as a deterrent to crime. There are murders committed in the heat of passion during rows or disturbances, when a person acts without any premeditation. In these cases, although the death sentence may be passed, recommendations are made by the jury or the judge for a reprieve, and in almost every case of that description the Government do not insist on the death penalty. But in cases of premeditation—where a person maps out a plan of campaign, so to speak, and takes another person's life—I think the death penalty should be inflicted. We have just as much right to study the wife and family of the murdered man as we have to consider the wife and family of the murderer. One hon. member spoke in favour of those who were suffering from the fact that a man was sentenced to death and the penalty was carried out; but we must also recognise the suffering caused to the wife and family of the man who has been deliberately murdered through no fault of his own. People have a right to be protected, and, in my opinion, the greatest protection against such crimes is the death penalty. So far as the taking of life is concerned, I think a person who is guilty of deliberately taking the life of another person should suffer the death penalty. We heard only recently the news of the assassination of that very fine soldier, Sir Henry Wilson, who was deliberately done

to death by two men who evidently planned the crime some time before. Should those men be allowed to live, when they deliberately planned the death of that distinguished man, causing such great anguish to his wife and relatives? If that crime had been committed in Queensland, those men would have been sentenced to imprisonment for life. We have had practically worse crimes than that committed in Australia. The hon. member for Dalby referred to a premeditated crime committed in my electorate, where a "waster" followed up a returned soldier, after partaking of his food and drink and being allowed to camp in his tent. He deliberately followed the man for a couple of days, until the opportunity presented itself for him to take his victim's life, because he was possessed of some money received from the sale of opossum skins. That prisoner is now in gaol, but the people connected with the murdered man have had to suffer very greatly through the death of their relative, and the person who committed the crime evidently has the sympathy of members on the Government benches.

Mr. KIRWAN: Don't say that—don't be dirty.

Mr. MORGAN: It evidently is so. It would be only right to inflict the death penalty in cases such as that. The hon. member for Brisbane referred to the fact that members on this side would not like to associate with the hangman. We do not generally enter into the society of those who are engaged in sanitary work, but they are performing good work; and so may the hangman be doing good work in taking the life of a man who has taken the life of another man. Mr. Fihelly, the then Minister for Justice, stated, on the introduction of a Bill like this in 1916, that there may be religious scruples in the matter of inflicting capital punishment, but, in my opinion, that should not be allowed to have any weight in a House of this description. I am sorry that the Government have brought in this measure. I am expressing my views, and I am prepared to stand by the attitude I take up on this question to-night. We know that the Government are making a party question of it. I think that is an unfortunate thing, because I feel sure that there are some members on the Government benches who, if they were allowed to vote as their feelings dictate, and as they desire, they would vote against the abolition of capital punishment. I am sure we would have one or two hon. members on the other side voting against the Bill. I do not know the views of all the hon. members on the Opposition side of the House, and it is quite possible that, when the second reading of the Bill is put to a vote, we shall find several members on this side voting with the Government.

Mr. POLLOCK: Every member on this side was elected with the abolition of capital punishment as a plank of his platform.

Mr. MORGAN: That is so. I know that it is part of their platform. If a man was elected with that as part of his platform, he should keep his promise.

Mr. FLETCHER: They do not keep all their promises.

Mr. MORGAN: When we recognise that the Governor in Council will have the last say as to whether a man should be hanged or not, I think that is a sufficient safeguard.

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No matter what the verdict of the jury may be, and no matter what the judge may have said in his summing up, the Governor in Council has the right to say whether the death penalty shall be carried into effect or not. I am of opinion that that is a sufficient safeguard, without interfering with the law in any shape or form. We know quite well that at any time during political turmoil or strife men get carried away by their feelings and kill other men. We have had cases of it recently in Germany and other parts of the world, where men have been shot down. Fortunately, we have been free of such things in Australia, but right throughout the world we have heard of cases of men occupying prominent positions who, owing to the fact that they held political views opposed to those who wished to destroy them, were shot down. Under a Bill of this kind those offenders would be allowed to go scot free. At any rate, they would be allowed to live and would only have to serve a certain number of years in prison.

The SECRETARY FOR PUBLIC LANDS: He would have to spend the remainder of his life in prison.

Mr. MORGAN: I do not agree with that at all. We have to recognise the fact that men who treacherously take life in that way are generally curs and cowards themselves. We know that they are afraid of death, and the greatest deterrent to a man of that description, who fears death and who knows that he is likely to have his own life taken if he kills another, is to retain a law like we have at present, which enables us to inflict capital punishment. I do not put men who commit murder on the spur of the moment in the same category. I am not talking about cases we hear of where a murder is committed in a street brawl. We know there have been cases where a man, under the influence of liquor, takes a bottle and hits another man with it, thereby causing his death. I am not referring to cases like that, but I am talking of the man who deliberately plans the murder of another man.

The SECRETARY FOR PUBLIC LANDS: Why don't you go a bit further and say that he should be boiled in oil?

Mr. MORGAN: Because that is silly. I listened to the speech of the Attorney-General, and he was compelled to go back to the reign of Queen Mary and to the first three Georges to find arguments in favour of the abolition of capital punishment. We know that in those days a man might be sentenced to death for stealing a rabbit or some other animal. It has been shown that in all the Australian courts great care is exercised, before a man is sentenced to death. We have trial by jury at the present time. The Attorney-General practically condemned trial by jury when he said that it was hard to get a conviction for murder, because the jury, knowing that the death penalty is likely to be inflicted, hesitate before they will bring in a verdict of guilty. We have had many eminent judges in Australia condemning the present jury system. If the opinion of the Attorney-General is correct that the jury hesitate to bring in a verdict of "guilty" against a man charged with murder, then the time has arrived when our jury system should be altered. I am one of those who believe that our jury system has had its day. I have known cases where the jury allowed a man to go scot free, although he had been

proved to be guilty by the evidence. A prisoner is often allowed to go scot free owing to the fact that the jury are sympathetic to him.

The SECRETARY FOR PUBLIC LANDS: They are more humane.

Mr. MORGAN: It is not humane to allow these people to go at large. Would the Secretary for Public Lands allow a man to go scot free if he committed a crime on one of his relatives? If the hon. member had a daughter that was put to death by one of these men, I think he would be the very first man to take the criminal's life if he could get hold of him. An hon. gentleman admitted in the House that, if anyone killed or brought about the death of a relation who was near and dear to him he would not hesitate to take the life of that individual. I am sure the Secretary for Public Lands would not hesitate to take the life of any person who caused the death of anyone near and dear to him. If, as individuals, they would not hesitate to take the lives of those who murdered relatives near and dear to them, then they should not hesitate to take the lives of criminals or murderers who stand convicted of murder. After a man is tried by the jury and he is found guilty of murder, we have as much right to put him out of the world as the individual has to take the lives of people who have caused the death of a relative. I feel sure that no court of justice would convict unless a man was guilty. Mr. Fihelly, in introducing his Bill in 1916, referred to Russia as a country where capital punishment has been abolished. What is happening in Russia to-day? Under Lenin's rule they do not hesitate to take life every day.

