

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 10 OCTOBER 1888

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Wednesday, 10 October, 1888.

Elections Tribunal Act of 1886—Mackay Election.—Question.—Queensland Permanent Trustee, Executor, and Finance Agency Company, Limited.—Unfurnished Return.—Address of Condolence to Lady Musgrave.—Ways and Means—report from committee.—Tariff Bill.—Ways and Means—resumption of committee.—Railway Bill—committee.—Adjournment.

The SPEAKER took the chair at half-past 3 o'clock.

ELECTIONS TRIBUNAL ACT OF 1886.

*MACKAY ELECTION.

The SPEAKER said: I have to inform the House that I have received the following report from the Honourable the Chief Justice:—

“IN THE SUPREME COURT OF QUEENSLAND.

“ELECTIONS TRIBUNAL ACT OF 1886.

“Electoral District of Mackay.

“Petition of William Michie, of Mackay, presented the thirteenth day of June, 1888.

“I, the Honourable Sir Charles Lilley, Knight, the Chief Justice of Queensland, and Elections Judge for the current year, do hereby certify to the Honourable the Speaker of the Legislative Assembly that on the 13th of September last past an application was made, on behalf of the petitioner herein, to me, sitting in Chambers, for leave to withdraw his said petition.

“I thereupon appointed the 28th of September last past for the hearing of such application, and upon that date, upon proof of due notice by the petitioner of his intention to so apply for leave to withdraw his said petition, in accordance with the rules under the Act aforesaid; and upon proof also that no person who might have been a petitioner in respect of the election to which the petition relates had given notice of his intention to apply to be substituted for the petitioner; and no person in fact applying at the said hearing to be so substituted, and the petitioner having complied with all the provisions of the said Act and the rules thereunder relating to his said application, I gave leave to the petitioner to withdraw his said petition accordingly, and also to take out of court his deposit for the costs of the respondents to the said petition, subject to the payment by him of any fees of court or other charges lawfully due.

“Dated at Brisbane, this eighth day of October, A.D. 1888.

“CHARLES LILLEY, C.J.”

The PREMIER (Hon. Sir T. McIlwraith) said: Mr. Speaker,—I move that the paper be printed, and made part of the proceedings of the House.

Question put and passed.

QUESTION.

Mr. BUCKLAND asked the Colonial Treasurer—

1. What is the minimum depth of water between Victoria Bridge and the Pile Lighthouse?

2. Is it a fact the s.s. "Angers" is leaving the port of Brisbane with only half her usual quantity of coal owing to the insufficiency of water in the river for her draft?

The COLONIAL TREASURER (Hon. Sir T. McIlwraith) replied—

I noticed at the time, but I have not observed it since, that this question ought to have been asked of the Minister for Works. Consequently it has been neglected by both. Will the hon. member be good enough to ask it again to-morrow?

QUEENSLAND PERMANENT TRUSTEE, EXECUTOR, AND FINANCE AGENCY COMPANY, LIMITED.

Mr. POWERS said: Mr. Speaker,—I beg to present the report from the Select Committee appointed in connection with the Queensland Permanent Trustee, Executor, and Finance Agency Company, Limited; and move that it be printed.

Question put and passed.

On the motion of Mr. POWERS, the second reading of the Bill was made an Order of the Day for Thursday, October 11.

UNFURNISHED RETURN.

The Clerk, in accordance with the Sessional Order, having read a list of returns not yet furnished—

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said: Mr. Speaker,—I wish to make an explanation in regard to a return asked for on Friday last by the hon. member for Bowen, containing copies of the Government Geologist's report and all correspondence in connection with the boring for coal in the Bowen River district, and which has not yet been furnished. All the papers in question have already been printed. It was not noticed at the time the motion passed the House, but it was on the next day when it was too late. There are three papers, one in page 315, vol. iii., "Votes and Proceedings for the year 1879;" one in page 133, vol. iii., "Votes and Proceedings for the year 1885;" and one in page 195, vol. iii., "Votes and Proceedings for year 1886." There are no other papers.

ADDRESS OF CONDOLENCE TO LADY MUSGRAVE.

The PREMIER said: Mr. Speaker,—I think this House has a duty to perform in expressing its feelings of regret to Lady Musgrave on the death of her husband. I have received expressions of condolence from all the different colonies, which I have been asked to convey to her, and I think it is our duty to express, as I said before, our feelings, and I propose to do it by asking a committee of this House to prepare an address. I, therefore, Mr. Speaker, now move that a Select Committee be appointed to

prepare an address of condolence with Lady Musgrave on the death of His Excellency Sir Anthony Musgrave; such committee to consist of Sir S. W. Griffith, Mr. Hodgkinson, Mr. Jordan, Mr. Morehead, Mr. Macrossan, and the mover. Under the circumstances I ask that the motion may be put without notice.

The SPEAKER: Does the House consent to the motion being put without notice?

HONOURABLE MEMBERS: Hear, hear!

Question put and passed.

The Committee thereupon retired, and having returned, brought up the following Address, which was read by the Clerk:—

"TO LADY MUSGRAVE,
"Government House,
"Brisbane.

"MADAM,

"We, the members of the Legislative Assembly of Queensland, in Parliament assembled, desire to express our profound sympathy with you in the irreparable bereavement which you and your family have been called upon to suffer in the lamented death of your late husband, His Excellency Sir Anthony Musgrave, G.C.M.G., Governor of this colony, the melancholy suddenness of whose decease has deeply affected the whole community over which he so ably presided.

"We desire at the same time to express our regretful sense of the loss which we and the public have sustained in the removal from amongst us of a presence so gracious and an influence so elevating as those of our late esteemed Governor, and to place upon the records of this House the tribute of our mournful regard for the memory of a noble example of fidelity to a high ideal of duty."

The PREMIER said: Mr. Speaker,—I beg to move that the address be adopted.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I desire to add a word or two in seconding the motion of the hon. gentleman at the head of the Government, proposing the adoption of this address. I believe that the words of it perfectly express the sentiments of this House. We believe that the colony, that is, the public of this colony, as well as the Empire, have sustained a serious loss by the death of Sir Anthony Musgrave; and I think the reference that is made to his high ideal of duty is one which is very fitly made. We have not so many examples, after all, of men here or elsewhere in the world, who are actuated by a high ideal of duty; and the loss of one who was eminently actuated by that high ideal is an occasion upon which such a reference may fitly be made. I do not think, Mr. Speaker, that many words on occasions like this give any additional mark of sincerity; I think that few words are best. We all sincerely agree with the sentiments contained in the address; and it gives me a certain amount of satisfaction—regretful satisfaction—to second the motion just proposed by the hon. gentleman at the head of the Government.

