Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

**TUESDAY, 3 OCTOBER 1922**

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## TUESDAY, 3 OCTOBER, 1922.

The SPEAKER (Hon. W. Bertram, *Maree*) took the chair at 11 a.m.

## LAND ACTS AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): This Bill, as I pointed out on the initiatory stages, is a Bill to correct some anomalies in the principal Act, and is not a contentious measure. Its object is to allow the administration of the Department of Public Lands to proceed more smoothly than in the past. Very few departures are made from the provisions of the principal Act, but the Bill contains a number of consequential amendments. It has been needed for a very long time, and, since it deals with a number of details, it is essentially a Committee Bill.

It is proposed to make a new provision with regard to the correction of errors in leases. Under the law as it stands at present the existing lease is cancelled and a fresh lease issued. Instead of doing that, where any difficulty may occur, we shall simply make a declaration by Order in Council of the corrections and simply endorse them on the lease, as is done in the case of a deed.

I think it will be agreed by hon. members that a very necessary thing for the convenience of the public as well as of the department is that a Land Court calendar should be issued as early as possible in each year. It may be said that it will be a very difficult thing to work up to it, but I would point out that the Supreme Court now issues a calendar every year, and, if the judges find that they cannot work up to it from time to time, they adjourn some of the cases to the next sittings. The same thing can be done with the Land Court calendar, if the members of the Court find that they cannot work up to their programme. I think that this alteration will be of immense convenience to the tenants of the Crown whose business will be conducted in the Court, and even if the members of the Court should not be able to deal with the whole of the business at that particular sitting, those concerned will at any rate know where they are to a far greater extent than at the present time.

Another alteration which we propose to make is the abolition of the Land Court register. At present it is provided that the Registrar shall keep a register in which shall be entered the decisions of the members of the court. The officers spend a considerable time in writing up these registers, but nobody sees them and nobody bothers about them, and, for the purpose of record, we propose to rely on minutes of the members of the Land Court, and thus save time and expense. We shall have in the minutes a record which will be equally as good as the register.

Another matter is that, when the Court is making an assessment of rents the Crown has to state to the Court and to the tenant what it considers is the number of stock that can be carried on the property in an average season. That is what the Court relies on principally in giving its decision. We are asking under this Bill that the tenant shall state what, in his opinion, is the number of stock that can be carried in an average season. That is only a fair thing, and we are not taking any advantage whatever of the tenant.

Owing to the Court having work to do in other places, as much as six months sometimes elapses before the Court can determine the value to an incoming tenant of improvements on any holding. That valuation is made by the Court on the evidence given by the original holder, by the incoming tenant, and by the Crown. The Crown, of course, makes a provisional valuation. If the other parties agree to that valuaion, the Court fixes it at that; but, if either of the other parties disagrees, the matter has to come before the Court, and very often a considerable time elapses before the Court can determine what the valuation is. As it is a matter only of taking evidence and giving a decision on that evidence, in order to expedite the settlement of land it is proposed that a police magistrate shall be capable, when appointed by the Minister, of determining what is the valuation. He does it in the case of local authorities, and I believe that he could do it equally as well in a case of this kind. Of course, there will be the same right of appeal from the decision of the police magistrate to the Land Appeal Court as there now is from one member of the Court to the Land Appeal Court.

We are suffering a very great loss owing to the incursion of marsupials and rabbits—but more particularly dingoes. A lot of sheep country is lying idle or has been turned into cattle country which, at the present time and for some time past, has not been so profitable to the holders or to the country generally as it would be if it were carrying sheep. We are now proposing that the Crown shall have the right, in its opening notification, to state whether the land shall be enclosed by marsupial netting, by marsupial netting and rabbit netting, or by rabbit netting alone. By agreeing to that nobody will suffer much, but there will be a great gain to the community generally. The Crown is prepared to assist in every possible way in having this netting erected. I know that in the west of Queensland a lot of country that was under sheep is now lying waste, or only carrying a few head of cattle. In a bad season sheep would last far longer on that country than cattle, and it will be a good thing to have this provision included in the Act.

We have had a considerable amount of trouble in the past in connection with preferential pastoral holdings. A lot of large areas, more especially in the Gulf country, were taken up one time as preferential pastoral holdings. The object of allowing holdings of that class was to enable the small man with a certain number of stock to take up a fairly large area of land. We gave preference in those cases to anybody who was agreeable to reside on the land; but we have found from experience that a number of people have taken up those preferential pastoral leases for the purpose of letting them out on agistment to somebody who was more unfortunate than they were. People had to seek grass or water, or both, and they had to obtain succour, and these preferential pastoral leases were let on agistment to them. We are asking, under the

Bill, to have preferential pastoral lessees put on the same footing as grazing selections. That is fair. When those persons took up the preferential pastoral leases they assured the Crown that they took them up in their own interests; but if a person takes up land for the purpose of letting it out on agistment, it cannot be asserted that he took it up in his own interests. He is exploiting the Crown. If anybody should benefit from anything of that kind, it should be the community, and the community can only get it through the Crown.

Mr VOWLES: Do not the lessees have to get the permission of the Minister before they can let the land on agistment?

The SECRETARY FOR PUBLIC LANDS: The grazing selector has to get permission, but the preferential pastoral lessee has not.

Mr. CORSER: You are proposing to place them on the same footing as grazing selectors.

The SECRETARY FOR PUBLIC LANDS: Yes; they can let the land on agistment for six months in the year, but after that they must get the consent of the Minister or the Land Court.

As the law stands at the present time, joint holders of grazing homesteads cannot transfer their interests or rights until the termination of their lease. We are providing in the Bill that, after the first five years, either of the joint tenants can, with the permission of the Crown, transfer his interest to the other joint tenant, and later on that other joint tenant, if he so desires—with the permission of the Crown—can transfer his right to somebody else. As the law stands at the present time, a joint tenant cannot transfer any right, title, or interest he has in any selection to anybody else until the termination of the lease, which may be for twenty-eight years. We know that, as a rule, joint tenants do not agree for twenty-eight years. There are a number of reasons why they should not agree and why they do not agree, and the outcome is that there is a considerable amount of trouble. We want to remove that trouble as far as possible by allowing a transfer from one joint tenant to another after a period of five years' residence.

Just about the time when the war started, a number of aliens took up land. The law provided that within five years they had to become naturalised, otherwise they would forfeit their rights in that land. Hon. members know that a number of Commonwealth regulations were issued which prevented some of those aliens who happened to be of enemy origin from becoming naturalised. It was not their fault that they did not become naturalised and become possessors of that land. Some of these aliens have mortgaged their land to the State Advances Corporation. The Crown has not disturbed them in any way. Those aliens have proved to be very good settlers, and we are now seeking in the Bill to give them a further extension of five years to enable them to become naturalised.

The closing of roads may appear only a small thing, but it means a very considerable expense to the department. When it is intended to close any road a notice must be published in the "Gazette" for a number of issues and also published in the local newspaper. We are proposing under this Bill that it shall only be necessary to publish the notice once in the "Gazette," to post the notice on the road which it is proposed to close for two months prior to the date of closing, and to publish it once in a newspaper circulating in the district.

Under the Discharged Soldiers' Settlement Act, where the Crown purchased land for the settlement of soldiers, the law provided that whatever interest was paid by the Crown should be the rate of interest to be paid by the discharged soldier settler. Under that Act the cost of improvements was also included in the capital value of the land—that is to say, whatever the improvements cost the amount would be added to the capital value of the land. Under this Bill we are separating the two things, and are giving a great amount of relief to the returned soldier. The interest payable by the Crown in such cases is about £5 17s. 6d. per cent. Money was dear at that time, but it is not fair to ask the soldiers now or later on, when money is cheaper, to pay that higher rate, and, therefore, we are now proposing that they shall pay 3 per cent. on the improved capital value. We also propose to charge the full interest on the cost of clearing such land to make it fit for agriculture. In this connection I might refer to the Atherton lands, where the value of the improvements was added to the capital value of the land. We are now separating the two, and charging the full interest on the cost of clearing the land to make it fit for agriculture.

Hon. members will readily understand that it is most difficult, if not impossible, for a Crown lands ranger to put his finger on any piece of land in the State, outside the thickly-infested areas, where the prickly-pear is spreading. Isolated patches of pear have appeared from time to time, and they have spread to some extent before being discovered by the Crown lands rangers, because a Crown lands ranger, when inspecting a run, cannot be expected to see every portion of the land, and, in order that we may be able to cope with the spread of pear in clean country, we are requiring the Crown tenants to furnish a return to the Land Commissioner for their district regarding infestation of their land by pear.

In connection with a late tenant's rights on expiration of his lease up till now we could only deal with the portion of land that the tenant held. It very often happened that two adjoining tenants held, say, 15,000 acres each, while 10,000 acres are a living area in sheep country.

Mr. COSTELLO: Who decides what is a living area?

The SECRETARY FOR PUBLIC LANDS: Of course that will be determined by the Land Court or by the department. These adjoining blocks of 15,000 acres each, make a total of 30,000 acres, and, when the lease expired, we could only deal with one of those portions. We are now making provision to deal with the two portions, and, instead of having two Crown tenants holding 15,000 acres each, we shall have three tenants each holding 10,000 acres.

We also propose to repeal section 86A of the principal Act. That section allows selectors to defer the performance of the condition of personal residence for two years. That has worked out very badly, because some selectors have practically entered into possession and let the land on agistment to somebody else for the two years, and at the end

of the two years have left the land altogether. Very likely the land became infested with pear in the meantime, and no one made any effort to cope with it. The Crown had no authority to deal with it. We want power to deal with that position now, so as to make the selector enter into possession within six months, the value of the improvements being determined by the Land Court.

We are also dealing with flooded areas. We have had a number of instances where Crown tenants have taken up land in what turned out to be flooded areas. We are proposing under the Bill, notwithstanding that they may have taken up the whole of the area which they could hold in the district, to meet these settlers by giving them an area of land—it may be a small area, but we shall have the power to give them an area of land that is not subject to flood.

In connection with the amendment of the Closer Settlement Act, we want greater freedom in the department to deal with land resumption. Take, for instance, the Burnett lands at the present time. There are a number of freeholds scattered throughout that large area. If the Crown did not have the right to resume these freehold areas it would interfere considerably with the matter of designing the land for settlement. All that we are asking under the Bill is to have better facilities for resumption under the Closer Settlement Act.

With regard to Jimbour, I have already explained to hon. members that all that can be done under the Jimbour Selections Act has now been done. All advantage has been taken of the Act by the tenants and there is no further use for it, and in order not to encumber the statute-book we propose to strike it out of the Act.

With regard to the latter portion of the Bill, all we are asking there is, as I have explained on a previous occasion, that the House should ratify what has been done by the department in giving relief to settlers. The Bill is purely a Committee measure and can be dealt with fully in Committee. I have very much pleasure in moving—

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

Mr. VOWLES (*Dalby*): I quite agree with the Minister that this is a purely Committee Bill. There are many clauses dealing with the practice under the principal Act and its amendments which have been found to be imperfect, and these imperfections are being remedied. The Minister has explained some of the new principles to us; but there are some very important matters which he has not touched on at all and on which I would like a good deal of information when we get into Committee. One is with regard to the first matter he referred to—errors in existing leases. It seems rather remarkable that we do not adopt the practice in operation in the Real Property Office with regard to deeds, and, where an alteration or amendment is necessary, have it dealt with by endorsement on the deed. It would save a good deal of trouble to the department and obviate a good deal of inconvenience to the lessees.

With regard to the Land Court calendar, I think it is a pity that we do not know a good deal further ahead when the Land Court is going to sit. All we know in the country is that it is going to sit so many times during the year, possibly in a certain month, and it is very hard to make arrangements. When you have to bring witnesses long distances, and there are long delays in coming in to consult legal advisers, the lessees and witnesses should be saved expense as much as possible.

Dealing with the question of the carrying capacity of the land it is set out in the Bill that the carrying capacity is to be determined on the number of stock that the holding may be reasonably expected to carry. I do not think that is a reasonable interpretation. We often find, when these cases come into the Land Court, that there is a very great disparity between evidence that is given by the Crown and the evidence that is given by the lessee. I have had a good deal of experience in connection with land legislation and administration, and I contend that the imaginary carrying capacity which is always mentioned by officers of the Crown is an inequitable way of arriving at it. They work on a scientific basis by which they bring about what is popularly known in the country as the irreducible minimum. The Crown will bring forward evidence of inspection, and will tell the Court what, in the opinion of the Crown, the land is capable of carrying. That evidence is invariably accepted by the Court, notwithstanding the fact that the selector is able to show what the land has actually carried over a number of seasons. The high rents which selectors have to pay in Queensland is mostly the result of the scientific principle for getting at the carrying capacity which is evolved in the head office. That system works out to the detriment of the selector.

The SECRETARY FOR PUBLIC LANDS: That was decided by Parliament.

Mr. VOWLES: It was not decided by Parliament how to arrive at a basis.

The SECRETARY FOR PUBLIC LANDS: Yes, yes; it is in the principal Act.

Mr. VOWLES: It is only within the last few years that instructions have gone out to the various Crown lands rangers and assessors as to how they are to interpret that portion of the Act. They interpret it in a way which can have only one result, and that is to the advantage of the Crown. I have had a lot to do with these matters, and I know that that is the way that this scientific valuation works out.

This Bill deals with improvements. It is highly desirable that that matter should be dealt with quickly. I do not know why the department should have recourse to a police magistrate, because I think the Land Commissioner is more competent to deal with the matter.

The SECRETARY FOR PUBLIC LANDS: The Land Commissioner would be sitting on his own previous determination.

Mr. VOWLES: The Land Commissioner does not make the valuation. The Crown lands ranger makes the valuation.

The SECRETARY FOR PUBLIC LANDS: The Commissioner has to confirm it or otherwise, so it is really his determination.

Mr. VOWLES: Are we to understand that the ranger goes into the box and gives evidence, and that it is not his own opinion at all, but the opinion arrived at as a result

of consultation with the Land Commissioner? The Commissioner probably has never inspected the land.

The SECRETARY FOR PUBLIC LANDS: The valuation must be agreed to by the Commissioner. He may accept the valuation of the ranger, or he may make it less or more, but he must determine it.

Mr. VOWLES: Where the Crown is involved I think that the Land Court should determine the valuation.

The SECRETARY FOR PUBLIC LANDS: Then you will delay settlement.

Mr. BRENNAN: Look at the time that will be wasted waiting for the Court.

Mr. VOWLES: Matters could be remitted to Brisbane or some central place.

The SPEAKER: Order! The hon. gentleman is dealing with matters that would be better brought up in Committee.

Mr. VOWLES: I am dealing with a principle. The Bill provides for a police magistrate, and I say that these matters should be dealt with by the Land Court. You will have one set of witnesses giving evidence about the value of all classes of improvements, such as bores, tanks, fencing, etc., and we shall have another class of witnesses giving exactly opposite evidence. How is a police magistrate who is not an expert in these matters to decide which is right? With the Land Commissioner it is different. He understands all these things because he has come up from the ranks. He has been through the mill. He understands all about timber measurements, and he understands quantities, and, having been a ranger, he understands all about the land, and he should be more competent to decide matters of that sort. The question I am most concerned about is how the land is going to be occupied by the selector. Is the department going to make provision to bring back land that has gone out of sheep and cattle into more profitable use? It is all very well to say that they may not have to do these things; but, if they are called upon to do them—if, for instance, they are required to surround their land with various kinds of wire-netting—where is the money coming from in many cases? I know very well that a little while back wire-netting was very difficult to get.

The SECRETARY FOR PUBLIC LANDS: It has now come down in price.

Mr. VOWLES: The Minister did not give us any explanation of the amendment of section 50 with reference to prickly-pear selections, but I hope that he will do so at a later stage. I approve of the principle contained in clause 14 amending
[11.30 a.m.] section 62 with reference to the holding of land by aliens, because I think that those men who were debarred from becoming naturalised should now have the opportunity of doing so, and should not be prejudiced by the fact that the Commonwealth has postponed or has not dealt with such applications.

The Minister did not refer to the clause amending section 98A, which was introduced into the principal Act a few years ago. That section provided that certain agricultural farmers should have the option of converting their holdings into perpetual leasehold or of applying for an extension of their leases for a further period on certain conditions. I would like to know from the Minister whether, when those extensions were granted, the tenant was called upon to pay only one-twentieth of the rent in each year of the extra term of the lease, instead of one-tenth, as the Bill proposes.

The SECRETARY FOR PUBLIC LANDS: They used to pay one-twentieth.

Mr. VOWLES: Were the leases not taken up on the understanding that they would pay one-twentieth, instead of one-tenth?

The SECRETARY FOR PUBLIC LANDS: They have had it for twenty years.

Mr. VOWLES: I know they have, and they got extensions for so many years on a certain consideration. They are supposed to keep the land clear of pests and noxious weeds. The Crown distinctly told them that they could have the land on payment of one-twentieth of the purchasing price in each year, and they settled on the land or remained on it on the understanding that that was all they would have to pay. If a mistake has been made by Parliament, why should the tenants suffer?

The SECRETARY FOR PUBLIC LANDS: They would have to pay the balance in any case.

Mr. VOWLES: At the end of the term. I do not know how it is going to work out, because at the end of a term a tenant might be satisfied not to pay the balance. In any case, the selectors selected the land on the thorough understanding that the outlay would be a certain figure, and now we propose to double it. This may be regarded by some tenants as repudiation. I understand that it was not done in that spirit, but simply to overcome an anomaly or correct a mistake which was made. The fact is that the bargain was made, and, if anybody is to blame, it is Parliament and not the tenant.

At. 11.35 a.m.,

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

Mr. VOWLES: I agree with the provision which requires each Crown tenant in certain areas to furnish to the Lands Commissioner a return each year showing the condition of the holding as to prickly-pear. I remember that more than twenty years ago I suggested to the then hon. member for Dalby, the late Hon. J. T. Bell, that banks and financial institutions had their inspectors periodically reporting on the value of their assets, but that the Crown did nothing of the kind. I pointed out that very valuable lands had to my knowledge been allowed to deteriorate, although, if the prickly-pear had been kept in check, they could have been selected at reasonable prices. That land was afterwards thrown open for selection, but was not taken up because the Crown wanted fancy prices; and later on it was thrown open with a bonus, but it was not selected. Somebody should have inspected that land from time to time, and I agree that one of the duties of the Crown tenant should be to report on the Crown assets and how he is getting on with his country and what depreciation is taking place.

I do not agree that the amendments in the Discharged Soldiers' Settlement Acts are as simple as they look. Greater powers are being asked for, which are not to be quite so much for the benefit of the tenant as

appears on the face of it. However, I would like some further explanation from the Minister on that point.

I agree that there is no further need for the Jimbour Selections Act, and that it can now be repealed.

I think the Minister did not touch upon a few other matters; but I do not propose to waste time at this stage, because they can all be dealt with in Committee. Taking the Bill as a whole, I think it contains many principles which will be advantageous to the selector and for the improvement of the land laws of Queensland, and I shall reserve any further criticism till the Committee stage.

Mr. CORSER (*Burnett*): As stated by the Minister, this Bill is really a Committee Bill. I regret that amendments which have been advocated from time to time by members on this side of the House are not included in it. However, we have to take the measure as we find it.

I notice that the Bill proposes to require a lessee of a holding to furnish certain information to the Court. I have very good reason for opposing such a provision as that, which I think is disadvantageous to the lessee. However, we can deal thoroughly with that in Committee.

I am not averse to a police magistrate discharging the duties of the Land Court in certain cases, because very often the Court is so bad that a police magistrate cannot make the position any worse, although I do not agree that he should act in cases where the Crown is a party.

I notice that under section 8 certain duties are to devolve on the selector as to enclosing land with rabbit-proof and marsupial-proof fencing, and that "any other improvements whatsoever" shall be made within a specified time. I do not complain so much about the first condition, but I do object to the Crown having the right to say what improvements the selector shall place on his selection. It is practically the same provision as was contained in the Unemployed Workers Insurance Bill. It means that the Crown can compel a man to go on with certain tanks or other improvements which he is not in a financial position to make. I think too much power is given to the Crown in that direction, as in too many of the other Bills which we have had before us.

I do not take exception to the provision with reference to the forfeiture of pastoral holdings. I contend that they should be used by the lessees to their own advantage, and, if they have not done that for a period of two years, they should be thrown open to those unfortunate men who are looking for land.

From what I can understand, the alteration with regard to prickly-pear selections and prickly-pear perpetual leases is made to avoid an anomaly and prevent a selector acquiring a double area of 2,560 acres in any one area.

There is a provision to make legal the imposition of personal residence conditions when opening land under perpetual lease selection. I think that is a hardship. Although selections have been taken up under those conditions, there was no provision in the Act to compel selection under those conditions. I quite agree with the Minister that where a selection is held jointly, in the event of one of the joint tenants wanting to sell, there is no reason why he should not be allowed to sell. Where two adjoining grazing farms are cut into three, a portion of each comprising the middle one, and both the holders desire to exercise their prior right to that area, the Minister should adjudicate and decide what is the best course to pursue in the interests of the State. There are other amendments in that direction affecting the lessee who wishes to acquire a grazing farm under his priority right.

I notice that, where the Crown want to add certain Crown lands that are outside existing conditions, they are going to allow the lessee to exercise any priority he may possess even in regard to those lands.

The provision requiring a selector of a grazing selection to take up his residence and start his improvements six months after he receives his occupation license is a hard one. In the past there was no necessity for him to complete the residence conditions for two years.

The existing provision in regard to the assessment of perpetual lease selections is that they may be assessed every fifteen years, at the will of the Minister or of the lessee. I suppose, if neither applies for an assessment there will be no reassessment. Now, as in the case of grazing farms, the Court will take it on and, I expect, publish in its calendar the dates when such reassessments shall be held.

As the leader of the Opposition pointed out, it is absolutely essential that Crown tenants should furnish a report relating to the conditions of their holdings with regard to prickly-pear. Nobody can have any sympathy with the selector who tries to hide from the Crown the possibilities of the spread of pear, particularly where it occurs in isolated patches. The Department of Public Lands can, under the Act, assist selectors to take steps to eradicate the pear.

The provision enabling the lessee of land to make up a maximum area is a good one. Where there is no possibility of a site for a home being provided on the river bank, a selector will be enabled to acquire a 10-acre block, and, by living on it, satisfy the conditions of personal residence attaching to his selection.

I am not altogether in agreement with the Minister in his desire to secure certain lands for resumption—such, for instance, as the freeholds in the Upper Burnett. At the present time the Minister cannot enforce the resumption of freeholds under a value of £20,000. I do not know that it is altogether right to give to the Minister the power proposed, in an area like the Upper Burnett, where people have gone ahead of railway construction and have acquired 500 acres or 1,000 acres. Why should we, in such a case, give to the Crown the right to seize that land?

The SECRETARY FOR PUBLIC LANDS: They will get compensation.

Mr. CORSER: The Crown has the right to negotiate the purchase, but the Government want to give the Crown the right to determine the value. I think the value, to a great extent, is known best by the man who holds that land. I do not think that is a safe provision to make.

The SECRETARY FOR MINES: Are there many 500-acre selections in the Northern Burnett?

Mr. CORSER: Any number of them. Quite a lot of land was taken up many years

ago. I do not know that the soldier settlement conditions are going to be improved to any extent. There is something in the contention of the Minister that we should not for all time apply to all selections the condition of preference to returned soldiers. There are growing up young lads who were never permitted to go to the war. Why should we prevent them coming in and getting a decent block? The prior right of selecting any block which is open under agricultural farm conditions is to be done away with, but there is to be a continuance of the system that certain areas shall be reserved. I think all soldiers will agree that, whilst they have not secured the lands they required, still they have exercised the right of preference in regard to some land and have been debarred from taking up any other area. The Minister is given power—and rightly so—in the event of a soldier leaving his orchard, to take possession of it, sell it, and give any balance to the soldier.

There is quite a lot of good clauses in the Bill and a few very nasty ones. I shall reserve for the Committee stage any further remarks I have to make.

Mr. KERR (*Enoggera*): I appreciate the statement made by the Minister that, where a soldier who has taken up any repurchased land has to pay interest from the date on which he goes upon such land, it shall be at the reduced rate of 3 per cent.

The SECRETARY FOR PUBLIC LANDS: That is on the capital value of the land—not on the improvements.

Mr. KERR: I understand that the only improvement is the clearing of the land. I hope there will be a concession in that direction. Any money that has been paid will be credited to the individual concerned. The principal Act provides that a peppercorn rental shall be paid during the first three years, if demanded. According to the Bill, it is the intention to repeal that clause and to charge 3 per cent. interest on such Crown lands.

The SECRETARY FOR PUBLIC LANDS: Not on Crown lands.

Mr. KERR: I cannot see any reason why the Bill should provide for the repeal of that section. If it is not the intention to charge 3 per cent., then that should be very clearly stated.

The SECRETARY FOR PUBLIC LANDS: The 3 per cent. will not be charged.

Mr. KERR: Is it the intention to charge only a peppercorn rental, if demanded, for the first three years?

The SECRETARY FOR PUBLIC LANDS: That is so.

Mr. KERR: I would like to compare the land tenure in Queensland with the other States. In South Australia they have perpetual lease and freehold. The first year's rental on repurchased land is nil. This Government want to charge 3 per cent.

The SECRETARY FOR PUBLIC LANDS: We are charging nothing for the first three years.

Mr. KERR: I am talking about repurchased lands—not Crown lands. For the second year the rate is 2½ per cent., and increases as the years go on. With regard to Crown lands, they pay nothing in South Australia for the first four years, and from the fourth year up to the tenth year they only pay 2 per cent. In Queensland exemption is only granted for three years. On the irrigated areas in South Australia the soldier settlers have been so successful that they have not only paid off their interest and redemption, but they have cleared off the total capital value of the land.

The SECRETARY FOR PUBLIC LANDS: There is nothing in this Bill dealing with that question.

Mr. KERR: In South Australia no rent is paid for the first year on irrigated areas. After twelve months a title deed is issued. In Tasmania they pay no Government or municipal rates and taxes on the land for four years from the date of occupation.

The DEPUTY SPEAKER: Order! I hope the hon. gentleman is not going to carry on a long debate on the question of soldier settlement generally. He may quote other States so far as his argument is applicable to this Bill.

Mr. KERR: I am referring to some of the benefits in the other States. It is now provided that the repurchased land which was repurchased with money obtained from the Commonwealth shall be thrown open to everybody in the community, and will not be confined to soldier applicants. I agree with that entirely. The hon. member for Logan, on the 6th July, obtained information from the Minister to the effect that there were 133 vacant blocks of repurchased land that had once been occupied by soldier settlers. He also obtained information to the effect that at that date there were 299 vacant blocks on repurchased soldier settlements that were unoccupied. We are paying interest on the money obtained from the Commonwealth which was used to repurchase those blocks, many of which have been surveyed. The hon. member for Logan also obtained information to the effect that ten of those unoccupied blocks had been occupied by persons other than returned soldiers. The State has been expending a considerable amount of its revenue in paying interest on the money involved in those unoccupied blocks. I understand that on every £1,000,000 advanced by the Commonwealth Government the State is allowed a rebate of £25,000 from the interest payable. I do not know whether that will be allowed if persons other than soldiers are permitted to take up these blocks. In South Australia the soldier settlements have been very successful. The same cannot be said of Queensland. They have not been a success because of bad administration and the bad quality of the land. I can refer to the Coominya settlement as an example. A lot of the trouble has been caused on that settlement by bad management.

The SECRETARY FOR PUBLIC LANDS: The hon. gentleman could have assisted the Land Settlement Committee to put the matter right.

Mr. KERR: I am not going to be sidetracked by that sort of argument. It is no good telling me that a body of men who meet for about one hour every week or fortnight should shoulder the whole of the responsibility. It is inconceivable that the whole responsibility should be placed on the shoulders of the Land Settlement Committee. Quite recently the Minister had his department reorganised with regard to those settlements, with the idea of getting things done in the right way.

Mr. MORGAN (*Murilla*): I am very sorry that I was not able to be here this morning to hear the explanation of the Minister when moving the second reading of this Bill. There is one important matter in regard to which I would like an explanation [12 noon] from the Minister, and that is in respect of the repeal of the words "perpetual lease prickly-pear selections" throughout the Act. I understand that it is the intention of the Government to open up prickly-pear lands to selection for different periods, that is to say, leases may be granted for prickly-pear land for twenty-one years, forty years, or in perpetuity.

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. MORGAN: If that is so, how will the leases be defined?

The SECRETARY FOR PUBLIC LANDS: They will be on different tenures.

Mr. MORGAN: When a lease is given for all time, will it be called a perpetual lease?

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. MORGAN: I understood that it was the intention to abolish that term. I quite agree that the Minister should have the right to open up prickly-pear lands for selection for ten, fifteen, twenty years, or any other period he so desires, but I am sorry there is nothing in this Bill to give the Minister power to grant occupation licenses for a period of five or seven years. The Minister must admit that the present tenure in connection with occupation licenses is very insecure. They may be cancelled on twenty-one days' notice. At the present time an area of 20 square miles of country may be cut up into 1,280-acre blocks, and, if those blocks are not selected a man may hold the 20 square miles under occupation license. Owing to the drought conditions operating at the present time in the West, it is quite possible that one of the 1,280-acre blocks containing the only water available may be selected by some speculator or blackmailer for the purpose of getting a concession from the person who holds the land under an occupation license. Many instances have come under my notice where 20,000 square miles of country may contain one block with good water, and that portion has been opened for selection as a prickly-pear selection. The incoming tenant pays a survey fee of £20 or £25, and it is taken away from the person who has held the land under occupation license for four or five years as a reserve against a drought period. The consequence is that the rest of the land held under occupation license is useless.

The SECRETARY FOR PUBLIC LANDS: If the man holding the land under occupation license wants a lease for five or six years, he can get it.

Mr. MORGAN: In such a case as that, will the Bill give the Minister power to grant an occupation license?

The SECRETARY FOR PUBLIC LANDS: Not an occupation license for five years—a lease for five years.

Mr. MORGAN: Would the lease carry the usual prickly-pear clearing conditions? That is important. At the present time many areas of land held under occupation license are so heavily infested with pear that, if the pear clearing conditions were imposed in any lease, it would be quite useless to the person at present holding the land. The Minister should have power to lease prickly-pear lands for a period of five or ten years, and he should also have the right to do away with the prickly-pear clearing conditions in such cases. That is the lease we have been looking forward to for some considerable time. We want security of tenure.

The SECRETARY FOR PUBLIC LANDS: The Bill does not affect that position at all.

Mr. MORGAN: I am very sorry that an amendment has not been introduced to bring about a better tenure in regard to occupation licenses.

At the present time a person who has a lease in what is known as the prickly-pear area may make application to the Minister, when his lease is about to expire, for an extension of his lease. That person may have proved an exceptionally good tenant for the Crown, and have prevented the pear from spreading. The Minister has refused him the right to go to the Land Court if he so desires, and I would like to see a clause included in the Bill to give him the right to apply to the Land Court for an extension of his lease.

The SECRETARY FOR PUBLIC LANDS: What you are talking about is altogether foreign to the Bill.

Mr. MORGAN: It is not what is in the Bill, but what is not in the Bill that I object to.

The SECRETARY FOR PUBLIC LANDS: We shall be introducing a consolidating measure in the near future.

Mr. MORGAN: Since the 1910 Act was passed it has been amended about eleven times, and the time has arrived when a consolidating Bill should be placed before us for consideration. There are many amendments necessary in order to bring about settlement in Queensland.

One thing that we have to regret at the present time is that the lands of Queensland are not being settled. In the annual report of the Department of Public Lands which we have just received it is stated that settlement is decreasing year after year. That shows that there is something wrong with regard to the conditions under which land may be selected, and that being so, the time is ripe when the conditions should be altered

Clause 8 provides that land must be enclosed with a marsupial-proof fence.

The SECRETARY FOR PUBLIC LANDS: Not "must," it "may be."

Mr. MORGAN: Unless the Government are prepared to supply netting to the settler it means that only those who are in good financial circumstances will be able to take up land under these conditions.

The SECRETARY FOR PUBLIC LANDS: I will explain that clause in Committee.

Mr. MORGAN: If the Government are prepared to allow selectors to get netting from the Government, it will be of great assistance.

The SECRETARY FOR PUBLIC LANDS: They can get it now.

Mr. MORGAN: Only in limited quantities. It would be ruinous to those who go on the land to purchase netting at the present exorbitant prices.

Generally speaking, I have no opposition to offer to the Bill. The only thing I regret is that we are not dealing with a consolidating Bill, containing provisions that would

make the conditions easier for people from other countries and our own people who go on the land.

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

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1 to 5, both inclusive, put and passed.