The SECRETARY FOR RAILWAYS: You want to follow the Russian example now.

Mr. MORGAN: No. Russia was quoted as a country where the death penalty was abolished, and now we find that things in Russia have reached such a state of affairs that life is not looked upon with any particular regard.

The SECRETARY FOR RAILWAYS: The death penalty is not abolished there.

The PREMIER: That is the country which carries on the policy of the hon. member for Oxley—that is communism. (Laughter.)

Hon. W. H. BARNES: They have their representatives in this Chamber.

Mr. MORGAN: I feel sure that, before Lenin and Trotsky were placed in power in Russia, they were very strong advocates of the abolition of capital punishment. As a result of the movement in Russia which brought about all the chaos that exists, the strong advocates of the abolition of capital punishment were put into power, and no sooner did they get into power than they took the lives of men, not by hundreds, but by thousands.

Mr. COLLINS: Not true.

Mr. MORGAN: That is a recognised fact. It seems to be the Government point of view that, if a person having a different political view from theirs is shot by a fanatic, they will applaud the crime. "Good job," they say, "he was no use in the world and is far better out of it; but the man who did it, did it for the cause." Yet, on the other hand, if perhaps there is somebody who is very strongly against the Labour policy and against the present state to which Queensland

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has been brought, and he takes it into his head to get rid of the Government majority of one. (Government interruption.)

The SPEAKER: Order! Will the hon. member address the chair.

Mr. MORGAN: It would be very interesting to know what would happen. It would be interesting to know whether the death penalty would be enforced. Of course, I do not think anything of that sort will happen.

Then, we also find in countries where the death penalty has been abolished that the people take the law into their own hands, and I do not blame the people. I do not know exactly how I would act myself. If somebody here in Queensland was deliberately murdered and we knew capital punishment was not likely to be put into effect, although the murderer had been tried and found guilty, I do not know how I would act.

The SECRETARY FOR RAILWAYS: Would you like to be hanged if you killed him?

Mr. MORGAN: I certainly think I should not be hanged. These things happen in America, and they can happen here in Australia if the people know that they have not the protection of the death penalty; and, in my opinion, that protection should not be taken away. If the Government have this abolition of capital punishment as a plank of their policy, I feel sure that that policy should not be imposed on the people. The hon. member for Gregory stated that they got into power because they had this plank in their policy. But a majority of 20,000 people in Queensland voted against that policy, and that goes to show that a majority of 20,000 people in this State are against the abolition of capital punishment and in favour of its retention. This is a most important matter, and the Premier must recognise that he is representing a minority of the people.

The SPEAKER: Order! I must ask the hon. member to deal with the Bill.

Mr. MORGAN: I say that an important Bill such as this should not be brought in by a Government representing a minority of the people. It is too important. The fact that there is a possibility that there will be only a majority of one vote in favour of abolition should be taken into consideration.

A GOVERNMENT MEMBER: What about the Primary Producers' Organisation Bill?

Mr. MORGAN: That is an altogether different Bill. This is a matter dealing with life and death, and it has been the policy of Queensland, and likewise of Australia, ever since it has been Australia, to retain capital punishment. The Attorney-General was forced to-night to go right back into ancient times to show that the reform was necessary. The Minister did not deal with the state of affairs existing to-day. None of us agrees with the practice of boiling a man in oil or pitch, or doing him to death in the most barbarous manner possible, but under the existing circumstances there should be certain degrees of punishment. The man who commits wilful murder may be sentenced to imprisonment for life, and yet another man, such as Deeming, who commits several murders, will only suffer the same penalty. There is a difference in degree there. The extreme penalty is death, and in my opinion, where the crime warrants it, that penalty should be carried into effect. At any rate, I intend to vote against the Bill.

Mr. FERRICKS (*South Brisbane*): I am astounded at the attitude which hon. members opposite adopt in their remarks towards this party. In this Bill we are supporting a reform in which we believe. The hon. member who has just resumed his seat was not content to place before the House any arguments he may have against it, but descended to a very low level, in my opinion, when he charged this side of the House with having sympathy with murderers and criminals generally. I think the aspersion was totally unwarranted, and, whilst it may have its comic side, it also has its serious aspect, and it is altogether unfair—in fact, it is contemptible—for hon. members to make those statements in that careless fashion. The hon. member for Albert a few moments ago, speaking not in that good humour which he sometimes displays, charged this party with being in sympathy with criminals and with crime, and on previous occasions I have heard him say in this Chamber that this party catered for loafers and criminals and other people of that character. If these gentlemen are going to continue on those lines, this party will have to retaliate and endeavour to meet them with charges which are true, and not based on a foundation of a merely atmospheric nature. It is time hon. members opposite realised that they cannot carelessly make these allegations, which are started in the Press and get every publicity, not only in this State but also throughout every other State. Men in the metropolitan area conversant with this party will know there is nothing in the aspersions, but it may not be the same in the other States or in other parts of the world. It is a defamation, not only of this party and this Government, but also of this Parliament and the State of Queensland.

I believe this is a humanitarian proposal. Whatever attitude this party adopt towards criminals and those who are in prison for offences against the law, it is only in conformity with the whole of our policy and programme, which we maintain is based on humanitarian principles. If this Government during their term of office have made remissions in the sentences of various prisoners, surely it is a fair thing that the administrative head of the department concerned may do so on the advice of his officers or the head of the sub-department of prisons. When he finds that there is any good in a prisoner and that the prisoner is not altogether bad, is it not a good thing not only for that prisoner, but for the people as a whole that the good in him should have an opportunity to be brought out and shown to the best advantage? The hon. member for Albert, after charging this Government with being in sympathy with

[9 p.m.] crime and criminals, in the next breath remarked that he did not believe in saying that a man who committed an offence was gone for ever: that there was still some good in him, and that good should be given a chance.

Mr. MORGAN: That did not apply to wilful murder.

Mr. FERRICKS: In the hon. member's case, it did. The hon. member for Murilla said that this Government had sympathy with the wilful murderer. I say he was guilty of a contemptible and base insinuation when he made that statement. I think that altogether too much weight has been attached to the aspect of the extent to which

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punishment by death may amount as a deterrent as against imprisonment for life. It is not a deep study that I have given to this, but every time I have read anything on the subject I have come to the conclusion that criminologists attach too much weight to the extent to which capital punishment is a deterrent or otherwise. I have arrived at the opinion that one who has been guilty of murder or who intends to be guilty of murder—I do not speak of unintentional murder or of murder done intentionally but impulsively, but I am speaking of murder committed wilfully—I say that the person who contemplates the taking of life is a desperate man or woman who would not be deterred from his or her intention by a consideration of the results. The person who has gone to the extent of taking the life of another person in cold blood, in my opinion, has reached a stage of mental desperation where results of that kind would not be considered by that person. I have always taken that view. The hon. member for Windsor, who leads the Nationalist party, took us back some hundreds of years and quoted the opinions of people for and against capital punishment. We claim that civilisation has made some progress during those hundreds of years, and it is not a fair thing to quote the opinion of some man 300 or 400 or 1,000 years ago in regard to capital punishment. We can claim that some advance has been made, that progress is being made, and that further progress should be aimed at. As the hon. member for Brisbane reminds me, it will be interesting to observe the attitude of some hon. members on the other side of the House when a vote is given for or against this Bill. I refer to hon. gentlemen like the hon. member for Enoggera, the hon. member for Nundah, the hon. member for Carnarvon, the hon. member for Kurilpa, and the hon. member for Murrumba, who, with the exception of the hon. member for Kurilpa, went to the other side of the world with the Australian soldiers.