Question put and passed.

The PREMIER said: Mr. Speaker,—I beg to move that the address of condolence just adopted be presented by yourself to Lady Musgrave.

Question put and passed.

WAYS AND MEANS.

RESOLUTIONS FROM COMMITTEE.

On the Order of the Day being read, the Chairman of Committees reported the following resolutions from the Committee of Ways and Means, which were read at length by the Clerk:—

Resolved—That towards raising the Supply granted to Her Majesty in lieu of the existing Customs duties there shall be raised, levied, collected, and paid upon the several articles, goods, wares, and merchandise under-mentioned, when imported into the colony, whether by sea or land, the duties following, and such duties shall be payable upon the goods named now in bond:—

Articles.	Quantities.	Rate.
Arrowroot, gunpowder, pearl barley, rice, sago, split peas, starch, shot, tapioca, salt beef, mess pork	per reputed pound	1d.
Twine, tallow, stearine, and lard	per reputed pound	1½d.
Biscuits, blue, dried fruits, glue, macaroni, vermicelli, maizena, corn flour, malzemeal, peel (dry and drained), writing paper (cut), and cakes	per reputed pound	2d.
Honey	per reputed pound	3d.
Candles	per reputed pound	2d.
Cheese, bacon, hams, mustard, pepper, spices, nuts (all sorts except coconuts), and butter	per pound ...	3d.
Confectionery and succades, ginger (preserved and dried) Butterine and other similar products	per pound ...	4d.
Leather (except otherwise enumerated)	per pound ...	2d.
Pork (not including mess pork)	per pound ...	6d.
Hops	per dozen reputed pints, and in the same proportion for larger contents	1s. 6d.
Fruits, bottled or in tins or jars	per dozen reputed pints, and in the same proportion for larger contents	1s. 6d.
Pickles and sauces	per dozen reputed pints, and in the same proportion for larger or smaller contents	1s. 6d.
Pulp fruit and fruit preserved by acids	per cwt. ...	5s
Castor oil (in bottle), cod-liver oil (in bottle), and salad oil (in bottle)	per dozen reputed pints, and in the same proportion for larger contents	2s.
Preserved meat (not salted), and extract of meat	per dozen reputed pounds, and in the same proportion for larger or smaller contents	4s.
Fish—preserved (not salted), and jams and jellies	per dozen reputed pounds, and in the same proportion for larger or smaller contents	2s.
Soda crystals, galvanised or corrugated iron, and iron wire	per cwt. ...	2s.
Acid, sulphuric	per cwt. ...	2s. 6d.
Iron castings for building purposes, and malleable iron castings, nails, paints (wet and dry), lead (white and red)	per cwt. ...	3s.
Salt-petre and oatmeal	per cwt. ...	4s.
Fish (pickled or salted in casks), and dried fish	per cwt. ...	5s.
Cordage and rope	per cwt. ...	8s.

WAYS AND MEANS—continued.

Articles.	Quantities.	Rate
Soap	per cwt. ...	10s.
Coal	per ton ...	2s.
Potatoes, hay, and chaff ...	per ton ...	15s.
Onions	per ton ...	20s.
Cement	per barrel ...	2s.
Doors (wood)	each ...	4s.
Sashes	per pair ...	4s.
Iron tanks	each ...	8s.
Castor oil, Chinese oil, cod-liver oil, colza oil, neatsfoot oil, linseed oil, and other vegetable oils (in bulk)	per gallon ...	6d.
Mineral oils and all other oils not otherwise enumerated (except perfumed oils), and turpentine	per gallon ...	6s.
Sarsaparilla and bitters, if containing not more than 25 per cent. of proof spirit	per gallon ...	12s.
Sarsaparilla and bitters, if containing more than 25 per cent. of proof spirit	per bushel ...	9d.
Barley	per bushel ...	1s. 6d.
Malting barley	per bushel ...	8d.
Maize and oats	per bushel ...	3s.
Malt	per bushel ...	4d.
Bran and pollard	per bushel ...	1s.
Beans and peas	per gallon ...	9d.
Ale, beer, porter, cider, perry, and vinegar (in wood)	for six reputed quart bottles	1s.
Ale, beer, porter, cider, perry, and vinegar (in bottle)	for twelve reputed pint bottles	1s.
Tobacco, manufactured ...	per pound ...	3s.
Tobacco, unmanufactured ...	per pound ...	1s. 6d.
Snuff	per pound ...	5s.
Cigars	per pound ...	6s.
Cigarettes (including wrappers)	per pound ...	6s.
Opium	per pound ...	20s.
Coffee (roasted), tea, and chicory	per pound ...	6d.
Coffee (raw), cocoa, and chocolate, and chocolate confectionery	per pound ...	4d.
Sugar, refined	per cwt. ...	6s. 8d.
Sugar (raw) and molasses ...	per cwt. ...	5s.
Glucose	per cwt. ...	10s.
Spirits or strong waters, excepting perfumed spirits, of any strength not exceeding the strength of proof by Sykes's hydrometer, and so in proportion for any greater strength than the strength of proof	per gallon ...	12s.
Spirits, cordials, or strong waters sweetened or mixed with any article so that the strength thereof cannot be exactly ascertained by Sykes's hydrometer	per gallon ...	12s.
Case Spirits—		
Reputed contents of two, three, or four gallons, shall be charged on and after the first day of March, 1883, as follows:—		
Two gallons, and under, as two gallons; and not exceeding three, as three gallons; over three, and not exceeding four, as four gallons.		
Perfumed spirits	per liquid gal.	20s.
Methylated spirits	per liquid gal.	5s.
Wine—		
Sparkling	per gallon ...	10s.
Other kinds	per gallon ...	6s.
Wine containing more than 25 per cent. of alcohol of a specific gravity of 825 at the temperature of 60 degrees Fahrenheit's thermometer	per gallon ...	12s.
Timber, logs	per 100 sup. ft.	1s. 6d.
Timber, undressed, of a scantling 96 square inches and over	per 100 sup. ft.	1s. 6d.