Clause 6—"Amendment of section 29—*Assessment of rent, compensation, etc.*"—

Mr. CORSER (*Burnett*): I must enter a protest against this clause, because I do not believe in it. I understand that the Minister explained that it was really to place the lessee and the Crown on the same footing, as a lessee can go to the Land Court to-day and secure information as to the Crown estimate of the carrying capacity of the run, while he himself has not to provide it. I have made such an application myself, and I can state that such information is denied to the lessee. I understood the Minister to say that I was informed by the Land Court, when refusing my application, that a solicitor named Tully in Rockhampton in 1911 made a similar application to the Land Court, and it was refused. Certain members of the Land Court have given the lessee to understand just previous to the hearing of this case that there was no necessity for him to give his estimate to the Court. But we are now going to compel the lessee to state his opinion of the carrying capacity, although he cannot get the information from the Land Court that the Minister says he can.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): The hon. member is entirely wrong. Paragraph (iii.) of section 29 of the principal Act reads—

> "Any party to any proceeding to which this section relates——"

That is with regard to the assessment of rent.

> " after he has furnished his valuation or claim, shall have the right to inspect and take a copy of any valuation or claim furnished to the Court for the purposes of the proceeding."

Mr. CORSER (*Burnett*): The words are—

> " after he has furnished his valuation or claim, shall have the right to inspect and take a copy of any valuation or claim furnished to the Court for the purposes of the proceedings."

That is, a copy of any valuation or claim with regard to the carrying capacity of the run.

The SECRETARY FOR PUBLIC LANDS: A report as to the valuation.

Mr. CORSER: A report as to the increased rental. I think the Minister will find that that is so.

The SECRETARY FOR PUBLIC LANDS: Has the hon. member read paragraph (i.)?

Mr. CORSER: Yes. That paragraph reads—

> " If the Crown is a party, the Minister shall furnish to the Court a report and a valuation with respect to the land or improvements or other matter for which the rent or money is to be paid made by the Commissioner or some other person."

That is quite a different thing. Under paragraph (iii.) the Court asks the lessee to inform the registrar what he claims to be a fair rental of the holding. The Court then supplies to the lessee its estimate of what it considers a fair rental. Paragraph (iii.) provides that the lessee may procure a copy of any valuation or claim furnished to the Court, but applications for copies have been refused. I have made application myself and have been turned down. The members of the Land Court claim that the Act does not permit them to give it to you. They tell you that Mr. Tully, a solicitor, made an application in Rockhampton in 1911 and another application was made in the Central West, and they were refused. There is no provision in the direction the Minister indicates.

Clause 6 put and passed.

Clause 7—"*Amendment of section 31: Jurisdiction of one member of Land Court*"—put and passed.

Clause 8—"*Amendment of section 40: Opening of land for pastoral lease and withdrawing same*"—

Mr. MORGAN (*Murilla*): The Minister promised to explain the provision with regard to wire netting.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): In my speech on the second reading I pointed out that it was well known that we had country lying waste to-day, or perhaps carrying a few head of cattle, which should be carrying a large number of sheep. We have provided that there may be a group enclosure covering, say, from 130 to 150 square miles, and the lessees within the enclosure are to be allowed to destroy the dingoes. By doing that they will be able to reconvert their land to sheep-carrying country. Then again, where marsupial and rabbit netting have been erected, we want to have power when we open that land—whether it is a group enclosure or not, or whether the fence forms the boundaries of the portions we are throwing open—to make it a condition of the lease that the person successful in getting the land shall keep the netting in perfect condition during the term of the lease. The hon. member knows that that provision will not impose any hardship on the lessees. We are doing it to save good country for sheep-farming instead of having a few cattle running on it.

Clause 8 put and passed.

Clause 9—"*Amendment of section 43: Conditions in leases*"—

Mr. CORSER (*Burnett*): I understand that the clause merely makes provision for three classes of holdings, so that the maximum area of 2,560 acres cannot be held in two classes as obtains at the present time.

Clause put and passed.

Clauses 10 and 11 put and passed.

Clause 12—"*Amendment of section 54—Requisites of the notification*"—

Mr. CORSER (*Burnett*): This clause is going to impose a hardship that the law does not permit at the present time. It is going to impose the condition of personal residence on perpetual leases. That is not provided for to-day. This is going to make the conditions harder, as the Act does not provide for it now.

Clause put and passed.

Clause 13—"*Amendment of section 60—Joint ownership*"—put and passed.

Clause 14—"*Amendment of section* 62—*Aliens*"—

Mr. MORGAN (*Murilla*): This clause provides that, where an alien has applied for naturalisation and his application has been postponed by the Commonwealth, a further period of five years is allowed for.

The SECRETARY FOR PUBLIC LANDS: Yes. I explained that fully on the second reading.

Mr. MORGAN: During the war period the men were prevented from getting naturalised.

The SECRETARY FOR PUBLIC LANDS: Yes.

Clause put and passed.

Clause 15—"*Amendment of section* 66—*Applications*"—put and passed.

Clause 16—"*Repeal of section* 71A—*Priority to Discharged Soldiers and Men on Active Service*"—

Mr. VOWLES (*Dalby*): I understand that the repeal of this clause does away with priority to returned soldiers.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): We think that the time is now arrived when priority to discharged soldiers in connection with our ordinary forms of land settlement should be done away with. There were a lot of men who were too old to go to the war as well as numbers of boys fourteen and fifteen years of age who could not go to the war, and we think it is only right they should have some say in the matter now. It was quite right that priority should be given to returned soldiers at the time it was given, but we think that priority to soldiers so far as agricultural forms of selection are concerned should now be wiped out. When land is acquired for purpose of soldier settlement, then, of course, the soldiers will have priority. Such land can be acquired at any time.

Mr. CORSER: You still have the right to select certain areas for soldier settlement.

The SECRETARY FOR PUBLIC LANDS: Yes. We will adhere to that right as long as we can; but in regard to general priority we think it is a thing that should be wiped out.

Clause 16 put and passed.

Clause 17—"*Amendment of section* 72—*Right to select by late lessee of pastoral holding or grazing selection*"—put and passed.

Clause 18—"*Amendment of section* 78—*Conditions of improvements*"—

Mr. CORSER (*Burnett*): I think that this clause is hard on the selectors. It provides for the making of improvements, and states that, having commenced the same, progress shall be made to the satisfaction of the Minister.

The SECRETARY FOR PUBLIC LANDS: There is nothing in that.

Mr. CORSER: They have to keep on going. It is all right so long as times are not too bad.

Clause put and passed.

Clauses 19 and 20 put and passed.

Clause 21—"*Repeal of* 86A—*When personal residence to be begun in certain cases*"—

Mr. MORGAN (*Murilla*): Will the Minister explain why section 86A is being repealed?

The SECRETARY FOR PUBLIC LANDS: I explained it very fully on the second reading.

Mr. MORGAN: I am sorry I was not here.

Clause 21 put and passed.

Clause 22—"*Amendment of section* 93A—*Powers of the Minister in war time*—put and passed.

Clause 23—"*Amendment of section* 98A—*Conversion of agricultural farms into perpetual leases*"—

Mr. VOWLES (*Dalby*): There was evidently a mistake made when the Government amended this section of the principal Act. I do not know how these mistakes occur. Is it not caused by rushing legislation too much? Sufficient time is not given for mature consideration in amending important Acts such as the Land Acts. We on this side are always complaining about it. A mistake has been made here, and it has now to be amended. In the original Act a selector taking up a perpetual lease had to pay annually one-twentieth of the rental previously charged. Now we propose to make it one-tenth. That means that he will have to pay double the rent he had to pay before. If anyone made a mistake, it was not the selector who took up the land on a definite basis. This is repudiation, and may be regarded as such. It only applies to certain classes of agricultural selection.

The SECRETARY FOR PUBLIC LANDS: That is right—to agricultural selection.

Mr. VOWLES: The selectors under that system of selection have been misled. It is not their fault, but the fault of Parliament.

Clause 23 put and passed.

Clause 24—"*Amendment of section* 104—*Perpetual lease selections*"—

Mr. CORSER (*Burnett*): Section 104 provides that the Court will make a determination of the rent for each period of fifteen years upon the application of the lessee or the Minister.

The SECRETARY FOR PUBLIC LANDS: We want to alter that.

Mr. CORSER: The clause is bringing the method of determination into line with the method adopted in connection with grazing selections.

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. VOWLES: Will it be retrospective?

The SECRETARY FOR PUBLIC LANDS: No. It is for the future.

Clause 24 put and passed.

Clause 25—"*Amendment of section* 109—*Lease of grazing selection*"—

Mr. CORSER (*Burnett*): Under the principal Act grazing farmers can take up a portion of their selections for the next period, but the amendment imposes a condition of residence. Somebody has to occupy it.

The SECRETARY FOR PUBLIC LANDS: Not personal residence.

Mr. CORSER: Not personal residence, but some kind of residence. That is not a condition that applies to grazing farms to day.

The SECRETARY FOR PUBLIC LANDS: Yes, it is It has always been carried out.

Mr. CORSER: Making it obligatory is a hardship.

Clause 25 put and passed.

Clauses 26 and 27 put and passed.

Clause 28—"*Repeal of section* 124A—*Improvements made out of Public Estate Improvement Fund*"—

Mr. VOWLES (*Dalby*): In the past the cost of work done by the Public Estate Improvement Fund has been added to the purchasing price. Does this do away with that practice?

The SECRETARY FOR PUBLIC LANDS: Yes.

Clause 28 put and passed.

Clause 29—"*Amendment of section* 140—*Capital value how to be ascertained*"—put and passed.

Clause 30—"*Return as to country infested with prickly-pear*"—

Mr. MORGAN (*Murilla*): I would like to understand from the Minister whether the clause is designed to do away to a certain extent with the reports of Crown lands rangers as to the condition of land with respect to pear?

The SECRETARY FOR PUBLIC LANDS: Not at all.

Mr. MORGAN: I thought it might have been introduced to obviate the necessity for employing so many Crown lands rangers. I have had a good deal of experience with pear, and I know that sometimes [12.30 p.m.] the rangers are taken out by the manager or owner and that sometimes it is not desirable that they should see certain areas. The responsibility is now to be thrown on the lessee, and it is certainly a big responsibility. It may be wise to get this information, because the lessee may be able to give a better estimate than the Crown lands ranger. Is this to apply to all land under lease at the present moment?

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. MORGAN: I would like to be clear whether it applies to all land already selected as well as to land which may be selected after the passing of this Bill.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): The clause will be very useful in this way. It may come to the knowledge of the Crown that prickly-pear has made its appearance in a certain area, and the clause will give the department power to call for reports from Crown tenants in that area as to the condition of their land with respect to the pear. It stands to reason that the Crown lands rangers may not see pear in the scrub, whereas the lessee must have been through the scrub and have discovered the infestation. If it is small and is taken in hand at once, the pear can be destroyed, whereas, if it is allowed to grow it will infest not only that land but also other land in the vicinity.

Mr. CORSER (*Burnett*): I think this is a good provision. We cannot expect Crown lands rangers who are traversing land which they know is not infested with pear to hunt over every block for pear, and, I understand that this clause will place upon the tenant the responsibility for reporting the presence of pear in areas specially prescribed. That means that, if pear suddenly appears in a district supposed to be clean, the Minister can declare it to be an area within the Act and call for reports from the landholders within it.

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. CORSER: The people themselves may not know the danger of the infestation and the importance of making a report, but the Crown can see that the importance of having it cleaned up shall be brought home to them.

Clause 30 put and passed.

Clause 31—"*Amendment of section* 170—*Where fence unnecessary*"—put and passed.

Clause 32—"*Amendment of section* 171—*Marsupial-proof fence*"—

Mr. MORGAN (*Murilla*): It seems to me that this clause may operate very harshly on small men on resumed areas, particularly if they have only limited capital with which they want to buy stock.

The SECRETARY FOR PUBLIC LANDS: They will know beforehand.

Mr. MORGAN: I understand that they will know that the land will be open under these conditions; but owing to the fact that the marsupial netting may swallow up a considerable amount of money, they may feel themselves not in a condition to apply for the land. A man might be called upon to pay £2,000 or £3,000 for marsupial netting improvements, so that only the rich or persons with good financial backing will be able to select. It is really making a class distinction.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): The clause applies particularly to land selected in groups, where some of the blocks do not abut on the marsupial fences of the original holding. The tenants of those blocks get the benefit of the fence in keeping the dingoes and rabbits out, and the clause provides that they shall pay for the benefits they receive by continuing to help to keep the fences in repair.

Clause 32 put and passed.

Clauses 33 and 34 put and passed.

Clause 35—"*Amendments of* 6 *Edw. VII., No.* 32—*The Closer Settlement Act of* 1906"—

Mr. CORSER (*Burnett*): I do not think the Government should have all the power they are asking for in this clause. Under the Closer Settlement Act they have power to acquire any land of £20,000 or more in value, but they wish to repeal that provision and take power to acquire even a 500-acre farm in areas such as the Upper Burnett. The leases of quite a number of persons in that area have been taken away, and all they have left is perhaps a 500-acre farm, and now the Crown want to get possession of that also. The Crown can purchase those freeholds now if it wishes.

The SECRETARY FOR PUBLIC LANDS: The Government have not got statutory authority, if the selectors will not sell.

Mr. CORSER: That is just what I say. There are men there who have selected 10,000-acre grazing farms and who, probably, have 600 or 700 acres of freehold also. The grazing farms have been taken away. Perhaps the selector says to one of his sons, "I came here twenty years ahead of the railway. You take that farm and cultivate it." The Crown now want to take it away from him. He does not want to sell because he intends to keep it in a condition of cultivation, and if he does not cultivate it, the Crown have all the machinery to compel him. He is taxed if he does not cultivate; and he is taxed if he does. The reason for the amendment is the desire to get at freehold land, and it is not a fair thing.

Mr. COLLINS: What is wrong with it?

Mr. CORSER: If the Government went to the hon. member's banking account and said they were going to take it, would he agree that they should? The little bit of land these people have acquired represents their banking accounts.

Mr. COLLINS: Have I not heard you say that we have to settle the lands along the railway lines in order to make the railways pay?

Mr. CORSER: Some of this land is 20 and 30 miles away from the proposed railway.

Mr. COLLINS: That does not alter the principle.

Mr. CORSER: It alters the hon. member's argument. This land is not adjacent to a railway. Some people invest in land. Year after year they pay their rent. Why should the Crown have the right to take that land at its valuation any more than it has the right to take from the Savings Bank the money which the people have put in? It is not a fair thing to compel the small man to sell against his will when he has acquired the land as long as twenty years before the railway is built.

Clause 35 put and passed.

Clause 36—"*Application of Land Acts to land becoming vacant on Jimbour Repurchased Estate*"—put and passed.

Clause 37—"*Amendment of Discharged Soldiers' Settlement Acts*"—

Mr. FLETCHER (*Port Curtis*): I beg to move the insertion, on line 6, page 17, of the following new subclause:—

> "(9*e*) Notwithstandnig anything in this Act or in the principal Act contained, any discharged soldier who desires to dispose of his holding, owing to special circumstances which in his case have arisen, may do so upon obtaining the permission of the Minister in that behalf to sell to any person, although such person is not a discharged soldier, and although any time limited by this Act within which any discharged soldier is not permitted to dispose of his holding has not elapsed."

At the introductory stage of this measure I pointed out that several soldiers in my electorate, as well as others scattered throughout the country, were suffering a very great hardship because of this provision not being in the principal Act. I can see no objection to it. It is only a fair thing that a soldier should have the same rights as civilians possess, and be permitted to sell in certain circumstances his block to a civilian, if a soldier is not available to purchase it. Leaving it in the discretion of the Minister makes the provision absolutely safe. If a soldier were available, the Minister would not agree to the sale being made to a civilian; but, if no soldier is available, and circumstances exist rendering it impossible for the occupier to carry on, then in the interests of everyone the Minister should have the right to use his discretion and say, "You can sell to a civilian."

The SECRETARY FOR PUBLIC LANDS: Would that apply after he has been on it six or twelve months?

Mr. FLETCHER: That would be in the Minister's discretion. I know men who have been on the land for eighteen months or two years, and, owing to ill-health or other circumstances, have found that they cannot make a living upon it. They are not ill enough to obtain a doctor's certificate, and they have to carry on with no hope of making a success of the venture, thus handicapping their lives and hindering their advancement. If the Minister, in those circumstances, said they could sell, and they could get a buyer, it would be better for the soldier, the Department of Public Lands, and everyone.

Mr. WEIR: Are there no other soldiers who want that land?

Mr. FLETCHER: No soldier is available to buy that land. The difficulty often is one of finance. I know men who have obtained the advance of £625 and have spent other money in addition. Naturally, a fair amount is required to purchase one of those blocks, and you cannot always find a returned soldier with that amount of money; but you might find a civilian who is prepared to take up that land. At the time the Act was passed, no doubt the Minister could not foresee that such a contingency would arise. When hardships are pointed out to him, I think it is only right that he should agree to the amendment of the Act to rectify the anomaly.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): I am not too sure that the hon. member is going to do the discharged soldiers any good by inserting this provision, because it will result in a general exodus of soldiers from the land—which we do not want. The State has been advancing money to those men, and "Standing Sam" for the interest on that money, the principle being to provide land for soldiers in order that they may make a home and remain on the land.

Mr. FLETCHER: That matter is being left to your discretion.

The SECRETARY FOR PUBLIC LANDS: That is too much to place on the shoulders of any Minister. So far as doctor's certificates are concerned, you can get them anywhere. (Loud laughter.)

OPPOSITION MEMBERS: What about the proxy votes?

The SECRETARY FOR PUBLIC LANDS: I have had experience of it myself. (Renewed laughter.) I think there is a great element of danger in this proposal. Instead of having soldier settlement, the soldiers would get whatever profit they could, and go off the land, while men who did not go to the war and were called all sorts of names for not going would get the land. The soldier, who did all the fighting, and was boomed to the skies because of what he did, would be carrying his swag about the country. We are trying to assist soldiers to remain on the land. Surely there are several light occupations on the land, such as cotton growing, that would not impose any great strain on a soldier, even though he be temporarily disabled. A man who could not undertake such work as cotton growing ought never to have gone on the land. I can quite understand men being temporarily well and having a recurrence of illness caused by the hardships they endured at the war. This is too big a thing altogether; it is too wide in its scope; and I am afraid that the hon. member is going to do a great injury to the returned soldiers who are now on the land, because, if one sells out and makes a profit, others

will want to do it. The hon. member must not forget that the State is responsible for the loans that have been made to these men. It may be said that the State can protect itself.

Mr. FLETCHER: He must have a genuine reason for applying to you.

The SECRETARY FOR PUBLIC LANDS: A number of doctors may say that he is so disabled that he cannot carry on. He may have an understanding with a man who wants to purchase the property. Supposing we have advanced £800. The intending buyer is prepared to give him £300, but he only asks for £200, on the understanding that we get £200 and he has the other £100 as his "cut." There is no provision to adjust the extra payment.

Mr. MORGAN (*Murilla*): I do not think that there is very much in the Minister's argument. Many of the soldiers are not fitted for their positions on the land. If a man is not fitted for his position on the land the sooner he gets off the better it will be for himself and for the State as a whole. If he remains on the land and is not obtaining any profit or pleasure from his work, he is like a square peg in a round hole. If he is not in a position to make a success on the land and he gets off, he is making room for some man who may be able to make a success of it. I know of cases where returned soldiers have gone on to the land and they have worked conscientiously and well and have exhausted all the capital at their disposal, but they still required further capital to make their selections a financial success. When they exhaust all their capital, they are unable to continue. It is wrong to provide that a returned soldier can only sell his land to another returned soldier. It would be better for him if he were allowed to sell in the open market, even to persons who are not returned soldiers. It is a cruel thing to keep a man on the land if he is not specially fitted for that occupation. No man will sell his farm if he is making a success of it. He will work his own land and do his level best to make a success of it. It is wrong to provide that a returned soldier must remain on the land for five years before he can sell to another soldier. That might be all right in the first instance, but I think the consensus of opinion with hon. members representing those electorates where returned soldiers have been settled on the land is that it is wrong to continue that provision any longer. The amendment will not mean that returned soldiers will rush off the land and will dispose of their property to the first civilian who comes along. If a returned soldier has a good place, he will not sell at all. It is his home. I hope the Minister will accept the amendment.

Mr. DEACON (*Cunningham*): I hope the Minister will accept the amendment. I brought a case before his department where a young returned soldier was settled on the land and afterwards became a cripple. It was impossible for that man to work that land himself. It was impossible for him to pay for labour. He has striven to find a man to take that land off his hands, but he has failed to do so. He is on that land and cannot work it, and he cannot sell it. If he could get away and take out the little bit of money that he has in the land, he could put it into a business that he could work. I understood that this Bill was to provide for such cases. I think the Minister could be given power to exercise his discretion when genuine cases are brought before him.

The SECRETARY FOR PUBLIC LANDS: That man could surrender his land.

Mr. DEACON: What good would that be?

The SECRETARY FOR LANDS: It would be no good to him.

Mr. DEACON: That man has put his money and work into the place, and he wants to get out the little money that he put in.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): The Minister will be able to exercise his discretion in any cases that are brought before him, and in that way he will be able to prevent trafficking. On further consideration of the amendment, I am prepared to accept it.

Amendment (*Mr. Fletcher*) agreed to.

Mr. KERR (*Enoggera*): There is one point I would like cleared up. The Bill provides—

> "The last paragraph of the said subsection one is repealed, and the following provision is inserted in lieu thereof:—
>
> Provided that the only discharged soldiers who shall be qualified to apply for or during the first ten years of the lease acquire a perpetual lease selection under this Act shall be those who do not hold any land in Queensland. . . ."

Is that clause intended to apply to a man who owns one block, and who, on making a success of it, desires to extend his area in order to take in the neighbouring block?

The SECRETARY FOR PUBLIC LANDS: To make it a success we propose to give him that block.

Clause 37, as amended, put and passed.

Clause 38—"*Ratification*"—put and passed.

The House resumed.

The DEPUTY CHAIRMAN reported the Bill with an amendment.

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

## IRRIGATION BILL.

### COMMITTEE.

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

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

Clause 7—"*Undertaking to be approved by Parliament—Revenue of area*"—

Mr. MOORE: I beg to move the insertion, after the word "works" on line 56, page 7, of the words—

> "Such estimate of annual revenue to allow of the suspension for the first three years after settling on the area of any payments by the settler other than such rates as the Commissioner in his capacity of a local authority may require."

We all recognise that the settlers on these irrigation areas are going to be put to considerable expense during the first few years, and they will have great difficulty in making both ends meet. In Victoria, the Government have recognised that it is for the general benefit of the State that the settlement of these areas should be a success, and they have contributed to a very large degree to the cost of such

[2 p.m.]

schemes, thereby lessening the amount of money the settlers in the irrigation areas have to pay. We all know that, until settlers become educated as to the correct time of putting the water on the land and the right quantity to put on, the rate will be very excessive. The experience in the other States has been that during the first few years it has been necessary for the Government to write off large amounts of money, and it is much better to make provision in the first instance so that the rate chargeable will not be a burden on the ratepayers. There are petitions continually being presented asking that rents shall not be collected for the first two or three years, to enable the settlers to tide over the time when their money is going into improvements and nothing very much is coming in. I quite realise that, when water is provided, a certain amount of money will come in; but irrigation in Queensland will be entirely a new venture, and it will take a considerable time for the Commissioner fully to understand the conditions and to find out the way to put the water to the best use for agricultural purposes. I think it is only reasonable that the settlers should have their rents and charges capitalised for the first few years. It will give men an opportunity to get on their feet in the initial stages.

Amendment (*Mr. Moore*) agreed to.

Mr. MOORE (*Aubigny*): I beg to move the addition, after the word "Assembly" on line 45, page 8, of the words—

> "Every such report shall contain a plan showing the boundaries and extent of other lands which may be acquired for the purposes of this Act and an estimate of the cost of acquiring same."

It is highly necessary in a large irrigation scheme such as this to have full particulars, not only of the lands in the irrigation area, but also of the lands alongside the area. In Victoria, when Mr. Swinburne brought in his amendment of the Water Conservation Act in 1896, they divided the land into two separate classes—one class which was irrigable, and the other class land to which water could be supplied for household and stock purposes. The second class of land was valued at a considerably lower rate, and the rates for water were considerably lower than on the land in the irrigable area. When we are considering the matter of acquiring land for an irrigable area, it is only right that we should have intimation with regard, not only to lands which are to be irrigated, but also with regard to lands which, although not irrigable, will be subject to a water rate for household and stock purposes. We want to know the position before we go in for such a large scheme. I do not think there is any objection to this amendment.

The TREASURER: There is no objection to it.

Amendment (*Mr. Moore*) agreed to.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I beg to move the insertion, after line 49, page 8, of the following new subclause:—

> "(5.) Notwithstanding anything in this section contained, it shall be lawful for the Governor in Council, without compliance with the provisions of this section or obtaining further or other approval of the Legislative Assembly than is hereby granted, to proceed with the Castle Creek section of the Dawson Valley irrigation proposal, and to expend such moneys thereon as in his opinion are necessary, to an amount not exceeding sixty thousand pounds; and for all the purposes of this Act the said Castle Creek section and all works constructed under the authority of this subsection shall be deemed to be a part of an irrigation undertaking approved by the Legislative Assembly and established by the Governor in Council, and the Minister shall have all the powers granted by this Act accordingly.
>
> "All moneys so expended shall be deemed to be a loan to the Commissioner under this Act, and shall be charged against the Dawson Valley Irrigation Fund, as and when the same is established."

I have circulated a report by the Acting Commissioner, Mr. Partridge, relating to this Castle Creek section. I am sorry that the report was not circulated earlier to enable hon. members to study the proposal more fully. The report is very concise, and is a recommendation of the course of action that we are pursuing. I am sure hon. members will not object to this authority being granted to proceed with the preliminary work, which will in itself constitute a trial with regard to the Dawson Valley irrigation scheme.

Mr. VOWLES (*Dalby*): When we were dealing with the second reading of the Bill the Treasurer foreshadowed the amendment which he has just moved. It is a strange thing that we should only get the report in connection with this matter five minutes before we are asked to consider the Bill. I have only just received a copy of the report, and I have not had an opportunity to read it, nor have other hon. members. It is a report by Mr. Partridge on the "Dawson River undertaking," and no doubt it refers to the Castle Creek section referred to in this amendment. By bringing forward the amendment we are departing from the whole principle laid down in the Bill, which states that plans must be tabled showing the boundaries and giving the whole of the information required before the scheme can be approved by the House.

The TREASURER: The plans have been on the table for the last couple of days.

Mr. VOWLES: Then they have been well covered up.

The TREASURER: It is an urgent matter, and we have not had much time to consider it.

Mr. VOWLES: We are asked to spend £60,000 in connection with this scheme.

The TREASURER: If we do not agree to it now, there will be a delay of twelve months. There is a lot of preliminary work to be done.

Mr. VOWLES: I admit that. However, it is a matter of principle, and we are asked to depart from it. This is the most important experimental part of the whole scheme. We are asked to incur a lot of expenditure without carrying out the formalities which the Act provides for. I understand that the scheme is being carried out to see if the ground is capable of holding water and for various other purposes. It may prove to be a very costly experiment if it is a failure. We have not got any of the information we should have before we agree to the proposal. We have a report put into our hands five minutes ago, although I

suppose we would know no more if we had got it sooner, because all the details have not been given which the Act says should be given. Perhaps it is necessary that this should be done; but I object to departing from the principle of the Act right at the very beginning. If we depart from it now, we shall depart from it in future.

The TREASURER: Once this Bill becomes law they will have to comply with the conditions of the Act.

Mr. VOWLES: Yes, but if it is not convenient there will have to be a validating Bill. I would like to see the undertaking carried out strictly in accordance with the law.

Mr. FLETCHER (*Port Curtis*): I had hoped that the Treasurer would have given us more details than he has—for instance, as to when the work will be commenced.

The TREASURER: Once the Bill is passed immediate notices of resumption will be given.

Mr. FLETCHER: I understood the hon. member to say the other night that the plans would not be ready for some three and a-half months.

The TREASURER: I say that we shall be able to make an immediate start; but I mean it is a matter of only a few months before we have the land in our hands.

Mr. FLETCHER: It may be eighteen months before settlement can be proceeded with. I would also like to ask the hon. gentleman how long it will be before the water will be available to the farms.

The TREASURER: This is not a very comprehensive job, but I cannot say off-hand how long it will be before the water is supplied to the land.

Mr. FLETCHER: I understand that Mr. Partridge only came to Brisbane recently.

The TREASURER: He only returned from the Dawson Valley last week.

Mr. FLETCHER: Is it intended to start the railway straightaway?

The TREASURER: That will be commenced at an early date.

Mr. FLETCHER: Will the railway not be necessary before the land can be availed of by the settlers?

The TREASURER: Yes; we shall have to make provision to get the settlers' produce down by road if the railway is not ready.

Mr. FLETCHER: It seems an extraordinary business to rush it throught like this.

The TREASURER: It is being done so that we can get an early start made with the Castle Creek proposal.

Mr. FLETCHER: It seems an extraordinary thing to rush it through before the railway is ready. Why such urgency? It seems to me that it is done for one purpose and for one purpose alone, and I say that we are justified in opposing it.

The TREASURER: For what purpose?

Mr. FLETCHER: For the purpose of defeating the hon. member for Normanby.

The TREASURER: I can assure you that the Government are absolutely bona fide in the matter.

Mr. FLETCHER: I can understand that they are. I say that it is a good scheme, but it ought to be done in proper order. As I said on the second reading, with this scheme and the Upper Burnett lands and land in other places there will be more land than there are settlers for. It is not going to be reproductive as quickly as it should. I consider the thing is being done upside down. Sufficient forethought has not been given to the matter, and, seeing that things are as they are and that I believe it is being done for one purpose only, I contend that we are justified in opposing the Bill. We are asked to put in long amendments like this and to commit ourselves to an expenditure of £60,000 with very little information to settle men 50 miles away from a railway. If we are determined to go in for some irrigation scheme, the Government could experiment with schemes like the Mount Edwards scheme, which would not cost anything like the amount this scheme will.

The TREASURER: It would cost £230,000 for initial expenses.

Mr. FLETCHER: I should say that £60,000 would be the very minimum expenditure for constructing the Castle Creek dam and carrying out the necessary channelling. The leader of the Opposition points out to me that this report is six days old, and I expected the Treasurer to give us a comprehensive view of what was intended. It is a great pity to rush through a measure of this nature. It is not justified. To have an irrigation scheme 50 miles from the railway means that you will have to haul the cement and other material that distance, making the work far more expensive. Interest will have to be paid on the expenditure until settlement makes the work reproductive. I am sure that my deductions are correct in regard to the hon. member for Normanby.

The TREASURER: It is not in the Normanby electorate.

Mr. FLETCHER: The Premier's denial does not carry conviction.

The TREASURER: The hon. member's suggestion is unworthy of him. Is not this Castle Creek area in the Murilla electorate?

Mr. FLETCHER: Baralaba is in the Normanby electorate, and that is where the men are going to be put.

The TREASURER: You do not suggest that that is the reason we are going on with this work. We are doing it because we want to develop the area. As a matter of fact, the hon. member for Normanby himself has criticised the Government for not pushing on with this scheme.

Mr. FLETCHER: That is his view. I am expressing mine. In the Upper Burnett there are millions of acres to be settled. We have to find settlers for that area.

The TREASURER: We will find settlers for all the land we have.

Mr. FLETCHER: Time will show that what I am contending is right. This is being done before its time. The hon. gentleman says that it is unworthy of me to make this suggestion. I say it is unworthy of him to do what he is doing.

Mr. TAYLOR (*Windsor*): I am sorry that we did not have this report in our hands earlier; it is dated 27th September.

The TREASURER: I assure the hon. member that I got it in my hands only this morning and it was rushed straight to the Government Printer.

Mr. TAYLOR: It is unfortunate that we did not have it before. I am in favour of irrigation every time, because we have had many bitter experiences over a number of years of the immense losses sustained by the State on account of continuous droughts. Mr. Partridge tells us that within eighteen months of starting the work these 5,000 acres will be available for selection. If we could carry that out in eighteen months I should be quite satisfied. Our difficulty—and it is not confined to Queensland only—is that very often men in whom we place a tremendous amount of confidence are very much astray in their estimates of cost and of what we are going to get. If you go back to the commencement of irrigation in Victoria, in the Hon. Alfred Deakin's time, you would probably find that the loss in that State would run into £2,000,000 or £3,000,000. They constructed channels in the Wimmera country; I have seen them myself. Of course, they have a very much better system now, and, no doubt, quite a large part of Victoria has been transformed by the irrigation works constructed throughout that State. We should benefit by the mistakes made in other States. If irrigation has been found necessary in Victoria and New South Wales—which probably have a much more settled rainfall than we have in Queensland—it must be ten times more necessary for us, and we should have the works established as speedily as possible; but I am inclined to think that the Government are taking on rather too much at one time. They have the tremendous Burnett scheme in operation as well as the Inkerman irrigation scheme, and now they propose taking on this. I am almost inclined to think that they have too many irons in the fire. When the Governor and the Premier visited the Dawson Valley area they were very much impressed with the scheme. An ordinary layman is apt to be impressed with such a scheme as we are discussing here, and is apt to be mistaken in his judgment. Mr. Partridge's estimate of an expenditure of £60,000 means that, when the money is expended, we shall be able to say whether the scheme will be a success or a failure. He tells us that the land to be irrigated will be a fair average of the whole land in the irrigable area. We shall be able to find out by the expenditure of this £60,000—I hope it will be confined to £60,000—what crops we can grow in the area and the suitability of the land for irrigation purposes. I am not here to wet-blanket the scheme, but I would like to have seen the Mount Edwards scheme carried out first, as there is a railway running through that area. The Dawson Valley scheme should receive the earnest consideration of the Government and, as far as possible, the support of all hon. members.