Hon. W. H. BARNES: And fought for us.

Mr. FERRICKS: And did not get much of a return from many of your class for fighting for you. It is worthy of notice that the Australian soldiers as a class were the only soldiers who, during the world war, were not subject to the death penalty.

Mr. KIRWAN: They were the best behaved troops on the western front.

Mr. FERRICKS: The hon. gentlemen opposite know something of the fight which was put up in the Federal Parliament against the abolition of capital punishment. The proposal to bring the Australian troops under the same punishable conditions as operated in the Imperial Army was very strongly advanced, and had the support of the military junta of Australia and of the heads of the military department, together with a great deal of support and sympathy in the Commonwealth Parliament. But the Australian soldiers themselves, backed up by the Australian Labour party, fought tooth and nail against the proposal to bring the Australian soldiers under the death penalty conditions that operated in connection with the Imperial Army. It is a standing tribute to the Australian spirit, which showed signs of rebellion against the imposition of such drastic conditions. So every one of those hon. gentlemen will be bound, in the name of consistency and of duty, to support the

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second reading and the further stages of this Bill when it comes to a vote. The question of whether a greater or a lesser number of murders has been committed in Queensland during the term of office of this Government cannot be taken into consideration, because it is admitted—and it must be—that the four or five years' world-wide carnage has had the result of causing life to be held cheaply. We know that is only too true. As the leader of the Nationalist party said, it is one of the aftermaths of war. The hon. member for Albert said the same thing. Whatever it has been in Queensland, it has been nothing in comparison with what it has been in the other States of the Commonwealth. It is a common thing to read, in regard to Sydney and Melbourne particularly, and sometimes in regard to the other capitals, that an ordinary garden variety of burglar, if he is intercepted or interrupted in the carrying out of his operations, will think nothing of potting two or three policemen if they come in his way. So I say the system of inflicting capital punishment has not been a deterrent in any State. The hon. member for Murilla attributes those crimes to the density of population. That has nothing to do with the hanging or otherwise of one who has been guilty of taking life. It is well known that innocent men have been hanged. There is no getting away from that fact. It is far better to take the attitude advanced by some hon. members on the other side of the House, that incarceration during the term of a criminal's natural life is a greater punishment than suspending him at the end of a rope. I am going to take that view in supporting this Bill—that it is better to put a murderer in prison and protect society from him, rather than continue the uncivilised, brutal, and inhuman practice of hanging him at the end of a rope.

Mr. KERR (*Enoggera*): I agree with the hon. member for Murilla, that the importance of this subject cannot be exaggerated. Before I go any further, I would like to correct the statement made by the hon. member for South Brisbane in regard to the absence of the death sentence in connection with the Australian Imperial Forces. That hon. member has misunderstood entirely the whole situation. If a man in the Australian Imperial Forces committed murder he was tried by a civil court in England, and, if he were convicted, he received the penalty—that is, capital punishment. It cannot be said for a moment that doing away with capital punishment in the Australian Imperial Forces had anything to do with this subject.

Mr. FERRICKS: If an Australian soldier deserted from the army at the front, he was not shot, but an Imperial soldier was.

Mr. KERR: Yes; but that has nothing to do with murder. A soldier who deserts is getting away from the opportunity of committing murder. The question of capital punishment for desertion in the Australian Imperial Forces has nothing to do with this matter at all.

Mr. FERRICKS: An Imperial soldier would be shot for desertion.

Mr. KERR: Yes. I have no time for the principle of shooting a soldier for desertion. I had the experience of seeing a squad put an Imperial soldier to death for desertion. That is a scene that will perhaps live in my memory for ever. Had that man been

convicted of murder, I have no hesitation in saying that it would not have affected me as it affected me when I knew that he was being punished for desertion. Desertion may be a matter of temperament.

Mr. FERRICKS: Desertion by a soldier is worse than murder.

Mr. KERR: I want to dispel the delusion of the hon. member for South Brisbane. Murder and desertion cannot be discussed together in any shape or form.

Mr. FERRICKS: Desertion might mean the murder of a thousand soldiers.

Mr. KERR: I do not know what the hon. member means by saying that. In the course of my duty as a soldier I found it necessary to kill a man. If I had not done that, he would have killed me. That brings us down to the main principle of this Bill—the glory of life—the inclination to live and the fear of death. It is the fear of death and the hangman that acts as a deterrent and is going to prevent murder. I guarantee that, if any hon. members opposite had to go into some danger just now, they would hesitate to meet their death. Ninety-nine per cent. of the people would hesitate. We can quite understand the hon. member for South Brisbane talking about hon. members on this side of the House, and mentioning the fact that the Government associated with criminals. Why, he had that unfortunate place in his own electorate of South Brisbane, and naturally, as the member representing that electorate, he would go there and associate with them.

Mr. FERRICKS: You are wrong, Mr. Speaker, I rise to a point of order. The hon. member for Enoggera is wrongly saying that I have in my electorate an institution that harbours all the criminals in Queensland.

Mr. KERR: I did not say anything of the kind.

The SPEAKER: Order! In the first place, the hon. member must accept the denial of the hon. member for South Brisbane, and in the second place, he is not in order in imputing improper motives.

Mr. KERR: I accept exactly what you say, Mr. Speaker. The hon. member for South Brisbane took up an attitude, and I am defending the attitude which we may take up—which I am quite entitled to do. Before this Government came into power, they had this measure on their fighting programme, and it has taken them seven years to attempt to bring it into force. Figures disclose that during the last three or four years two men have been executed. The figures really disclose nothing; they can be twisted any way you like. It is desired to abolish capital punishment so that it can be said that it was done as the result of the decrease in crime under Labour administration. Crime has not decreased under Labour administration; it has been the result of the natural education of the people. Some of the greatest authorities in the world attribute the decrease in crime to education and advancement.

A GOVERNMENT MEMBER: Under a Labour Government?