WAYS AND MEANS—*continued.*

Articles.	Quantities.	Rate.
Timber, dressed and sawn, of a scantling under 96 square inches The duty on timber to be estimated as of a thickness of one inch, and to be in proportion for any greater thickness. Any thickness under one inch to be reckoned as one inch.	per 100 sup. ft.	3s.
Boots and shoes, except india-rubber shoes (present English sizes to be the standard), viz. :— Men's No. 6 and upwards Youths' Nos. 2-5 Boys' Nos. 7-1 Women's No. 3 and upwards, except lasting and stuff boots, including goloched boots Girls' Nos. 11-2, except lasting and stuff boots, including goloched boots Girls' Nos. 7-10, except lasting and stuff boots, including goloched boots	per dozen pairs per dozen pairs per dozen pairs per dozen pairs per dozen pairs per dozen pairs	22s. 1s. 12s. 13s. 11s. 8s.
Jewellery, plate (gold and silver)	for every £100 of the value thereof	£25
Cotton Piece Goods—Shirts, and all calicoes, prints, muslins, sheetings, and cotton ticks Union ticks, in the piece ... Flannel, in the piece ... Linen Piece Goods—Ducks, diapers, rough brown and dressed hollands, tabling, sheeting, and damask ticks Moleskin, in the piece Reversible and levantine silk mixtures of not less than 44 inches in width Alpaca cloth, with border ... Zanella cloth, with border ... Paper, except otherwise enumerated Ash timber, in plank ... American oak, for staves, carriage shafts, spokes, felloes, naves, hubs, bent wheel rims Bagging and wool-bagging ... Bunting, in the piece ... Cork, elastic, flock, linseed, castor-oil seed Furniture springs Machinery and boilers being fixed on board and used in propelling any vessel into Queensland, such vessel to be used for trading, or carrying passengers within the limits of any port in Queensland now or as may hereafter be defined by section 108 of the Navigation Act of 1876, shall be deemed to be goods imported into Queensland and shall be liable to duty	for every £100 of the value thereof	£5
Condensed milk Chicory, root kiln dried Bicarbonate of soda Paper bags, not printed Paper bags, printed Caustic soda Lead, pig Lead, piping Lead, sheet Resin Whiting Upon all goods imported into the colony not hereinbefore enumerated or hereinafter exempted from duty	per pound per pound per cwt. per cwt. per cwt. per cwt. per cwt. per cwt. per cwt. per cwt. per cwt. per ton for every £100 of the value thereof	2d 3d. 1s. 5s. 7s. 6d. 1s. 6d. 2s. 2s. 2s. 1s. 7s. 6d. £15
Acetic acid	per pound	3d.

Resolved—That the following articles shall be exempted from duty :—
 Animals, alive.
 Boiler plates.
 Books (printed), except for advertising purposes, maps, charts, and globes.
 Bookbinders' leather and cloth.
 Buckles of every description.
 Buttons, braids, tapes, waddings, pins, needles, and such minor articles required in the making up of apparel; boots, shoes, hats, caps, saddlery, upholstery, carriages and other vehicles, umbrellas, parasols, and sunshades, as may be enumerated in any order of the Treasurer and published in the *Government Gazette*.
 Carriage and cart makers' materials, namely :—Spring steel, brass hinges, bolts and nuts, tacks, tire-bolts, shackleholders, rubber cloth and American cloth.
 Coin—gold, silver, and bronze.
 Copper—sheet, plain.
 Cocoa-nuts.
 Curiosities (antique).
 Fibre, cocoanut.
 Flax.
 Fire engines.
 Patent porcelain or steel roller for flour-mills.
 Gold, unmanufactured.
 Garden seeds.
 Garden bulbs.
 Garden trees.
 Garden shrubs.
 Flour.
 Hatmakers' materials, namely :—Silk, plush, felt hoods—shellac, galloons, calicoes, spale-boards for hat boxes.
 Hemp.
 Ink, printing.
 Iron, ore.
 Iron, plain sheet (not including galvanised).
 Iron, pig.
 Iron, bar.
 Iron, rod—from $\frac{3}{8}$ ths to $\frac{1}{2}$ inch; channel iron, angle and tee iron, rolled iron joists up to 10 inches by 5 inches.
 Iron, scrap.
 Iron, hoop.
 Leather—patent, enamelled, kid, hogskins, levant—morocco, and imitations thereof.]
 Lithographic stones.
 Lithographic ink and colours.
 Manure.
 Metal fittings for portmanteaus, travelling bags, and leggings.
 Metal frames for bags and satchels.
 Muntz metal.
 Newspapers, printed.
 Naval and military stores imported for the service of the Colonial Governments, or for the use of Her Majesty's land or sea forces; and wines and spirits for the use of His Excellency the Governor, or for naval and military officers employed on actual naval or military service and on full pay.
 Outside packages, in which goods are ordinarily imported and which are of no commercial value except as covering for goods.
 Passengers' cabin furniture and baggage, and passengers' personal effects (not including vehicles, musical instruments, glassware, chinaware, silver and gold plate and plated goods, and furniture other than cabin furniture), which are imported with and by passengers *bonâ fide* for their own personal use, and not imported for the purpose of sale.
 Paper, for printing purposes only.
 Paper, hand-made or machine-made, book or writing, of sizes not less than the size known as "demy" when in original wrappers, and with uncut edges as it leaves the mill.
 Quicksilver.
 Salt.
 Soda, ash.
 Saddlers' ironmongery, such as hames, and mounts for harness; straining, surcingle, brace, girth, and roller webs; collar check.
 Saddle-trees.
 Straw, mill, and paste boards.

Staymakers' binding, eyelet-holes, corset fasteners, jean ticks, lasting, sateen, and cottell.

Specimens of natural history.

Silver, unmanufactured.

Steel, unwrought.

Tailors' trimmings, namely:—French canvas, buckram, wadding, padding; silk, worsted, and cotton bindings and braids; stay-binding.

Tin plates.

Type.

Umbrella-makers' materials, namely:—Sticks, runners, notches, caps, ferrules, cups, ribs, stretchers, tips, and rings, for use in the making of umbrellas, parasols, and sunshades.

Tools—

Grindery tools, edge-planes, kit, peg, shaves, and welt-trimmers.

Adzes, anvils, augers, screw and shell and auger bits.

Awls, awl pads, and hafts.

Axes and tomahawks.

Bevils—blowpipes.

Braces and bits, and brestdrills.

Bruzzes for wheelwrights.

Bung-borers.

Brushes—patent roller for blockmaking.

Chisels and gouges.