Mr. MOORE (*Aubigny*): I cannot agree that this scheme should be started at the present time, even with the expenditure of £60,000. It is the greatest possible mistake that can be made. We are going to start the scheme before a railway is constructed. Cement will have to be taken there, and that will increase the cost of the dam enormously. One of the greatest factors to be taken into consideration in getting supplies to the site is the construction of a railway.

The PREMIER: The dam will be a rock drill dam, and very little cement will be required.

Mr. MOORE: The men and material will have to be taken for 50 miles without the assistance of any railway. It seems to me that that will mean tremendous additional expense. I agree with the hon. member for Windsor and other hon. members that it would have been preferable to commence on the Mount Edwards scheme. It is the most favourable scheme that could possibly have been undertaken. There is a railway running through the land, and the place is quite close to two markets. It is an ideal place for building a dam, and it is ideal land for irrigation purposes. In opening up an irrigation area you must be sure that the stuff that is grown can be very easily carried to market and sold. Mr. Partridge states in his report—

> "The farm blocks have been designed on a 12½-acre unit basis, and in cases where a certain proportion of Class 3 land is contained in the farm, a 25-acre unit has been adopted. This will make provision for 260 families on the 12½-acre blocks and fifty-one families on the 25-acre blocks."

A 12½-acre block is a very small area. There is no irrigation scheme in Victoria in which it is considered that 12½ acres are sufficient for a family to live on.

At 2.28 p.m.,

Mr. POLLOCK (*Gregory*), one of the panel of Temporary Chairmen, relieved the Chairman in the chair.

Mr. MOORE: The smallest block in Victoria is on the Redcliffe area, where it is 15 acres. The average area in Victoria is 42 acres. The acreage ranges from 15 acres to 176 acres. Most of them seem to be in the vicinity of 60 acres to 70 acres. By having only 12½-acre blocks in a scheme like this we are certainly looking for trouble. We know that in Victoria in the beginning a large number of settlers settled on blocks that were too small, and a number of the settlers left the district. The area of the blocks had to be increased, and the settlers, in addition to their original small blocks, had to add the adjoining block to their land. A man making his home and then having to add an adjoining holding certainly means an increase in expenditure. They have experimented with irrigation in Victoria since 1886, and they have decided that 15 acres is the lowest possible acreage to enable an irrigation scheme to be successfully carried out.

The TREASURER: The whole of the Mildura scheme is laid out in 8-acre blocks.

Mr. MOORE: Mildura is a rather different proposition. It is all right in Mildura, where they are growing dried fruits, and where they have a strong co-operative society controlling the market. If the areas in the Dawson Valley scheme are not to be over 12½ acres, they will be altogether too small.

The TREASURER: It must be remembered that a dry area will be included.

Mr. MOORE: There is nothing in this report which says so. It only deals with the 5,000 acres of the irrigable area. Then a great deal depends on the distance these dry areas will be from the [2.30 p.m.] irrigable areas. If men have to drive their cows from a dry paddock a couple of miles into the irrigable area, then they are not going to make a

success of dairying. I want to see it definitely laid down that 25 acres is to be the minimum area. Mr. Partridge's report contains very meagre information. The estimated cost of the water from Castle Creek is to be 18s. per annum. The report says—

> "The proportionate cost per acre will be considerably reduced when areas additional to the present 5,000 acres are opened up. Again, the cost for pump water (£1,200 per annum) will be eliminated, this in itself reducing the annual cost per acre to 13s. 2d. per acre per annum."

That allows for seven waterings per annum. I would much rather see what is the cost in acre feet. The report further says—

> "It has been assumed that seven waterings per annum will be made available for the rate of 18s. mentioned, or 2s. 7d. per acre per irrigation, the gravitation water costing about 1s. 11d. per acre per irrigation."

It does not say how much water is going to be required, and whether it is to be in sufficient volume to allow 2 inches or 3 inches to be put on. All the estimates in connection with the New South Wales irrigation scheme are calculated on the acre feet. We are asked at a moment's notice to agree to a scheme such as this which requires the building of 50 miles of railway, and it appears to me that we are starting on the irrigation business on the very worst lines. If we are going to have a failure in connection with the first irrigation scheme in Queensland, it will be detrimental to the State.

The TREASURER: It would not prevent experiments elsewhere.

Mr. MOORE: Why go out 50 miles from a railway to make a start where the expense is going to be a great deal more than it ought to be?

The TREASURER: The hon. member exaggerates that disability. The only large work is the weir.

Mr. MOORE: I do not exaggerate the disability. One of the first essentials is to settle people on the land, and you cannot settle them on this irrigation area until you have provided facilities to get their crops off.

The TREASURER: We are building the railway for that purpose.

Mr. MOORE: I think it is a great mistake to involve the State in such a large expenditure. We know that £60,000 is to be expended at the commencement, and that is going to let us in for a huge irrigation scheme.

The TREASURER: Parliament will have to approve of the scheme later on.

Mr. MOORE: Parliament will be placed in the position that it has already agreed to an expenditure of £60,000, and that amount is to be expended in a most extravagant way in getting material up there; and when they find that the original estimated cost of the irrigation scheme is to be loaded with an additional burden, settlers will be chary about taking on such a scheme. The Government should start with a scheme close to a market, where it is possible to make irrigation a success. We know that in Victoria, after the first irrigation scheme was started there, there was an outcry all over the State that irrigation was proving a failure, and that the State was spending too much money on irrigation. We do not want the same thing to happen in Queensland. If we cannot make a success of the first scheme, it will not be an inducement for the State to go in for further schemes. Already the people think that the cost of the Inkerman irrigation scheme will be detrimental to the best interests of the State. I do not call the report of Mr. Partridge a proper report at all. It is only a little sketch, and proper information is not given to enable this Committee to judge whether it will be advisable or not to go on with such a scheme. To my mind, it is only providing an excuse for the building of the Baralaba railway. I do not think the Committee should agree to this scheme merely because we have agreed to the building of a railway which it was admitted was not a good proposition unless the irrigation scheme was proceeded with.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I would point out that I am not responsible for the brevity of the report. Mr. Partridge was asked for a comprehensive report, and he impressed upon me the necessity of getting early authority, as otherwise he would lose twelve months in starting this scheme. The report was only placed in my hands this morning, and that was caused by a delay in the Chief Secretary's Department. The report was available last week, when it should have been placed in my hands, and in the hands of the Government Printer, in which case it could have been circulated last week. I regret that sufficient time has not been given hon. members to study the report, but Mr. Partridge is so confident in himself, and so confident regarding the proposal, that I have no hesitation in bringing it forward. I think it would be a mistake to reject this proposal and thus delay the work another year.

Mr. MORGAN (*Murilla*): I quite agree with the Treasurer regarding the necessity for proceeding with this work as soon as possible; but I do think it is regrettable that we should be asked to agree to an expenditure of £60,000 on such short notice. On looking over Mr. Partridge's report, one must come to the conclusion that it has been hurriedly prepared. I do not think it is doing justice to Mr. Partridge to ask him to prepare a report for the information of Parliament on such short notice. Mr. Partridge has only been in Queensland a few weeks. The impression of the Public Works Commission when they visited the area was that the river flats were the land which would be most suitable for irrigation, but that is not borne out by Mr. Partridge's report.

The TREASURER: Hear, hear!

Mr. MORGAN: When speaking on the second reading of the Bill before this report was in our hands, I mentioned the fact that black soil country is not suitable for irrigation. In other States I have never known a case of black soil land being improved by irrigation. I feel sure that a great number of people looked upon the black soil flats on the Dawson River as the land that would be most valuable and suitable for irrigation; but this report points out that it is land away from the river flats, and land of a sandy nature, with perhaps a clay bottom, which is more suitable for irrigation. I hope that Mr. Partridge will be allowed to

use his own judgment as to whether the black soil flats are suitable or not. It has been pointed out by the Treasurer that land was surveyed at Mildura in 10-acre blocks, but every particle of land there is used in growing dried fruits, such as sultanas and currants. It was found that it was not desirable to go in for the cultivation of peaches and citrus fruits, and those fruits are going out.

The TREASURER: The irrigation areas on the Dawson will be 12 acres each.

Mr. MORGAN: In Mildura they grow dried fruits, which bring a good price in the market. These areas on the Dawson, it will be admitted, will not be suitable for dried fruits. They are suitable for the growth of lucerne, to feed dairy cattle, so that the money received from the lucerne will be obtained through the pail, by way of butter fat. The best lucerne lands in Queensland will not produce more than 6 tons of lucerne per acre, and it must be exceptionally good land to produce that.

The TREASURER: Lucerne land in Victoria is fetching £100 an acre.

Mr. MORGAN: It may be. Suppose we estimate a production of 6 tons per acre on these 12-acre blocks. The average value of lucerne is £2 10s. a ton, which would mean that the return from lucerne grown on 12 acres would be £180. That is not sufficient for a man to pay expenses.

The TREASURER: Surely he will not be growing lucerne for sale?

Mr. MORGAN: If a man could buy the lucerne at £2 10s. a ton for his cattle, he would be in the same position if he grew it.

The TREASURER: Would it not pay to feed it down?

Mr. MORGAN: No. Any man who is going to make a living off 12 acres of lucerne must not feed it down. He must cut the lucerne and make it into stacks of lucerne hay. On 200 acres of lucerne, it would pay, and be less trouble to turn the stock in and feed the lucerne down; but on 12 acres of land, if you feed it down, the cattle tread it down so much with manure that it is useless. Everyone knows that you cannot feed it down on such a small area; fifty cattle on it for a week would put it into such a state that no lucerne would grow on it at all. This land must be put to the best use by cutting the lucerne and stacking it. I claim that the areas will not be large enough. I hope that Mr. Partridge will be allowed to use his own judgment, and, if he finds it desirable after further investigation, that he may be allowed to increase the area. I feel sure that it will take some considerable time for Mr. Partridge to become acquainted with the conditions in Queensland, where things are altogether different from what they are in the Southern States. A man with a great experience in Victoria or other Southern States, where the climatic conditions are different, may be altogether out of his reckoning in Queensland. It is not fair to Mr. Partridge to expect him to place before us a report which will be placed on record, and may be used to his discredit. It is not fair to expect him to give us a report in a few days on a proposition that we are asked to spend £60,000 upon. I am not against the scheme, and I do not want to delay it; but I think it would be wrong for us to go into it bull-headed; we must take into consideration everything appertaining to the scheme. Then, again, the report states that the unimproved value of the land shall be £20 an acre. The unimproved value of the land at Mildura, where they grow such valuable crops, is only £10 an acre. In my opinion £20 an acre is an exorbitant value. At a rental of 5 per cent., £1 an acre would be the annual rent on the unimproved value, and with the 18s. which Mr. Partridge says it will take for the water, the rental would be £1 18s. per annum per acre. Without taking anything else into consideration, that is a very large rental for land of that description.

The TREASURER: How do you arrive at £1 an acre?

Mr. MORGAN: The reports states—

> "As irrigable land, having a water right, the unimproved capital value of the land should be calculated at £20 per acre. On a 5 per cent. basis the rentals would then be 20s. per acre per annum."

Further on it states—

> "It has been shown that the cost of irrigating the Cattle Creek area will be 18s. per annum."

That is very cheap, I admit. If the water can be placed on the land at no greater cost than that, there will be no complaints in that direction; but to state that the unimproved capital value of the land should be calculated at £20 per acre is rather an exorbitant value to place upon land of that description. I do not intend to oppose this scheme, but I think the Government are forcing the matter on without due consideration—not only due consideration from the point of view of the scheme itself, but from the point of view that we are asked to do something in the dark—that we are asked to sign a blank cheque. I would not mind signing that blank cheque provided I knew that Mr. Partridge had had sufficient time to go into the pros and cons of the matter. I feel sure that this report has been brought in in order to provide for having this amount of money set aside.

The TREASURER: Mr. Partridge has had a couple of months to consider the scheme. He had a month before he came here, and he also spent a month on the site.

Mr. MORGAN: I am also pleased that Mr. Partridge points out the need for having a demonstration farm. Before anything definite is done, there is no necessity to rush people on to the land in too great a hurry. There is a lot of constructive work to perform before the land will be ready to be settled. If the demonstration farm is a success, you will know what areas to give the people. It is far better to have a demonstration first and prove what the areas are suitable for before you open it up for settlement. If you open up the land in 20-acre blocks and discover later on that those people have got too much land, then it is hard to get them to allow the Government to take portion of their land away from them and cut it up into small areas. I am one of those who think that the scheme is likely to be a success. I am pleased to know that the money is being spent on an experiment first of all. Experimental work is necessary from all points of view. Some members on this side think it would have been better if an experiment had been made at Inkerman.

Some think that we should experiment at Mount Edwards. I think we should always have an experimental plot first of all. Because an irrigation scheme is a success in one part of the State that does not say that it is going to be a success in another part of the State. Because an irrigation scheme might prove successful in the Dawson Valley, that does not say that it will be a success at Mount Edwards. Each scheme must be decided on its merits. Before the Government decide to place people on the land, they should demonstrate by practical use of the water if the land is suitable for irrigation. I hope that, when Mr. Partridge decides to open up the land, he will see that each man gets a living area. Governments in the past have made a huge mistake through not giving a man a living area. I hope that mistake will not be made in this scheme. I hope it will be a success, because it will be beneficial to Queensland as a whole, and not merely to the Dawson Valley. I trust the Government will be cautious in regard to expenditure, and that we shall not have the huge mistakes which have occurred in connection with irrigation schemes in other States.

Mr. CORSER (*Burnett*): It states in this clause that no resolution approving of the establishment of the irrigation scheme shall be agreed to unless such report and documents have been laid before the Assembly. We have a report from Mr. Partridge, the Acting Commissioner, and I think the report gives a minimum amount of information in all regards. I cannot speak from a practical knowledge of irrigation schemes, and, as I have no theoretical knowledge of large irrigation undertakings, I would not like to take the responsibility of saying that it is going to be successful; but it looks to me as if we are going into an isolated area, right away from all existing railways, and right away from the markets and settlement to establish an irrigation scheme. We are going into the far Western district. We are even going away from the Burnett, where we propose to spend £2,500,000 in railway construction. We are going right away from where the people are settled, and we know we must have people before we can make any irrigation scheme a success. I understand from the report that, if one portion of the scheme fails, the loss will be capitalised. Mr. Partridge in his report works on the basis that the whole 5,000 acres will be fully occupied. He says—

> "It must be borne in mind, however, that the foregoing figures are based on the 5,000 acres being fully occupied, and until that is accomplished the cost per acre watered will be higher in proportion to the area settled, entailing an annual loss. This is a normal condition, and, though not usually done, should be provided for by capitalising losses so that the final rate struck on the completely settled areas should provide interest and sinking fund on the initial losses as well as on capital costs."

That is going to be a big drain on the people who are settled there. The whole scheme must be thoroughly successful; there must be no half-way about it. What are they going to produce when they are settled there? Are they going to produce fruit? Is it possible for them to grow bananas, or to grow fruit like they do at Stanthorpe? Will they be able to grow grapes for wine making and drying purposes? We have no information that it is a fruit-growing district at all, and there have been no experiments made to see if it is capable of growing fruit. I do not know what cultivation it is proposed to carry on there. When people get only 12½ acres, they generally go in for intense cultivation, but we have no information as to what crops may be grown there. We do not propose to put men on 12½ acres for dairying purposes.

Mr. COLLINS: There is no suggestion of that.

Mr. CORSER: We are putting them there for ordinary agricultural production; but what are they going to grow?

Mr. COLLINS: Have you any objection to growing lucerne?

Mr. CORSER: Why not irrigate the land that we have already got near the railways to grow lucerne? If lucerne is the objective of this scheme, then there is no money in it as a lucerne proposition only.

Mr. COLLINS: The land will grow other things besides lucerne.

Mr. CORSER: What will it grow?

Mr. COLLINS: Read the Commissioner's report.

Mr. CORSER: From my experience I cannot see that it is going to be successful unless it is used for fruit growing, and it has not been proved to be a fruit-growing centre. It is too far away.

Mr. COLLINS: How far is Mildura from Melbourne?

Mr. CORSER: We have no information to guide us as to whether the people on 12½-acre blocks are going to be successful or not. It would be far better to carry out an irrigation scheme along our river frontages nearer to the coast. Take the Burnett River. It has holes in it which would float battleships. That river runs for miles with beautiful soil on both banks. It would be better to carry out an irrigation scheme there because there is settlement on both sides of the river. At Mingo Crossing, on the Burnett River, it was proposed to cut off the tops of the two hills and dam the river. Preliminary work was started and levels taken.

Mr. COLLINS: How many years ago was that?

Mr. CORSER: I think it was in 1908. Hon. members will agree that we have beautiful stretches of water in the Burnett River, and that the soil is unquestionably suitable for citrus fruits. Why do we not then investigate the whole of the proposition, and irrigate those banks at a minimum cost instead of going away out to the Dawson Valley, building a railway, finding out what the land will grow, and then getting the people there, only perhaps to find that it will grow lucerne and nothing more, which will grow in most of our districts during part of the year, at any rate, merely with the assistance of the rain. I am afraid of the proposition, and I am sorry that the report is not more favourable. A little while ago we were investigating the possibility of starting iron and steel works. A report was made to the Minister, and he asked for another and a fuller [3 p.m.] report, and then a third and fuller report still, and the iron and steel works are not started yet. Here we have a report which gives us no information along

the lines on which we require it. I am rather disappointed with it. I have always advocated irrigation where possible, but I am afraid this scheme is going to be too much of an experiment.

Mr. COLLINS (*Bowen*): From time to time irrigation works in Queensland are criticised, and for the benefit of hon. members opposite who are always pessimistic about the future of Queensland in general and the irrigation proposals of this Government in particular, I should like to read a couple of extracts from last Saturday's "Daily Mail," which published the best part of a column on the irrigation scheme at Inkerman. It is headed—

"FERTILE NORTH.
"IRRIGATION WORKS.
"*A Visit to Inkerman.*"

and reads—

> "Home Hill, which one comes in contact with shortly afterwards, has practically sprung from nothing in three years into an important centre of about 2,000 inhabitants, 300 children attending the local school, besides many others who are accommodated in smaller schools in the district. The town includes many imposing buildings, including a two-storey hotel, stores, shops, large hall, and picture show."

That shows the wonderful progress that is being made as a result of the assistance of the Government in establishing one of the largest irrigation schemes of its kind in Australia. Later on it says—

> "At present there are over 300 miles of pipe line constructed, and it is a magnificent sight to see one of these pumps, with a capacity of 60,000 gallons an hour, belching forth a magnificent stream into the surrounding cultivation paddocks."

If hon. members read last Saturday's "Courier," they will see a paragraph with reference to the drought conditions in the Burnett and the way in which the irrigation works are helping to save the crops for next season. I am very pleased to think that I am sitting behind a Government who propose to go in for the scheme outlined in this Bill.

Amendment (*Mr. Theodore*) agreed to.

Clause 7, as amended, put and passed.

Clauses 8 and 9 put and passed.

Clause 10.—"*Irrigation area to be a shire*"—

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I beg to move the insertion, after line 5, page 10, of the following new subclause:—

> "Provided nevertheless that at any time after the expiration of five years from the date on which the Commissioner has published a notification that he is prepared to supply water in an irrigation area, any fifty ratepayers of such area may by memorial to the Minister demand that a poll of ratepayers of such area shall be taken upon the question whether a shire council under the Local Authorities Act shall be duly constituted for such area and the functions of the Commissioner as such council shall cease.
>
> "Whereupon the Commissioner shall cause a poll of ratepayers to be taken on such question in manner directed by the Local Authorities Act with respect to polls of electors. And if on such poll the majority of the ratepayers of such area vote in the affirmative, then a shire council shall forthwith be constituted under the Local Authorities Acts by the Governor in Council either by appointment or election of the first members thereof as he may direct, and the shire council so constituted shall be a local authority within the meaning and for all purposes of the Local Authorities Act and the functions of the Commissioner as a council of a shire under this section shall cease."

I am sure that hon. members opposite will agree with the amendment, which practically covers the wishes of the hon. member for Aubigny.

Mr. VOWLES (*Dalby*): The amendment is practically on all-fours with that of the hon. member for Aubigny, and I see no objection to it.

Amendment (*Mr. Theodore*) agreed to.

Clause 10, as amended, put and passed.

Clauses 11 to 14, both inclusive, put and passed.

Clause 15.—"*Power to vest lands in the Commissioner*"—

Mr. MOORE (*Aubigny*): I beg to move the insertion of the following new subclause to follow line 3, page 12:—

> "(6.) Provided further that, in the acquirement of land for disposal as irrigation holdings, the Minister may upon the application in writing of the owner permit him to retain unresumed so much of his land as in the opinion of the Minister is reasonably sufficient for the purpose of enabling him to carry on agricultural operations."

That amendment is similar to a provision in the Sugar Works Act.

The TREASURER: I will accept the amendment.

Amendment (*Mr. Moore*) agreed to.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I beg to move the insertion of the following new subclause to follow the amendment just made:—

> "(7.) Nothing in this section shall be construed to derogate from or limit the powers of the Governor in Council or the Minister to resume or acquire land for any public purpose under any other Act."

Mr. MOORE: Does that mean a power house or anything like that under the Water Power Act?

The TREASURER: It seems to be necessary from a legal point of view.

Amendment (*Mr. Theodore*) agreed to.

Clause 15, as amended, put and passed.

Clauses 16 to 22, both inclusive, put and passed.

Schedule—

Mr. MOORE (*Aubigny*): Clause 14, subclause (3) (*b*), gives the Commissioner power, from time to time—

> "To divert, intercept, and store all water in or coming from any stream or other source, or in any water reserve or catchment area under his control, and alter the course of any such stream, and take any water found under or on any land."

How will this affect the rights of the people who will not come under the scheme but will have their water supply cut off? Under the Rights in Water and Water Conservation and Utilization Act certain specified rights are conferred upon people, enabling them to take sufficient water for stock and household purposes. It looks to me as though those rights may be considerably interfered with. There are certain people who take land along a watercourse for the specific purpose of being able to get a sufficient supply of water. If the Commissioner is going to divert and store all the water, their rights are going to be interfered with. The later clause dealing with riparian owners, it seems to me, relates only to those people who are living in the area and are going to purchase water from the scheme. It does not take into consideration the people who do not live in the area and are not going to purchase water, but will have their total supply cut off. They must have some rights when they have purchased water from the Crown.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): There seems to be a reasonable safeguard in clause 35 of Part II. of the schedule, which gives power to make regulations in regard to riparian owners. There is no intention to deprive people of any existing riparian rights. In framing regulations and constructing works the Commissioner must take into account existing rights, and see that they are preserved.

Mr. MOORE (*Aubigny*): It seems to me that clause 35 of Part II. of the schedule hardly covers the people I am talking about. It gives power to make regulations—

> "Regulating and controlling the exercise of rights for the purpose of securing the transmission of water in part or wholly supplied from any works of the Commissioner to owners or occupiers of land adjoining the banks of any stream who may have purchased or who may hereafter purchase water from such works, and to all other purchasers of water from such works, without any diversion or interference by any intermediate owner or occupier of lands adjoining such banks: Provided that such regulations shall be so framed as to preserve the rights of such intermediate owners or occupiers to so much water as they would have been entitled to but for the existence of the works of the Commissioner."

The people provided for are the intermediate owners between those in the catchment area and those who are to purchase water from the irrigation scheme. I am talking about the men down below the irrigation area, who do not come, perhaps, within 20 miles of it, but will have their total supply of water cut off. I am anxious to see their rights protected. Will the Commissioner provide them with water? These men took up the land on the distinct understanding that they would be allowed to use a certain amount of water.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I do not know whether there is anything in the hon. member's contention. I am inclined to think that there is not. The Commissioner is not likely to set out to deprive of their rights those who have certain riparian rights now—probably without compensation. I do not think that is likely to happen. Those who have frontages to the Dawson River have riparian rights. There may be other settlers further down, but they will not have their supply cut off entirely with a stream like the Dawson. It will be necessary to see that whatever Administration is in office does the just thing, and does not allow the Commissioner to bring about any deprivation of riparian rights without compensation in some form or other. Probably the compensation will take the form of a more convenient water supply, because they will have access to the water from the channel.

Schedule put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill with amendments.

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

## SUGAR WORKS BILL.

### INADMISSIBILITY OF CONTINGENT INSTRUCTION TO COMMITTEE.

On the Order of the Day being called for the consideration in Committee of this Bill—

The DEPUTY SPEAKER: I observe on the business-paper a motion by the hon. member for Mirani, Mr. Swayne, seeking to give instruction to the Committee upon this Bill. On Wednesday last Mr. Speaker was obliged to rule out of order a proposed amendment on the second reading of the Bill, seeking to attain the same object, on the ground that an instruction could not be given to a committee which did not exist. I regret the necessity for ruling this proposed instruction out of order, as, according to all parliamentary authorities, it is not permissible, by means of an instruction to a committee, to set up an alternative scheme or a counter proposition.

Mr. SWAYNE (*Mirani*): I hope that you will hear some argument upon the matter. I have here the Standing Orders which deal with this question.

The DEPUTY SPEAKER: Order! The hon. member must know that the Speaker's ruling can be challenged only upon notice of motion given in writing. I cannot permit the hon. member to discuss my ruling now.

Mr. SWAYNE: I suppose my only recourse is to give notice of motion that your ruling be disagreed with, and it will not come on until to-morrow when the Committee stage is over?

The DEPUTY SPEAKER: The hon. member can take that action in accordance with the Standing Orders.

Mr. SWAYNE: Sometimes you listen to a certain amount of discussion.

The DEPUTY SPEAKER: Not in the House. In Committee an hon. member can move that the ruling of the Chairman be disagreed with, and discussion can take place on the motion; but in the House the Speaker's ruling can be disagreed with only upon notice of motion.

### COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1 to 3, both inclusive, put and passed.

Clause 4—"*Creation of sugar works area*"—

Mr. SWAYNE (*Mirani*): I beg to move the insertion, after subclause (1), of the words—

> "Provided that a sugar works area

shall not be created except upon application in the prescribed form signed by owners and occupiers of cane lands within the purposed sugar works area, representing a majority in number of such owners and occupiers, and representing in area a majority of the total acreage of such lands. Upon receipt of such application, the Treasurer shall, by notification in the 'Gazette,' give notice that it is the intention of the Governor in Council, at the expiration of ninety days after the date of such notification, to create a sugar works area, with boundaries to be specified, in the locality referred to in any such application, and to construct sugar works therein, and to extend the provisions of this Act to such area and all the lands comprised therein and the owners and occupiers thereof. During such period of ninety days any owner or occupier of land in the proposed sugar works area or adjacent thereto may, by a memorial, make representations to the Governor in Council with respect to the inclusion or exclusion of his land within or from the said area, and consideration shall be given to every such memorial."

One of my reasons for moving the amendment is because of the very drastic powers that will be given to the Corporation in regard to such land. Anyone who has read the Bill will realise that owners of property in the area will lose all their property rights. The clause dealing with the matter of rating permits the imposition of a special rate and deprives them of all right as to selling or leasing, and it seems only fair that, before landowners are brought under the control of a Corporation possessing such powers, they should have some right to say "Yea" or "Nay" on the subject. All previous legislation has provided for voluntary action. The 1911 Act provided that an area might be proclaimed after the receipt of a petition from the landowners. In this case if the Governor in Council decided in its wisdom to declare an area of land a sugar works area within the meaning of this Bill, the owners of the land would forthwith forfeit all rights in the property. Before they are called upon to submit to that they should have some option in the matter. I do not think it is right to proclaim a sugar works area if a majority of the landowners in that area object to it. Those owners might think that they can put the land to a more profitable use. The very drastic provisions of the Bill might deter them from consenting to such action, and they might think that the game was not worth the candle. If the country is going to be suitable for canegrowing, the landowners will ask that the area be proclaimed a sugar works area.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I am afraid that I cannot accept the amendment.

Mr. BRAND: It only means giving the right to take a ballot.

The TREASURER: It will give the right to landowners near the proposed site of a sugar-mill to turn down a mill proposition. There are large areas of land to the north of Townsville. Possibly, the Sugar Works Commission will recommend that locality as the site for a sugar-mill. Some of that freehold land is held in large holdings, and was taken up, not for the purpose of growing cane, but for grazing purposes. The major portion of the land on which the cane would be grown is now Crown land. There may not be sufficient Crown land there to support a mill, and that will require the utilisation of the freehold land, and it will be necessary to acquire that land and make it available with the Crown land. This amendment will give the right to a few large landholders—the area is taken into account in connection with the establishment of a mill—to turn down the proposition of a mill on a site recommended by the Royal Commission. I think the risk is too great, and there is no necessity for it. Everybody recognises that it would have been better if the whole of the freehold land around Babinda had been acquired by the Crown at the time the erection of the mill was decided upon, so that the farmers who intended to grow cane would have been able to get that land on more reasonable terms than they did when they purchased it from the private owners. That is the principle embodied in the Bill. It is to enable the farmers to get land more cheaply and on more reasonable terms than they would otherwise get it.

HON. W. H. BARNES (*Bulimba*): I am disappointed that the Treasurer has not accepted the amendment. The amendment asks that the parties in the area should have the right to say whether they want a mill or not.

The TREASURER: Those in the area now?

HON. W. H. BARNES: I think the hon. gentleman's attitude is a very inconsistent one.

The TREASURER: Why?

HON. W. H. BARNES: I take it that the erection of a sugar-mill is going to add to the value of the land, because, as a result, that land will be useful for the specific purpose of growing sugar-cane. The hon. member for Mirani is only asking that a reasonable principle be adopted. I maintain that the parties concerned should have the right to express an opinion on the question of whether a sugar works area should be proclaimed. That is all the hon. member for Mirani asks.

The TREASURER: Some of the large landholders around the Tully River might refuse.

HON. W. H. BARNES: The Treasurer may know that, but I do not. I cannot for the life of me conceive of any person wanting to turn down a proposal for the erection of a sugar-mill in any district, because the erection of a sugar-mill must be [3.30 p.m.] beneficial to the district in every respect. I venture to believe that the trouble the Treasurer will have will not be in getting people to consent to the erection of a mill, but the clamour which will come from the people who want a mill. That has been the experience of the past. No Commission has ever given satisfaction to the bulk of the people, because in every centre they think their lands are the most suitable for growing cane.

Mr. FERRICKS: Then why do you want the amendment inserted?

HON. W. H. BARNES: A democratic principle is embodied in the amendment, and that democratic principle is that the people concerned shall have the right to say whether they want a mill or not. I am very surprised that the Treasurer has turned it down. I hope he will not give further evidence, in rejecting this amendment, of his desire to get away from the people.

Mr. SWAYNE (*Mirani*): The Treasurer spoke about the possibility of a large owner wanting his land for grazing purposes, and therefore objecting to the erection of a sugar-mill. From my knowledge of the country where I hear it is intended the mill will be established, I can say that it is all heavy scrub country.

The TREASURER: There are big freeholders there now who took up the land for grazing purposes, and it is only used at the present time for grazing.

Mr. SWAYNE: I think I am right in saying that there is not very much forest land in that area, and unless it has been cleared and sown with artificial grasses it is no use as grazing land.

The TREASURER: The largest area in connection with the proposed mill site is north of the Tully River and the greater part is now held by graziers.

Mr. SWAYNE: We were told on the second reading that there was very little freehold, and now we are told that there is a large area of freehold. On the site where the mill is likely to be built there is no grazing land worth speaking of. If it is good sugar land, I do not think there will be any hesitation on the part of those owning the land coming in. If there is, it will be due to the drastic provisions of the Bill. I do not think the acceptance of this amendment will be any obstacle to the building of a mill where the mill is wanted.

Amendment (*Mr. Swayne*) put and negatived.

Clause 4 put and passed.