Mr. KERR: No. It has decreased in nearly every part of the world. I could quote figures in support of the argument, but I do not intend to take up the time of the House with statistics. To quote what happened centuries ago, to pick out scare headlines in American papers, and to quote

stories pictured by men who have been paid to visualise their experiences in connection with penal servitude and hanging for the benefit of their readers is no argument at all. I am afraid that the Government are allowing sentiment to over-run their common sense. If a man comes into any other man's family and commits a murder, there is only one thing for it, without being bloodthirsty—it is purely a question of blood for blood. It is acknowledged by hon. members opposite that, if a burglar committed any offence on any member of their families, even murder, they in turn would murder. If the husband or father does not happen to be on the spot at the very moment, why should not the State step in and carry out what would have been carried out by those concerned? That is logic. Isolated cases should not enter into this discussion at all. One principle calls for another principle of equal distinction, and, when we come to the grand principle of murder, it is a grand principle to punish that murderer by death. The Attorney-General quoted a number of countries where capital punishment is not carried out. One of those countries where capital punishment is abolished is Russia, and hon. members can judge that country for themselves. Why, they are doing nothing else there but murdering. There are quite a number of cantons in Switzerland and other countries that have abolished capital punishment, but there are other countries which, that after having abolished it, have again brought it into practice. There are arguments for and against capital punishment. I believe that certain power should be given to impose a sentence such as would meet the case if there are mitigating circumstances. There are certain circumstances surrounding such crimes which will be taken into consideration by a just jury under our jury system. A Royal Commission selected by the House of Commons on this question of murder reported—

"1. Murder committed with expressed malice aforethought, such murder to be found as a fact by a jury."

Meaning that capital punishment should, under no circumstances, be carried out. The second clause of the finding reads—

"2. Murder committed with a view to the perpetration or escape after the perpetration, or attempt at perpetration of murder, arson, rape, burglary, robbery, or piracy."

Capital punishment is justified in that connection. If a man commits murder he tries to cover it up, and such a man is entitled to be well and truly hanged until he is truly dead. I look upon the matter from a common-sense point of view. To my mind the fact that the law permits capital punishment to be carried out is keeping civilisation where it should be, and is preventing those who commit offences such as murder from enjoying the privileges enjoyed by those who live decent, honest lives. I shall have much pleasure in voting against the second reading of this Bill.

HON. W. H. BARNES (*Mulimba*): The Minister, in introducing this Bill, went back quite a number of years, and I take it that it is very largely a question that we have to deal with as it exists to-day. I am quite prepared to say that, after all, in making a decision as to what is to be done, it is purely a matter of a man's conscience and belief. One has a right not to view this

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question in a manner which creates levity, because it is a question of life and death so far as individuals are concerned, and I regret very much that the tone of the debate in some respects has indicated the want of that seriousness that should exist in connection with the question before us. The hon. gentleman in introducing the Bill, made reference to the fact that the jury system had failed, if I followed him correctly.

The ATTORNEY-GENERAL: That is not correct.

HON. W. H. BARNES: That it had failed so far as capital crimes are concerned—that jurymen, as a rule, are so afraid to bring in a verdict of "guilty" in connection with a majority of the people who were arrested for murder. That, I dare say, is true to some extent. If I were in the position of a jurymen, I am bound to say that, if there was a shadow of doubt as to whether the man was guilty or not, I would give the prisoner the benefit of the doubt. That is what every just man should do, especially where life and death are concerned. That would explain very largely the position which, no doubt, jurymen take up. I believe in the jury system. I believe that the men who are summoned to accept such important responsibilities in the main follow their consciences and do what they believe to be right. What is the position after sentence of death has been passed? I have been in the position of a man who has had to go through the depositions and initial the papers as to whether a man should be put to death or not—I am speaking just now from the standpoint of the man who would do it without casting any reflection on hon. gentlemen who view it in a different light. I take it that no man would initial papers to carry out the death sentence unless he felt absolutely sure in his own mind that the person was guilty.

The SECRETARY FOR PUBLIC INSTRUCTION: You were simply carrying out the law. We want to abolish that.

HON. W. H. BARNES: The hon. gentleman ought to know that the Governor in Council has the right to say what the final sentence shall be; and do you not, in any case, get a report from the judge? I am not saying that judges are infallible any more than members of this House are infallible. The best of us make mistakes, and you have to get a report from the judge. At any rate, I got one, and a member of the Cabinet reads the papers and initials them before the sentence can be carried out. The fact remains—it is admitted on both sides that there are men in the community who cannot or do not restrain themselves. I have a great deal of sympathy—I do not say it is any justification—but I have a great deal of sympathy for the man who, perhaps, in a moment of passion, does something which, perhaps, he is afterwards exceedingly sorry for; but I have no sympathy for a man such as we read about quite recently—I think I am right in saying somewhere in the Wide Bay District—where some coloured lad battered a woman to death. I have no sympathy for that kind of brute.

The PREMIER: That case is sub judice.

HON. W. H. BARNES: I am sorry that I made any comment about a case that is sub judice. I will deal now with a case we know of outside Australia. Can any man have any sympathy for the brute or brutes who got into a railway train and, with a hammer or some other instrument, battered a man to

death? Can you have any sympathy for that person?

The PREMIER: No decent man has any sympathy with them.

HON. W. H. BARNES: I know I am only echoing the sentiments of every member in this House quite apart from party—can you have any sympathy with a ruffian or with a villain who will do to death, it may be some little innocent girl—deliberately do her to death? The question arises as to which is the best method of preventing offences like that. What is the position to-day? I venture to say, Mr. Speaker, that in your own home—I am not suggesting for one moment anything improper—I venture to say that if some villain came and tried to do to death someone in your own home, you would be there to see if you could get him out of the way, if possible, even to the extent of doing him to death: and no one would blame you for it. We all feel that it is imperative upon us to protect our own homes. I venture to say that, in the interests of the community generally, and really in the interests of the man who will not try to control himself, it is absolutely necessary there should be something to prevent him from doing what he is disposed to do. There are unfortunates to be found in all our communities—men who place very little value upon human life, and I believe in having on our statute-book a law which says that the death penalty may be carried out as being absolutely necessary in the interests of the community generally. Just as there is not a man in this House who, with all his heart, would not say to a sick man or the relatives of any person who has been removed by death, that they very heartily sympathise with them, so I believe that there is no Government, whatever brand they may be, that would not look for the lenient side, if there was any doubt in connection with the guilt of any man brought before them.

At 9.30 p.m.,

The CHAIRMAN OF COMMITTEES (Mr. Kirwan, *Brisbane*) relieved the Speaker in the chair.

HON. W. H. BARNES: Therefore, I say that it would be absolutely against the interests of the community to remove this law from the statute-book by this amending Bill. That being so, my duty is perfectly clear. I believe it would be against the interests of the community, and something which would assist towards the destruction of our young life in some cases, and towards the encouragement of those things which will have the effect of making life less valuable in the eyes of some, and therefore I shall vote against the Bill.