Choppers and cleavers—butchers'.

Compasses—dividers.

„ carpenters' and coopers'.

Diamonds—glaziers'.

Files and rasps.

Forks—digging, hay, and stable.

Hoes, garden.

Knives—butchers', hay, pruning, putty, saddlers', and shoemakers'.

Needles of all sorts.

Palms, leather.

Planes and plane-irons.

Rules, tapes, and chains—measuring.

Saws of all kinds, but not the machinery (if any) connected therewith.

Scissors, scrapers (ship).

Screws—bench, brass, coach, galvanised, hand table, wood.

Scythes and scythe-handles.

Shears—garden, hedge, sheep, tailors', timmen's.

Shovels—iron or wood.

Sickles, spades.

Spokeshaves, shaves, and spoke trimmers.

Squares.

Squeezers, cork.

Steels—butchers'.

Stocks and dies, and taps for same.

Saddlers' tools, namely:—Rein rounders, claw, carving, French edge, patent leather tools, wheels, rosette cutters.

Trowels.

Vices, and patent saw-vices.

Machinery for carding, spinning, weaving, and finishing the manufacture of fibrous material, and cards for such machinery.

Machinery—Dry air, for refrigerating, without engine.

Machinery used in the manufacture of paper and felting.

Machines, namely—

Hydraulic hat-moulds, knitting machines, printing machines and presses, but not the motive power (if any) for same.

Machinery for telegraphic purposes.

Fruit, green, in cases.

Long bark in bundles.

Saddle serge.

Steel—sheet, bar, angle, and tee.

Tools—hatchets, plantation hoes, cane knives.

Rattans, canes, and willows.

Cream separators.

Wheat.

Straw plaits, palm-leaf plaits, Tuscan plaits.

Zinc.

Diving pumps and dresses.

Gas engines.

Portable engines.

Planing machines and machines for joinery.

Centrifugals—multiple effects.

Hot-air machinery for drying timber.

Traction engines and steam ploughs.

Sewing machines.

Tubing for artesian wells.

Freezing machines, not including engine power.

Safety matches.

Steel rails.

Guano.

Dye.

Malleable iron and copper piping.

Boiler tubes.

Dynamite, lithofracteur, detonators, gelatine dynamite.

Powder—blasting.

Fuse and other explosives, except gunpowder.

Phosphonium tenax.

Articles and materials (as may from time to time be specified by the Treasurer) which are suited only for, and are to be used and applied solely in, the fabrication of goods within the colony. All decisions of the Treasurer in reference to articles so admitted free to be published from time to time in the *Government Gazette*.

On the motion of the COLONIAL TREASURER, the report was adopted.

On the motion of the COLONIAL TREASURER, leave was given to introduce a Bill founded on the resolutions.

CUSTOMS DUTIES BILL.

The COLONIAL TREASURER presented a Bill to repeal the existing duties of Customs and the Beer Duty Act of 1885, and to grant certain other duties of Customs in lieu thereof; and moved that it be read a first time.

Question put and passed, and the second reading of the Bill made an Order of the Day for to-morrow.

WAYS AND MEANS.

RESUMPTION OF COMMITTEE.

On the motion of the COLONIAL TREASURER, this Order of the Day was postponed until after the consideration of Order of the Day No. 3.

RAILWAY BILL.

COMMITTEE.

On the Order of the Day being read, the Speaker left the chair, and the House went into committee to further consider this Bill.

Question—That clause 14, as follows, stand part of the Bill—put.

“(1) The commissioners shall sit at such times and in such places and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business, and shall keep minutes of their proceedings in such manner and form as the Governor in Council shall direct.

“(2) Any two commissioners shall be a quorum and, subject to the provision next following, shall have all the powers and authorities by this Act vested in commissioners.

“(3) The chief commissioner shall, when present, preside as chairman at all meetings. In his absence the commissioner who is senior by priority of appointment shall preside as chairman.

“(4) If at any meeting only two commissioners are present, and differ in opinion upon any matter, the chairman shall have a second or casting vote.”

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) said, when they were last discussing that clause, the question was not determined, but had been postponed for the purpose of giving it further consideration. That he had done, and had carefully considered the various matters in dispute by the Committee, and as a result of that consideration he was prepared to substitute a new clause. It had been circulated

amongst members, and he presumed they had read it and studied it. The question, as hon. members knew, was a very difficult one, and they had to direct their attention towards arriving at some feasible and reasonable way of getting a finality of decision in cases where there might be a discrepancy of opinion amongst the members of the board. While the board would have full charge of the railways they would probably travel about a good deal, and it might frequently happen that the whole three members would not be present at a meeting. It would never do because of that for the whole of the business of the railways to stand still. The work must go on even if one of the commissioners was at Normanton, or even if the chief commissioner was away for the time being. The first subsection of the new clause provided that :

"(1.) The commissioners shall sit at such times and in such places and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business, and shall keep minutes of their proceedings in such manner and form as the Governor in Council may direct."

He did not think there would be any discussion on that point. The second subsection said—

"(2.) The chief commissioner shall, when present, preside as chairman at all meetings. In his absence the commissioner who is senior by priority of appointment shall preside as chairman."

That seemed only fair and reasonable, and he did not anticipate any discussion on that point either. The next subsection, however, was more important—

"(3.) Any two commissioners shall be a quorum and subject to the provision next following shall have all the powers and authorities by this Act vested in commissioners."

and the provision next following is—

"(4.) If at any meeting only two commissioners are present, and differ in opinion upon any matter, the chairman shall have a second or casting vote."