Mr. BRAND (*Burrum*): I beg to move the insertion of the following new clause to follow clause 4:—

> "For each sugar-works there shall be appointed a Board of Advice. The Board shall consist of five persons, two of whom shall be appointed by the Governor in Council, and three of whom shall be elected by the owners and occupiers of lands within the sugar-works area.
>
> "The method of appointment and election of such persons and the tenure of their office shall be prescribed by the regulations. The functions of such Board of Advice shall be to communicate with the Corporation upon such matters as they consider to be advisable with respect to the sugar-works for which they are appointed, and generally to co-operate with the Corporation in the discharge of its powers and duties relating to such works."

It is not intended that this Board of Advice shall have authority over the Corporation, but that it shall be a Board of Advice which will be helpful to the manager of the mill. The Treasurer will admit that a Board of Advice would have been very helpful in connection with some of the mills already in existence and working under the Corporation. The Government to-day are staunch believers in Boards of Advice controlling all rural industries, and I hope the Treasurer will see fit to extend a similar principle to the sugar industry. I am satisfied from my own practical experience of sugar-growing that a Board of Advice would be most helpful in the management of a mill. There is provision made in this Bill for penalties for failure to grow cane, and seeing that there is a certain amount of compulsion, I feel sure the Treasurer will recognise that, if there is a Board of Advice comprising three practical farmers and two members appointed by the Governor in Council, the mill will be guaranteed a better supply of cane, and there will be a better feeling between the growers, the manager, and the Corporation.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I am afraid I cannot accept the proposed new clause. There have been agitations in various sugar-works areas in recent years for the setting up of an authority of this kind. I have had deputations from South Johnstone, Babinda, and also from Proserpine, and it would be impossible to concede what those agitating for a Board of Advice wanted. They wanted not to constitute a Board of Advice, but to constitute a Board of Authority over the Corporation. At the present time there is an advisory authority in each of these areas. In each of these areas the canegrowers have associations. At Babinda, the association is a very strong one and the committee of that association act as a Board of Advice. They confer with the manager of the mill, they confer with the General Manager when he visits the mill, and they confer with me when I am there. I have met them on half a dozen occasions, and in that way they get their views placed before the authorities just as effectively as if they had a Board of Advice. What these gentlemen want is something more than a Board of Advice. They really want to constitute a board of directors to direct the policy and management of the mill, which would not be possible while the mill remains in debt to the Treasury. When the mill is paid off, they will constitute a board of directors, who will take full responsibility for the management of the mill. At the present time I do not think there is anything to be gained by accepting the amendment, as the growers are able to tender any advice they think necessary to the manager and to the General Manager, and generally to get their views considered without the constitution of a Board of Advice.

Mr. SWAYNE (*Mirani*): I moved a similar amendment to this when the 1911 Bill was going through, and the then Treasurer, Mr. Barnes, accepted it.

The TREASURER: He accepted it, but never put it into operation. There was no Board of Advice ever appointed under that provision.

Mr. SWAYNE: I know they formed Boards of Advice in connection with some of the mills.

The TREASURER: They formed committees.

Hon. W. H. BARNES: The Treasurer must be wrongly informed.

The TREASURER: Where was a Board of Advice ever appointed?

Mr. SWAYNE: I simply mentioned that we have a precedent for this amendment, as a similar proviso was included in previous legislation which has worked successfully. There were Boards of Advice at the South Johnstone and Babinda mills so I am told, and I know there was one at the Proserpine mill.

The TREASURER: Do you say there is a Board of Advice at Babinda?

Mr. SWAYNE: Yes; there is authority to appoint a Board.

The TREASURER: That is different.

Mr. SWAYNE: Perhaps the hon. gentleman has prevented them from doing it.

The TREASURER: No; the hon. member for Bulimba may have done so. (Laughter.)

Mr. SWAYNE: The hon. gentleman misled the House on one occasion when, in reply to a question I asked, he told me the advice of the Board of Advice had been taken.

The TREASURER: That is quite wrong.

Mr. SWAYNE: I have letters showing that he is wrong. These people will be entirely in the hands of the mill; they will not even have the opportunity of acquiring the mill. They are for all time at the mercy of the management. The management can do anything it likes, and, if it loses money through mismanagement, the growers have to make it good. The management may in many ways inflict heavy losses on the growers. Seeing that their prosperity depends upon the mill for which they are growing cane, it is only a fair thing that some provision should be made by which, at any rate, they can approach the management and confer with it on matters of mutual interest. I feel sure that that would tend to a better understanding and smoother working. Unless the Treasurer is so intensely autocratic that he will not agree to a reasonable suggestion—and we have had evidences of late where he has handled Parliament in that way—I cannot for the life of me see why he should not accept the amendment of the hon. member for Burrum. The hon. member for Bulimba, when Treasurer, accepted a similar amendment, and I am quite sure that no harm has resulted from it. I do not think there would be any mistake made if the amendment went a step further and gave the growers further power. There are some mills which were managed successfully from the very beginning by farmer directorates.

The TEMPORARY CHAIRMAN: Order!

Mr. SWAYNE: I am just pointing out that an amendment which would go further than the amendment we are dealing with would be advisable. The mills I referred to were managed far better by the farmers. Half of them have liquidated their liabilities to the State.

The TEMPORARY CHAIRMAN: Order!

Mr. SWAYNE: I am simply pointing that out in support of the amendment, as it is only a fair thing to give the farmers some interest in the matter. There are cases where a similar amendment to this did good, and I feel sure that the proposed amendment would do good.

HON. W. H. BARNES (*Bulimba*): The Treasurer stated that, whilst a similar clause was inserted in a Bill which was passed while I was Treasurer, it was not carried out. It will be readily understood that I cannot get on my feet at this distance of time and attempt to say that it was carried out; but the hon. member for Mirani has made it perfectly clear that the Treasurer at one time himself thought it was in operation. We have the hon. member for Mirani on the one side and the Treasurer on the other.

The TREASURER: I think the hon. member for Mirani misunderstands the position.

HON. W. H. BARNES: I want to point out that the amendment shows that the law was not opposed by the parties for whom provision was made. I do not think it is an argument that it should not be included in the present Bill. It rather goes to show that ordinarily the cane growers do not care about the theory; but, if they have the power, surely it is a good thing. I think that the Treasurer must agree—taking his own statement as being strictly correct—that the fact of the provision not having been operative is an indication why it should be put into the Bill to give the farmers the power should they desire to exercise it. I agree with the Treasurer that any Board of Advice which tied up the management would not be a good one; but, if I remember the provision aright, it was a Board which would give the farmers good advice. We all need advice, and I am sure the Treasurer needs advice.

The TREASURER: I always take it. (Laughter.)

HON. W. H. BARNES: I wish the hon. gentleman would take it on this occasion. This amendment will practically put into the Bill something of the co-operative principle, which is now absent from the measure. It provides that the growers of cane shall have power to say things to the management. I hope the Treasurer will accept the amendment in the spirit in which it is moved by the hon. member for Burrum.

New clause (*Mr. Brand*) put and negatived.

Clause 5—"*Construction and control of works and business*"—

Mr. SWAYNE (*Mirani*): I move the insertion, after subclause (2), of the following new subclause:—

> "(3) All such works when constructed shall vest in the Corporation until transferred to a Company, or otherwise disposed of as hereinafter by this Act provided."

On the second reading, the Treasurer was asked about the ultimate acquirement of the mills, and this afternoon he has again referred to the matter. I understood him to say on the second reading that, when the debt was paid off, there would be no objection to a company taking over a mill. I pointed out at the time that he was alluding to a time twenty or twenty-five years ahead, and that so far there was nothing sure.

The TEMPORARY CHAIRMAN: Order! I would point out to the hon. member that his amendment is not in order. He seeks to include in the Bill a principle that is quite subversive of the principle of the measure, and, consequently, the amendment is not in order.

Mr. SWAYNE: I would point out that at the initiatory stage the Treasurer said the principle of co-operation was contained in the Bill.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): No; I said that provision is made in existing legislation. I want to say a word on that, so that hon. members will not think I have deceived the Committee. I think it was the leader of the Opposition who raised the point as to whether there was a possibility of the mills erected under this Bill being acquired under the co-operative principle, and I said that provision was made under the Act of 1914. That Act is not operative in regard to the establishment or acquisition of a mill. They have to initiate the matter by a petition of the growers.

I pointed out that it was no use making provision for getting a mill there under the provisions of the 1914 Act, because there are no suppliers there now, and, until the mill is built there can be no suppliers. After the mill is established and before it is paid for, if there is a sufficient number of growers, they can operate under the provisions of the 1914 Act and thus make the mill co-operative.

Mr. VOWLES (*Dalby*): There is another provision in connection with this clause to which I would like to draw attention. Subclause (3) reads—

> "3. All capital moneys representing the cost of construction as aforesaid, with all additions to capital cost as aforesaid, shall be deemed to be a loan from the Treasurer to the Corporation, and shall bear interest at a rate to be determined by the Governor in Council, and shall be repayable to the Treasury within such period and on such terms as the Governor in Council may determine."

We have arrived at the position that the tenants have not only got to pay interest on the whole concern but redemption in addition. I was under the impression that they were going to be freed of that responsibility. When the Treasurer was moving the second reading of the Bill he referred to the Johnstone River growers, and said it would have crippled them if they had had to meet their redemption charge. He also said—

> "Until that occurs there will be no redemption charge. The only charge that will be made by the Treasurer is for interest on the outlay and a sinking fund for reasonable depreciation. There will be no redemption of the loan to pay."

I draw the attention of the Treasurer to that, because it does not say that in the clause. They are not only going to be asked to pay interest, but redemption as well. They are nationalised tenants. They are not co-operative, although the Treasurer says they will have an opportunity of becoming co-operative tenants under the 1914 Act. He said there will be no redemption charges. He also said that the tenants would have an opportunity of making the mill their own within a reasonable period. That is all right, but it is not what the clause provides. The clause says that the interest and redemption have both got to be met, so there is no getting out of it. There does not seem to be any power of discrimination, although I judge from the remarks of the Treasurer that he intended that to be so. I did not take any particular notice of the clause when the Bill was introduced because I was guided by the Treasurer's explanation.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): It is just as I stated on the second reading of the Bill—that there will be no charge for redemption for these works. The only charge will be for interest and depreciation. If a sinking fund is established, of course it will provide for the ultimate discharge of the indebtedness—it may be over a very long period. The State is not interested in the business except to make provision for the retirement of the indemnity. A sinking fund of 1 per cent. would probably retire it in thirty-five years.

Mr. VOWLES: What is going to become of the mill after thirty-five years?

The TREASURER: If the mill is a financial success and returns sufficient, after paying for renewals, alterations, and capital charges, no doubt the growers will make a co-operative concern of it under the 1914 Act. There is no danger in the clause at all. The clause will not be operated to permit of redemption payments being made by the suppliers of cane.

Mr. SWAYNE (*Mirani*): The Treasurer's remarks are different to what they were on the second reading and at the initiatory stage, when he said that the Bill would include the co-operative idea. Had we known that it did not include a provision for a co-operative mill, we would have moved an amendment at the initial stage. We would have done that but for the Treasurer's camouflage. The Treasurer, in reply to a question, said—

> "The co-operative principle is perfectly well safeguarded in this Bill."

The hon. gentleman in charge of the Department of Public Works also said—

> "The co-operative principle is safe in the hands of this Government."

This is an interesting point as illustrating that farmers and communists cannot come together. We know that the farmers are all desirous of owning their own farms and running their own factories and controlling the passage of their produce from the field to the consumers. The Government's action in this simply emphasises the impassable gulf existing between the farmer and the communist.

The TEMPORARY CHAIRMAN: Order!

Mr. SWAYNE: I beg to move the insertion, in line 33, after the word "Council," of the words—

> "(not exceeding the interest payable by the State on such loan money)."

The object of my amendment is to see that the Government shall not make a profit. The money should be advanced at its cost price. We do not want the growers of cane to be saddled with a charge which will enable the Government to make money out of the transaction. With the altered conditions now prevailing that is only a fair thing.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): There is no harm in the amendment, but I can assure the hon. member that the growers will not be charged the full cost of the money. The farmers paying interest on investments in sugar-mills at the present time are only charged at the rate of 4 per cent.

Mr. SWAYNE: Some of your loans are as high as 7 per cent.

The TREASURER: Surely the hon. gentleman does not want us to fix a rate which was charged for loans for a brief period?

Hon. W. H. BARNES (*Bulimba*): The Treasurer is not quite fair when he refers to the cost of money under a previous Act. We know that, as a result of the war, the rate of interest was less in 1914 than it is to-day, and that is why the farmers are paying less. The amendment will not do any harm. The rate of interest paid by the Government should also be paid by the growers.

The TREASURER: Do you mean the full amount?

Hon. W. H. BARNES: I take it that the rate will vary from time to time, and there should be no extra charge upon a mill. Suppose, for the sake of argument, [4 p.m.] that all State enterprises paid working expenses and interest on the money expended by them; it would be

a great thing for the State? Suppose the railways did that?

The SECRETARY FOR AGRICULTURE: It would be a great thing for the users of the railways, too. It would mean higher freights and fares.

HON. W. H. BARNES: I cannot discuss that proposition with the hon. gentleman now; but this is a reasonable proposal.

Amendment (*Mr. Swayne*) put and negatived.

Mr. BRAND (*Burrum*): I beg to move the omission, on lines 28 to 30, page 4, of the following words:—

> "or for disposal as holdings or otherwise for the purposes of this Act."

Later on I propose to move the insertion of the words—

> "Provided that land acquired for disposal as holdings shall be disposed of under the same tenure as that which existed prior to its acquirement."

My amendment deals with land that has been acquired by the Crown and is later on disposed of. I desire that it shall be disposed of under the same tenure under which it was previously held.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): The amendment would destroy one of the essential principles of the Bill. The hon. member wants to specify the tenure under which all land acquired by the Corporation shall be disposed of. His amendment also means that holders of certain portions of land who are allowed to retain their land shall retain it on the same tenure as that under which they hold it at present. That is already provided for in subclause (6). The hon. member, however, will see that if we accepted his amendment the Corporation would have no power or authority to dispose of any land.

Mr. BRAND: If you acquire land, you can dispose of it on the same tenure.

The TREASURER: No. It will be disposed of under perpetual lease, as I explained on the second reading, but where a man retains a portion of his land, he will do so on its existing tenure.

Mr. SWAYNE (*Mirani*): I understand that if freehold land comes under the control of the Corporation, and the Corporation disposes of it, the tenure will be altered to perpetual leasehold.

The TREASURER: Yes.

Mr. SWAYNE: Of course, we are well aware that the policy of the Government is that there shall be no more freehold in the disposal of Crown lands, and that principle is now being introduced into lands already alienated. It comes in as freehold and it goes out as perpetual leasehold. That is rather a cute way of diminishing the area of freehold land in Queensland, and I take it that it will mean that the owners of remaining freehold will be taxed more than ever. The taxation will be so heavy that the owners of freehold will throw it up in disgust, and the Government's policy of confiscation will be effected. The whole thing is working beautifully. Nearly every Bill that is introduced has been up against the man who has a bit of freehold land. Every conceivable opportunity is taken to deprive him of it.

Amendment (*Mr. Brand*) put and negatived.

Mr. BRAND (*Burrum*): I beg to move the insertion, after line 34, page 4, of the words—

> "Provided that land acquired for disposal as holdings shall be disposed of under the same tenure as that which existed prior to its acquirement."

I think the Treasurer will be democratic enough to recognise that the majority of the people favour freehold tenure, as evidenced by the fact that members on this side who support this principle represent a majority of them. The Treasurer and those sitting behind him really represent a minority of the people. Surely to goodness on this occasion the hon. gentleman will recognise that the farmers will be more successful under freehold than under leasehold tenure! I hope he will accept the amendment.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I cannot accept the amendment, which would mean a reversal of the Government policy.

Mr. BRAND: Only on a small scale.

The TREASURER: Yes, but in my opinion there is no justification for it. The hon. member may be convinced that leasehold tenure is not the best in new settlement, but I am perfectly convinced that it is. It means the saving to the selector of all the capital which he needs to take to the State Advances Corporation with a view to getting what advances he can for the improvement of his holding, and there is no danger that he will be exploited. He will continue to pay rent on a reasonable valuation. Suppose an intending settler has an average capital of £400 or £500—it will not average more than that—if he were asked to pay cash for a freehold, more than his capital would be absorbed. That principle is wholly bad, in my opinion, in new settlement. There is no solid argument against perpetual leasehold.

Mr. BRAND: He does not own his home.

The TREASURER: He owns his home just as certainly as he does under the freehold system. There is a lot of misconception as to what freehold is. It does not confer an inalienable right—not so inalienable a right as a perpetual leasehold. It does not give absolute possession of land to anybody in the British Empire. The land can be taken away. It is only freehold by permission.

Mr. KING: It can be taken away only for certain purposes and upon payment of compensation.

The TREASURER: And the same thing would apply to perpetual lease; so that, as far as security of tenure is concerned, one is as good as the other. In fact, probably in law it will be found that in many particulars perpetual lease confers greater security of tenure, because the property in the land itself cannot be taken.

Mr. KING: It is always subject to reappraisement of rent.

The TREASURER: It is subject to reappraisement under the law; but the freeholder is subject to land tax under the law.

Mr. KING: Is not a perpetual leasehold subject to land tax?

The TREASURER: Not under the law of Queensland. It is possible that a perpetual leasehold may be taxed in future; I do not know. There is a lot of misconception in regard to the virtues of freehold as compared with perpetual leasehold; but when

you deal with it from the point of view of security of tenure, there is no advantage to the freeholder over the perpetual leaseholder. The only advantage which those who support it can claim for it is that it gives what appears to be a more complete title in the land; but that is only a fiction. The man who holds a perpetual lease holds it for his lifetime.

Mr. BRAND: Your Trades Hall people want freehold.

The TREASURER: If our Trades Hall people—as the hon. member calls them—want freehold land, that does not prove that perpetual leasehold is a bad tenure. If there are individual Labourites who choose freehold, that does not condemn the principle for which I stand, which can be defended upon commonsense grounds, more particularly in giving new settlers a better start than they would have under freehold. The amendment does not merely strike at the principle of perpetual lease; it practically upsets the basis of this clause. I could mention the names of half a dozen large landholders in the Babinda area who gained more advantage from the erection of the mill than all the other growers in that area. Because of that it must be recognised to be reasonable that, before a mill is erected, the land should be acquired and apportioned out amongst bona fide cane suppliers who will come there.

Mr. MOORE (*Aubigny*): I am prepared to admit that there is something in what the Treasurer says; but he goes to the other extreme. It is not necessary that the individual should have all the land he now possesses in order to make a profit out of it. We know that to-day a man who has taken up an agricultural selection is able to make it freehold in thirty years with the payment of the same amount that is taken by way of rent from the perpetual leaseholder, who has to bear a higher valuation. I know a number of instances in which agricultural farms have been taken up for £1 an acre. Those men have paid that amount for thirty years and acquired the freehold. The perpetual lease alongside, with the 3 per cent. rental, is valued at the commencement at £6 an acre. Because the Crown fixes a low rate of interest, a high valuation is put on that land. In an area such as this, the Crown will be taking land which already is freehold. Why not allow those men to take it up on long terms? It will eventually become their own property. It will make for the quicker settlement of the sugar-works area, and give the people greater interest in the land. There is nothing against the policy of the Government in allowing freehold to remain freehold.

The SECRETARY FOR AGRICULTURE: Do you think the Government will have any difficulty in getting settlers on the Tully River if a mill is put up there?

Mr. MOORE: I do not know whether they will or not. We want to settle land in the way which is best for the State.

The TREASURER: There is no doubt that the best way for the State is the perpetual leasehold tenure.

Mr. MOORE: I have already pointed out that the State is getting more out of perpetual leasehold, and it still holds the land. I am looking at it from the settlement point of view—whether you want people to come to the State and make their homes here.

The TEMPORARY CHAIRMAN: Order! The hon. member is not dealing with the amendment.

Mr. MOORE: The amendment provides that, if the land taken is freehold, it shall be let out on the same tenure.

The TEMPORARY CHAIRMAN: Order! The amendment says nothing about freehold.

Mr. MOORE: That is what it means. If freehold property is taken over by the State, it shall be let out on freehold tenure.

The TEMPORARY CHAIRMAN: Order! The hon. member is not in order in discussing in detail the advantages of freehold or leasehold.

Mr. MOORE: The Premier pointed out the advantages of leasehold tenure to the State. I want to point out the advantage of freehold to the settler, and the eventual advantage it would be to the State.

Amendment (*Mr. Brand*) put and negatived.

Mr. SWAYNE (*Mirani*): I beg to move the insertion, on line 8, page 5, subclause (7), of the words—

> "The Corporation shall be liable to pay compensation for any damage to any crop or other improvements or through interference with the beneficial use of the land by the owner or occupier thereof.'

This subclause gives power to the Corporation to run tramlines through a man's land, if necessary. It is simply carrying out the custom that prevails in all sugar-works areas. It seems to me that, if actual damage is done to a crop—if the farmer through whose land the tramline is put loses so many tons of cane—it is only right that he should be compensated. It may be necessary to erect a fence, which might cut off a man's crop from water; or the tramline might run between his dwelling and his improvements. Where actual damage is done, it should be made good.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I cannot accept the amendment. The hon. members knows that this provision applies only to temporary tramways. It is frequently necessary to run a temporary tramway through a standing crop. The Corporation does as little damage as possible, using its discretion to compensate where damage is done. That power is being exercised at the present time. The experience gained in running these temporary lines in the Babinda, South Johnstone, and Proserpine areas shows the extreme danger of accepting amendments such as this. It would lead to every disgruntled grower making impossible claims against the Corporation, which it would have to defend.

Amendment (*Mr. Swayne*) put and negatived.

Clause 5 put and passed.

Clause 6—"*Power to make advances on cane, etc.*"—put and passed.

Clause 7—"*Power to vest lands in the Corporation*"—

Mr. BRAND (*Burrum*): I beg to move the omission, on line 50, of the word "may," with a view to inserting the word "shall." That is to provide that, if the Corporation decides that certain lands are to be set apart for the purposes of the Bill, the Secretary for Public Lands shall set that land apart, instead of allowing it to remain optional.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): The intention of the amendment is to make this clause mandatory; but I do not really know what the hon. member is driving at. The powers of this Bill will be operated by the Corporation—not by the Secretary for Public Lands. The Secretary for Public Lands will only use this power when requested by the Corporation.

Mr. BRAND: If the Corporation decides to set apart certain lands, the Secretary for Public Lands can prevent that being done.

The TREASURER: If the Corporation insists on the land being set apart, that land will be provided unless there is a very serious division in the Cabinet. Presumably the Secretary for Public Lands will be in harmony with the Treasurer in whatever Administration is in power; but, according to the amendment, the Secretary for Public Lands could exercise this power without any request from the Corporation. That would be wrong.

Mr. SWAYNE (*Mirani*): The growers' interests are largely involved in the Bill, and we should, as far as possible, allow the Corporation to say that such lands shall be set apart and that those lands will then be set apart. The Corporation should have power to handle the land so that possibly the growers will be able to obtain some benefit by the handling of the land by the Corporation.

Amendment (*Mr. Brand*) put and negatived.

Mr. BRAND (*Burrum*): I have a further amendment.

The TREASURER: Is that not a consequential amendment?

Mr. BRAND: No. I beg to move the insertion, after the word "lands," on line 53, of the words—

"within the sugar works area."

I think the Treasurer will recognise that the words are necessary, and I hope he will accept the amendment.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I think it would be very undesirable to accept the amendment. The clause empowers the Secretary for Public Lands, presumably upon the application of the Corporation or the Treasurer, to set apart certain lands for the purposes of the Bill within or without the sugar works area. It may be necessary to have land set apart by the Department of Public Lands for the Corporation outside the proclaimed area for the purpose of constructing a tramline, or to set apart land adjacent to a river or an estuary for the purpose of constructing a wharf. It is contemplated that, if the Tully River area is recommended by the Royal Commission, it will be necessary to run a tramline to the mouth of the Tully River.

Amendment (*Mr. Brand*) put and negatived.

Mr. SWAYNE (*Mirani*): I beg to move the insertion after the word "may," in line 1, page 6, of the words—

"with the consent of the Corporation."

Any benefits that are derived from the handling of the land should go to the Corporation and possibly reach the growers. My amendment is for the purpose of ensuring control by the Corporation.

Amendment (*Mr. Swayne*) agreed to.

Clause 7, as amended, put and passed.

Clauses 8 to 11, both inclusive, put and passed.

Mr. SWAYNE (*Mirani*): I beg to move the insertion of the following new clause to follow clause 11:—

"The Treasurer shall from time to time permit the Corporation to pay off the whole or any portion of the moneys advanced at any time before they are due, and the Corporation shall apply any surplus profits for this purpose. In such case the Corporation shall be entitled to a proportionate rebate of interest, to be adjusted by the Treasurer. Any decrease in the amount of interest payable by the Corporation to the Treasurer shall be taken into account for the purpose of increasing the price or prices which would otherwise be determined as payable to the canegrowers."

If the growers, through the amount of cane that they grow, enable the Corporation to make certain profits, those profits should be applied to paying off the indebtedness to the Corporation of the Treasurer.

New clause (*Mr. Swayne*) agreed to.

Clause 12—"*Levy of rate*"—put and passed.

Clause 13—"*Suppliers not to sell or pledge cane; restraint on alienation*"—

Mr. BRAND (*Burrum*): I beg to move the omission of paragraph (ii.)—

"(ii.) No person shall lease or sell or transfer or enter into any agreement to lease or sell or transfer to any other person any land or any interest in land within any sugar works area unless he has previously received the consent, in writing, of the Corporation to such lease or sale or transfer or agreement therefor. Any such lease or sale or transfer or agreement therefor made or entered into contrary to the provisions of this subsection shall be null and void for all purposes, and in addition any person who infringes this provision shall be liable on summary conviction to a penalty not exceeding five pounds.

"In this provision, the term 'lease' includes any contract, agreement, scheme, or device by which any estate or interest in land less than fee-simple is created or is agreed or is intended to be created, or relating to the leasing of land on the share system"—

with a view to inserting the following paragraph:—

"(ii.) The Corporation shall have full power and authority to regulate the leasing and selling of all land within the sugar works area subject to canegrowing agreements."

At 4.30 p.m.,

The TEMPORARY CHAIRMAN: Under the provisions of Sessional Order agreed to by the House on 30th August, I shall now leave the chair and make my report to the House.

The House resumed.

The TEMPORARY CHAIRMAN reported progress.

The resumption of the Committee was made an Order of the Day for a later hour of the sitting.

## QUESTIONS.

### NEGOTIATIONS RESPECTING PROSPECTING FOR PETROLEUM.

Mr. WARREN (*Murrumba*), in the absence of Mr. Bell (*Fassifern*), asked the Secretary for Mines—

"1. Has the Government during the past twelve months entered into negotia-

tions with the Anglo-Persian Oil Company and [or] the Commonwealth Government relative to the development of the oil industry in this State? If so, has any agreement been reached, and can he inform the House of the terms of such agreement?

"2. Will he amend the present Mining Acts with a view of giving greater encouragement to prospecting for oil and the development of this industry?"

The SECRETARY FOR MINES (Hon. A. J. Jones, *Paddington*) replied—

"1. Negotiations were entered into with the Commonwealth Government with a view to an agreement for the purpose of more effectively testing the Roma oil field. The Commonwealth Government arranged for an inspection by a geologist from the staff of the Anglo-Persian Oil Company. The inspection has been made, but the Commonwealth have not yet furnished the Queensland Government with the report.

"2. The matter will receive consideration."

EXPENSES PAID TO MR. ROBERTS FROM 1D. PER BUSHEL LEVY ON WHEAT GROWERS.

Mr. WARREN, in the absence of Mr. Bell (*Fassifern*), asked the hon. member for Pittsworth—

"1. Has he noticed on page 12 of the report of the Royal Commission appointed to inquire into the 1d. per bushel levy on wheatgrowers a statement that a sum of £120, less £66 19s. 6d. refunded, a net amount of £53 0s. 6d. was paid out of this fund to Messrs. Beverly and Roberts for expenses of their trip to New South Wales and Victoria in connection with the question of Federal pooling, etc.?

"2. Is he the Mr. Roberts therein referred to?

"3. What was the actual amount paid to him out of this fund?

"4. How long was he in Melbourne and Sydney in connection with the business referred to, and was he paid expenses out of the fund for the whole of the time he was engaged in such business?"

Mr. J. H. C. ROBERTS (*Pittsworth*) replied—

"1. Yes.

"2. Yes.

"3. £5.

"4. I was in Melbourne for five days and in Sydney for five days, occupied solely in the business mentioned. I received £5 out of the fund for the time I was in Melbourne, but did not draw any expenses for the time in Sydney, nor for the journey from Toowoomba to Melbourne, Melbourne to Sydney, or Sydney to Toowoomba."

Mr. COLLINS: The arrogance of wealth. (Laughter.)

ROYAL COMMISSION APPOINTED TO INQUIRE INTO LEVY OF 1D. PER BUSHEL ON WHEATGROWERS.

Mr. J. H. C. ROBERTS (*Pittsworth*) asked the Premier—

"Referring to the Royal Commission appointed to inquire into the 1d. per bushel levy on wheatgrowers—

"1. Was this Commission appointed by request; and, if so, at whose request?

"2. What was the total cost of the inquiry?

"3. Will he have a copy of the report forwarded to each contributor to the fund?"

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

"1. Yes, at the request of a number of Darling Downs wheatgrowers.

"2. £151 2s. 8d.

"3. A copy will be sent to each on application."

EXPENDITURE OF WHEAT BOARD, 1920-1921 AND 1921-1922.

Mr. J. H. C. ROBERTS (*Pittsworth*) asked the Secretary for Agriculture and Stock—

"Will he supply a statement showing the expenditure of the Wheat Board during the years 1920-1921 and 1921-1922 on (*a*) office books, (*b*) other stationery, and (*c*) printing, showing the total amount paid to each person, firm, or company under the above headings?"

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

"Inquiries will be made."

BALANCE-SHEET OF WHEAT BOARD FOR 1920-1921 CROP.

Mr. G. P. BARNES (*Warwick*) asked the Secretary for Agriculture and Stock—

"1. Will he ascertain when the balance-sheet for the 1920-1921 wheat crop will be available?

"2. Will he ascertain when the balance of 9d. per bushel on wheat, due under the guarantee for the 1920-1921 wheat crop, will be paid?

"3. What advances have been paid to farmers for 1920-1921 wheat for No. 2 Milling, No. 3 Milling, No. 1 Red, No. 2 Red, Scented, No. 1 Feed, and No. 2 Feed? Have the owners of these grades of wheat been paid in full, or is there a balance still to be paid; and, if so, how much per bushel?"

The SECRETARY FOR AGRICULTURE replied—

"1, 2, and 3. Inquiries will be made."

## PAPERS.

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

Report of the Commissioner for Railways for the year ended 30th June, 1922.

Regulations, dated 29th September, 1922, under the Wheat Pool Act of 1920.

Tenth report of the Public Service Superannuation Board.

The following papers were laid on the table:—

Order in Council under the Supreme Court Act of 1921.

Order in Council under the Magistrates Courts Act of 1921.

Order in Council under the Insurance Act of 1916.

## SUGAR WORKS BILL.

RESUMPTION OF COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clause 13—"*Suppliers not to sell or pledge cane; restraint on alienation*"—

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I cannot accept the amendment moved by the hon. member for Burrum. The clause, as drafted, practically embodies in

the Bill what is embodied in regulations with regard to existing mills. Under the existing Act provision is made by regulation. Exactly the same phraseology is necessary in order to prevent the transfer of land to aliens under the agreement entered into with the Commonwealth. It is very necessary to have some provision of that kind.

Mr. SWAYNE (*Mirani*): I desire to support the amendment. The clause as it now stands is very drastic. I quite agree with the object mentioned by the Treasurer of preventing land being leased to aliens; we do not want that. This is how the clause reads—

> "No person shall lease or sell or transfer or enter into any agreement to lease or sell or transfer to any other person any land or any interest in land within any sugar works area unless he has previously received the consent, in writing, of the Corporation to such lease or sale or transfer or agreement therefor."

The land practically ceases to be his. It is something like taking a steam hammer to crack a nutshell to insert that provision to combat the possibility of land being leased to coloured aliens.

The TREASURER: It is a regulation under the 1911 Act.

Mr. SWAYNE: The amendment of the hon. member for Burrum follows the phraseology of the 1911 Act.

The TREASURER: This is a regulation under the 1911 Act, and it is provided for in this Bill.

Mr. SWAYNE: I think there is a difference between having it in a regulation and in the Bill itself. If the regulation is found unnecessary, it can be annulled; but once the provision is in the Bill, it is out of anyone's power to do anything to help in a case of hardship unless the amendment is inserted. I think the wording of the 1911 Act is quite sufficient. It shows that, if necessary, such regulations may be made. There is a difference between the 1911 Act and this Bill. If under the 1911 Act the growers do forfeit their rights, it is only for a time; there is compensation in the prospect of taking over the mill later on. Certain provisions are contained in that Act which enable them to acquire the mill.