Mr. MACGREGOR (*Merthyr*): This Bill embraces matters which arise from time to time in the history of the world; it is almost a hardy annual, as far as the history of the world is concerned. No doubt the Government can find plenty of good educated thought in support of their proposition. The difficulty is always to separate from it the sloppy sentimentality you always find in connection with it, in some of which the Attorney-General indulged this evening. He also indulged in a good deal of special pleading, taking out one or two events over the history of a long period, and relying on some remarks of a minority. No doubt, being a member of a party which represents a

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minority of the electors, the reading of the opinions expressed in a minority report is quite in keeping. The question has to be decided, and will be decided, as some hon. members have pointed out, sometimes by the head and sometimes by the heart. The difficulty is to find out which way is correct. I take it that the proposition to abolish capital punishment means that there is nothing that a member of society can do for which he should be punished by death—no possible conduct on his part that should be punished with a death sentence. I think there are many of us who recollect instances, even in modern days—even during the last few weeks—cases of horrible murder by people who had a good many advantages. There is an old saying to the effect that the greater the advantages the greater the responsibility of the person concerned. I do not know how it appears to other hon. members, but it seems to me that the poisoner is the most despicable person in the community. There was a case in England in which the murderer suffered the death penalty a few weeks ago, in which a man who was a solicitor, and a very highly educated man, and therefore the more to be condemned, gave his wife doses of arsenic from time to time, and eventually gave her a dose which killed her three days afterwards. During those three days he pretended to be horror-struck at her condition, and to be very sorry for her. He was condemned to death for murder—

The ATTORNEY-GENERAL: Capital punishment did not deter him.

Mr. MACGREGOR: Is he not worthy of capital punishment, even if it did not deter him? Is not that a case where capital punishment should have been inflicted? The point is this: If you are going to have society, with security of life and property—perhaps hon. members on the other side object to property, but security of life should be one of the fundamentals—the greater the security of life in that society the better the society is. If you are going to allow some members of society to prey on other members of society—allow them to prevent life from being secure—you are going to do a very dangerous thing. The Attorney-General says, and some others on the other side have said too, that by advocating the retention of capital punishment we are imbruing our hands in the blood of the hanged man. But does it not appear to the hon. gentlemen that if, by reason of the abolition of capital punishment, a woman is poisoned next week, or a little girl outraged in the bush, you are to some extent responsible for that outrage—that you have assisted in it? You have to look at both sides. I do not think anybody can be dogmatic about whether capital punishment does operate as a deterrent. There are other influences at work in society—the influence of the churches and the schools. They may be lessening the amount of crime. It is quite a natural thing, I should think, that man has been deterred by the thought that murder involves capital punishment. You cannot tell how many times people have been deterred by the thought of capital punishment; so the figures do not seem to me to be reliable at all. I think that there are cases, and have been cases, and unfortunately will be cases, in which the only punishment that can be thought of is the death penalty. For the protection of life, to

enable us to go about our business and our work without any thought of the assassin behind us, and the despicable poisoner by drugs, we are not going far wrong in keeping that sentence upon the statute-book. I quite agree with hon. members on both sides who have mentioned cases of murder where the crime has been committed in the heat of passion. That is the case where the Crown's prerogative of mercy could always be exercised, and I do not think anybody would object to its exercise in such a case. We know that public feeling is not to be trusted in connection with any horrible outrage. That was shown up to the hilt in Melbourne, when the man Ross was hanged. At the last moment 700 or 800 women petitioned to have his sentence commuted.

Mr. CORSER: Not in the district where he committed the murder.

Mr. MACGREGOR: If it were a matter for levity, I might say that the opposition to capital punishment on the part of the Government comes because the word "capital" is in it. Anything that has to do with "capital" they object to very much. The Attorney-General referred to the commission which was appointed in England in 1865, and picked out four of the minority, and gave their expressions of opinion. But let us look at the whole thing and see what happened. There were certain gentlemen appointed, some of whose names are well known to everybody. They were the Duke of Richmond, Lord Stanley, Dr. Lushington, a well-known doctor of civil law, Sir John Taylor Coleridge, Thomas O'Hagan, Attorney-General for Ireland, James Moncreiff, Horatio Waddington, John Bright, William Ewart, Gathorne Hardy, George Ward Hunt, and Charles Neate. It was a commission to inquire—

"into the provisions and operations of the laws now in force in the United Kingdom under and by virtue of which the punishment of death may be inflicted upon persons convicted of certain crimes, and also into the manner in which capital sentences are carried into execution."

There was a second commission issued to the same gentlemen. As a matter of fact, they did not come to any conclusion on the question of the abolition of capital punishment. The matter is all summarised here. The report says—

"Many witnesses have been examined, and a careful summary of their evidence precedes this report.

"In addition to this oral testimony, certain questions have been addressed to, and answers received from, nearly all the nations of Europe, and some of the States of the United States of America, with regard to the laws relating to the punishment of death existing in those countries respectively.

"The opinions of all Her Majesty's judges in England, Ireland, and Scotland, as well as of other eminent criminal lawyers, have been requested upon the expediency of making any alteration in the laws under which the punishment of death may now be inflicted upon persons convicted of certain crimes.

"In answer to this request, some of the judges have sent in statements of their views, while others have attended before the Commission and verbally

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stated their opinions. The whole of the evidence, both oral and documentary, will be found in the appendix.

"The Commissioners forbear to enter into the abstract question of the expediency of abolishing or maintaining capital punishment, on which subject differences of opinion exist among them, but they are all of opinion that certain alterations ought to be made."

The names of the witnesses are given, and there is a summary of the evidence on this point of the abolition of capital punishment. The Right Honourable Lord Cranworth, who had had considerable judicial experience, said—

"Secondary punishment is not sufficiently deterring, but the fear of death is so more than any other. The crime of murder requires the most deterring punishment. The criminal class think that, if death ensues from the crimes in which they are engaged, they will be hanged; this has a most salutary effect upon their minds. The abrogation of the punishment of death for robbery by open force when unaccompanied by homicide, has much diminished the number of homicides that were committed before that abrogation.

"Death has greater effect upon the minds of criminals than any other punishment, and a commutation is considered by them as the greatest boon: criminals do not calculate upon their chances of life and death."

Then Lord Bramwell said—

"He would retain capital punishment in cases of murder; would not do so in treason unless accompanied with murder; persons of weak intellect are amenable in some degree to a threat of remote punishment."

He even said that the insane should not be free from the death penalty. Then Lord Martin said—

"To form a real judgment of the deterrent effect of capital punishment recourse must be had to persons who are well acquainted with the lower classes. The passing of the sentence of death is most impressive."

That does not mean a public hanging. It means the scene in the court where the death sentence is imposed. We all know that, when the death sentence is passed, it is a very impressive ceremony, and affects everyone.

Lord Martin also said—

"No other sentence has such an effect on the bystanders; has never conversed with the lower classes to ascertain their feelings, but thinks that death must be a great deterrent; juries are not deterred from finding a man guilty of murder by the knowledge of what will be the effect of such a verdict."

That is Judge Martin's opinion, which is in direct opposition to the opinion quoted by the Attorney-General.

Then Lord Wensleydale said—

"If capital punishment was abolished there would be an increase of crime. The punishment which conveys the greatest fear makes the strongest impression upon the public. Murder is very often committed in a thoughtless moment, but, if capital punishment was abolished, murder would be more common. Cases

exist in which capital punishment has been withdrawn and the number of offences has afterwards increased."