It would appear from that that if the chief commissioner was away and the other two commissioners differed in opinion, the whole onus of giving a decision would fall upon one of them, and that, no doubt, was a very serious matter; but he thought if hon. members would look to the constitution of the board as set out in the Bill and take that into consideration, they must presume that the men who were appointed would be men of sound judgment, men of reason, and men who were able to elicit facts; men whose ambition it would be to work the Act in the manner in which it was intended to be worked, and to work it in such a way as would be a credit to themselves. Taking into consideration all those things, he thought it would be found that there was no very much better way of providing for what they wanted to provide than that which had been chosen. It might certainly be provided that if two of the commissioners disagreed the matter should be referred to the full board for decision, which was the method adopted in New South Wales; but that might often prove very inconvenient. In many cases in dealing with railway matters decision and action must be prompt and immediate. At the same time, the commissioners had full power to lay down rules to regulate their internal proceedings, so that they would be able to make provision for any contingencies that might arise when one of the commissioners, and particularly the chief commissioner, was absent. That would be settled amongst themselves, there being full authority in the Bill to do so. It might be argued that they were giving one of the commissioners excessive powers in providing that if he and the other commissioner disagreed, he should have power to give a casting vote, but he (Mr. Nelson) did not see any way to avoid it. But with the provision in the 5th clause a diffi-

culty of that kind would not arise once in a thousand times. It was very unlikely to arise at all. The 5th clause provided for finality strictly in accordance with the method adopted in Victoria, and he had been told, on the best authority, that although it had been in operation there for four or five years, it had never been necessary to put it in force. He fully appreciated the grave responsibility that would fall upon the Government in appointing the board, and its continuance would depend almost entirely upon the success or failure of the Act when put into operation. He was well aware that although actuated by the very best intentions, still defects would arise, and it was possible that they might not get hold of the men they desired as commissioners; but those were matters they could not provide for. They had made full provision for all contingencies that could reasonably be anticipated, and that was all they could do. They had settled that the chief commissioner was to be the head of the board, and that in his absence the commissioner next in seniority of appointment should take his place. It was not necessary that the chief commissioner should be always present, nor was it practicable, seeing that our railways were spread over all parts of the colony. Of course, all matters of great importance, such as the acceptance of tenders for large railway works, would not be entertained when the chief commissioner was absent, but all ordinary business the commissioners could arrange amongst themselves, such as division of labour, and so on. He therefore proposed to negative clause 14 as it stood in the Bill, with the view of inserting the proposed new clause.

The Hon. Sir S. W. GRIFFITH said, when the matter was last before the Committee, attention was called to the difficulty that might arise under the clause as it then stood, and he was afraid the same difficulty would be found in the proposed new clause. The mistake the hon. gentleman made was in dealing with the board as a deliberative body, such as a municipal council or a divisional board, instead of a body of executive commissioners. He did not think it necessary that they should arrange for a quorum, and the holding of formal meetings. It was of very little importance whether the commissioners met together formally or not, and it was certain that the business done at such meetings would form only an infinitesimal portion of the whole work to be done. That work would be principally executive, and it was quite certain that the three commissioners, or even two of them, could not be always together to do that work. As a matter of fact, if the scheme was to work at all, the commissioners would delegate to one or other of their number particular branches of work, and the work which they would do together would be chiefly consultative, such as the making of by-laws, the appointment of the higher-grade officials, and so on. The proposed new clause was framed on the basis of the Divisional Boards Act, but it was clearly the intention that the chief commissioner should have controlling power over the whole scheme. He would therefore need to be acquainted with all parts of the colony where there were railways; while he was away some work must go on—of course there was some that it would not be desirable to go on with in his absence, or, at any rate, without his approval. As the clause was framed, when the chief commissioner was present, the other two commissioners could practically do nothing—he could veto their actions—but when he was away the senior of the others could do what he liked. That, of course, was absurd, and was not intended. He was very much disposed to think the most convenient and practical way of dealing with the matter would be to provide that all the powers of the commissioners might be exercised

by any two of them, of whom the chief commissioner was one. There was no occasion for them to meet together. He had instanced on a previous occasion the way in which judges of the Supreme Court made rules. It was not necessary that they should meet in the same room and discuss them. Never having been a judge he did not know the exact process; but he had heard of rules having been made when one of the judges was in bed. They were prepared by somebody, submitted to each of the judges, and signed by them when agreed upon. He thought the work of the commissioners could be done to a large extent in that way. Supposing, for instance, the chief commissioner was at Normanton, the senior commissioner at Rockhampton, and the junior commissioner at Brisbane,—they could all agree upon a by-law and get it published under their seal. Why should they wait until they could all meet together? He had also referred to the Standing Orders of the Federal Council of Australasia, which was composed of members residing in different places, and there were special provisions enabling them to do work without meeting together. If the suggestion he had made—that all the powers of the commissioners might be exercised by them, or any two of them, of whom the chief commissioner was one—he thought it would cover nearly all the ground. In addition to that there should be—indeed there must be in any case—a provision that the commissioners might delegate their powers to any one or more of their number, with the consent of the Governor in Council. Such a provision would cover the executive work that must be done. He approved of the provision that the chief commissioner should override the other two; but that was another matter altogether. He was speaking now as to the 4th paragraph of the clause, and he believed the adoption of his suggestion would be the most practical way of getting out of the difficulty. There was no objection to saying that the commissioners should meet at such times and places and conduct their proceedings in such manner as might be most convenient for the speedy despatch of business. He did not object to any of those provisions, but to the fact that the clause was framed too much under the impression that they were dealing with a consultative instead of an executive body.

The PREMIER said the hon. gentleman seemed to be losing sight of the fact that although they did not want to recognise it as a deliberative body—the direct duties of the commissioners being executive—yet it was highly important that they must have a clear record of their proceedings.

The Hon. Sir S. W. GRIFFITH: I did not refer to that provision at all.

The PREMIER said the objection the hon. gentleman raised when the matter was last under discussion was, that no meeting could be held unless the chief commissioner was present, and that no business could be done if he was in some other part of the colony. In order to get over that difficulty the hon. gentleman now proposed that his views should be taken in a matter even although he was away. But that would be a rather dangerous thing. The difficulty was, as the hon. gentleman had pointed out, that when the chief commissioner was away, the second commissioner left would virtually be at the head of the whole business. That was, no doubt, true; at the same time they must remember that the business would have to be carried on even although the chief commissioner was absent. It might fairly be assumed that the commissioners would work somewhat amicably together, and be guided by the principles of common sense. If the senior commissioner

insisted on having his own way in the absence of the chief commissioner, it would simply be undone when he returned. The chief commissioner had power to do that, and he would do it, and the senior commissioner would see that he had been trying to twist the Act so as to suit his own private ends. But there was no danger of that. There was, however, a good deal of danger in getting in an informal way, during his absence, his consent to any policy that they might deem urgent during such absence. But there was no need to provide for contingencies of that sort. The hon. gentleman was quite right in saying that the principal part of the commissioners' work would be executive, but they must not forget that there must be a clean record kept to show the public the principles on which they worked throughout; and that was about the most important part of the Bill. There were difficulties every way, but he thought the Minister in charge of the Bill had taken the best course to get over them. It should also be considered that during the whole time that clause had been in operation in Victoria there had not been a single case where the Chief Commissioner was called upon to overrule the decisions of his colleagues. They need not anticipate much danger in that direction.