At 4.45 p.m.,

Mr. F. A. COOPER (*Bremer*), one of the panel of Temporary Chairmen, relieved Mr. Pollock in the chair.

Mr. SWAYNE: In spite of what the Treasurer has told us about what may be done by-and-by, there is nothing whatever said about it in the Bill. It is entirely supposition on the hon. gentleman's part, based on what an hon. gentleman in the position of Treasurer may do in twenty or twenty-five years' time. Seeing that, so far as we know, the 1911 Act has proved effective, we would do well to insert the same wording in this Bill. There is this difference: that under this Bill, when the Corporation is formed, all these rights of priority cease automatically. In the 1911 Act it was left optional for the Corporation as to whether it should exercise this power or not. The amendment provides that the Corporation should have full power to lease and sell, but until it chooses to exercise the power there is nothing to prevent the owner of the land from receiving rent, but the Bill as it stands compels it from the moment the area is proclaimed. The present Administration will place themselves in most unfavourable contrast with their predecessors in their treatment of the cane-growers if they do not accept the amendment.

Amendment (*Mr. Brand*) put and negatived.

Clause 13 put and passed.

Mr. SWAYNE (*Mirani*): I beg to move the insertion of the following new clause to follow clause 13:—

> "Forthwith after the total amount of the capital cost of a sugar works and all other sums due by the Corporation to the Treasurer under this Act have been repaid to the Treasurer as prescribed by this Act, the Treasurer shall publish in the 'Gazette' a certificate to that effect.
>
> "Thereupon the liability of the lands within the sugar works area to be rated under this Act, and all the obligations of the owners and occupiers thereof in respect of any rate, other than in respect of rates due and in arrear, shall cease and determine."

When no more money is owing, it seems unnecessary that these severe provisions should continue. I might take the case of private millowners, and refer to the Inkerman Mill, which is probably as big a mill as any. That mill was erected without any such provision as this.

The TREASURER: I will accept the amendment.

Amendment (*Mr. Swayne*) agreed to.

Clauses 14 to 19, both inclusive, put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill with amendments.

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

## LEGISLATIVE ASSEMBLY ACT AMENDMENT ACT OF 1921 REPEAL BILL.

SECOND READING.

The CHAIRMAN OF COMMITTEES (Mr. Kirwan, *Brisbane*) took the chair as Deputy Speaker.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The object of this Bill is to repeal the Act passed last session, making it possible for a State member who was defeated at a Federal election to regain his State seat without re-election. When the Commonwealth was established no embargo existed on the rights of State members to contest Federal seats. There was no such limitation imposed in the Commonwealth Constitution. As a matter of fact, at the first Federal election quite a large number of State members were candidates, and many of them were elected to the Commonwealth Parliament. In 1902, when the first Commonwealth Electoral Act was passed, a provision was inserted providing that any person who was a State member, or who had been a State member within fourteen days of the date of nomination, would be ineligible as a candidate. The position remained unaltered until 1917, when the Parliament of Tasmania passed a law providing that a State member could contest a Federal seat, and, if he failed in the election, could secure his State seat without a poll. The next phase of the question arose at the Premiers' Conference held in 1920, at which the following resolution was carried unanimously:—

"That the Commonwealth Government be asked to amend their law so as to make it possible for any person, whilst remaining a member of the State Parliament, to be a candidate for the Federal Parliament, and, failing that, the States be requested to so amend their law as to effect this purpose in the same way as is done under the Tasmanian law."

That was carried at a meeting of Premiers representative, of course, of both parties. Subsequent to the carrying of that resolution the Prime Minister of the Commonwealth conveyed to the executive officer of that conference, who was the then Premier of New South Wales, the intimation that the Commonwealth proposed to take no action. Immediately afterwards the Parliaments of Victoria and South Australia followed in the footsteps of Tasmania and passed Acts enabling their members to contest Federal seats without risking the loss of their State seats in the event of their being unsuccessful. Last year the Queensland Parliament did likewise. But immediately we passed our Act last year the Commonwealth Parliament passed an amending Electoral Act deliberately overriding the Act passed by the Queensland Parliament.

Mr. TAYLOR: Quite right.

The ATTORNEY-GENERAL: The hon. member says, "Quite right." I would remind him that the resolution was passed unanimously at the conference of Premiers, attended alike by members of his party and of ours. The provision in the Commonwealth Electoral Act dealing with this matter reads—

"No person who—

(*a*) Is at the date of nomination a member of the Parliament of a State; or

(*b*) Was at any time within fourteen days prior to the date of nomination a member of the Parliament of a State: or

(*c*) Has resigned from the Parliament of a State and has the right under the law of the State, if not elected to the Parliament of the Commonwealth, to be re-elected to the Parliament of the State without holding a poll,

shall be capable of being nominated as a Senator or as a member of the House of Representatives."

That is the Commonwealth law to-day. When that law was passed we had to consider to what extent the Act passed in Queensland last year was affected by the Commonwealth law. As the question was of paramount importance to every member of this Assembly, we secured an opinion upon the Act which we passed and the Act passed by the Commonwealth Parliament from Professor Harrison Moore. As the question submitted to Professor Harrison Moore and his replies thereto occupy fourteen typewritten sheets of foolscap, I do not propose to read the document to the House, but as the matter is of supreme importance I would like, with the permission of the House, to have it inserted in "Hansard."

Mr. VOWLES: Why?

The ATTORNEY-GENERAL: It is a long document, and it is a most important opinion.

The DEPUTY SPEAKER: Is it the pleasure of the House that the opinion referred to by the Attorney-General be published in "Hansard"?

Mr. VOWLES: No.

The DEPUTY SPEAKER: The question is—That the opinion of Professor Harrison Moore be inserted in "Hansard." Those who are of that opinion say "Aye"; on the contrary, "No." I think the "Ayes" have it.

Mr. VOWLES: Divide.

The ATTORNEY-GENERAL: Fancy calling for a division on such a paltry thing as that!

Mr. VOWLES: You would not allow me to do it on one occasion.

Question—That the opinion of Professor Harrison Moore be inserted in "Hansard"—put; and the House divided:—

AYES, 33.

| | |
|---|---|
| Mr. Barber | Mr. Jones, A. J. |
| ,, Bertram | ,, Land |
| ,, Brennan | ,, Larcombe |
| ,, Bulcock | ,, Mullan |
| ,, Collins | ,, Payne |
| ,, Cooper, F. A. | ,, Pease |
| ,, Cooper, W. | ,, Pollock |
| ,, Coyne | ,, Riordan |
| ,, Dash | ,, Ryan |
| ,, Dunstan | ,, Smith |
| ,, Ferricks | ,, Stopford |
| ,, Foley | ,, Theodore |
| ,, Forde | ,, Weir |
| ,, Gilday | ,, Wellington |
| ,, Gillies | ,, Wilson |
| ,, Gledson | ,, Winstanley |
| ,, Hartley | |

*Tellers:* Mr. Ferricks and Mr. Hartley.

NOES, 31.

| | |
|---|---|
| Mr. Appel | Mr. King |
| ,, Barnes, G. P. | ,, Logan |
| ,, Barnes, W. H. | ,, Macgregor |
| ,, Bell | ,, Maxwell |
| ,, Brand | ,, Moore |
| ,, Cattermull | ,, Morgan |
| ,, Clayton | ,, Nott |
| ,, Corser | ,, Peterson |
| ,, Deacon | ,, Petrie |
| ,, Edwards | ,, Roberts, J. H. C. |
| ,, Elphinstone | ,, Roberts, T. R. |
| ,, Fletcher | ,, Swayne |
| ,, Fry | ,, Taylor |
| ,, Green | ,, Vowles |
| ,, Jones, J. | ,, Warren |
| ,, Kerr | |

*Tellers:* Mr. Bell and Mr. Kerr.

PAIR.

Aye—Mr. McCormack. No—Mr. Sizer.

Resolved in the affirmative.

The ATTORNEY-GENERAL: The questions submitted to Professor Harrison Moore were—

(1) Whether section 70 of the Commonwealth Electoral Act, 1918-1921, is valid, and, if so,

(2) whether by reason of the Legislative Assembly Act Amendment Act of 1921 a State member who merely resigns his seat to contest a Federal election, and does *not* give the Speaker notice of his intention to seek such election and in the event of his failing to secure such election, to become again a candidate for the vacancy in the Legislative Assembly, can validly nominate for the Federal seat, whether or not the Speaker has issued a writ for an election to fill the vacancy.

(It has been suggested that the word "right" in section 70 (*c*) of the Commonwealth Electoral Act, 1918-1921, disqualifies such a State member so resigning, because he may at any time, at least before the issue of the Speaker's writ, send a notice in writing under section 2 (1) of the Legislative Assembly Act of 1921;

and that this mere power is a "right" within the meaning of section 70 (*c*));

(3) whether the notice in writing under section 2 (1) of the Legislative Assembly Act of 1921, in order to be a valid notice for the purpose of that Act, might be given at any time before the date of the declaration of the Federal poll; and if not

(4) what is the latest date at which such notice might be given;

(It is suggested that such notice should be given before the Federal nomination day.

Questions (3) and (4) assume that the Federal Act is invalid.)

(5) If section 70 of the Commonwealth Electoral Act is valid, what is its effect on the Legislative Assembly Act Amendment Act of 1921?

Is the State Act wholly invalid, as being aimed at a purpose prohibited by the Federal Act?

(6) Generally on the whole position

(Copies of the Federal and States Acts in question are annexed hereto.)

The opinion of Professor Harrison Moore was—

"IN RE THE COMMONWEALTH ELECTORAL ACT AMENDMENT ACT, 1921,

AND

"THE LEGISLATIVE ASSEMBLY ACT AMENDMENT ACT OF 1921, EX PARTE THE GOVERNMENT OF QUEENSLAND.

"OPINION.

"*Question 1.*—I am of opinion that section 70 of the Commonwealth Electoral Act Amendment Act, 1921, is valid. By section 16 of the Constitution the qualifications of a senator shall be the same as those of a member of the House of Representatives. By section 34, until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be those laid down in the section. By section 51 the Parliament has power to make laws for the peace, order, and good government of the Commonwealth with respect to (xxxvi.) 'Matters in respect of which the Constitution makes provision until the Parliament otherwise provides.'

"The 'matter' in question in the present instance is 'the qualifications of a member of the House of Representatives' which carries with it under section 34 the qualifications of a senator. (Incidentally it may be observed that the specific inclusion of senators in section 70 of the Electoral Act appears both superfluous and unauthorised—superfluous because it is covered by any provision made as to members of the House of Representatives and unauthorised because the subject matter of legislative power is described in the Constitution by reference to members of the House of Representatives alone.) Is, then, section 70 legislation with respect to the qualifications of members of the House of Representatives?

"In some English Electoral Acts the term qualification has been construed as something outside personal capacity or incapacity and as referring exclusively to the more immediate facts of title such as property or residence (*Chorlton v. Lings* L. R. 4 C.P. on pp. 386, 388). But this is a special rather than a necessary or natural meaning. In the case of section 34, the provisions of (i.) and (ii.) make it clear that 'qualifications' includes personal capacity.

"The power to make laws with respect to capacities or qualifications is a power to say who shall be capable or qualified and who shall not. The mode or form in which it is exercised is immaterial—whether by explicit declaration of those who shall be capable or by express declaration of those who shall not be capable.

"It remains only to consider the bearing of section 44 of the Constitution on the power conferred by section 34 and section 51 (xxxvi.). Section 44 imposes a number of disqualifications. No doubt this limits the power which Parliament would otherwise have had—these disqualifications cannot be removed and all legislation to be valid must be consistent with the full operation of section 44. But it cannot, in my opinion, be construed as exhaustive, negativing the power of Parliament to establish new and additional disqualifications of a kind distinct from any of those set out in section 44. Whether the Parliament could extend particular grounds of disqualification mentioned in section 44 beyond the actual terms prescribed, e.g., impose disqualification in case of any convicted person whether his offence was punishable by a year's imprisonment or not, section 44 (ii.) having prescribed such year's imprisonment as a condition of the disqualification from conviction is a question which does not arise in the present instance, and I express no opinion upon it.

"*Question 2.*—This is a most intricate and difficult question, and I have set out the considerations which appear to me to make for each of the possible views. In my opinion, however, a member of the Queensland Legislative Assembly who merely resigns his seat to contest a Federal election and does *not* give the Speaker notice of his intention to seek such election, and in the event of his failing to secure such election to become again a candidate for the vacancy in the Legislative Assembly, can validly nominate for the Federal seat, whether or not the Speaker has issued a writ for an election to fill the vacancy.

"The question when a person has acquired a 'right to be re-elected' is, in the first instance, a matter of interpreting the Commonwealth Act, and, secondly, of interpreting the State Act. We are concerned with terms as used in the particular statute rather than with the analysis of right as an abstract conception, but the purposes of Parliament are to be gathered from the terms used, and no meaning can be attributed except one for which the words are, if not the most apt, at any rate, sufficient. In this class of case, judicial decisions do not give much direct help. On the one hand, we find that 'easements and rights' have been extended in meaning so as to include the case where time was still running towards prescription, i.e., where there was as yet no legally protected interest at all, the Court being moved to this conclusion by a consideration of the objects of the Act and the consequences of holding otherwise (*Barlow v. Ross* (1890) 24 Q.B.D. 381). On the other hand, in some of the

cases on 'rights accrued' as used in repealing Acts, the courts have taken a strict view of 'rights,' e.g., *Roberts v. Potts* (1894) 1 Q.B. 213, *Abbott v. Minister of Lands* (1895) A.C. 425. These latter cases are of interest in the present matter since they were cases in which the question was whether the fact that a person became entitled on doing certain things or on certain things being done, constituted a 'right accrued' while the things were still not done; and in *Roberts v. Potts* the thing to be done was the giving of certain notices. In *Abbott v. The Minister for Lands*, the Privy Council said, 'The mere right (assuming it to be properly so called) existing in the members of the community or any class of them to take advantage of an enactment without any act done by an individual towards availing himself of that right cannot properly be deemed a right accrued within the meaning of the enactment' (p. 431). So also the recent case of *Westralian Powell Wood Process Co. v. The Queen* (1921) 2 A.C. at p. 140, distinguishes between 'a potential privilege enabling a contract to be made' and 'an actual right then enjoyed.'

"As already pointed out, cases of this kind do little more than show the range of meaning that may be ascribed to such terms as are here employed, and thereby illustrate the difficulty of the task of interpretation.

"There is no doubt that the term 'right' can be appropriately used to describe a mere power to bring about legal results, i.e., a capacity is a right (cf: Hearn Legal Duties and Rights, pp. 145, seq., Salmond, Jurisprudence, section 73-76). Rights are of very varying degrees, and depend on varying facts. A person or class of persons is often said to have a right to sit in Parliament when all that is meant is that he or it is under no incapacity to be elected. In the case of the State Act involved in the present matter, every State member might be spoken of as having a right to re-election without a poll in the sense that he has a privilege taking effect in certain events, over and above people who are not members and who could not become members without election. The member who has actually resigned his seat for the purpose of standing for the Commonwealth Parliament might still more be described as having a right to re-election without a poll; he is in an exceptional position of advantage recognised by law in which he may perfect and complete his right by giving the necessary notification. In other words, while in the absence of notification he could not insist on the delay of the poll till after the Commonwealth election, or claim to be re-elected without a poll if unsuccessful, he has an incomplete or 'inchoate' right (see *Barlow v. Ross* 24 Q.B.D. at p. 392 per Lord Esher, M.R.) to be re-elected without a poll. It is indeed more than an 'inchoate' right; it is a right which becomes absolute on the fulfilment of a condition, viz., *notification*, which is entirely within the power of the resigning member himself. It is certainly a possible meaning of the terms employed that the disqualification of the Commonwealth Act is incurred irrespective of notice. As a reason against the strict reading of 'right' suggested by *Roberts v. Potts* 1894, 2 Q.B. 213, and *Abbott v. The Minister of Lands* 1895, A.C. 425, it may be noted that in the strictest and most direct sense a man has not the 'right to be re-elected' until after nomination, so that no person would fall under the disability imposed by the Commonwealth Act until after nomination. This reading would destroy the operation of the Commonwealth Act altogether. We are not, of course, to put a false construction on an Act of Parliament in order to save it from failure in operation. But if one construction would defeat the object and another would attain it, and each construction is permissible, though, perhaps, each is not equally in accord with the most proper sense of the words employed, the failure of the legislation under the one construction is a valid reason for preferring the other—*ut res magis valeat quam pereat.*

"There is another fact which, in my opinion, would influence the Court against insisting upon the strictest construction of the terms used. The Commonwealth Act has to operate in relation to the possible laws of six States, each of which may devise various ways of frustrating the object of the Commonwealth Act. In these varying circumstances of operation I consider that a Court would not look in the Commonwealth legislation for the same precision of expression as might be required where a Legislature was dealing with 'rights' arising under its own law and entirely within its own control. For these reasons I am of opinion that the expression 'right to be re-elected' must receive a construction short of a complete, absolute, and unqualified right.

"My final opinion on this question is formed on a consideration of the objects of the Commonwealth Act, and associates itself with the next question submitted to me, viz., at what time the notification to the Speaker must be made. The object of the Commonwealth Act is to ensure that State members shall not stand for the Commonwealth Parliament unless they relinquish their State seats for the time being in such a way that in seeking the one they risk losing both. The Act does not go further. It does not touch the case of a State member who does assume this risk. Now, under the State Act, the member who resigns *simpliciter*, though within fourteen days prior to the issue of the Commonwealth writ, takes nothing; his resignation must be *for the purpose of seeking election*. But such a purpose—a resolution of the mind—is an elusive and unsatisfactory, and therefore an improbable, basis of legal rights or incapacities; it is reasonable to look for some manifestation of purpose in external acts. The 'purpose of seeking election' is, in my opinion, to be gathered from the notification to the Speaker.

"My opinion, then, is that the disqualification of the Commonwealth Act is not incurred until the resigning member has notified the Speaker; that not till then has he the right to be re-elected without a poll within the meaning of the Act. I am strengthened in the opinion by the consideration that to hold otherwise would lead to the position that a man might become disqualified by resig-

nation, and regain a qualification before the Commonwealth election, by the issue of the Speaker's writ for the vacancy before the member's notification was received. The fact that if the member is not prompt in action his right to re-election can thus be destroyed by the action of other people, seems to be a good reason for treating notification, which at once completes his title and destroys the control of others over his right, as the crucial matter.

"I have reached this conclusion after much hesitation, and in forming my opinion I have not been able to dissociate this question from the consideration of questions 3 and 4 submitted to me. That is to say, the question whether notification was necessary in order to constitute a 'right to be re-elected' is associated, in my mind, with the time within which such notification has to be made. Had I been of opinion that notification might be postponed till the 'intention to seek election' had become a thing of the past, through the election having been made, or that it might be postponed to the polling day or its eve, I should have been of opinion that the disqualification was incurred upon resignation within the fourteen days with any sufficient proof of the purpose of seeking election.

"*Questions 3 and 4.*—Section 2 (i.) of the L.A.A.A. Act, 1921, specifies no time within which the notification must be sent to the Speaker, and accordingly the proper time must be gathered from the context, the subject-matter, and the object of the Act.

"As the first effect of the notification is to delay the issue of the writ, and as everything follows from and depends on that, the notification must obviously precede the issue of the writ. There appears to be no statutory provision prescribing any time for the issue of the writ to fill the vacancy. Under the Legislative Assembly Act 1867 (which in this respect does not appear to have been amended), a member may resign his seat, which thereby becomes vacant (section 8). But the issue of the writ by the Speaker to fill the vacancy takes place only after resolution of the Assembly, except in cases which need not be considered (section 10). The Assembly may, by failing to resolve, postpone indefinitely the issue of the writ. On the other hand, it may pass the necessary resolution immediately it receives the news of the resignation. A question arises whether a notification by the resigning member under section 2 (i.) of the Act of 1921 sent *after* the resolution of the Assembly would be effective, so as to cast upon the Speaker the duty of suspending the issue of the writ, or whether the Act contemplates that both conditions, viz., resignation and notification, should be fulfilled before any part of the machinery for the issue of the writ is set in motion, therefore *before* the resolution of the Assembly. It does not appear necessary to answer this question at present; but on the whole I see no sufficient reason for doubting that a literal reading here is the true one, and that the section is concerned only with the actual issue of the writ by the Speaker and not with the preliminary action on which it is based. The result would be that a notification by the resigning member given *after* the resolution of the Assembly under section 10 of the Act of 1867 would be effective.

"Another conclusion as to the time of notification is obvious from the character of the notification itself—it is a notification of *intention to seek election*. It must therefore be given before any person has been elected to the vacancy. But more than that; *an intention to seek election* describes an intention to enter upon a course of conduct, as distinguished from a course of conduct actually entered upon. It is not apt to describe a man's position on the eve of the poll or on the day of the poll before the poll has been closed, or after the close of the poll and before the result has been declared. During all this time the person is rather actually seeking election than *intending* to seek election. If, then, we must push back the proper time for giving the notification to some time at which *intention to seek election* is appropriate, I can find no definite time on which a stand can be made except the time of nomination, and I am of opinion, therefore, that the notification specified in section 2 (i.) of the L.A.A.A. Act, 1921, must not be later than the day of nomination. The question now being considered is not the same as in *Harford v. Lynsky* (1899) 1 Q.B. 352, where it was held that an incapacity to be elected existing at the date of nomination was fatal, though it might no longer exist at the time of the poll. But the preference for the time of nomination in that case as avoiding the inconveniences of uncertainty is not without a bearing here. If the terms of section 2 (i.) were 'an intention to submit himself for election,' I should have no doubt that the notification should precede the nomination, and I am of opinion that the words actually used in the section are substantially equivalent to this paraphrase.

"I have not overlooked the view that the notification of intention required is of a purpose existing at the date of the resignation, and does not refer to any intention existing at the time of notification at all. But I do not consider this a tenable view.

"*Question 5.*—In my opinion, the validity or invalidity of the Commonwealth Electoral Act, section 70, has no effect upon the validity of the L.A.A.A Act, 1921, of the Parliament of Queensland. No doubt, the validity of the Commonwealth Act defeats the object of the Queensland Act in that the measures provided will not be successful in avoiding the incapacities and disqualifications imposed by the Commonwealth on State members for election to the Commonwealth Parliament. But the State Act in no way attempts to create a qualification for the Commonwealth Parliament, and to say that such and such persons in such and such events shall be qualified. The 'object' which is defeated is rather the motive, of which courts do not take cognisance.

"In my opinion, then, the State enactment is valid and operative to the full extent of its terms. If the resignation takes place and the notice is given in due time the issue of the writ must be

delayed. If the candidate fails to secure election for the Parliament of the Commonwealth the rest of the section operates, and the reason or ground of his failing to secure election appears wholly immaterial, whether it is that he failed by reason of someone else getting more votes or by reason of his not being qualified.

"The only ground which occurs to me as one on which the State Act might be impugned is one outside the Commonwealth Constitution or the Commonwealth legislation. In *Taylor v. A.G. for Queensland* (1917) 23 C.L.R. at p. 474, it is suggested by Isaacs, J., that the preservation of the representative character of the Legislature is a basic condition of the power of alteration of the Constitution of the Legislature conferred by section 5 of the Colonial Laws Validity Act, 1865. See also Barton, J., at p. 468. But the definition of 'representative Legislature' in section 1 of the Imperial Act would probably cover this case and prevent the legislation from being invalid.

"*Question 6.*—I have nothing further to add on this question.

"W. HARRISON MOORE.

"461 Chancery Lane, Melbourne,
"21st March, 1922."

Professor Harrison Moore was of opinion that a State member would be qualified as a Federal candidate for the reasons he stated, on his giving the necessary notification to the Speaker of his intention to claim his State seat if defeated at the Federal contest. He was of opinion, however, that the notification would not preserve his claim to the State seat unless that notification was given prior to the Federal nomination day, and also, if it were given before the nomination day, it would disqualify from being a candidate at the Federal election: so that hon. members can see that such a member was on the horns of a dilemma. Speaking of the word "right," in section 70 of the Commonwealth Act, he said—

> "There is no doubt that the term 'right' can be appropriately used to describe a mere power to bring about legal results, i.e., a capacity is a right. In the case of the State Act involved in the present matter, every State member might be spoken of as having a right to re-election without a poll in the sense that he has a privilege taking effect in certain events over and above people who are not members, and who could not become members without election.
>
> "The member who has actually resigned his seat for the purpose of standing for the Commonwealth Parliament might still more be described as having a right to re-election without a poll; he is in an exceptional position of advantage recognised by law in which he may perfect and complete his right by giving the necessary notification."

That opinion admits of the possibility of the legal construction that a State member, who merely resigned his State seat in the usual way and took no action whatever under the Legislative Assembly Act Amendment Act passed last year, might still be debarred from becoming a Federal candidate owing to the fact that the courts might hold that the following words of the Commonwealth Electoral Act:—

> "has the right under the law of the State, if not elected to the Parliament of the Commonwealth, to be re-elected to the Parliament of the State without holding a poll"—

meant that, whether he exercised the right or not, he nevertheless had a right which he could exercise, seeing that he had the power to exercise it, and therefore was ineligible to become a candidate for the Federal Parliament. It would be most unfair, therefore, to State members to allow the Act to remain on the statute-book. The position of every member is worse to-day than it was prior to the passing of that Act.

Mr. G. P. BARNES: This is a long apology.

The ATTORNEY-GENERAL: It is not an apology, because the Act passed last year was all right; but the Commonwealth Government passed subsequently an Act which necessitates the passing of this measure. And we must not forget that last year we had the hon. member for Mirani and the hon. member for Murilla supporting it. The fact is that, prior to the passage of the Commonwealth Act last year, the only embargo on a State member was that he should not be a member, or have been a member within fourteen days, whereas now he must not have the right to become a member without a poll.

If, then, this Parliament leaves the Act on the statute-book, a member will probably be debarred from contesting a Federal election, whether he resigns his seat in the ordinary way or whether he takes advantage of that Act. In the circumstances, therefore, the only thing that this Parliament can do, in order to preserve the rights of members and put them in the position in which they found themselves before the passage of the Act, is to repeal that measure. I hope that the Bill will be supported by the same hon. members who supported the Act last year, and on the same ground—that is gives members of the State Parliament the right which, in my opinion, they should possess. I beg to move—

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

Mr. VOWLES (*Dalby*): When this matter was before the Chamber last session, I predicted that, as soon as it was passed, other legislation would be introduced in the Federal Parliament. That is exactly what happened. I am very sorry that the Minister had to make such a long apology, and explain that the hon. member for Rockhampton might be placed in jeopardy if the Act were not taken off the statute-book. I do not care twopence whether it is on the statute-book or not. I do not see why a member of Parliament should be in a better position than an ordinary citizen in standing for Federal honours. I was sorry to see the Act placed on the statute-book, and I am glad to assist in its speedy removal.

Mr. TAYLOR (*Windsor*): The Act should never have been placed on the statute-book. When the Bill was going through Parliament last year, I said that it was a pernicious principle to give members of Parliament special privileges which were not possessed by other individuals when a Federal election was looming in the distance. I am very sorry that a Premiers' Conference carried a resolution in favour of the passage of such

legislation. I am pleased that the Federal Government took the action they did, because I do not think that members of Parliament should have greater advantages than are possessed by any other individual in the community. Anyone who reads the Federal Act must realise that a member of the State Parliament is not only prevented from being a candidate but he could not nominate. Therefore, there was no alternative but for the Government to repeal the Act. I am very pleased to have a hand in its repeal.

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

COMMITTEE.

(*Mr. F. A. Cooper, Bremer, in the chair.*)

Clauses 1 and 2 put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill without amendment.

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

At 5.15 p.m.,

The SPEAKER resumed the chair.

## ELECTORAL DISTRICTS BILL.

SECOND READING.

The ATTORNEY-GENERAL (Hon. J Mullan, *Flinders*): Under the provisions of the Electoral Districts Act of 1910, a Commission was appointed last year to readjust the electoral boundaries of this State. The Commission found that their powers were somewhat circumscribed owing to defects in the Electoral Districts Act of 1910. For instance, they found that they could neither create a new electorate nor abolish an old one. To have done so would have brought about the anomaly that we would have had seats without members and members without seats. For instance, had the Commission created the electorates of Wynnum, Sandgate, and Kelvin Grove, those would have been seats without members; whilst, had the electorates of Drayton, Pittsworth, and Musgrave been abolished—Messrs. Bebbington, Cattermull, and J. H. C. Roberts would have been members without seats. The Commission were, therefore, confronted with the task of so delineating the boundaries of the seventy-two electorates that the electorates retained the same names, and that each of the seventy-two contained some portion of the original electorate, the name of which it bore. Owing to their having to do this, many electorates now bear names which do not coincide with the locality in which they are situated. This Bill is intended to overcome that difficulty as far as possible. The present names will stand during the life of this Parliament; but after the dissolution of Parliament the electorates will be known by the names set down in the second column of the schedule to the Bill. The Bill is a very simple one, and requires no further explanation. I therefore move—

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

Question put and passed.

COMMITTEE.

(*Mr. F. A. Cooper, Bremer, in the chair.*)

Clause 1—"*Short title, etc.*"—put and passed.

Clause 2—"*Change of name of certain Electoral Districts*"—

Mr. DEACON (*Cunningham*): I notice that the change of name is not to take effect until after the dissolution of this Parliament. That will simply perpetuate the present trouble. If I were to resign for any reason, an election would have to be held in the Lockyer district. That applies to all the other electorates mentioned in the schedule. If anything happened to the hon. member for Drayton before the next election, his electorate would disappear. How are you going to elect a member in his place? We might lose three members through one cause or another, and there is no procedure by which successors could be elected at by-elections, because under the redistribution scheme their electorates disappear. It seems we are going to have just as much trouble and confusion under this Bill.

The ATTORNEY-GENERAL: All confusion will disappear on a dissolution.

Mr. DEACON: It will not disappear.

The ATTORNEY-GENERAL: Hon. members will be in a better position until then than they have been since June last year.

Mr. DEACON: It would be better if the Bill were to take effect from the 1st January next.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I would like to meet the wishes of the hon. gentleman in that regard. The Commission found themselves in the anomalous position that they could not create new seats or abolish old ones. While delineating the boundaries of the old ones and carrying out the redistribution, they had to have in each electorate some part of the original electorate. Had they not done that, and had they carried out the wishes of the hon. gentleman, there would have been the further anomaly of having seats without members and members without seats. If I were to give effect to the hon. member's desires now, we would have arbitrarily to say what seats Messrs. Bebbington, J. H. C. Roberts, and Cattermull will represent during the remainder of this Parliament. The only way to meet the difficulty is to prescribe that the new names be given effect to from the date of the dissolution of Parliament. The difficulty was not of our making. It was because of want of elasticity under the Act passed in 1910.

Mr. DEACON: The next elections will be held under the new names?

The ATTORNEY-GENERAL: Yes.

Mr. J. JONES (*Kennedy*): Under the redistribution of seats I am placed in a very awkward position. A new Kennedy electorate has been created in place of the electorate which I now represent, although I have no intention of contesting the new Kennedy electorate. I think it would be better to allow the old electorates to stand until the dissolution of Parliament.

The ATTORNEY-GENERAL: They will stand as they are until the dissolution.

Mr. J. JONES: The notifications from the old Kennedy are now sent to the hon. member for Queenton and not to me, but I receive no notifications from the new Kennedy. I have no electorate and nobody writes to me on that account. (Laughter.)

The ATTORNEY-GENERAL: We can rectify that trouble.

Mr. J. JONES: I shall be pleased if that can be done.

Mr. VOWLES (*Dalby*): I think the Minister must recognise that the Electoral Districts Act of 1910 requires improving on.

The ATTORNEY-GENERAL: Yes.

Mr. VOWLES: Why not make one job of it and bring the Act up to date?

The ATTORNEY-GENERAL: "Sufficient for the day is the evil thereof."

Mr. VOWLES: I remember the hon. member for Merthyr raising certain questions that seemed to alarm the Crown Law Office. This Bill is one result of those questions. The hon. member for Merthyr pointed out other things that he contended were not correct.

The ATTORNEY-GENERAL: You could not have a new redistribution of seats under this Bill. I agree with the hon. gentleman that we should have a new Act.

Mr. VOWLES: We have to postpone the effect of this Bill until the dissolution of Parliament. I appreciate what the hon. member for Kennedy has said. I am receiving notifications from parts of my new area which originally belonged to the hon. member for Pittsworth, and the hon. member for Aubigny is receiving some of my notifications. There is a general mix up.

Mr. PETRIE (*Toombul*): I think it is a pity that the 1910 Act has not been amended. The whole of the electorates seem to be muddled up. I hope that this Bill will rectify some of those matters. It is not all that we would wish.

Clause 2 put and passed.

Schedule put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill without amendment.