In England the death punishment was abolished for mutilation. They used to mutilate people until public opinion grew too strong against it. In the United States there are some offences which are punishable with mutilation. In Georgia sexual offences are punishable by the removal of certain organs. I will not worry the House by reading any more, but I will shorten it by saying that only four members of that Commission signed the report. Two of them were connected with a humanitarian society, known as the Howard Society, which looked after the gaols. The four who signed the report were Stephen Lushington, John Bright, Charles Neate, and William Ewart.

This is what they said—

"The undersigned, members of your Majesty's Commission, are of opinion that capital punishment might safely, and with advantage to the community, be at once abolished."

Mr. COLLINS: John Bright was quite consistent. He did not believe in war. He did not believe in wholesale murder.

Mr. MACGREGOR: We will not talk about wholesale murder after what took place at the Perth conference. If that report is to be relied upon by the Attorney-General—he quoted it in his speech, so he must rely upon it—we can use it to show what happened in England as far back as 1855.

The ATTORNEY-GENERAL: I relied on it for certain things.

Mr. MACGREGOR: You picked out what suited your own case. I am giving the full effect of the report.

The ATTORNEY-GENERAL: Four out of the number were against capital punishment, and the others gave no opinion.

Mr. MACGREGOR: The report shows that they would not sign the paragraph in favour of the abolition of capital punishment.

Mr. RIORDAN: They were like the Nationalist party, who walked out because they could not make up their minds.

The DEPUTY SPEAKER: Order! I ask hon. gentlemen to obey my call to order, and allow the hon. member for Merthyr to express his views on this Bill.

Mr. MACGREGOR: I not only read the opinion of members of the Commission, but I was reading from the evidence of reputable witnesses and witnesses of great experience who were called during that Commission to assist the minds of the Commissioners. With all that experience, they could not find a majority of people who would recommend the abolition of capital punishment. Then the circumstances are quite different to what they are in Australia. We know that Great Britain is closely populated and is a comparatively small territory, and therefore crimes are more likely to be detected there and the offenders caught. Even if they came to the conclusion in Great Britain that capital punishment should be abolished, we should arrive at a different conclusion, because of the wide spaces we have here and the opportunities that occur for crime to go undetected. As we know, unfortunately, notwithstanding the fine police force we have, cases do go undetected. I have always been a great admirer of the members of the police force of this State. I have had occasion to check their work and go into it, and I have the greatest

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admiration for their work; but there are cases still standing unsolved and the criminals have never been found out. Many a lonely policeman in a country district in a distant place has had his life saved by the knowledge on the part of some people that, if they commit murder, the death sentence will result. It is for the protection of life and society that we should leave the law as it is. It has been pointed out that the Crown's prerogative of mercy can be exercised, and I consider it should be exercised in all cases except cases of deliberate, premeditated murder, and in those cases I think the retention of capital punishment on the statute-book is wiser and more advisable. I consider that capital punishment is a deterrent to crime, and I shall therefore vote against this Bill.

Mr. KING (*Logan*): I have listened with a good deal of interest to the debate going on, and I feel inclined to add a few remarks, more especially in view of the fact that the Attorney-General has given a good deal of information which he has extracted from the "Encyclopædia Britannica." I propose a little later to give something further from that same authority. This question of the abolition of capital punishment is a question upon which the views of members are very widely divergent. The great point at issue seems to be that capital punishment has not acted as a deterrent. The views on that particular point are also very widely divergent. The Attorney-General said that when a man commits a murder the fact that he will probably be hanged has not in any way entered into his calculations. He does not fear hanging, and the mere fact of the probable hanging would not stop him from carrying out his intention. Well, I beg to differ from the hon. gentleman. I think the possibility and probability of hanging does very materially enter into his calculations. We shall probably find that many criminals who have committed murder have gone most elaborately into details to prevent the detection of their crimes. The hon. member for Merthyr has referred to the case of that solicitor in England—the worst feature about it was that he was a solicitor—who systematically set about murdering his wife in such a way as to remove all possible suspicion from himself. Fortunately, he was found out. Most murderers, when they contemplate the crime of murder, make most elaborate preparations to avoid detection.

The SECRETARY FOR PUBLIC LANDS: After the crime.

Mr. KING: No, before the murder is committed. They make all preparations to see that they will not be found out—I am talking about premeditated murders. It is said that the best way to deal with such a criminal is to lock him up for life. Why should we keep criminals for the rest of their lives, it may be, in comparative comfort? We know perfectly well that most persons who commit these premeditated murders are brute beasts. They are quite happy so long as they get a certain amount of sleep and a certain amount of food. It is no punishment to lock up some of them, and, if you do it, you simply provide for them for the rest of their lives.

I said that I wanted to quote from the "Encyclopædia Britannica," from which I know the Attorney-General got a deal of his information, and I am going to quote so as to give all possible information to the House—information that will be of assistance to

those holding the same opinions as myself. I do not want to hide anything. The article says—

"At the end of the eighteenth century the criminal law of all Europe was ferocious and indiscriminate in its administration of capital punishment for almost all forms of grave crime; and yet, owing to poverty, social conditions, and the inefficiency of the police, such forms of crime were far more numerous than they now are. The policy and righteousness of the English law were questioned as early as 1766 by Goldsmith through the mouth of the 'Vicar of Wakefield.'—

Nor can I avoid even questioning the validity of that right which social combinations have assumed of capital punishing offences of a slight nature. In cases of murder their right is obvious, as it is the duty of us all from the law of self-defence to cut off that man who has shown a disregard for the life of another. Against such all nature rises in arms; but it is not so against him who steals my property.

"He adds later—

When by indiscriminate penal laws the nation beholds the same punishment affixed to dissimilar degrees of guilt, the people are led to lose all sense of distinction in the crime, and this distinction is the bulwark of all morality.

"The opinion expressed by Goldsmith was strongly supported by Bentham, Romilly, Basil Montagu, and Mackintosh in England, and resulted in considerable mitigation of the severity of the law. In 1800 over 200 and in 1819 about 130 crimes were capital. As a result of the labour of these eminent men and their disciples, and of Sir Robert Peel, there are now only four crimes other than offences against military law or naval discipline capitalily punishable in England—high treason, murder, piracy with violence, and destruction of public arsenals and dockyards (The Dockyards, etc., Protection Act, 1772). An attempt to abolish the death penalty for this last offence was made in 1837, but failed, and has not since been renewed. In the case of the last two offences, sentence of death need not be pronounced, but may be recorded (4 George IV., c. 46). Since 1838 it has in practice been executed only for murder: the method being by hanging.

"In Scotland capital punishment can be imposed only for treason, murder, and offences against 10 Geo. IV., c. 38, i.e., wilful shooting, stabbing, strangling, or throwing corrosives with intent to murder, maim, disfigure, disable, or do grievous bodily harm, in all cases where, if death had ensued, the offence would have been murder. Prior to 1887, rape, robbery, wilful fire raising, and incest, and many other crimes were also capital offences: but in practice the pains of law were restricted at the instance of the prosecution. The method is by hanging.