Mr. AGNEW said he had shown on a previous occasion how extremely dangerous it would be at a meeting of two commissioners only, to allow one of them to have two votes, and he was very glad to find that the Minister for Railways had seen his way to alter the 4th paragraph of the clause in the way he had indicated. The 4th paragraph now provided that—

"If at any meeting only two commissioners are present, and differ in opinion upon any matter, the chairman shall have a second or casting vote."

That was exactly what he had suggested, and the chief difficulty that he saw in the clause was now removed. As far as the contention of the leader of the Opposition was concerned, he did not see anything in the clause to prevent an opinion being given by the commissioner even though he was away. The danger he (Mr. Agnew) had pointed out was that a non-professional man might be in the chair during the discussion of a professional matter, and carry it his own way by reason of the two votes he possessed. That difficulty had been entirely got over by the new paragraph 4, and he felt inclined to compliment the Minister for Railways on having introduced an alteration which would be beneficial to the working of the Act.

The Hon. Sir S. W. GRIFFITH said the hon. member for Nundah had made a wonderful discovery. The only difference between the new clause and the previous one was that the paragraphs were transposed; there was no other alteration in it whatever. As he had already pointed out, the effect of the clause as now proposed would be that, in the absence of the chief commissioner, the senior of the other two could do what he liked. They were not a consultative body like a municipal council or a divisional board. A divisional board could do nothing except collectively. It might delegate powers to committees, or it might empower the chairman to do certain things, but it could do nothing in the way of dismissing a man, or making by-laws, or authorising the expenditure of money, unless its members were assembled together. The clause was framed on that basis. Practically the purpose for which they would meet was to pass formal minutes. They ought, no doubt, to make full minutes of all they did, but the most important part of their work could not be done at meetings. It was worth while considering whether a provision should not be inserted giving

the commissioners power to delegate their powers to any one of them—of course under the sanction of the Governor in Council.

Mr. AGNEW said the leader of the Opposition was perfectly right, and he (Mr. Agnew) was altogether wrong. He had not noticed that there was no change in the proposed new clause, as he had only had it for a few minutes. He foresaw the same difficulty in the proposed new clause that he had foreseen before. It was perfectly clear in his mind that the senior of the two junior commissioners, in the absence of the chief commissioner, could, if he desired, foist upon the Railway Department of the colony any pet scheme of his own. He would not be foolish enough to bring that scheme up while the chief commissioner was present, but would wait until he was absent, and then bring it up before the junior commissioner, and, as he would have two votes in the matter, he could carry it at once. That was the danger he had foreseen before, and as no provision was made now, the same danger would still exist. He hoped the Minister for Railways would grapple with the difficulty, as he could assure the hon. gentleman that it was a very dangerous provision. He hoped he had made it clear that if the chief commissioner were absent, and the senior of the other two became chairman, as he would have two votes, any pet scheme of his would be introduced in such a meeting, and such a scheme would, as a matter of course, be carried immediately. That subsection would also have another effect, and a very ill effect too. The chief commissioner, knowing the power that the next in seniority would have in his absence, would be afraid to go away. He would say that he knew the next in seniority had a scheme on his mind, and if he went away before he could get back the scheme would be introduced and carried into action.

The COLONIAL SECRETARY (Hon. B. D. Morehead): You imagine there will be a board of rogues.

Mr. AGNEW said the Colonial Secretary said he must imagine the board would be a board of rogues. He did not know whom the Minister for Railways had in his mind's eye, and therefore he did not imagine any such thing; but the clause appeared to be so capable of being abused, and it could be so easily rectified, that he thought it should be rectified. He thought it should provide that if at any meeting only two commissioners were present, and they differed in opinion, the matter should be held over and referred to the absent or chief commissioner upon his return.

The MINISTER FOR RAILWAYS said that what the hon. member stated was to some extent true. It was possible, although he thought the probability was very remote, that there might be a commissioner who would abuse the powers given him to the extent of snatching an opportunity, while the chief commissioner was away, to foist some plan of his own upon the railway management; but he thought if such a thing did happen the cure would be very sharp and salutary, as they would very soon get rid of such a gentleman. The matter would be immediately reported to the Government by the chief commissioner, and even if Parliament were not sitting at the time, the Government of the day would be made cognisant of the facts, and would take immediate action. He did not think that if they were going into hypothetical cases of that sort, they would ever get a clause that would meet them all. The clause as now drafted would tend to easy working, and there would be no delay in any action required to be taken by the commissioners. He quite agreed with the leader of the Opposition that the principal functions of those gentlemen would be executive, but he did not agree with him when

he said that they would not be at all consultative. A large portion of their functions would be to deliberate with each other, and consult with each other on important matters; but with regard to minor matters, as he had already stated, and as he fully expected would be done, the commissioners, after they once got things into working order, would go into a scheme as to the work to be allotted to each of them. The chief commissioner would take certain things as his work, and the others would undertake other branches of the work. It would only be upon matters of the greatest importance that they would need to meet and deliberate together. With regard to subsection 4, he had already explained that he considered it necessary, because it might happen that the chief commissioner had to go away from Brisbane, and something might happen that required immediate action; and it might so happen that the two commissioners left might not agree. If they could not agree there would be a deadlock, unless some provision were made to prevent that, and that was provided for by giving the senior commissioner a casting vote. The responsibility would then rest upon the senior commissioner for the time being. That was the only practical solution of the difficulty that he could see. He might mention that although there was a great deal of discussion in Victoria on that subsection, he found by referring to New South Wales that in the clause adopted there—which was a very simple one—they agreed that matters in dispute should be held over until a full meeting of the board could be held, and that was agreed to without any discussion. Of course they could not say how that principle would work, as the Act had not been long in operation in New South Wales; but in Victoria it had been in operation for some years, and, as he had previously stated, the provisions of that subsection had never yet been required to be put in operation there.