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

## MACKAY, MARYBOROUGH, AND ROCKHAMPTON SHOW GROUNDS MORTGAGES BILL.

SECOND READING.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The title of the Bill indicates its purpose. We have had requests from the agricultural societies at Mackay, Maryborough, and Rockhampton for the right to mortgage their land for the purpose of making necessary improvements. The Mackay Pioneers, Farmers, and Graziers' Show Association states that the attendance at its shows is rapidly increasing, and it is absolutely necessary to erect a grand stand. The Maryborough Association, which is a very old one—it held its fifty-fourth annual meeting just recently—is making rapid progress and wants additional improvements on its ground. The same applies to the Rockhampton Agricultural Society.

Mr. GREEN: Will it apply to all show grounds?

The ATTORNEY-GENERAL: It only applies to the Mackay, Maryborough, and Rockhampton societies.

Mr. GREEN: Will other show ground societies get the same privilege if they ask for it?

The ATTORNEY-GENERAL: If any other society requires an advance on its property in order to make improvements, I would not have the slightest hesitation in treating it similarly. In fact, it is a question whether we ought not in future to pass a Bill making the principle of general application.

Mr. GREEN: That is what I thought you should have done here.

The ATTORNEY-GENERAL: The Minister should have discretionary power to allow agricultural and other societies to mortgage their grounds when the money is required for a desirable purpose. The Bill is a very simple one. It provides that application must be made to the Minister, and the application has to contain full particulars of the title of the ground, the amount of money required, the purposes to which it is to be applied, and the terms and conditions surrounding the mortgage. The Minister may approve or disapprove, or he may ask for further information, and then he may grant the application without modifications or with such modifications as he deems necessary. I do not think it is necessary to say anything further at this stage. The Bill does not involve the Government in any financial obligation. It merely gives the Government power to grant the request of those agricultural societies which require advances for the purpose of improving their properties. I have much pleasure in moving—

[5.30 p.m.]

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

Mr. VOWLES (*Dalby*): I think I can speak sympathetically on this matter, as I am a member of a committee and one of the trustees of a showground which has not the privilege of mortgaging its property. While I agree with the principle of allowing money to be raised to improve these public reserves, I cannot help casting my mind back a little to an incident that occurred quite recently in this House in connection with the Sandgate racecourse. One hon. member gave us the history of that ground, and told us that a good many years ago similar powers were given to the trustees to mortgage, and the mortgagee exercised his power of sale, with the result that the ground passed away from the trust to a private individual, and the land is now in the hands of Mr. John Wren, who is using the property as a private racecourse when the land was originally granted for the purposes of a show ground. I sincerely trust that the necessary safeguards will be used.

The ATTORNEY-GENERAL: That occurred before this Government came into power.

Mr. VOWLES: I do not care when it occurred, we should provide some protection in this direction and see that the trustees from time to time put aside from their takings sufficient sums to meet interest and a sinking fund.

The ATTORNEY-GENERAL: We have full power here to do that.

Mr. VOWLES: That should be done. These provisions have not existed in the past, with the result that public lands have got into the hands of private people and the object of the trust has been defeated.

Mr. G. P. BARNES (*Warwick*): This is a Bill to meet the needs of Mackay, Maryborough, and Rockhampton. I am aware that there are other districts which would very much like to have the same facilities, and

it is a pity the Government did not bring in a Bill of general application. I did not take particular notice of the Bill when it was being introduced, or I certainly would have moved in that direction. I know that within the last few months a desire has been expressed in many directions which this Bill meets. I would like to know what expense attaches to the introduction of a measure of this kind. I would also like the Attorney-General to indicate whether it is the intention of the Government to bring in a measure of general application, allowing show societies to mortgage their properties.

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

COMMITTEE.

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

Clause 1—"*Short title*"—

Mr. GREEN (*Townsville*): Would it not be possible to widen the scope of the Bill by inserting the words—

> "or any other society approved of by the Minister"?

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): We have had no request from any other body, and I do not think we would be justified in including such as amendment at this stage.

Mr. GREEN: I thought you suggested making it a general Bill?

The ATTORNEY-GENERAL: I did not suggest that. I mentioned to the hon. member for Townsville that I thought there was a good deal in the argument for passing a general Bill, but, unfortunately, when this Bill was framed we only had applications from Mackay, Maryborough, and Rockhampton. While there is a lot to be said in favour of the suggestion of the hon. member, I think it would be inadvisable to go further in this Bill. The question of passing a Bill of general application may be considered next session.

Clause put and passed.

Clause 2—"*Interpretation*"—put and passed.

Clause 3—"*Power of trustees to mortgage same*"—

Mr. DEACON (*Cunningham*): I beg to move the insertion after the word "purposes," on line 4, page 3, of the words—

> "Provided that if at any time the mortgagees should exercise their right of foreclosure the local authorities of Mackay, Maryborough, or Rockhampton, as the case may be, shall have the right to take over the liability of the trustees."

I know of an instance that occurred in Allora where the trustees could not carry on, and the local authority took over the liability and they hold the reserve at the present time. It is very desirable that these reserves should be kept for the people, but at the same time the mortgagees must protect themselves. It is impossible for them to advance money unless they have the right of sale, and, if a sale occurred, the local authority should have first call. The local authority is always in a better position than any trustees to obtain money. In the case of the Allora Shire Council they obtained the money from the Government. The liability is cleared off now. I am sure that the Minister will see the reasonableness of the amendment.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The difficulty I see about the amendment is that it really opens the door to a danger which the leader of the Opposition seeks to avoid—that is the danger of a public reserve falling into the hands of someone other than a public body. The inference is that, if the local authorities do not exercise the right, somebody else may. My intention is to provide that in connection with any loans which may be made there must be a stipulation for a sinking fund, and we must safeguard any public land from falling into private hands. I think we have ample power in the Bill to make regulations in that direction, so that it will be impossible for a reserve or park to fall into the hands of a private individual. I think the amendment would be a weakness to the Bill.

Mr. DEACON (*Cunningham*): Suppose the trustees cannot pay the mortgagee, how are they going to get the money?

The ATTORNEY-GENERAL: That will not be an argument for allowing them to sell to some private individual in case the local authority will not take it over.

Mr. DEACON: If the trustees cannot find the money themselves, the place will fall into the hands of a private owner. Is there anything in the Bill providing that he shall not have the same rights as any other mortgagee?

The ATTORNEY-GENERAL: We can impose any conditions we like upon a society in giving a mortgage. We can safeguard their rights and the public rights, and not run the risk of losing the park or public reserve.

Mr. DEACON: But would it not be easier for the mortgagee to fall back on the local authority if the trustees fail to pay?

Amendment (*Mr. Deacon*) put and negatived.

Clause 3 put and passed.

Clause 4—"*Regulations*"—put and passed.

Mr. KING (*Logan*): I would like to suggest an amendment which the Attorney-General might accept. Reference has been made this afternoon to widening the scope of the Bill. I move the insertion of the following new clause to follow clause 4:—

> "The provisions of this Act may be made applicable to such other showgrounds as the Minister shall upon application by the trustees thereof consider necessary or advisable."

The ATTORNEY-GENERAL: This is a Bill to enable certain bodies to mortgage. I think you are going outside the order of leave.

Mr. KING: I admit that, and I therefore ask leave to withdraw the new clause.

New clause, by leave, withdrawn.

Schedule—"*Particulars of reserves for showgrounds*"—put and passed.

The House resumed.

The CHAIRMAN reported the Bill without amendment.

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

## AUCTIONEERS AND COMMISSION AGENTS BILL.

COMMITTEE.

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

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

Clause 2—"*Operation of Act as to auctioneers*"—

Mr. KERR (*Enoggera*): I beg to move the insertion, after the word "authority," on line 19, page 2, of the words—

"for the recovery of rates."

The subclause will then read—

"Any sales made by or pursuant to the authority of any local authority for the recovery of rates."

I take it that the Bill will only apply to sales of land for the recovery of rates, and not to such items as surplus stores, such as are sold by the military authorities.

Hon. W. FORGAN SMITH: You have got quite a habit of moving amendments.

Mr. KERR: It is not a habit; it is a gift. (Laughter.) This amendment was submitted by the Auctioneers and Commission Agents' Association.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I cannot accept the amendment. Local authorities might want to have sales for other purposes than in connection with arrears of rates, and I do not think we should limit them. There is a number of small local authorities that are not too financial, and we would not be justified in withholding the advantage of this legislation from them.

Amendment (*Mr. Kerr*) put and negatived.

Clause 2 put and passed.

Clause 3—"*Repeal of 'The Auctioneers Act of 1864*'"—put and passed.

Clause 4—"*Interpretation*"—

Mr. MORGAN (*Murilla*): According to the definition of "Auctioneer," he can sell live stock of any description, but in the definition of "Commission agent" there is no such provision. I move the insertion, on line 12, page 3, after the word "letting," of the words—

"buying or selling live stock of any description."

My amendment provides for a commission agent buying or selling live stock, as I think it is important that he should be allowed that privilege.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I have no objection to the amendment; but I suggest that it be inserted in line 16 after the word "businesses." The view of the draftsman is that it would be better to put it in line 16.

Mr. MORGAN (*Murilla*): I accept the suggestion of the Attorney-General, and move the insertion, on line 16, page 3, after the word "businesses," of the words—

"or buying or selling live stock."

Amendment (*Mr. Morgan*) agreed to.

Mr. KERR (*Enoggera*): In the interpretation of "Person," I move the insertion, on line 32, page 3, after the word "a," of the words "registered firm." The definition will then read—

"Person" includes a registered firm, corporation, or joint stock company."

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I would point out to the hon. member that a registered firm is not a person, but a person might be a registered firm. The word person will serve the purpose the same as the word "firm."

Amendment (*Mr. Kerr*) put and negatived.

Clause 4, as amended, put and passed.

Clauses 5 and 6 put and passed.

Clause 7—"*Application for auctioneer's license*"—

Mr. KERR (*Enoggera*): I beg to move the omission, on line 15, of the words "not exceeding," with a view to inserting the word "of." This prescribes the amount that should be paid by way of fidelity bond. It is a protection to the public, and also to the auctioneers and commission agents. This is a request that has come from the Auctioneers Association.

HON. W. H. BARNES (*Bulimba*): I hope the amendment will not be accepted. There are some firms which have licenses—some more than one license. I do not want to talk personally, but in my own firm we have three general licenses, besides sharing work with other auctioneers. If you have got to get a guarantee from every auctioneer, and a fidelity bond is to be provided of £500, it is going to be pretty heavy. The Bill is not intended to get at reputable people at all. We do not want to make it impossible to run this class of business. There are other things in the Bill which are against the best interests of the community. We want to be careful that we do not hurt the producer. I think we all agree that there are clauses in the Bill which say prices may be regulated. If you are going to add to the cost of running a business, is it not going to put the cost on to somebody else? It seems to me that the amendment will act in a drastic manner, and will not have the effect which the hon. member desires.

Mr. MORGAN (*Murilla*): I hope the Minister will not accept the amendment, as it will create a monopoly. We have to take into consideration that this is not a Brisbane Bill.

The ATTORNEY-GENERAL: That is what I want to avoid throughout the Bill.

Mr. MORGAN: There are large, wealthy firms in Brisbane, and the amendment will suit them; but there are a number of men engaged in business in the country earning their living and doing good work, and when it comes to a matter of entering into a bond, it is better to leave the clause as it is. The men in the country have got to be considered the same as those in other parts of the State.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The hon. members who have spoken represent my own views on the matter. I want to make it elastic, so that I can lower the fees. It may be necessary to lower the fee sometimes.

Mr. KERR (*Enoggera*): I desire, with the permission of the Committee, to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. KERR (*Enoggera*): I beg to move the insertion of the following proviso, to follow line 17, page 4:—

"Provided that no person shall be eligible to make any such application unless or until he has resided for at least three months in this State prior to the date of his application."

I think the amendment explains itself. We have had auctioneers coming up here from the South, sticking up a notice, paying a license fee of £10 10s. or £15 15s., and commencing business right away. I think we should give our own auctioneers the necessary protection.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): Some time ago, somebody from New South Wales communicated with the Government and asked if he would be allowed to get a license in Queensland because he held a similar license [7 p.m.] in New South Wales. I thought that was going too far. My opinion is that the court in Queensland should have discretion to say whether a person should get a license or not, and we should not accept an auctioneer merely because he has a license in another State: but the hon. member is going to the other extreme.

Mr. KERR: Three months is a fair thing.

The ATTORNEY-GENERAL: One of the most reputable firms in New South Wales might desire to open a branch here. In every line of business activity men from other States desire to open here, and we have no desire to keep them away. An auctioneer who wants to come here has to go to the court for his license and provide testimonials from five reputable citizens. It seems to me that the amendment is an entire reversal of the Federal spirit, and I cannot accept it.

HON. W. H. BARNES (*Bulimba*): I think the Minister, to some extent, misunderstands the amendment. I listened to him very carefully, and I give him credit for being anxious to do what is best in this class of business. The hon. gentleman said that a reputable firm from New South Wales might desire to open up in business here. This amendment would not affect such a firm. Supposing "John Brown and Company," a reputable firm in New South Wales, started business here, would they not engage a staff who were resident in Queensland?

The ATTORNEY-GENERAL: Supposing they sent one of their senior men here to open a branch?

Mr. WEIR: Supposing John Brown himself came?

HON. W. H. BARNES: I am quite prepared to admit that John Brown himself might seek the license, but the principals of a big business usually do not do the selling. Take firms like Goldsbrough, Mort, and Company, or Dalgety's. The principals never sell; they delegate the duty to some trusted servant. We have known men of straw who have come here for certain purposes. They have been birds of passage and have utilised the license to the detriment of the community. In such a case the amendment would be a protection.

The ATTORNEY-GENERAL: Under this Bill a man will have to go to the court and prove his bona fides. He will have to enter into a fidelity guarantee bond and pay his fee.

At 7.7 p.m.,

Mr. POLLOCK (*Gregory*), one of the panel of Temporary Chairmen, relieved the Chairman in the chair.

HON. W. H. BARNES: Sometimes it is not very difficult for the man of straw to prove his bona fides—which, when analysed, are not very good.

Mr. WEIR: You cannot hang a man until he is found guilty.

HON. W. H. BARNES: I admit that; but you have the right to take necessary precautions in a business of this kind. Take the sale of jewellery. Some of the men who have perpetrated the greatest swindles have been of a most attractive personality, and it has been that which has enabled them to take people down. It is not the man in the moleskin trousers who is going to take you down; more often it is the other fellow—the plausible man.

Mr. WEIR: The hon. member knows all about taking people down.

HON. W. H. BARNES: I can afford to treat that interjection with contempt. My character will stand the fullest investigation, I am trying to make this as good a Bill as possible. Nothing will deter me from that object, not even the insinuations of a man who is devoid of conscience in that which is essential to public life.

Mr. WEIR: Your apology is accepted.

Mr. MORGAN (*Murilla*) I see a danger if this amendment is carried. Take the case of a country auctioneer who may desire to sell his business. A man from the Southern States may be willing to purchase the business. If the business is sold, naturally the person who buys it will do the auctioneering himself, and he will want to get a license. This amendment would restrict to Queenslanders the sale of that individual's business; he would not have the whole of Australia as a market. Every auctioneer has the same right to sell his business to anyone in Australia as I have to sell my stock, or anyone else has to sell that which he possesses. The amendment is opposed to the Federal spirit. I think it would be a wrong thing to confine the operations of the clause to Queenslanders.

Mr. KERR (*Enoggera*): If any auctioneer from Queensland desires to do any auctioneering in New South Wales, he is not at liberty to do so. He has to "hang" about certain towns in New South Wales until a court sits.

The ATTORNEY-GENERAL: The hon. gentleman is taking another extreme case.

Mr. KERR: A man has to pay a heavy fee in order to get his licence, and, if we are going to permit other people to come from other States at busy times and allow them to do auctioneering, we shall not be protecting our own people. The other day there was an auctioneer from New South Wales selling at the Newmarket stockyards. The Attorney-General should take some action to protect the men in Queensland.

Mr. PAYNE (*Mitchell*): The hon. member for Enoggera asks that an auctioneer be compelled to reside in Queensland three months before he can get a license to carry on his business. Why not say that every man should be here a certain time before he can do any work? If you are going to stop one man from doing his work for three months, that principle should be applied to everybody, if it is a good principle. I cannot conceive how any man possessing Australian ideas can move such an amendment. I hope the Minister will not accept it. There is nothing Australian about it. If the people in Queensland are not able to compete with the men from other States, then let the best man win.

Mr. VOWLES (*Dalby*): I can see another difficulty in connection with the amendment, more particularly in connection with border towns like Goondiwindi and Mungindi. The auctioneers in those places do business in both Queensland and New South Wales. If one of those auctioneers happened to reside in New South Wales, he would not be able to do business on the Queensland side of the border. At the present time I am having some difficulty in getting a valuer to make a valuation for succession and probate duty purposes in connection with an estate at Tweed Heads. The agent happened to live on the New South Wales side of the border, and my difficulty is that the Queensland Succession Office will not recognise the New South Wales valuer. I ask the Government to be consistent and to see that that man's valuation is recognised.

Amendment (*Mr. Kerr*) put and negatived.

HON. W. H. BARNES (*Bulimba*): Speaking with regard to the fidelity bond, I take it that in the majority of cases where the auctioneers are not principals they never handle money at all. In the firm that I have the honour to represent we have probably more auctioneers than any firm in the city, and those auctioneers do not handle money at all. They merely pass their books in, and from their books the accounts are made up; and it seems to me extraordinary that you have to take out a guarantee bond for men who do not handle money at all. I do not think any class of business has a right to complain about safeguarding individuals, but it is a most extraordinary thing to ask for a guarantee in the case of people who do not handle money.

The ATTORNEY-GENERAL: Your case may be an exception.

HON. W. H. BARNES: I take it that in the majority of cases in the city the men who sell do not handle the money, and I am quite sure the Minister does not want to inflict a hardship on men who do not handle cash. In connection with licenses, very frequently a difficulty arises where you have three licensed auctioneers, as the men must have their holidays.

Hon. W. FORGAN SMITH: There is a provision in the Bill in regard to that.

HON. W. H. BARNES: I hope the Minister will give the Committee some assurance with regard to the provision for a fidelity bond.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The very fact that the clause says, "not exceeding" indicates that there is power under the regulations to provide for cases such as the hon. member refers to. We may proscribe any amount. I will certainly give the matter my full consideration. The question of substitutes is provided for in the Bill.

Clause 7 put and passed.

Clause 8—"*Auctioneers to be licensed*"—

Mr. VOWLES (*Dalby*): Subclause (2) reads—

> "Any person who—
>
> (*i*) Not being the holder of the proper auctioneer's license."

I would like to know what is meant by the term "the proper auctioneer's license"? Should it not be "an auctioneer's license"?

The ATTORNEY-GENERAL: There are reasons for that. There is a general auctioneer's license and a district license.

Mr. VOWLES: What is a "proper" license?

The ATTORNEY-GENERAL: A proper one for that case.

Clause 8 put and passed.

Clause 9—"*Night auctions prohibited*"—

Mr. KERR (*Enoggera*): I beg to move the insertion, on line 35, after the word "bazaar," of the words—

> "or public entertainment."

The ATTORNEY-GENERAL: I will accept that.

Amendment (*Mr. Kerr*) agreed to.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I beg to move the addition, after the word "charity," on line 37, of the following words:—

> "Provided that wool sold from catalogue after daylight inspection may be sold by auction without limit as to time."

The reason for the amendment is that there are wool sales held here frequently, and the buyers come here from other places and work very long hours. Very often they have to catch the morning train back. There is no intention under the Bill to hamper or restrict legitimate operations by anybody, and the amendment will enable those people to work till midnight if they like, so long as the wool has been inspected by daylight.

Amendment (*Mr. Mullan*) agreed to.

Mr. MORGAN (*Murilla*): With regard to the remarks of the hon. member for Bulimba, is there anything in the Bill which would compel a firm or individual carrying on the business of auctioneers or commission agents to provide fidelity bonds in the case of servants who act as auctioneers? Supposing Jones and Company carry on business as auctioneers and commission agents, and employ a man named Smith as an auctioneer? Has Smith to take out a license, and also to provide a fidelity bond up to £500 if necessary? What protection have we got from Jones and Company?

The ATTORNEY-GENERAL: That hardly comes in under this clause.

Mr. MORGAN: We ought to have a clause in the Bill which will give us protection as against a firm, and not protection only as against an auctioneer who may be an employee. We who are selling are out to get protection; and when we are selling through a firm of licensed auctioneers and commission agents, it is the firm we look to for protection, and not the employee who happens to have an auctioneer's license.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): We have power to guard against what the hon. member mentions in the regulation clause.

Mr. MORGAN: I only wanted to know if you had the power.

Clause 9, as amended, put and passed.

Clause 10—"*Bogus advertisements*"—

HON. W. H. BARNES (*Bulimba*): I think this is a good clause. I do not think any firm or person has the right to insert a bogus advertisement, and I am quite with the Minister in prohibiting anyone from doing that kind of thing.

Mr. MORGAN (*Murilla*): I would like to know whether the words "real or personal

property for sale by auction" include live stock. I think we should be protected from bogus advertisements in connection with live stock just as much as with regard to other property.

The ATTORNEY-GENERAL: The clause gives that protection.

Mr. MORGAN: We often see advertisements for the sale of cattle, and after going to certain expenditure we find they are not the cattle that have been advertised.

Mr. J. H. C. ROBERTS (*Pittsworth*): I would point out to the hon. member for Murilla that sometimes that may not be the fault of the auctioneer, but the fault of the owner. Is there not some way of protecting the legitimate auctioneer doing a legitimate business who receives instructions from an owner that he has 1,000 4-tooth ewes for sale, and yet, when you go out to see them, you find they are toothless. He may have received instructions from the owner which turn out to be wrong. Is it a fair thing to blame the auctioneer?

The ATTORNEY-GENERAL: The clause says "Any person who falsely advertises."

Mr. J. H. C. ROBERTS: There are many auctioneers who are men of outstanding merit and have no intention of deceiving the buyer, but very often the owner is responsible for giving a false description of his stock.

HON. W. H. BARNES (*Bulimba*): The hon. member for Pittsworth is quite right. I have known people to write in saying they were sending certain goods by a certain train and asking to have them advertised. The advertisement goes in in perfect good faith, yet, when the goods arrive, you find they are nothing like the description.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I have an amendment which will do away with the objection of hon. members opposite. I move the insertion, after the word "who," in line 33, of the words "wilfully and." The clause will then read—

> "Any person who wilfully and falsely advertises or in any way," etc.

Mr. J. H. C. ROBERTS (*Pittsworth*): Can a man be protected when he travels a long distance to look at stock and finds they are not as described. Could not some provision be put in to fix the responsibility?

The ATTORNEY-GENERAL: That is a matter that comes under the general law.

Amendment (*Mr. Mullan*) agreed to.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): As a consequential amendment, I move the insertion, on line 39, after the word "way," of the words "wilfully and."

Amendment (*Mr. Mullan*) agreed to.

Clause 10, as amended, put and passed.

Clause 11—"*Restriction on auctioneer purchasing property*"—

HON. W. H. BARNES (*Bulimba*): I would like to know the definition of the word "property" on line 46. It refers to the purchase of any property placed in the hands of an auctioneer. The marginal note says "Restriction on auctioneer purchasing property."

The ATTORNEY-GENERAL: I am informed by the draftsman that "property" means anything that can be bought or sold.

HON. W. H. BARNES: I think the clause is going to be a distinct blot on the Bill. Anyone closely in touch with business of a certain class will know that a great deal of that class of business includes goods of a most perishable nature. Unless they are dealt with immediately, it may mean very great loss to the persons who sent them. There are two factors I want to [7.30 p.m.] impress on members of the Committee. I take it in the first place that, if I have goods to sell by auction, I send them to a firm who I am confident are going to do the right thing; and, if any firm does not do the right thing, it is going to lose its business. But certain things must be dealt with immediately; and, after all, in those cases the customer has to depend on the honesty of the agent. Perhaps I may be permitted to give an illustration. I do not think that the community generally realise the tremendous growth of the poultry industry in Queensland, but anybody who knows anything about it is aware that at certain periods of the year, when eggs are very plentiful, it is absolutely essential for the selling agent to see if he cannot do something to relieve the market. I may be charged with seeking personal advertisement in this matter, but I think I am within the truth when I say that probably no firm in the city handle eggs to anything like the extent that we do. There have been times when, if the eggs had been put on the market as they came to hand, they would probably have fetched not more than 6d. a dozen, if they had been sold at all. What is the agent to do? For two weeks running my own firm sent away 15,000 dozen eggs to some of the other States to relieve the congestion. If this clause passes, our hands are going to be tied. I know there is a provision which says that your clients must give you authority, but that is impossible in many cases. You look through your mail in the morning and find the names of people you do not know anything whatever about. You may also find that the packages have been damaged in transit, and, unless the eggs are dealt with at once, the result will be disastrous to the parties concerned. The same remark applies to fruit. Suppose 100 persons have sent you consignments and you have to work out in detail the breakages, the various little expenses, and so on. It is going to add enormously to the cost of handling, and make it almost impossible to carry on a business, which, after all, depends on the honesty of the man handling the stuff. I hope the Minister will see his way clear to make some alteration, because otherwise I shall be obliged to move an amendment.

Mr. MORGAN (*Murilla*): I am quite in accord with the hon. member for Bulimba so far as perishable produce is concerned, and I understand that the Farm Produce Agents Act prevents an agent from purchasing without the consent of the consignor, but I certainly disagree with the contention of the hon. member so far as it would relate to live-stock.

Hon. W. H. BARNES: I was not dealing with property generally.

Mr. MORGAN: I quite realise that. It appears to me that the clause does not prevent an auctioneer from buying for his employer, and I have prepared an amendment for the insertion, after the word "auctioneer," in line 43, page 5, of the words—

> "or person or firm employing such auctioneer."

The ATTORNEY-GENERAL: Look at paragraph (*b*).

Mr. MORGAN: I think that covers it.

The ATTORNEY-GENERAL: (Hon. J. Mullan, *Flinders*): I see the difficulty raised by the hon. member for Bulimba. What we have in mind is the buying of houses and land. An auctioneer might buy a property for £100 and sell it at a profit of £100.

Hon. W. H. BARNES: I agree absolutely.

The ATTORNEY-GENERAL: I beg to move the insertion, after the word "property," in line 46, page 5, of the words—

"other than perishable farm produce."

Hon. W. H. BARNES: I am quite satisfied with that.

Amendment (*Mr. Mullan*) agreed to.

Mr. KING (*Logan*): I beg to move the insertion, after the word "sale," in line 47, page 5, of the words—

"privately or."

I do not see why the restriction on the purchase of property by an auctioneer should not apply to sales made privately as well as to sales by auction.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I think that the amendment will tighten up the Bill, and I have no objection to accepting it.

Amendment (*Mr. King*) agreed to.

Clause 11, as amended, put and passed.

Clauses 12, 13, and 14 put and passed.

Clause 15—"*Restriction on remedy for commission*"—

Mr. KERR (*Enoggera*): I would like to hear the Attorney-General's reasons for laying down that the Governor in Council shall prescribe the fees and charges. It is not correct procedure to place a restriction on the charges of commission agents and auctioneers. They are affiliated, I understand, with the Brisbane Chamber of Commerce, and a schedule is agreed to and accepted in a court of law as being quite in order. Solicitor's fees are determined by judges. This is unnecessary interference with the business community.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The Government have not indicated that they are going to interfere in any way with the fees, but there is in the Bill a regulation—making power which can be exercised if any firms are unreasonable. The fees may not necessarily be prescribed, and we do not intend to prescribe them unless it becomes absolutely necessary; but no one will deny that the Government should have the right to regulate the fees if auctioneers become extortionate.

Mr. MORGAN (*Murilla*): The Government have a Commissioner of Prices, who fixes the prices of many things and leaves others alone. We license hotel-keepers, but there is no provision compelling them to charge certain prices for their drinks or for board and lodging. We give them a monopoly, unfortunately, and allow them to charge what they desire. I hope the time will come when this provision will be included in other Bills dealing with matters in which certain people have a monopoly and are able to charge what they desire.

Mr. KERR (*Enoggera*): I had intended moving an amendment, but the Attorney-General has given his assurance that this is only a protective clause, and the Government will not step in unless the occasion demands their intervention.

Clause 15 put and passed.

Clauses 16 and 17 put and passed.

Clause 18—"*Bogus advertisements*"—

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I beg to move the insertion, after the word "who" on line 45, of the words "wilfully and." This is a consequential amendment, making the clause read—

"Any person who wilfully and falsely advertises,"

etc.

Amendment agreed to.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I beg to move the insertion, after the word "way," on line 46, of the words "wilfully and."

Amendment agreed to.

Clause 18, as amended, put and passed.

Clause 19—"*Restriction on agent purchasing property*"—

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): Dealing with auctioneers we qualified "property," and it is necessary to do the same here. I therefore move the insertion, after the word "property," on line 54, of the words—

"other than perishable farm produce."

Amendment agreed to.

Clause 19, as amended, put and passed.

Clauses 20 to 25, both inclusive, put and passed.

Clause 26—"*Licensee may appoint substitute*"—

Hon. W. H. BARNES (*Bulimba*): I take it that this is the clause which the Minister said grants to the Government the power to give a substitute license in the case of a registered auctioneer being on holiday.

The ATTORNEY-GENERAL: Yes.

Clause put and passed.

Clause 27—"*Death or insolvency of licensee*"—put and passed.

Clause 28—"*Registered office of the licensee*"—

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I beg to move the insertion, after the word "licensee," on line 37, page 11, of the words—

"and there shall be painted up, or affixed, and kept painted up, or affixed on every such place of business a sign in easily legible characters bearing the name of the licensee and the words 'licensed auctioneer' or 'licensed commission agent,' as the case may be."

That will meet the case mentioned by the hon. member for Aubigny on the second reading of the Bill.

Amendment (*Mr. Mullan*) agreed to.

Clause 28, as amended, put and passed.

Clauses 29 to 34, both inclusive, put and passed.

Clause 35—"*Consent of Minister to prosecution*"—

Mr. MORGAN (*Murilla*): I do not see any necessity for this clause. Why should

the whole responsibility be placed upon the Minister? It leaves the whole matter open to political "pull." The Minister should guard against that.

The ATTORNEY-GENERAL: Don't you think I should have some say in the department over which I have control? If that department issues a wrongful prosecution I have to take the responsibility for that.

Mr. MORGAN: That does not apply to every offence that is committed.

The ATTORNEY-GENERAL: I am quite prepared to allow the clause to be negatived.

Clause put and negatived.

Clause 36—"*Regulations*"—put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill with amendments.

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

## OFFICIALS IN PARLIAMENT ACT AMENDMENT BILL.

### SECOND READING.

The CHAIRMAN OF COMMITTEES (Mr. Kirwan, *Brisbane*) took the chair as Deputy Speaker.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The Officials in Parliament Act of 1896 and 1920 provides that nine portfolioed Ministers may be summoned by the Governor, but only eight shall sit in the Legislative Assembly. In the past the ninth Minister sat in the Legislative Council. Now that the Legislative Council has been abolished, it is necessary to change the law to enable the Minister who sat in that Chamber to sit in the Legislative Assembly. This Bill does not mean any increase in the number of Ministers, and does not make any provision for an increase in Ministers' salaries. It simply permits the portfolio of the Minister who sat in the Legislative Council to be transferred to this Chamber. In other words, the Bill actually provides for the same number of Ministers as is now provided, only it allows the ninth Minister to sit in this Chamber. I do not think it is necessary to go into any details, except to say that the Bill will apply to this Legislature and succeeding Legislatures. If any points are raised, I shall have something to say in reply. I beg to move—

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

Mr. ELPHINSTONE: Who is the new Minister going to be?

The ATTORNEY-GENERAL: I am not in the habit of prophesying.

Mr. VOWLES (*Dalby*): Are we given to understand that the Bill is intended to make provision for nine Ministers in this Assembly? We are told that there is going to be no increase in the salaries. Are we given to understand that eight Ministers are to pool their salaries, or that nine Ministers will each receive a Ministerial salary of £1,000 per annum? If nine Ministers are to receive that salary, then I object to it. If it is the intention of the Bill to transfer the portfolio from the Legislative Council to this Chamber without any loss of revenue, then that is all right. I do not care if you make Ministers of all the private members. (Laughter.) In a democratic country I do not see any reason why they should not all be Ministers.

Mr. COLLINS: Hear, hear! A very good suggestion.

Mr. VOWLES: I am concerned about the charge on revenue. If nine Ministers are to receive £1,000 per annum each, then I object.

Mr. FRY (*Kurilpa*): I think the Minister could very well give that information to the House. The leader of the Opposition put a straight question to the hon. gentleman.