"British colonies and possessions.—Under the Indian Penal Code sentence of death may be passed for waging war against the King (s. 121) and for murder (s. 302). If the murder is committed by a man under sentence of transportation for life, the death penalty must be imposed (s. 303). In other cases it is alternative. This code has been in

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substance adopted in Ceylon, the Straits Settlements and Hong Kong, and in the Sudan. In most of the British colonies and possessions the death penalty may be imposed only in the case of high treason, wilful murder, and piracy with violence. But in New South Wales and Victoria sentence of death may be passed for rape and criminal abuse of girls under ten. In Queensland the law was the same until the passing of the Criminal Code of 1899.

“United States of America.—Under the Federal laws sentence of death may be passed for treason against the United States and for piracy and for murder within the Federal jurisdiction. But for the most part the punishment of crime is regulated by the laws of the constituent States of the union.

“The death penalty was abolished in Michigan in 1846 except for treason, and wholly in Wisconsin in 1853. In Maine it was abolished and subsequently re-enacted, but again abolished in 1837. In Rhode Island it was abolished in 1852, but restored in 1882, only in case of murder committed by a person under sentence of imprisonment for life. In all the other States the death penalty may still be inflicted; in Alabama, Delaware, Georgia, Maryland, and West Virginia, for treason, murder, arson, and rape; in Alaska, Arizona, Kansas, New Jersey, Mississippi, Montana, New York, North Dakota, Oregon, and South Dakota for treason and murder; in Colorado, Idaho, Illinois, Iowa, Massachusetts, Minnesota, Nebraska, New Hampshire, New Mexico, Nevada, Ohio, Oklahoma, Pennsylvania, Utah, and Wyoming for murder only; in Kentucky and Virginia for treason, murder, and rape; in Vermont for treason, murder, and arson; in Indiana for treason, murder, and for arson if death result; in California for treason, murder, and train wrecking; in North Carolina for murder, rape, arson, and burglary; in Florida, Missouri, South Carolina, Tennessee, and Texas for murder and rape; in Arkansas and Louisiana for treason, murder, rape, and administering poison or use of dangerous weapons with intent to murder. Louisiana is cited by Girardin (*‘Le Droit de Punir’*) as a State in which the death penalty was abolished in 1830. Under the influence of the eminent jurist, E. Livingston, who framed the State codes, the Legislature certainly passed a resolution against capital punishment. But since as early as 1846 it has been there lawful, subject to a power given to the jury, to bring in a verdict of guilty, ‘but no capital punishment,’ which had the effect of imposing a sentence of hard labour for life. In certain cases the jury has, under local legislation, the right to award the sentence. The constitutionality of such legislation has been doubted, but has been recognised by the courts of Illinois and Iowa. Sentence of death is executed by hanging, except in New York, Massachusetts, and Iowa, where it is carried out by ‘electrocution.’

“With the mitigation of the law as to punishment, agitation against the theory of capital punishment has lost much of its force. But many European and American writers, and some English writers and

associations, advocate the total abolition of the death punishment.”

[10 p.m.]

The SPEAKER resumed the chair.

Mr. KING: It proceeds—

“The ultimate argument of the opponents of capital punishment is that society has no right to take the life of any one of its members on any ground. But they also object to capital punishment: (1) on religious grounds, because it may deprive the sinner of his full time for repentance; (2) on medical grounds, because homicide is usually if not always evidence of mental disease or irresponsibility; (3) on utilitarian grounds, because capital punishment is not really deterrent, and is actually inflicted in so few instances that criminals discount the risks of undergoing it; (4) on legal grounds, i.e., that the sentence being irrevocable and the evidence often circumstantial only, there is great risk of gross injustice in executing a person convicted of murder; (5) on moral grounds, that the punishment does not fit the case, nor effect the reformation of the offender. It is to be noted that the English Children Act 1903 expressly forbids the pronouncing or recording the sentence of death against any person under the age of 16 (section 103).

“The punishment is probably retained, partly from ingrained habit, partly from a sense of its appropriateness for certain crimes, but also that the ultimate ratio may be available in cases of sufficient gravity to the commonweal. The apparent discrepancy between the number of trials and convictions for murder is not in England any evidence of hostility on the part of juries to capital punishment, which have on the whole lessened rather than increased since the middle of the nineteenth century. It is rarely if ever necessary in England, though common in America, to question the jurors as to their views on capital punishment. The reasons for the comparatively small number of convictions for murder seem to be: (1) that court and jury in a capital case lean *in favorem vitæ*, and if the offence falls short of the full gravity of murder, conviction for manslaughter only results; (2) that in the absence of a statutory classification of the degrees of murder, the prerogative of mercy is exercised in cases falling short of the highest degree of gravity recognised by lawyers and by public opinion; (3) that where the conviction rests on circumstantial evidence the sentence is not executed unless the circumstantial evidence is conclusive; (4) that charges of infanticide against the mothers of illegitimate children are treated mercifully by judge and jury, and usually terminate in acquittal, or in a conviction of concealment of birth; (5) that many persons tried as murderers are obviously insane; (6) that coroners’ juries are somewhat recklessly free in returning inquisitions of murder without any evidence which would warrant the conviction of the person accused.”

I quote these because there is a good deal of information in them which is of interest in connection with this Bill. I am quite prepared to admit that we all look at this matter from our own personal standpoint

[Mr. King.]

and our own individual opinion. I try to picture to myself what I would do if anyone who was near and dear to me was grievously wronged, or hurt, or done to death.

THE SECRETARY FOR PUBLIC INSTRUCTION: I know what I would do if my son were done to death.

MR. KING: We recognise that, if anybody did a dreadful injury or harm of that sort, we would, if we had it in our power, do to death the person who did ours to death. We would retaliate in a similar way. We are here as the makers of the laws to see that society is protected, and that we are not to be called upon to do individually what those in authority ought to do. The Government are here for the protection of society, and the Government ought to recognise their duty to the members of the community by acting as the custodians of the public safety. I am very much afraid that, like other hon. members, there is a good deal of the old Adam in me, and, if anybody did me an injury, I would retaliate in kind. That quality is in us, and it is only human.

Abolition of capital punishment is a part of the Government policy, but the Executive can exercise the prerogative of clemency, even though the statute remains unaltered. If there is any kudos to be gained, the Government can secure it without any alteration whatever in the law. If the law is altered they will receive no kudos at all. I intend to vote against the Bill.