Mr. SALKELD said it was quite evident that that clause would give complete control of the railways to the chief commissioner. At present they had a Minister for Railways at a salary of £1,000 a year, and a commissioner receiving £300 a year, and it was now proposed to get a chief commissioner from home and give him £3,000 a year. He thought that clause would give him too much power. He would suggest that, in the event of the chief commissioner and the other two differing, instead of allowing the chief commissioner to override the other two they should refer the matter in dispute to the Minister for Railways. The case could be plainly stated, and he thought that would be a far better way than the proposed plan—giving the chief commissioner full control. He did not see any reason for the other two commissioners at all if the chief commissioner were to have such powers, except that the Victorian Act provided for three. Surely that was no reason for them following the same course. Many things were done in Victoria which would not do here at all. He was quite sure a chief commissioner would manage the railways with far less friction by himself than with two other commissioners, and he would be far more effective. He could take more immediate action in every way.

Question—That clause 14 as printed stand part of the Bill—put and negatived.

The MINISTER FOR RAILWAYS moved that the following new clause be substituted for clause 14:—

1. The commissioners shall sit at such times and in such places and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business, and shall keep minutes of their proceedings in such manner and form as the Governor in Council may direct.

2. The chief commissioner shall, when present, preside as chairman at all meetings. In his absence the commissioner who is senior by priority of appointment shall preside as chairman.

3. Any two commissioners shall be a quorum and subject to the provision next following shall have all the powers and authorities by this Act vested in commissioners.

4. If at any meeting only two commissioners are present, and differ in opinion upon any matter, the chairman shall have a second or casting vote.

5. If at any meeting when all the commissioners are present the chief commissioner differs in opinion from the other commissioners with respect to any matter, then before the commissioners for their decision the determination of the matter in difference shall be adjourned for a period of not less than twenty-four hours. If the commissioners shall not then agree thereon, the matter of difference shall be thereupon determined by the chief commissioner. In any such case the chief commissioner shall cause to be entered upon the minutes his reasons for deciding against the opinion of the other commissioners, and shall forward to the Minister, for presentation to the Legislative Assembly, a true copy of such minutes, certified under his hand.

THE HON. SIR S. W. GRIFFITH said the clause required very full consideration. He did not like the explanation about allowing the senior of the two junior commissioners to have absolute control. And it was perfectly inconsistent with the following paragraph. It seemed most illogical and absurd. In the absence of the chief commissioner the senior commissioner could do anything. Was there any necessity for the 4th subsection? If the matter was one upon which the two junior commissioners could not agree, would it not be better to wait until the chief commissioner was present?

THE COLONIAL SECRETARY: He might be away for some time.

THE HON. SIR S. W. GRIFFITH said hon. members who had addressed themselves to the question did not say what sort of work was to be done. Was it the making of by-laws? How were they to be made? What signatures were they to bear? He did not quite understand how the commissioners were to do their work. They could not expect if anything was done by one commissioner that the other two would sign the document, and then how would any person, when he saw a document signed by one commissioner, know that he was the majority? Sometimes the chief commissioner would be the majority, and at other times, unless he asserted his right to a twenty-four hours' adjournment, the other two would be. He did not understand how the clause would work. Suppose the three commissioners all agreed, would they all sign the conclusion they had come to, say by-laws, for instance? Suppose they wished to appoint a clerk, who was to sign the appointment? Who was to say whether the appointment was valid or not, and the same in the case of by-laws? Would the chief commissioner sign it, or if he were away would the second commissioner sign it by himself, or in conjunction with the third? Those were practical difficulties in the working of the clause. If they wanted to make by-laws and to enforce them, it would be necessary to show that they had been properly made, and it would not be convenient to have to prove that their directions had been complied with. He believed when the other commissioners disagreed upon any matter they should wait until the chief commissioner was present. He hoped the Minister in charge of the Bill would not forget the suggestion he had made in regard to giving power to the commissioners to delegate to any one or more of their number any of their own powers, with the sanction of the Governor in Council. He agreed that the commissioners would be a deliberative body for certain purposes, and a legislative body so far as making by-laws was concerned; but they were also to be an executive

body, and the clause only dealt with one part of their functions, and that would not be the larger one so far as time was concerned. The clause left their other functions quite out of sight. It only dealt with things which they would do when they were sitting round a table, forming a board; it had nothing to do with the practical management of railways—in the sense which a bank manager managed a bank, as distinct from the directors' management. The directors met once a week, or as the case might be, and issued general directions, and so would the railway commissioners, and minutes ought to be kept. But when the directors were not sitting the manager carried on the business of the bank, and so those individual commissioners would carry on the business of the department. The clause dealt only with one power, and it did not deal with the other at all, and that was what he wished to point out. It was as important to provide for the executive functions as with the directorial powers.

THE PREMIER said he thought the leader of the Opposition had forgotten the scheme of the Bill, when he raised an argument like that. The hon. gentleman contended that the clause did not deal with the executive functions of the commissioners. It provided for the conduct of business when they met, and that was all it claimed to do. There were other clauses in the Bill—

THE HON. SIR S. W. GRIFFITH: I cannot find them.

THE PREMIER said clause 18 gave the commissioners great powers, and clauses 22, 23, 24, 25, and 26 gave them great powers; in fact, they were given all powers in managing the railways of the colony. They acted themselves as a body. General orders must be signed by them as a body, and not by any of them individually; they must be signed by the secretary, by order of the board. The clause simply provided for the order in which they were to do their business. Their executive powers were not supposed to be stated in that clause at all. No doubt as a board of directors of a bank who met and discussed things generally appertaining to the bank, the commissioners would meet. But the directors of a bank did not talk of the details of bank management; they gave authority to those under them to act in regard to those matters. The commissioners also could give authority to each other individually to act in any capacity that they pleased. He did not see that anything else was required to be provided. With regard to the opinion that provision should be made for waiting until the three commissioners could be got together, when two of them held a meeting and disagreed, he thought that was a matter of very little importance. He had not the slightest objection to such a provision; but, practically, no harm would come from the clause as it stood. As a matter of fact, if the clause were left as it stood, the result would be that if two commissioners disagreed, they would wait till the return of the other commissioner. He had not the slightest fear of any of those airy notions of the hon. member for Nundah. The idea of a man waiting till the chief commissioner was away to seize on the chance of working a fad of his own was perfectly ridiculous. What a life a Minister would lead under such circumstances? Suppose the Minister for Works went away for a time, and he (the Premier) administered the department during his absence, the Minister for Works would be all the time wondering what McIlwraith was up to—if Ministers acted as the hon. member suggested the commissioners would act. The fact was that Ministers unreservedly left the conduct of their departments to those who acted for them during their absence. And those who acted during the absence of their colleagues did as they believed

those who were absent would do. If Ministers could not agree as to what should be done during the absence of a colleague they waited till he came back.