The ATTORNEY-GENERAL: I stated clearly that the Bill did not provide for an increase in the number of Ministers, nor did it provide for an increase in the emoluments of Ministers.

Mr. TAYLOR (*Windsor*): What the leader of the Opposition wishes to know is whether an additional salary will be necessary for this Minister, or whether the present eight Ministers are going to provide out of their salaries the extra salary required by the ninth Minister?

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): The position ought to be quite clear to hon. members. Before the abolition of the Legislative Council there were nine salaries provided by the Legisla-
[8 p.m.] tive Assembly Act and nine Ministers for those salaries. There was a tenth Minister in the Cabinet, but as a consequence of the abolition of the Legislative Council, while still providing for nine salaried Ministers we have to make provision for the transfer of one portfolio to the Assembly. It will not mean any further appropriation beyond the appropriation provided in the Legislative Assembly Act. When the Bill goes through, it will mean the promotion of the present honorary Minister to full portfolio rank, and the appointment of an honorary Minister. Those are the consequences that will follow the passing of this Bill.

Mr. KERR (*Enoggera*): It is just as well to get clear on this matter. I do not think we should take into consideration the Legislative Council, as that Chamber has been abolished. At the present time there are seven salaried Ministers provided for in this Chamber.

The PREMIER: There are eight salaried Ministers.

Mr. KERR: There are seven authorised in this Chamber, and the vacancy caused by the resignation of Mr. Fihelly made eight, and it is proposed by this Bill to make provision for nine Ministers, who will each receive £1,000 per annum.

The PREMIER: Not £1,000.

Mr. KERR: It is time the situation was reviewed, and it is only right that the Attorney-General should give the House information as to the necessity for the appointment of an additional Minister in this Chamber, carrying an additional salary. There should be two grounds for the appointment: one, the business in this Chamber, and the next the administration of the affairs of the State.

Let us look at what Ministers are doing in this Chamber. For instance, take the work of the Secretary for Public Lands in this Chamber last session. I turned up "Hansard" to see what business he did,

and I find he put through the Maryborough Cemetery Bill; raised two points of order; and put through his Estimates. (Laughter.) Now, let us see what the Secretary for Railways did. He raised two points of order; made a personal explanation; spoke on a want of confidence motion; and passed his Estimates. (Laughter.) We know, unfortunately, that time and again the front Treasury bench has been vacant. On several occasions there has not been one Minister present, and at least on one occasion members of the Opposition took charge. If the work of Ministers in this Chamber is put forward as a reason for an extra Minister, then it is not a sound one. Then we know that members of the Government have been relieved of a certain amount of work on account of the abolition of the Legislative Council. The Secretary for Mines, being the Minister in charge in another place, had to prepare and make nearly one hundred speeches last session. He has been relieved of that duty.

Now, take the second point. In 1920—not two years ago—when the number of Ministers was increased, the Attorney-General said—

> "Enormously increased duties necessitated an increased expenditure."

Evidently, the expenditure has gone on and on, and I want to show that the increased duties have not gone on. Let us go back to the time prior to federation and see the work that Parliament has been relieved of. First of all, there is trade and commerce, including all the Customs work, and the heavy work in regard to the tariff. Prior to federation, the Queensland Government dealt with all those matters, while at the present time they are not handled by the Government in any shape or form. Then again, previous to federation the Queensland Government dealt with postal matters, telegraphs, and telephones, and such like services; there were also naval and military defence; banking—and we know that quite recently the State Savings Bank was handed over to the Commonwealth Bank, making the administrative work of this State much less. Then also, in regard to immigration, in four years the present Government have provided £4 for immigration. Immigrants are not handled until they reach this State, and we have no external affairs whatever to handle. Then again, invalid and old age pensions are no longer handled by this State. The only argument that can be used for an additional Minister is that a new school or an extension to a school may be built, a new railway survey made, or there is the necessity for an appointment to the Taxation Department. If you look through the Treasurer's tables for several years past, you will find that there has been no increase in the number of sub-departments. There is the same number of sub-departments in existence to-day that there was when there were two fewer Ministers than we have to-day. Then we come to the question of efficiency, and if anyone analyses the Auditor-General's report for 1922, he cannot say that the present Government have been carrying out a policy of efficiency. We have had deficits totalling £625,000, and our public debt has gone up to over £80,000,000.

The DEPUTY SPEAKER: Order! I hope the hon. member is not going to discuss the financial position.

Mr. KERR: I am quoting that in passing to show that the investments by this State are showing an annual loss, and we are getting more taxation than is required to pay interest on the public debt. You cannot for a moment say that the appointment of an extra Minister is justified from the point of view of efficiency. I forgot to mention State enterprises. In view of these facts, I fail to see why an extra Minister is being asked for at the present time. From the simple reason that the executive heads directing the policy of this Government are handling the details of departmental work that should be handled by the Under Secretaries, Ministers are becoming glorified Under Secretaries of the departments instead of directing the policy of the State. Let me show what the Attorney-General said two years ago to prove that the Ministers of the Crown are doing detail work which should be done by the Under Secretaries of the departments. The Attorney-General, in moving the second reading of the Officials in Parliament Act Amendment Bill in 1920, said—

> "The administration of the State Children Act involves an enormous amount of work on the Home Secretary. Every case has to be decided on its merits and submitted to the Home Secretary. You can imagine the thousands of cases that have to be dealt with in the course of a year."

The Home Secretary deals with thousands of cases in the interior economy of the State Children's Department. There has been a suggestion that every member of the present Government should be a Minister. The Government will certainly want more Ministers if they keep on this policy of acting as glorified Under Secretaries, instead of directing the policy of the Government. The Home Secretary had this to say when speaking on the same Bill in 1920—

> "The men who are in charge of the different Government departments and the State Children's Department practically administer the affairs of the State."

There you have two entirely different opinions. Which one is wrong?

The ATTORNEY-GENERAL: Both are right.

Mr. KERR: The hon. member for Burke wants to wipe out State Parliaments altogether, and go in for unification. I cannot understand the necessity for putting this measure through.

Mr. MAXWELL (*Toowong*): I am opposed to the Bill, because I realise that there is a very great amount of inconsistency on the part of the Government. The opportunity is given them to-night to show their bona fides to the public servants, and to show that they are prepared to bear a little of the brunt of reduction. The only thing they seem prepared to do is to continue with nine Ministers and the salaries attached to those portfolios. Let us take the other side of the shield so far as the public service is concerned. We had a statement presented to the House a few days ago giving the number of public servants who had been retrenched—or, as the Government choose to term it, deflated—and the money thereby saved to the State. If hon. members opposite are sincere in regard to economy, and are desirous of proving to the public servants that they are genuine in desiring to save money to the State, the opportunity is given to them now.

The position to-day is somewhat serious. A number of public servants have been retrenched, and in portions of the service the work has been pooled. At the same time the Government have come down with this Bill asking the House to agree to transfer the Minister who was in the Legislative Council to this Chamber, and continue the payment of his salary. I protest against the measure, and sincerely hope that the Government will be defeated upon it.

Mr. ELPHINSTONE (*Oxley*): The suggestion of the leader of the Opposition that the responsibilities of administration should be distributed is worthy of consideration. I can assure the Premier that he would have a much more contented party if he would distribute his responsibilities over the party, instead of confining them to the nine members concerned. I can quite conceive that the hon. member for Rockhampton would be an excellent Minister for administering the Maternity Bill. (Opposition laughter.) I can also conceive that the hon. member for Bowen could administer the law in regard to the licensing of clubs—(Opposition laughter)—and also matters pertaining to irrigation. I can also understand that the hon. member for Barcoo could well occupy the position of Minister for Health, seeing that he is an authority on contagious abortion, and such like subjects. (Opposition laughter.) I conceive also that the hon. member for Charters Towers would be well qualified to administer the Matrimonial Causes Act. Passing on, I can imagine the hon. member for Gregory would be an excellent gentleman to administer the Hawkers Licenses Bill. (Opposition laughter.) Passing on further, I can imagine that the financial genius of the Labour party, the hon. member for Herbert, could administer the Savings Bank business. (Laughter.) The hon. member for Mount Morgan—who, unfortunately, has had so much experience in unemployment in his electorate—could administer the Unemployed Workers Insurance Bill. (Renewed laughter.) Perhaps the hon. member for Maryborough could administer the Income Tax Act. (Laughter.) The Premier would find that the business of the Government would be much better conducted if he spread the responsibility of administering the various Acts over these hungry gentlemen who are looking for the responsibilities of office.

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

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1, 2, and 3 put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill without amendment.

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

## MAIN ROADS ACT AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): This short Bill seeks to remedy a very great defect in the principal Act. It was fully intended under the principal Act—which was hastily drafted—that, when money had been appropriated by Parliament for the Main Roads Fund, any balance standing over at the end of the financial year should be carried on to the next year. If that were not done, it is easy to understand how hampered the Main Roads Board would be in regard to its commitments. For instance, if the Board set out to spend £5,000 in one electorate and did not complete the work by the end of the financial year, whatever money was left over, under a provision in the Audit Act of 1874, would again go back into the Treasury. We are now making provision under this Bill that any money which is appropriated for the Main Roads Fund shall remain the property of the Board and be carried over to the next year. In the principal Act there was also a serious mistake made in allowing repayments by the local authorities for permanent work and maintenance to extend over a period of thirty years. A loan for permanent work for thirty years is all right, but it is financially unsound to allow maintenance to go on for thirty years, because it would hamper the Board. It would leave the roads in a bad condition, because the Board would not have the means to maintain them. We have now provided that the local authorities shall pay for maintenance every year and that will enable us to carry on the work of maintenance continuously. In Victoria they raised £200,000 in connection with the Main Roads Board, and the local authorities refunded £100,000, which goes on to the next year for the maintenance of the main roads in Victoria. We are altering to a great extent the dates for determining and apportioning the various amounts required, and the work to be done by the Board. It is well known that the local authorities strike their rates in the early part of the year. We are proposing that in August of each year the Main Roads Board shall determine what work shall be carried out in the following year. The local authorities will have sixty days in which to object to that money being spent, and before 31st December the Main Roads Board will apportion the money to be spent. There is a difference between determination and apportionment. The local authorities will have an opportunity of stating their case to the Board between August and December. We are also making the financial year of the Main Roads Board coincide with the financial year of the Government, otherwise there would be no harmonious working in finance. We are proposing to relieve the local authorities where any excessive outside traffic is carried on within their area, such as timber traffic and motor traffic. It is not a fair thing that the local authority should have to carry the whole burden of maintaining a road when a lot of outside motor traffic and timber traffic comes into the area. With regard to the timber traffic, the local authorities can help considerably if they provide for a certain width of tyre to go over the roads in their areas. That would be a great advantage to them. Up till the present we have had no method of prosecuting anybody for breaches of the Main Roads Act. If a man at Cloncurry, Longreach, or Winton commits an offence against the Act, we would have to send a man from the head office of the Main Roads Board right out there with all the documents in order to carry on the prosecution. We are getting over that difficulty by amending the schedule dispensing with proof of formal matters. That is all the Bill contains. Any further information hon. members desire I shall be pleased to give in Committee. I beg to move—

*Hon. J. H. Coyne.*]

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

Mr. MOORE (*Aubigny*): The Minister in the course of his remarks said that the local authorities could help by making provision for a certain width of tyre, and thus save the roads from being cut up. The shire council I have the honour to represent framed a by-law prescribing the width of tyre to be allowed, and we put in a proviso enabling us to stop a timber wagon and measure the loading or have it weighed at the railway station on the weighbridge. When the by-law was submitted to the Home Department the part that allowed us to prove what a man was carrying on his wagon was crossed out. We were not allowed to pull the man up and measure his load, and we were not allowed to weigh it at the railway station.

Mr. J. H. C. ROBERTS: Who crossed it out?

Mr. MOORE: The Governor in Council. It was sent down to the Governor in Council, and the only part that was of any use they crossed out.

The SECRETARY FOR AGRICULTURE: What was the object in crossing it out?

Mr. MOORE: I have not the slightest idea.

The SECRETARY FOR AGRICULTURE: You should have been able to get some satisfaction.

Mr. MOORE: We did not get any satisfaction. That was five or six years ago. Consequently that by-law was made inoperative. Most of the other shires are in the same position. We are unable to get a conviction against anybody because we are unable to prove that the loading is bigger than our by-law permits. We have got over the difficulty somewhat by stipulating the number of horses and bullocks a man can have in a team. In wet weather that saving clause is all right because it limits the number of horses in the team; but in dry weather it does not matter. In wet weather I have known two or three teams to be double-banked, and they destroyed the whole of a road that took months to construct. There is one point regarding which I should like some information from the Minister. In the report of the Main Roads Board it is stated that the fees from motor-cars amounted last year to £49,187 13s. 8d., and the cost of collection to £2,959 15s. 1d., or, roughly, 6 per cent. That is an enormous cost. People go into the office and register their motor vehicles, and it should not cost 6 per cent. They have not got to send out anybody to do the work, and the police do the work in the country.

The SECRETARY FOR AGRICULTURE: A different method is adopted now.

Mr. MOORE: I should hope there was a new method. It cost only 1 per cent. to collect the income tax and 4 per cent. to collect the land tax, but for simply collecting and registering motor vehicles it cost 6 per cent. I am pleased to see the Minister is going to allow the local authorities something for maintenance because of the damage done by motor vehicles in outside districts. There is no doubt motor vehicles do an enormous amount of damage to the roads, and it is an unfair thing that local authorities should have to bear the expense. I see the Minister is dividing the maintenance from the constructive part of the Main Roads Board. It has all to be paid by the local authorities, and it is only capitalising the amount until the road is completed. The main roads are costing an enormous amount of money in Victoria. I know three shires that have become insolvent in Victoria because of the cost of main roads going through their areas. One shire in Gippsland was rated as high as 2s. 9d. in the £1 for the maintenance of main roads, and it is stated that before the main road is completed in that shire the rates will run into 3s. 3d. in the £1.

The SECRETARY FOR PUBLIC LANDS: I know that shire very well. The permanent work there was very heavy.

Mr. MOORE: Yes, it was heavy. The point I am leading up to is that that road costs on the average £2,900 a mile. The road built up in the Clifton Shire is costing at the rate of £5,000 a mile. If the building of a road at £2,900 a mile is practically making a shire of Victoria insolvent, what is the position going to be of a shire in Queensland where roads are being built at a cost of £5,000 a mile, when the metal is handy and has not to be carted half a mile? It is going to be a very considerable handicap, and will make a shire hesitate before it makes application for the declaration of a main road through its area, because it will be afraid of the enormous liabilities it has to undertake.

The SECRETARY FOR PUBLIC LANDS: Was there a road there before?

Mr. MOORE: They had a good road there before, and £5,000 a mile for a main road in a country shire is beyond all reason. It cannot be carried out in Queensland. I have no doubt that the system being carried out in Victoria is the proper system for that State—a small place with a closely settled population—but it is not suitable for Queensland. We make roads 18 feet wide, 15 inches deep in the middle and 10 inches deep at the sides, for £5 a chain; and, if you are going to double that and make the road 30 inches deep in the middle and 20 inches at the side, you are going to have a cost of £10 a chain. That is £800 a mile, and that road will carry the average class of traffic. I know roads with only 15 inches in the middle which have lasted for twenty-five years and are quite good still and carry heavy loads; but, if you are going to pay £5,000 a mile, I do not know how the local authorities are going to pay the interest and redemption. I do not say that roads costing £5,000 a mile are not a good class of work and probably everlasting; but, we have to consider whether the scattered population of Queensland is capable of carrying the burden, and whether it is not better to build a satisfactory road which will last twenty-five or thirty years at a cost of £800 a mile rather than build roads that may last for 200 years at a cost of £5,000 a mile. Though the former may not be of the same quality, they are more in keeping with the pockets of the people who have to pay. I think that the object of the Main Roads Board should be, not so much to build a mile of road at a cost of £5,000 a mile, as to build five miles of road at a cost of £1,000 a mile. But whatever you pay for the road, if you let the water get into it it goes to pieces just the same as a road which costs a good deal less, and I do not know that the advantage is commensurate with the extra burden. I would ask

[8.30 p.m.]

the Minister to see whether the Board cannot do a little more economical work. I can quite understand that a man who comes from Victoria and is accustomed to building roads there may want to build roads which are suitable for a State like that in places where there is not so much settlement. There may be certain districts here for which such roads are suitable, but there are others for which they are not suitable; and it is far better for the local authorities to feel that they can go to the Main Roads Board to have their roads built at a reasonable cost and in accordance with the requirements of the district rather than be afraid of going to the Board for fear of the enormous expense with which they may be saddled. When we realise that on a 300-acre farm in Victoria in the case I have quoted the rates may be £18 to £20 a year for interest and redemption on main roads, and that the same thing may apply to Queensland, we have to consider whether the people can bear the enormous expense, and I would ask the Minister to see whether it is not possible that in the country districts, at any rate—I do not refer to congested districts—roads can be built that will be suitable to carry the traffic at less than—probably at a quarter of—the cost which the Board is incurring now.

The SECRETARY FOR PUBLIC LANDS: It all depends on the class of country they go through.

Mr. MOORE: I quite agree with that. The cost, too, depends a great deal on how far you have to cart the material. The road which I took as an example was within half a mile from the material, and, when one considers the awful expense of that road, one wonders whether the policy of the Board is suitable to Queensland or only to a country like Victoria.

The SECRETARY FOR PUBLIC LANDS: There were only 58 chains in that particular place.

Mr. MOORE: Yes, but it does not matter whether it was 1 chain, 58 chains, or 5 miles. The cost per mile is the thing that matters.

The SECRETARY FOR PUBLIC LANDS: Do you think that was the worst part of the road?

Mr. MOORE: I do not. Small portions were to be done, and the expense was so great that the shire council had to protest against its continuance. I recognise that good roads are a necessity for settlement in our country districts, and that they are going to benefit the State in the end; but what I want to point out is that perhaps the class of road which is being built is too expensive. I think that the Minister, recognising the vast area of Queensland and the great number of roads that have to be made and the limited financial resources of the councils which have to bear half the cost, should consider whether the Main Roads Board cannot limit its expenditure to a considerable degree. In some cases I know there have been three or four handlings of the same material instead of one or two. It has been carted out of the metal quarry to one place, then carted from there to another place, and then carted from there to another place. All that waste cannot be paid for by sparsely settled districts, and I would like the Minister to review the policy of the Board to see whether it is not possible to make the work more economical, so that the shire councils may get the fullest advantage of their own money and the money granted by Parliament.

Mr. POLLOCK (*Gregory*): Although I am not an opponent of good main roads, I recognise that the policy on which the Main Roads Board has started is likely to cause considerable hardship in many parts of Western Queensland. The horse carriers and the motor-lorry carriers are both assessed by the Main Roads Board, and have to pay their share towards the upkeep of main roads which have been gazetted by the Board. It is not for me to say that the carriers in and around Winton at present are suffering a hardship, but I believe that, if the Board persists in limiting the loads that can be carried by teams, hardship will ensue on many men who are pioneering the West. There is no doubt that the carrier is the pioneer of Western Queensland, and of every other district which has to be opened up. The Main Roads Board, according to advice which was supplied to me the other day, has been limiting the loads that can be carried by horse teams; but there is no comparison between the amount of damage done to a road by horse teams and that done by motor-lorries. The motor-lorry makes a worse mess of a road than a horse team. I am excluding wet weather from the question, because in Western Queensland neither motor-lorries nor horse teams can travel in wet weather. The only work that can be done on the black soil plains in the West of Queensland is at crossings. The carrier benefits very little by that, yet he is being taxed to support these roads. I am not complaining so much about the taxation—I recognise that it is inevitable—but I am complaining about the limitation of loads when a carrier is in competition with motor-lorries, which can go to a station and bring in a load of wool twice a day, whereas he will take two or three weeks to accomplish one load. If loads are to be limited, it means the wiping out of the old pioneers, the institution of motor-lorries, and certainly no improvement to the roads. I am not sure that this is a matter that should be dealt with on this Bill, but I commend it to the Minister as a matter calling for consideration when the regulations are again being dealt with.

Mr. DEACON (*Cunningham*): I wish to back up what has been said by the hon. member for Aubigny and the hon. member for Gregory. At one time I believed that the Main Roads Board was going to be a good thing. It may be so yet; but from the experience we have had in the Allora district I am not sure that it would not be better to wipe it out altogether.

The SECRETARY FOR PUBLIC LANDS: You had a very sad experience in your shire before the Main Roads Board came into existence.

Mr. DEACON: The Board has just completed one section of a road sixteen feet wide in the Allora district, and it cost £52 a chain. That was in the most favourably situated spot for metal in the Allora shire; it was close to the quarry.

Mr. STOPFORD: If you had had good roads, you would have had an opponent at last election. (Laughter.)

Mr. DEACON: He would not have been allowed to travel on the main road. He would have had to go off into the bog, so it would have been just the same for him. (Laughter.) If roads in other parts of the shire to which the metal has to be carried are to be correspondingly costly, they will cost £10,000 a mile. In this instance the metal had to be carried only a quarter of a

mile. There are 12 miles of proclaimed main roads in the shire, and at that rate of expenditure the cost to the shire will be £48,000. The shire has about 100 miles of roads altogether to deal with. Other roads have to carry as much traffic as that main road. The regulations also will have to be altered. They provide at present for a load of 6 cwt. per inch of tyre. Most of the drays have tyres 2¾ inches or 3 inches wide. Every tyre in the district will have to be altered before they can travel. Although there is only a short length of main road, those regulations apply practically all over the shire, because at any place where the traffic crosses the main road they will be operative. The people will not be able to get to the railway station from any point in the shire without crossing over part of that road.

Mr. COLLINS: What did it cost the shire for a similar road?

Mr. DEACON: They can show a road as good as anything the Main Roads Board has built, 1½ chains wide, built for less per mile than it cost the Board; and part of it has been carrying all the traffic for the last forty years.

The SECRETARY FOR PUBLIC LANDS: You do not approve of the Main Roads Board working in the shire?

Mr. DEACON: Something will have to be altered.

Mr. COLLINS: We build roads for you, and then you complain about them.

Mr. DEACON: I suppose the Board builds them as cheaply and as effectively as it can; but, if it continues to build them at that cost, it will be a nuisance to every shire in the country, and will mean ruin to them all.

Mr. BRENNAN: The same regulations exist in Victoria and New South Wales, where they have been very successful.

Mr. DEACON: I am looking at the result of their application here, and that is sufficient for me. Victoria is not Queensland. We have to deal with the conditions that exist here. I know one other shire which is carting metal nearly 4 miles, and stacking it. What is it going to cost that shire by the time the work is finished?

The SECRETARY FOR PUBLIC LANDS: If your argument means anything, it means that we ought to abolish the Main Roads Board.

Mr. DEACON: The shires have been able to build roads capable of carrying all the traffic that comes along, with any sort of tyre, and do it effectively. Those roads were not of the same standard, and not as good as those which the Main Roads Board is building; but it is impossible to build to that standard; the country cannot afford it. There is not a shire anywhere in Queensland that can afford it.

The SECRETARY FOR PUBLIC LANDS: Then the Board will have to consider the advisableness of not doing any more work in your shire?

Mr. DEACON: The Allora shire might be very thankful if the Board pulled the road up and took it away. (Laughter.) Something will have to be done.

Mr. CATTERMULL (*Musgrave*): I listened to the hon. member for Aubigny with regard to the cost of construction of main roads.

The SECRETARY FOR PUBLIC LANDS: I did not want to interfere with the hon. member for Aubigny, but his remarks had nothing to do with the Bill.

Mr. CATTERMULL: In the district which I represent a macadamised road can be constructed for £1,520 per mile, as will be seen from the following figures:—

| | Cost per mile. £ |
|---|---|
| 20 yards of metal per chain at 12s. per yard ... ... | 960 |
| Formation at £3 per chain ... | 240 |
| Double side draining at £2 per chain ... ... ... | 160 |
| Rolling and upkeep for the first six months at £1 per chain ... ... ... ... | 80 |
| Metal for filling in ruts at £1 per chain ... ... ... | 80 |
| | £1,520 |

That road will carry loads of 6 tons, 8 tons, and 10 tons. I have seen roads in the Woongarra district which have been able to carry traction engines drawing six and eight wagons each loaded with 8 tons of sugar year in and year out while the sugar season was on. The roads at that time only cost the shire council £800 to £900 per mile, as we had a fair amount of material on hand. If we want to maintain our present good roads and build more, we could do that by joining up two or three of the present local authorities into one, thus enabling them to obtain first-class road making machinery. The shire with which I was connected could not afford to buy a complete road-making plant, and we asked the adjoining shires to join in that purchase, but they refused. If other shires would combine to purchase a roadmaking plant we would be able to cheapen the work by 30 per cent. to 40 per cent. The traffic on our roads was such that the life of a metal road was actually nine years, and when it was renewed without being scarified the life was four to five years, and we had to adopt some system of getting the traffic off the road. We built a railway to take this traffic, only to find we got something worse in the shape of motor-cars. The suction from the back wheels was such that it displaced all the small particles of metal, with the result that the metal was continually breaking up. We got over this by spraying tar over the surface of the road. I agree with the hon. member for Aubigny in his statement that, if roads cost £5,000 per mile, there is something wrong. I think the whole question should be considered. I am not against the Main Roads Board. I entirely agree with it. Its activities will result in communication with the country where railways have not been constructed; but there should be a reorganisation of the whole matter.

Mr. COLLINS (*Bowen*): The attitude of the Opposition is very astonishing. They have argued from time to time in this House that it would be impossible for the farmer to get his products to market owing to the bad state of the roads, which meant considerable expenditure to the man on the land. We have the hon. member for Cunningham and the hon. member for Musgrave both complaining about the expenditure by the Main Roads Board. The hon. member for Musgrave knows that he represents a very high unimproved value district round about Bundaberg, owing to the fact that the lands have been made valuable by the legislation passed by this Govern-

ment in connection with the regulation of sugar-cane prices. The shire council receives a fairly large revenue, which it uses in making the good roads mentioned by the hon. member. I admit that some of the best roads in Queensland are in that shire. The Opposition are complaining about the Main Roads Board's activities in their electorates. I am in a different position. My electorate is complaining about the Main Roads Board not being active enough. I understood that the main feature of the Main Roads Act was to build roads to be feeders to our railways. I want to see that carried out. We had a main road gazetted from Collinsville to Mount Coolan. I want to urge the Minister to proceed with that work and build a bridge over the Bowen River, a distance of 900 feet, and now that the railway is completed to the Bowen coalfields and Mount Coolan is developing rapidly, it will open up one of the most promising goldfields that we have, and will act as a feeder to our coalfield railway and make it pay. Why spend money on roads in the district represented by hon. members who say they do not want the money spent in their districts? Why not spend it in other parts of Queensland where we do want it spent by building the bridge over the Bowen River, which will open up a large tract of country and possibly tap a goldfield and bring traffic to the Bowen coalfield and make that railway pay well?

Mr. J. H. C. ROBERTS (*Pittsworth*): I can bear out the statements by the hon. member for Aubigny and the hon. member for Cunningham with regard to the question of the cost of the construction of these roads. It is a well-known fact that an active farmer with a wheelbarrow will move just about as much earth in one day as the men working on the main roads will move with a horse and dray.

The SECRETARY FOR AGRICULTURE: Whereabouts?

Mr. J. H. C. ROBERTS: On the Downs.

The SECRETARY FOR PUBLIC LANDS: That is a very unfair statement.

Mr. J. H. C. ROBERTS: It is absolutely correct. That is how the roads are costing £5,000 per mile. The work is being carried out without due consideration to the people who have to pay for it. The Minister knows that as well as I do. He also knows that the idea of the Main Roads Board has been departed from to a very great extent. We know that, when the Main Roads Act was before the House, hon. members were given to understand that the roads would act as feeders for the railways. Yet we find to-day that roads are being built for many miles parallel to railways. What assistance is that going to be to the men on the land? One of the first pieces of main road constructed was from Brisbane to Ipswich. Has the construction of that road done anything to encourage land settlement in Queensland? It has done nothing. It is going to compete with our railways. In other places the road has been built alongside railway lines and is going to compete with our railways in the future. My idea of a Main Roads Board is a Board which would give due consideration to roads to act as feeders to our railways, and they should run at right angles to our railway lines. The Minister would be well advised if he were to consider the whole question of the cost of our roads. We know very well that there are many lost arts to-day. We have lost the art of making things that could be made 300 or 400 years ago; and one art that seems to be lost is the art of making roads. Roads that were made twenty-five and thirty-five years ago are to-day carrying the traffic and costing less to maintain than roads that have been made during the last six or seven years. Why is it that is so? Simply because we find it impossible, under the high rates of wages we are called upon to pay, to get the work done as efficiently as in days gone by.

[9 p.m.]

The SECRETARY FOR PUBLIC LANDS: You say the men are going slow?

Mr. J. H. C. ROBERTS: Of course, they are going slow. The Minister knows very well that the "go-slow" policy is being adopted in regard to main road construction. We quite realise that, if the main roads are going to cost what they are costing to-day, then the shire councils will be absolutely "broke" over them. The Minister mentioned the question of tyres, and we know that an honest effort was made by the shire councils on the Downs to regulate the width of the tyres on vehicles carting heavy loads, yet those by-laws were never carried out. I, myself, had a 6-inch tyre put on my wagon, and I put an 8 to 10 ton load on it, and I could go on to the road and never cut it up; yet other men were allowed to put the same load on a 3½-inch tyre, and they would go down 7 and 8 inches. Perhaps the shires were not to blame; and in my opinion, the method adopted in New South Wales might have been adopted in Queensland with advantage—that was to appoint lengthsmen to look after the bad portions of the road which were cut about by heavy loads. If you go to some of the roads in New South Wales, you will find that certain lengths of the road in bad places are let by contract. They might let a 3-mile length here, a 7-mile length there, and a 1-mile length somewhere else; and the man who gets the contract is responsible for seeing that the road is maintained and kept in order for the twelve months. In wet weather, as soon as a heavy load passes over that portion of the road and cuts it up at all, the man is there to fill in the ruts, and to see that the road is repaired as soon as the weather clears up. The same thing could be done in Queensland with a great deal of benefit to our main roads. I am quite at one with the hon. member for Cunningham and the hon. member for Aubigny, and I believe the Minister knows that in many other districts the ratepayers are already complaining about the high cost of the main road construction, and I sincerely trust the hon. gentleman will go into the matter very carefully and reconsider the whole proposal. I know roads on the Downs upon which there is a great amount of traffic. I am quite prepared to admit that they are going to be difficult to construct, but those roads are carrying a great deal of produce to our railway lines, and not one of them, so far as I know, has been gazetted as a main road, while we find that roads running parallel to railway lines have been gazetted main roads. The roads running at right angles to the railway line should receive greater consideration than they are receiving to-day.

Mr. WARREN (*Murrumba*): I feel quite sure that every member of this House agrees with the principle of a Main Roads Board,

and I have no wish to blame the Main Roads Board for any "go-slow" policy on the part of the working men. The Board started a little while ago under absolutely new conditions, and they made an honest attempt to grapple with the difficulties with which they were faced. We know the difficulties of the coastal country are ten times as great as they are on the Downs and in other parts of Queensland where there is a light rainfall. We have only a very few months in the year when you can tackle the problem with any profit at all. I want to be quite fair, and I say that the Board and the department should see that the first roads to receive consideration should be the feeders to the railway. After all, those who advocated the appointment of a Main Roads Board did not do so simply because they wanted good roads. They advocated the principle because they knew there were millions invested in railways, and they wanted to see those railways become a paying proposition; and the only way in which we can get out of the rut we are in is by having better main roads than we have at the present time. At the present time, certain portions of shires are over-rated, and to a considerable extent they have to pay double rates and treble rates. They have done this in order to get their own work done, and now this Board, which seems to be a law unto itself, is going to increase the indebtedness of these people. I know farmers on the North Coast who are not able to pay their rates at the present time, as they are too heavily rated. I think some consideration should be shown in that case. It was an oversight in the past that there was not something done. I remember trying, on one occasion, to get a deputation from the Maroochy shire to see the Home Secretary on this matter. A letter was written on the matter by the shire clerk, who is one of the best business shire clerks in Queensland. Although he gave full details of what was wanted, the Home Secretary did not see the need of bringing the deputation down to discuss the matter with him. This is an aspect of the case we should consider, and I hope that the Minister will see the necessity and the wisdom of bringing in some regulation to relieve these people from over-taxation. In our different taxation departments we have forty or fifty different means of bleeding the man on the land, and what is going to be the end of it? The farmers, whether through Main Roads Board taxation or shire taxation, are at the limit of endurance, and there is a danger in allowing any Board to put an extra screw on them, which will probably drive them off the land. I feel that there is room for the criticism indulged in to-night. When we consider the narrow and miserable roads in existence in Queensland, it is time to take stock of the matter. We must have main roads. I can point out an instance where the Main Roads Board is doing good work. Maleny, on the Blackall range, is almost inaccessible at the present time. The Board is building a road on proper lines, which is going to bring the town within easy access of Landsborough. It is very mountainous country, and the cost is heavy, but the people are quite satisfied with the work that is being done. Road-making is very difficult in such mountainous country. I have had experience of road-making, and I find that the work is being done well; and with very little exception, there is no "go-slow" work on the job. The Board has been doing its best to put this work through before the bad season comes on. There is nothing that the farmer wants so much as good roads, so that he can send his goods to market.