MR. MOORE (Aubigny): I recognise that there is a good deal of responsibility on the Government in connection with this matter, but I cannot see their object in bringing forward this Bill. They have never carried out the death penalty since they have been in office, and they can still adhere to their policy in that respect. Why should this Government tie down some future Government by the passage of this measure? While they are on the Treasury benches they are able to carry out their policy. If another Government thought it advisable, they would have to re-enact the principle of capital punishment. Any man who commits murder has every opportunity of proving his innocence. If there is the slightest suspicion, the jury give him the benefit of the doubt. Considerable time elapses before a prisoner is brought to trial, and a murder trial always takes a considerable time. The Cabinet have the right to commute that sentence, if they think it is wise, and I do not see why we should lift that responsibility from their shoulders. I admit that it is a very unpleasant duty, but the Cabinet have to carry a great many responsibilities. If the Cabinet thought that a prisoner was mentally affected, they could commute the sentence, but why should the abolition of capital punishment be made a definite principle under an Act of Parliament, no matter how brutal or premeditated a murder may have been committed? I think in some cases the carrying out of the death penalty is the best possible thing that can be done. The Attorney-General quoted statistics to show that crime has not been on the increase. That proves at the very least that the death penalty is a deterrent to men who might be prepared to commit murder. I contend that many individuals have been deterred by fear of execution.

THE ATTORNEY-GENERAL: Let us get home.

MR. MOORE: We have a Bill of vital importance introduced into this House that

is not going to affect this Government, but which will affect future Governments, and the Attorney-General is not concerned so much with whether men are to be hanged as with whether he can get home or not. This is a very serious matter. If the death penalty is abolished, it means that society will have less protection, and I do not think that it is wise to abolish it. The Attorney-General quoted America and Italy where capital punishment has been abolished. We all know that in many of those foreign countries life is held very cheap; and they think nothing of sticking a man in the back with a knife. But that has nothing to do with Australia. The position we have to face here is that we have very wide spaces and a small number of police, and the people in those wide spaces have to be protected. If the death penalty is going to deter men in those wide spaces from committing crime, then we should hesitate before we agree to put an Act on the statute-book abolishing the death penalty. There are many murders that have been committed in Australia during the last eight or ten years in connection with which the death penalty was richly deserved, and, in my opinion, there have been one or two murders committed in Queensland since the present Government came into power in regard to which it was a mistake to commute the death penalty. If a man deliberately decides to murder another individual in order to get hold of a few opossum skins, I do not see that this country should be compelled to keep him in prison for the term of his natural life. Capital punishment and flogging are great deterrents of crime. We know that years ago garroting and personal violence were prevalent because the short terms of imprisonment that were inflicted were not a deterrent, but as soon as flogging was ordered, that crime decreased. The Government have a responsibility placed on their shoulders which they should not shrink. A jury always recommends mercy if there is the slightest suspicion of doubt. The Attorney-General said that it is better that ninety-nine guilty men should go free rather than that one innocent man should be hanged. But I do not agree with him. It is an absolute absurdity to say that ninety-nine criminals should be allowed to commit whatever offences they like rather than that one innocent man should be hanged. It would be impossible to live in this community if that principle were adopted. We do not want undue severity, but we do want a system which will protect the public; a system which will assist the police in carrying out their duties; and a system into which no sentiment at all enters. If a crime is particularly brutal, then the best thing to do is to fit the punishment with the crime, and see that the death penalty is imposed. Simply because people do no care to associate with the hangman is no proof that hanging is wrong. The only question we have to consider is whether the death penalty is a deterrent to crime, whether it is a protection to the public, and whether it is of assistance to the police in carrying out their duties.

MR. COLLINS: You do not seem to have read the Divine command, "Thou shalt not kill."

MR. MOORE: It is all very well to talk about "Thou shalt not kill," but this man is already killed, and, that being so, it is right that the punishment should fit the crime.

Mr. Moore.]

Mr. COLLINS: It does not follow that society should kill.

Mr. MOORE: My argument is that society should take the responsibility rather than the individual. We all know that lynching in America has become prevalent because there has been a great deal of corruption on the bench, and delays have been so long because the money power is brought to bear to get criminals off. Owing to that fact, lynch law has become a disgrace. We do not want to see it in Queensland. If the people feel that the Government are not prepared to inflict a remedy that fits the crime, the public will have to take affairs into their own hands. Hon. members admitted that in certain cases they would take the law into their own hands, because the Government were not going to do it; but that is not a right principle. The Government should uphold the law. I intend to vote against the second reading of the Bill.

Mr. FLETCHER (*Port Curtis*): I regret that the Government have brought forward this Bill, which I think is unwise and unnecessary. The Governor in Council has the right to commute the death sentence to imprisonment for life, if it is thought that the sentence is too harsh. The Minister to-night went back into the middle ages for his matter. I do not think there has ever been a speech made in introducing a Bill so weak as that made by the Minister. There was no analogy between the periods he mentioned and the present day. Personally I think that capital punishment is a deterrent to crime. I think that there are many men of a certain temperament who would be deterred from committing murder by the fear of death. It can be shown how many men have not been deterred by the death penalty, but it is impossible to say how many men have been deterred from committing murder by fear of the death penalty. There are no statistics. Their argument in this direction is futile. Some of the crimes which have been committed—for instance, the crime in Melbourne—are so abhorrent that capital punishment is the only penalty that should be inflicted. If we had "Jack the Ripper" in Queensland, for instance, would we keep him all his life in gaol mixing with other men? It would be a disgrace to do so. Seeing that the Governor in Council has the right to commute sentences under extenuating circumstances, we do not need anything more. It is a pity that the Government are making the experiment of introducing this measure.

Question—That the Bill be now read a second time—put; and the House divided:—

AYES, 33.

Mr. Barber	Mr. Kirwan
" Bulcock	" Land
" Collins	" Lacombe
" Conroy	" Mullan
" Cooper, F. A.	" Payne
" Cooper, W.	" Pease
" Coyne	" Pollock
" Dash	" Riordan
" Dunstan	" Ryan
" Ferricks	" Smith
" Foley	" Stopford
" Forde	" Theodore
" Gilday	" Weir
" Gillies	" Wellington
" Hartley	" Wilson
" Huxham	" Winstanley
" Jones, A. J.	

Tellers: Mr. Hartley and Mr. Weir.

[Mr. Moore.

NOES, 30.

Mr. Appel	Mr. Jones, J.
" Barnes, G. P.	" Kerr
" Barnes, W. H.	" King
" Bebbington	" Logan
" Bell	" Macgregor
" Brand	" Maxwell
" Cattermull	" Moore
" Clayton	" Morgan
" Corser	" Nott
" Costello	" Peterson
" Deacon	" Roberts, J. H. C.
" Edwards	" Roberts, T. H.
" Elphinstone	" Sizer
" Fletcher	" Swayne
" Green	" Taylor

Tellers: Mr. Brand and Mr. Sizer.

Resolved in the affirmative.

COMMITTEE.

(*Mr. Kirwan, Brisbane, in the chair.*)

Clauses 1 to 6, both inclusive, put and passed.

The House resumed.

The CHAIRMAN reported the Bill without amendment.

On the motion of the ATTORNEY-GENERAL—

"The third reading was made an Order of the Day for Tuesday next."

The House adjourned at 10.26 p.m.