Mr. EDWARDS (*Yanango*): This Bill is very important, and the Minister would do well to consider the arguments brought forward by hon. members.

The SECRETARY FOR PUBLIC LANDS: They have nothing to do with this Bill.

Mr. EDWARDS: The Minister is in charge, to some extent, of this main roads question, which goes hand in hand with land settlement and railway construction, which should all be taken into consideration from a business point of view. I am afraid that we are getting just a little bit too much of Victoria. When we talk about Victoria on other occasions, we are blamed for making the comparisons; but on this occasion it suits the Government to talk about Victoria in connection with main roads. As one who knows the State of Victoria fairly well, I can say that the problem of building main roads in Victoria is quite a different problem to what it is in this State.

The DEPUTY SPEAKER: Order! I hope the hon. member is not going to enter into a discussion of main roads in Victoria.

Mr. EDWARDS: In our State it is necessary to consider very carefully the overhead expenses and the taxation, which is likely to become too heavy in a newly settled State. I am afraid that we have not considered the question of whether the newly settled districts in Queensland are able to bear the huge taxation which will be imposed upon them through the Main Roads Board. That is a question which deserves the most serious consideration of every member in the House. It is a question whether in many instances it would not be more economical to build light tramways than to construct main roads. I hope that the Main Roads Board are giving that matter serious consideration. The hon. member for Cunningham mentioned a road which was costing £52 a chain to construct, although alongside it was a gravel pit. If it is going to cost £52 a chain alongside a gravel pit, what is it going to cost per chain where metal has to be carted 6 or 8 miles? The cost will be too heavy for the people to bear. We should consider very carefully the effect of placing such a burden upon the people concerned. I hope that the Minister will go into the question with the Main Roads Board and consider whether the expense is not too great.

The SECRETARY FOR PUBLIC LANDS: Light tramways could never take the place of main roads.

Mr. EDWARDS: It has been pointed out that the intention was not to have main roads running alongside our railway lines, but at right angles to them, so that they should act as feeders to the railways. If a light line were built as a feeder to the railway instead of a main road, I think it would be a better way of getting over the difficulty. I know many things have to be taken into consideration.

The SECRETARY FOR PUBLIC LANDS: Any amount of those feeders are not paying. You don't want to add to them.

Mr. EDWARDS: There are reasons why they are not paying.

The SECRETARY FOR PUBLIC LANDS: This Bill does not deal with the construction of roads: it deals with the financial side of the question.

Mr. EDWARDS: Every speaker has dealt with this matter in a general way. The hon. member for Bowen dealt with it in a general way.

The SECRETARY FOR PUBLIC LANDS: You have to deal with the Bill.

Mr. EDWARDS: I hope the Minister will not take up that party attitude, but look after the interests of the taxpayers of Queensland, who have to find the money.

The SECRETARY FOR PUBLIC LANDS: What do you mean by taking up a party attitude?

Mr. EDWARDS: The Minister is taking up an attitude to prevent me from discussing the question.

The SECRETARY FOR PUBLIC LANDS: You are wandering all over the ship, and you have not touched the Bill yet.

Mr. EDWARDS: This is the first opportunity we have had of discussing the enormous amount of expenditure that is going on in connection with the main roads in Queensland to-day. I hope the Minister will take the matter seriously to heart.

Mr. BEBBINGTON (*Drayton*): I think it is certainly necessary that the fund should be carried on, otherwise the Board will have no funds. At the same time, if it is going to cost £50 a chain to construct main roads, then the sooner you stop it the better. I was the only member in this House who advised the Government to go carefully into the matter when the Bill was first introduced. I told the Government that the same thing would happen here as happened in Victoria, where the Main Roads Board has made the shire councils bankrupt. The Main Roads Board will put a burden on the farmers which they cannot carry. I ask any member who knows anything about roads at all to tell me who is going to pay the rates and taxes.

The DEPUTY SPEAKER: Order! I hope the hon. member will not be guilty of any more tedious repetition. He is the seventh member now who has said that.

Mr. BEBBINGTON: It is a most important matter. If the Minister is going to allow the main roads to cost so much, he is going to put a millstone round the necks of the farmers, which they cannot carry. The Minister ought to know that the roads are costing too much. When the Bill was going through the Premier promised that the shire councils would be consulted. It was intended that the main roads should act as feeders to the railways and not run alongside and compete with them. The Automobile Club has got too much influence with the Government, and roads are being built in the interests of the Automobile Club, instead of in the interests of the farmer.

The DEPUTY SPEAKER: Order!

Mr. BEBBINGTON: I am going to vote against the expenditure of so much money on main roads. The main roads are going to cost £4,100 per mile, and the sooner we root them up the better. I was the only man who spoke against the Bill when it was going through.

The SECRETARY FOR PUBLIC LANDS: You will live to regret it.

Mr. BEBBINGTON: No. I am more proud of it to-day than I was then. Fancy building roads at such a great cost to carry cream over! Such bungling I never saw in my life. If they took the whole lot of the cream to pay for the road, it would not pay the cost. Until there is some change I will carry on an agitation against the Board, in the hope that we shall be able to get rid of it.

Mr. BRENNAN (*Toowoomba*): I hope the Minister will look into the remarks made by the hon. member for Cunningham in regard to the construction of a main road. It must have been constructed in a swamp.

Mr. DEACON: No; it was on a hard hill.

Mr. BRENNAN: That is worth investigating. It appears to me to be absolutely ridiculous, because no local authority supervising such work would tolerate it.

The SECRETARY FOR PUBLIC LANDS: That road was built on black soil.

Mr. BRENNAN: I am very glad the Minister investigated that matter when the House was sitting, because he can get into "Hansard" a reply to the statement made by the hon. member for Cunningham. We have a railway from Helidon to Toowoomba over the Main Range. It is 29 miles in length, and was constructed under certain conditions in the early days. It follows a devious route over the range, and the upkeep is very great. There is no reason why we should not have a tunnel through the range between Helidon and Toowoomba.

The DEPUTY SPEAKER: Order; I hope the hon. gentleman will discuss the question before the House.

Mr. BRENNAN: I was going to point out that in excavating that tunnel we would get enough metal for all the roads on the Darling Downs. Half of the metal could be given to the Railway Department and half to the Main Roads Board. That tunnel would cut off 18 miles between Helidon and Toowoomba and avoid the present circuitous route.

At 9.28 p.m.,

The SPEAKER resumed the chair.

Mr. LOGAN (*Lockyer*): I do not want to appear obstinate in this matter, because I feel that a great amount of good can come from this Bill. I have already made a statement in favour of the Main Roads Board in my electorate; but the Board would be well advised to go carefully into the matter of constructing roads alongside the railway. I refer particularly to the road from Lowood via Gatton, and on to Toowoomba. It runs almost alongside the railway line, and is not serving the intention of the Bill. The intention of the Government was that the main roads should act as feeders to the railway. The railway from Gatton to Mount Sylvia was passed by this House, but was not built. The Main Roads Board now propose to construct a road there. If that road is going to cost £4,100 a mile, it is better to have the railway.

The SECRETARY FOR PUBLIC LANDS: It is rubbish to say it will cost that amount.

Mr. LOGAN: It does not look as if we will ever get the railway, so I advised the settlers to take the road. The settlers told me they would prefer to pay more in rates and have a good road rather than a bad road. That is one of the places which would particularly benefit from main roads.

I would particularly stress the point, as other hon. members have done, that the Board should carry out a wise policy. I know that at the present time the Tarampa Shire Council are opposed to the building of a main road across their area, but if the shires on both sides demand the road the Board have the power to force the road through the shire even though that shire objects.

[9.30 p.m.]

The SECRETARY FOR PUBLIC LANDS: I will discuss that with the chairman of the Board.

Mr. LOGAN: I hope the Board will build the road where it is wanted, and not go too far away from where it will do most good. I feel sure that in those districts which are sparsely settled the cost of the roads on the ratepayers will be very heavy. They are already taxed up to the hilt, and if they are going to be further burdened with taxation, I am sure that the main roads will not be popular. I hope that the Minister will give due consideration to these matters from the taxpayers' point of view, and that in the interests of the ratepayers he will give access to the railway lines without attempting to construct roads running alongside railways.

Mr. GREEN (*Townsville*): It appears to me that the Minister in charge of the Bill made a serious admission in regard to the evils of introducing legislation to this House and not giving the members of the Opposition, as well as members on the Government side, time to discuss it.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): I rise to a point of order. I strongly object to the hon. member making false statements with regard to what I said. I never said anything about any member of the Opposition being prevented from speaking.

Mr. GREEN: I was only going to say that it was a striking commentary on the way in which the Government do business. The Minister remarked that the principal Act had been hastily drafted, and that serious mistakes had been made. I say that the method of introducing Bills followed by the present Government is perhaps the cause of the serious mistakes which appear in Bills from time to time, so that in subsequent sessions additional burdens are placed on the members of this House in the consideration of amendments. This Government, or any other Government, should give ample time for the discussion of measures before the House, so that we may feel that when they go through the Chamber they pass on to the people in a proper form.

The SECRETARY FOR PUBLIC LANDS: Do you expect perfection in legislation?

Mr. GREEN: As near perfection as we can possibly get. I know nothing as to the correctness of the statements of hon. members on this side as to the high cost of road construction, but I hope that the Minister and the members of the Board will give serious consideration to them, and that due inquiry will be made.

The SECRETARY FOR PUBLIC LANDS: That will be done.

Mr. GREEN: If statements that roads 18 feet wide cost from £3,000 to £5,000 per mile are allowed to go out to the public, they will largely affect the decisions of shire councils, particularly on the question of having main roads constructed through their areas, and none of us desires that to take place. We all feel that the Main Roads Board is performing a very useful work in the development of the State. We require good roads throughout Queensland, and I feel sure that the establishment of the Board goes a long way towards that objective. The local authorities should take full advantage of the Main Roads Act, and wherever possible assist the Board in laying down roads which will feed our railway system and help to open up the State and make conditions more comfortable for the man on the land.

The SECRETARY FOR AGRICULTURE (Hon. W. N. Gillies, *Eacham*): As the Minister who introduced the principal Act, I remember distinctly that I said that, after giving a good deal of labour and research to the question, I recognised that it was not the last word in road legislation, and that, whilst no Government would ever dare repeal it, other Ministers would bring forward measures to improve it. That is what the Secretary for Public Lands said to-night. He said that, through an oversight, provision had not been made for carrying over balances and making maintenance an annual charge. It has been said that there are two classes of people in the world—those who do things and those who want to know the reason why and criticise; and, whilst I am not going to defend the Board if it adopts extravagant measures, I do say that the members were carefully selected, and I have every confidence in them. I believe that the Board should allow local authorities to carry out the intention of the Act themselves wherever possible, under the strict supervision of the Board. I have very little faith in the old methods of local authorities in this State. I had something to do with them myself in the North, and there it was pointed out that the ratepayers were too poor to employ fully qualified engineers. I say that roadmaking is a science, and whilst local authorities have done very good work, they have not, as a whole, grasped the fact that in order to make good roads the very best engineering qualifications are necessary. Whilst the Board should endeavour so far as possible to entrust the making of roads to local authorities, it should be very particular in its supervision to see that old methods are departed from and modern methods adopted.

I agree with the hon. member for Aubigny that the making of roads should not involve too heavy a tax on the settlers. It should be borne in mind, however, that nothing keeps settlement back so much as bad roads.

Mr. BEBBINGTON: Except high taxes.

The SECRETARY FOR AGRICULTURE: High taxes may be objectionable. All people object who are called upon to pay taxes, whether they be high or low, but, if the people who pay taxes have something in return—as they should have in main roads if they are carried out properly—they should not object. I have said many times, and I say now, that one of the greatest wastes of money in Queensland has been in carrying out road making on bad methods. The hon. member for Aubigny criticised the Board for making everlasting roads. Such roads may be expensive and still be very cheap for the users and for the taxpayers. I think that the policy of the Board is to entrust local authorities with the work wherever possible, under their supervision, and I think it is very unfair to condemn the Board

because the small section of road referred to by the hon. member for Cunningham cost £52 a chain. It is possible for a small section of road to cost £52 a chain, but it is not fair to refer to that as being the general cost of main roads in this State. The hon. member for Aubigny referred to a cost of £5,000 a mile. If roads are going to cost anything near that figure they will be too expensive for the generality of farming districts. The hon. member for Pittsworth referred to the "go slow" policy. I have absolutely no time for the "go slow" policy, and, if it is in operation with regard to any main road, the Main Roads Board should take active steps to prevent it. That could be obviated by entrusting the work to the local authorities.

The SECRETARY FOR PUBLIC LANDS: They are entrusted with the work.

The SECRETARY FOR AGRICULTURE: That was the policy laid down by me when piloting the Bill through the House. Power was given in the Bill to enable the Board to entrust the work to the local authorities. I do not think it is fair to condemn the Main Roads Board before it has had a fair trial. This is the first year it has had any money to carry out its policy. Reference has been made to Victoria, but Victoria is only a cabbage garden compared with Queensland. It is estimated that this State has over 100,000 miles of surveyed roads. The Main Roads Board has made it its business, as far as possible, to get over the whole State, so that it will not be said that all the money is being spent in the South. The Act contemplates that, as near as possible, an equal amount shall be spent in the three divisions of the State, and I am sure that the Board is endeavouring to do that. It is the duty of every member in this Chamber to give the Board a fair trial. Hon. members should call the attention of the Minister to anything that is going wrong in the country. The Minister cannot be expected to see everything, neither can the Chairman of the Board. Realising the magnitude of the task and the great importance to Queensland of having good roads, hon. members should endeavour to be fair to the system and to the Main Roads Board itself, and give it a proper trial.

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

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1 to 5, both inclusive, put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill without amendment.

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

## CITY ELECTRIC LIGHT CO. LIMITED BRISBANE FORESHORE LEASE BILL.

SECOND READING.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): It is necessary, in giving a lease in respect of the foreshores of a harbour or river, to pass a special Act of Parliament. It is necessary, therefore, to introduce this Bill to lease the land delineated in the schedule. I beg to move—

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

Mr. VOWLES (*Dalby*): This is a very important Bill, although there is only one principle in it. The lease will be for forty years at an annual rental of £30. I have no objection to it, and do not propose to waste time in debate.

Question put and passed.

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1 and 2, the first, second, and third schedules, and the preamble, put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill without amendment.

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

## HARBOUR BOARDS ACTS AMENDMENT BILL.

SECOND READING.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): Although this looks a somewhat formidable Bill, containing many clauses—some of considerable length—there are only three points in it that need be mentioned. It increases the limit of the borrowing power of various Harbour Boards, at the same time conferring upon the Boards the same power which some other local bodies have at the present time—the right to raise loans by the issue of debentures. It also makes provision for the Harbour Boards to fall into line with the other local authorities by utilising the franchise which is established for ordinary local authorities. This is necessary, and has been rendered urgent because of the approaching elections of the Harbour Boards. There is no provision at present with regard to some Harbour Boards for the constitution of a roll. Some have been depending upon the roll of ratepayers, some upon the roll of payers of dues. It is necessary to make uniform the law and enable the Harbour Boards to utilise the rolls prepared by the local authorities for their elections. Opportunity has been taken in this Bill, as we are amending various Acts, to correct some anomalies that exist at the present time, and to make a wiser distribution of the districts which will be represented on certain Harbour Boards. It is necessary to amend the Harbour Board legislation dealing with various Boards now in existence; for instance, with regard to the Cairns Harbour Board, the Bowen Harbour Board, the Gladstone Harbour Board, the Mackay Harbour Board, the Rockhampton Harbour Board, and the Townsville Harbour Board. It brings the law into uniformity with regard to each of those. I beg to move—

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

Mr. VOWLES (*Dalby*): The Bill makes provision for granting in connection with Harbour Boards an extension of the popular franchise, and for other matters largely dealt with by other local authorities. The balance of the Bill deals mainly with machinery for conducting elections. I do not intend to take up the time of the House by discussing the Bill at length.

HON. W. H. BARNES (*Bulimba*): I would like to know from the Treasurer what is going to be the position of the Government in connection with the various Harbour Boards to which they have advanced money. If the Bill passes, there will apparently be two sets of creditors. We know that some of the Harbour Boards are up to their necks in debt to the Government, and this Bill makes provision for the issue of debentures, which will increase their amount of indebtedness. Is there any limit to which the Harbour Boards can go? We know that they have got into debt to an alarming extent, and there is very little hope of their getting out. The position is a very serious one. The Government do not allow any outside authority to assist the Harbour Boards financially. Will the Harbour Boards be required to wipe out their indebtedness to the Government before they can issue debentures? If that is so, it means that the Government will have more money to spend on State enterprises and such ventures. I hope the Treasurer will give us the fullest information.

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

COMMITTEE.

(*Mr. Pollock, Gregory, in the Chair.*)

Clauses 1 to 8, both inclusive, put and passed.

Clause 9—"*Amendment of Sections 27 to 31—Election, nominations, and resignations*"—

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I beg to move the omission, on line 22, page 3, of the figures "29A." That is a printer's error. The figures should be in clause 19.

Amendment (*Mr. Theodore*) agreed to.

Clause 9, as amended, put and passed.

Clauses 10, 11, and 12 put and passed.

Clause 13—"*Power to borrow*," etc.—

HON. W. H. BARNES (*Bulimba*): I want to ascertain whether in giving power to the Board to issue debentures it is the intention of the Government to insist that sufficient money shall be raised to wipe out the present indebtedness of the Board to the Government.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): It is not the intention to give permission to Harbour Boards to go outside the Treasury to get financial accommodation, unless their security is good enough to cover their indebtedness to the Government and meet their new obligations. A Harbour Board which is financially involved and unable to meet its obligations to the Government at the present time will not get permission to issue debentures or to raise money elsewhere. The hon. member will see that, where the general power is given, the clause provides that before any Harbour Board can get the right to issue debentures it must make application and get the approval of the Governor in Council. It does happen, and it may happen in the future, that a Harbour Board may conveniently finance for itself through the Commonwealth Bank or some other institution, and in such case it must issue debentures through the Commonwealth Bank or some other institution in order to get that accommodation. No permission will be given to Harbour Boards to go outside until they make satisfactory arrangements to discharge their indebtedness to the Treasury and their position is financially sound.

Hon. W. H. BARNES: Will they have to pay off the Treasury first?

The TREASURER: Not necessarily, so long as their finances are in a sound position. There are Harbour Boards which are in a bad financial position at the present time. Without specifying any particular Harbour Board, I know that there are Harbour Boards which have no chance of getting authority to borrow outside the Treasury. In the first place, it would be very unfair to the Treasury, because they would have to give a charge over their revenues to the Commonwealth Bank or to the public if they issued debentures to the public. Those Harbour Boards that are in financial difficulties at the present time have no chance of getting permission under this clause to go outside and borrow money. But there are Harbour Boards in a good financial position with large undertakings, and, if their position warrants it, they may get permission from the Governor in Council to borrow outside the Government.

[10 p.m.]

HON. W. H. BARNES (*Bulimba*): Notwithstanding the assurance of the Treasurer that political influence may be brought to bear, I can very well conceive the chances are that the Government will yield to the pressure.

The TREASURER: No chance in life.

HON. W. H. BARNES: We know that just the very opposite has been the case. It is opening a very dangerous door. It is practically saying to the Harbour Boards, "Go ahead, gentlemen; spend as much as you possibly can, and keep in line with what the Government of the country have been doing." Figuratively speaking, it is saying, as far as money is concerned, "Eat, drink, and be merry." If the Commonwealth Bank or any other institution take up debentures they must have security, and it is perfectly certain that the security is going to drift away from the Government. Of course, every Harbour Board is not in financial difficulties, although some of them are. But Governments in the past having led the way in advancing money to Harbour Boards, we ought to confine the indebtedness of the Harbour Boards to the Government, and not allow them to go outside. I think the principle is a bad one, and is destructive of all that is good so far as safe finance is concerned.

Mr. FLETCHER (*Port Curtis*): I take it that the Treasury will have the equivalent of a first mortgage over the assets of the Harbour Boards.

The TREASURER: We can insist on any condition we like, and we can refuse permission to a Harbour Board to borrow outside the Government.

Mr. FLETCHER: The Bill gives the Harbour Boards power to borrow money on their own debentures. I cannot see the advantage in that. It seems to me it is better to borrow from the one source—the Treasury—and I do not see what the object of this clause is.

The TREASURER: A number of local authorities have the right to issue debentures.

The City of Brisbane, the City of South Brisbane, and certain other cities, have that right, and even Maryborough has the right to issue debentures.

Mr. FLETCHER: The Harbour Board is in a different position.

The TREASURER: It is only when the work is sufficiently large to warrant it that action will be taken.

Mr. FLETCHER: I can quite conceive in certain cities that it would be the right thing, but seeing the way the Harbour Boards are already situated and that they are already heavily involved with the Treasury, I think their borrowing powers should be restricted.

The TREASURER: In most cases, an extension of their borrowing powers would not be entertained for a moment.

Mr. FLETCHER: The Treasury is safeguarded if it has a first mortgage. It is really another system of borrowing, and there is not much in it so long as the Government are safeguarded by having a first call on the assets of the Harbour Boards.

Mr. TAYLOR (*Windsor*): Considering the difficulties some of the Harbour Boards are in at the present time, it is necessary to exercise the very greatest care in giving them power to borrow additional money. One of the reasons why some of the Harbour Boards are in difficulties to-day is probably on account of railway extensions to a number of the coastal towns, which have diverted the traffic which came to the Harbour Boards in years gone by and gave them a very large revenue. We are extending railway communication to our Northern towns, and it seems to me that, for some time to come, the Harbour Boards in a good many of these towns will have a decreasing revenue instead of an increasing revenue. There is a big railway traffic going to these towns, which traffic used to go by boats in years gone by. I think that some care will have to be exercised to see that the Harbour Boards do not get into the financial condition that some of them are in at the present time. Governmental authority should be exercised more strictly than has been done in the past. It seems to me that it will take some of the Harbour Boards from twenty-five up to fifty years before they can clear off their indebtedness. We know that Harbour Boards are anxious, if they can borrow money to improve their port, to take advantage of the opportunity. I hope that care will be exercised in regard to loans in the future, especially as the Bill allows the Harbour Boards to borrow from institutions like the Commonwealth Bank to carry out harbour work.

Clause put and passed.

Clauses 14 to 18, both inclusive, put and passed.

Clause 19—"*Mackay Harbour*"—

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): I move the insertion, after the word "inclusive," on line 49, of the words—

"and section 29A."

Mr. SWAYNE (*Mirani*): The clause states—

"[8.] The Harbour Board district shall consist of the area for the time being comprised within the boundaries of the town of Mackay, the shire of Pioneer, and the shires of Mirani, Nebo, and Sarina, as constituted under and for the purposes of the Local Authorities Act."

It also provides—

"Three elective members shall be assigned to the town of Mackay, three elective members shall be assigned to the shire of Pioneer, and one elective member shall be assigned respectively to the shires of Mirani, Nebo, and Sarina."

Three elective members are allotted to the shire of Pioneer and only one to the shire of Mirani. I am told that the representation is allotted on the strength of the voters' roll, and I can hardly think that the electors of Pioneer outnumber those of Mirani at the present time by three to one.

The TREASURER (Hon. E. G. Theodore, *Chillagoe*): There is no alteration in the basis of representation. We are following the existing law in regard to the districts and the number of representatives.

Mr. SWAYNE (*Mirani*): I quite understand that. The only question in my mind is whether, since the representation was first allotted, there has not been a considerable increase in the voters in one of the shires. I should think that the Shire of Mirani would now have almost as many voters as the Pioneer shire. I suggest that some provision should be made, so that, in the event of the number of electors in each of the three shires varying, the representation should vary accordingly. There is no provision in the Bill for that. I do not intend to move an amendment, but that seems to me to be worthy of consideration.

Clause 19, as amended, put and passed.

Clauses 20 to 23, both inclusive, put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill with amendments.

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

## LOCAL AUTHORITIES ACTS AMENDMENT BILL.

### SECOND READING.

The SECRETARY FOR MINES (Hon. A. J. Jones, *Paddington*): As I have already stated on the introductory stages of this Bill, it is not intended to introduce a comprehensive Bill this session. I also explained that that decision was arrived at owing to the illness of the Home Secretary. However, we find it is necessary to amend the Local Authorities Acts in a few particulars. Several amendments are required to adjust the time for the election of members of the various metropolitan local bodies, including the Fire Brigades Board and the Victoria Bridge Board, to conform with the amended Local Authorities Act of 1912, and in connection with the elections held under particular Acts.

There are two amendments in this Bill which are necessary in connection with the city improvement scheme. One is designed to prevent claims for compensation for work done after notice of resumption has been given. The second is to secure that the land taken by the city council under the city improvement scheme and leased shall be rated. These two clauses are introduced into the Bill at the request of the local authorities concerned. Clause 6, as hon. members will observe, will enable a local authority to obtain a certificate of title to land that has been taken for arrears of rates. The Bill



*Hon. A. J. Jones.*]

also provides some other minor amendments, such as a scale of charges to be paid to the Registrar of the Supreme Court on judgment and warrants against land sold for arrears of rates. One very important clause in the Bill which is worthy of mention is that this Bill extends the provisions of section 185 of the principal Act so that towns within shire council areas may be declared under the Act as first-class sections so that buildings may be built of fire-resisting material. I think that explains the object of this small Bill, which, I am sure, will meet the approval of the House. I therefore move—

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

Mr. VOWLES (*Dalby*): I understand that this Bill is introduced in accordance with requests of the local authorities, although only a few of the recommendations they made have been included in it, but we are promised that on a future occasion, if the Government have the opportunity, they will bring forward a comprehensive measure.

I think the provision mentioned by the Minister with reference to first-class sections in towns and shires is very desirable, particularly as during the last few years in the locality in which I reside we have had quite a series of fires which have almost wiped out certain areas. Hon. members will remember the fire at Chinchilla, which was of so great a magnitude that it will take a considerable amount of replacing. Had the buildings been in a first-class section and been constructed of fire-resisting material, the damage would have been considerably minimised.

There is one provision which I do not think has been asked for by the local authorities. I refer to the amendment of section 216, excluding from the exemption from rates land which falls into the hands of local authorities and is leased by them. As a general principle that is good, but there may be cases in which it will cause hardship. I know of one instance where a contract was entered into between a local authority and private individuals, where a lease was sold for a large sum of money, and one of the conditions which induced the payment of that sum was that the land would not be subject to rates. In that case, the amount runs into £400 a year, and I think it is only fair that the lessee, having agreed to pay that amount on the understanding that the land would be free of rates, should not now be called upon to pay them, and the hon. member for Aubigny or I propose to move an amendment which will cover such cases.

Mr. KING (*Logan*): I recognise that the provisions contained in the Bill are perfectly reasonable; but at the same time many provisions recommended by the local authorities, which are just as material, are not included. The clause with reference to the payment of compensation is very necessary. I notice that certain exemptions of land held by local authorities in trust are provided for; but I would like to point out that the Bill does not extend to lands which have been held by local authorities in trust and have been subsequently leased. The possibilities are that, as the land is not liable for rates, no provision has been made for the payment of those rates, and it would be inequitable if the lessee of those lands were called upon to pay the rates now. A very wise provision is that in connection with lands which have fallen into the hands of local authorities for arrears of rates—that after the expiration of twenty-five years, they shall remain in the hands of the local authorities. That is a necessary provision, and I am very glad it is included in the Bill. There is a further provision dealing with advertising.

The SPEAKER: Order! The hon. member cannot deal with the details of the measure.

Mr. KING: I am only generalising. Some of the amendments made will not achieve the objects the Minister wishes to achieve, and I hope to make amendments which will better the Bill.

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

COMMITTEE.

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

Clauses 1 to 4, both inclusive, put and passed.

Clause 5—"*Amendment of section 216—What is rateable land*"—

Mr. MOORE (*Aubigny*): I beg to move the insertion, after the word "title," on line 35, page 2, of the following words:—

"Provided, nevertheless, that land let or demised to any person or Corporation by a local authority under an agreement entered into before the first day of October, 1922, shall be exempted from the payment of rates during the period of such agreement."

This is to safeguard those who have entered into an agreement with a local authority, the absence of rates being considered in fixing the rent.

The SECRETARY FOR MINES (Hon. A. J. Jones, *Paddington*): The amendment being a reasonable one, I propose to accept it.

OPPOSITION MEMBERS: Hear, hear!

Amendment (*Mr. Moore*) agreed to.

Clause 5, as amended, put and passed.

Clause 6—"*Amendment of section 267—Land when vested in local authority*"—put and passed.

Mr. KING (*Logan*): I beg to move the insertion of the following new clause to follow clause 6:—

"In subsection 2 of section 268, the words 'and in some newspaper' are hereby repealed."

The Bill deals with advertising charges. The next portion deals with the charges to be paid to the Registrar of the Court, and then it deals with the cost of advertising in the newspapers. Paragraph 6 (*a*) deals with advertising in the "Gazette."

Mr. KING: Yes, but that was in connection with the publication of the Financial Statement. This amendment deals with the publication of notice of sale for arrears. An enormous amount of expense has been incurred by local authorities in advertising the sale of land to pay for arrears of rates.

One local authority put up nineteen allotments for sale. The advertising charges amounted to £42, the costs of court amounted to £10, and the proceeds from the sale

amounted to £7. That meant a considerable loss. The local authorities have to carry forward year after year the arrears of rates on those allotments. They like to have their books as clean as possible, and naturally they desire to sell the allotments to pay for those arrears. I hope the Minister will accept the amendment.

The SECRETARY FOR MINES: I will accept the amendment.

New clause (*Mr. King*) agreed to.

Clauses 7 to 10, both inclusive, put and passed.

Clause 11—"*Amendment of section 412—General provisions*"—

Mr. KING (*Logan*): I beg to move the insertion, after the word "inserted," on line 45, of the words—

> "also after the word 'under' the words 'or for any of the purposes of' are inserted."

This is a matter which caused some controversy in connection with the service of summonses for rates.

[10.30 p.m.]

The SECRETARY FOR MINES: I will accept that amendment.

Amendment agreed to.

The SECRETARY FOR MINES (Hon. A. J. Jones, *Paddington*): I beg to move the insertion, after the word "clerk," on line 56, of the words—

> "or other officer of the local authority authorised by it in that behalf."

Amendment agreed to.

Clause 11, as amended, put and passed.

Clause 12—"*Amendments of Victoria Bridge Act*"—put and passed.

Clause 13—"*Amendments of Fire Brigades Act*"—

The SECRETARY FOR MINES (Hon. A. J. Jones, *Paddington*): I beg to move the omission, on lines 22 to 37, of the words—

> "(ii.) The following words are added to the second paragraph of subsection (ii.) of the proviso to section three:—'and all trusts relating to all such land shall be determined and the land shall be absolutely vested in the Board constituted under this Act, and on delivery of a copy of the notification in the 'Gazette' constituting the Board to the Registrar of Titles, he shall thereupon register the land in the name of the Board and issue a certificate of title therefor.'
>
> "(iii.) In subsection one of section six, the words 'in the month of March in every third year' are repealed, and the words 'in every third year within sixty days after the completion of the elections in that year under the Local Authorities Act of members of the Local Authority or Local Authorities having jurisdiction within the district.'"

With a view to inserting the words—

> "(ii.) In the second paragraph of subsection (ii.) of the proviso to section three all words after the word 'subject' where it secondly occurs are repealed, and the words 'all land, plant, materials, and other assets of the dissolved Board or held in trust for such Board shall absolutely vest in the Board; and all obligations and liabilities of the dissolved Board shall devolve upon and shall be discharged by the Board, and all trusts relating to all such land shall be determined and the land shall be absolutely vested in the Board constituted under this Act, and on delivery of a copy of the notification in the 'Gazette' constituting the Board to the Registrar of Titles, he shall thereupon register the land in the name of the Board and issue a certificate of title therefor' are inserted in lieu thereof.
>
> "(iii.) In subsection one of section six, the words 'in the month of March in every third year' are repealed, and the words 'within sixty days after the completion of each triennial election under the Local Authorities Act of members of the Local Authority or Local Authorities having jurisdiction within the district' are inserted in lieu thereof."

Amendment (*Mr. A. J. Jones*) agreed to.

Clause 13, as amended, put and passed.

The House resumed.

The CHAIRMAN reported the Bill with amendments.

The third reading was made an Order of the Day for to-morrow.

The House adjourned at 10.36 p.m.