The HON. SIR S. W. GRIFFITH said it was quite true that the Bill gave powers enough to the commissioners, but the 14th clause prescribed how their powers were to be exercised. It provided that any two of them might meet as a quorum for the despatch of business, and that was the only way in which they could exercise their powers. There was no provision for the exercise of executive powers. The clause only dealt with a small part of their functions, but it ought to define how they were to exercise their other powers.

Mr. AGNEW said the object of paying £3,000 a year to the chief commissioner was to get the benefit of his experience, and he hoped that one advantage derived from his presence would be the permanent inspection of the whole of the railways of the colony. He thought that the clause, with a slight amendment that could be put in, would secure the benefit of the experience of the chief commissioner during the six or nine months of the year he might be absent from Brisbane. If any matter in dispute between the two junior commissioners had to be held in abeyance till the return of the chief commissioner, the effect would be to minimise disputes very considerably, and to make the commissioners settle down on the lines of business. He considered that he had done his duty in drawing attention to a serious defect in the clause.

The MINISTER FOR RAILWAYS said that if an alteration was required he had an alternative subsection, which, however, he did not think so practicable as the one contained in the clause, because it involved a good deal of delay. It was to the following effect:—

If at any meeting only two commissioners, neither of them being the chief commissioner, are present, and differ in opinion upon any matter, the determination of such matter shall be postponed until all the commissioners are present.

The HON. SIR S. W. GRIFFITH said it would be better to say, "until the chief commissioner is present."

The MINISTER FOR RAILWAYS said he agreed with the hon. member, because there would be a better chance of getting two commissioners together than three. A deadlock was a possibility that might happen once in twenty years, but he did not see any reason why the new clause should be altered. For all practical purposes it was important to have a decision arrived at without delay, especially in railway management; and he was inclined to adhere to the clause as printed.

The HON. SIR S. W. GRIFFITH said he would ask the Minister for Railways whether he thought the Bill gave the commissioners power to delegate to individual commissioners authority to carry out their duties? He knew that was intended, but he could not find anything of the kind in the Bill. The clause under consideration governed the whole of their proceedings, and according to it they could do nothing except when sitting as a board. Out of the board-room they could do nothing. That was absurd, but that was the way the Bill was drawn, and he wanted to get it drawn otherwise, in order that they might delegate their powers to individual commissioners.

The PREMIER said the clauses he had referred to provided for the powers and duties of the commissioners.

The HON. SIR S. W. GRIFFITH: The three together.

The PREMIER said the clause under consideration did not say the commissioners could do nothing except when they met as a board. The clause dealt with the conduct of business, that was, the business of the board. It would be their duty, and they would have the power, to work the railways, and they would be at liberty to arrange among themselves for the performance of special duties by individual commissioners outside the board meetings. It was not necessary to fix that in the Bill, seeing that the board would be responsible for the management of the railways. They had no special power of delegating to one of themselves any of their powers, nor was it desired to give them any such power. They could appoint officers to carry out any work, or they could themselves carry out any work consistent with the power given them under the Bill; but all the duties of the board must be carried out by the board.

The HON. SIR S. W. GRIFFITH said he wished to point out that they all knew that that was what was intended, but there was nothing in the Bill to provide for its being done.

New clause put and passed.

On clause 15, as follows:—

"No act or proceeding of the commissioners shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced, there was a vacancy in the office of any one commissioner."

The MINISTER FOR RAILWAYS said the clause was a formal one, and required little remark from him in moving it. It simply provided that in the case of a vacancy on the board arising, by reason of death or otherwise, the proceedings of the board should not on that account be invalidated.

Clause put and passed.

On clause 16, as follows:—

"For the purposes of this Act there shall be vested absolutely in the commissioners, and, in respect of land, for an estate in fee-simple—

- (1) All railways, and all rolling-stock heretofore constructed or acquired by, or on behalf of Her Majesty, pursuant to any Act in force for the time being, authorising the construction of railways, rolling-stock, or tramways, and all railways and rolling-stock, hereafter to be so constructed or acquired by such commissioners, in the prescribed manner.
- (2) All piers, wharves, jetties, stations, yards, and buildings, connected or used in connection with such railways and rolling-stock, being on Crown land or land acquired for or on behalf of Her Majesty respectively.
- (3) The land, being Crown land, or land acquired or which may be acquired for or on behalf of Her Majesty, over or upon which such piers, wharves, jetties, stations, yards, and buildings, have been or may hereafter be constructed or erected.
- (4) The Crown land, or land acquired for or on behalf of Her Majesty, included within the boundary fences of all such railways.
- (5) All land outside such fences acquired by or on behalf of Her Majesty under any Act authorising the taking or acquiring of land for railway purposes.
- (6) All Crown and other lands taken under the authority of any Act authorising the taking of land for railway purposes.
- (7) All telegraph posts erected on any lands by this Act vested in the commissioners, which posts at the commencement of this Act were under the control of the Commissioner for Railways, or any other person for or on behalf of Her Majesty, and all wires, instruments, and other telegraphic or telephonic apparatus used in connection with the railways or tramways so vested as aforesaid."

The MINISTER FOR RAILWAYS said the clause was also formal, and was necessary in order to give the commissioners the legal power to deal with the large amount of property that would be

placed in their hands. It provided for vesting in the members of the board all the railways, lands, piers, telegraph posts, and everything belonging to the department.

The HON. SIR S. W. GRIFFITH said he had not the least idea what the words "in the prescribed manner" at the end of the 1st section meant. "Prescribed" meant prescribed under the Act or under rules and regulations; but he could not find out what that meant in connection with the acquisition of land. The use of the word "respectively," at the end of the next paragraph, he did not understand either. He did not suppose it mattered very much whether the words were left in or not, but he could find no meaning for them. Apart from that, he doubted very much whether the words of the clause were sufficient to cover all the lands and property now vested in the Commissioner for Railways. An attempt was made in the clause to enumerate them exhaustively. It included the land on which piers, wharves, jetties, stations, etc., but not railways, were built. It included also the land within the boundary fences, but there were a great many railways without boundary fences at all. Then there was land outside the fences and taken under authority, but some land was not taken but bought by the commissioner. What was intended was to give the commissioners exactly what the Commissioner for Railways had at present, and he thought there should be some general provision in the clause vesting in them everything that was now vested in the commissioner as a corporation. It might be done by inserting another subsection to include all lands and other property vested in the Commissioner for Railways at the commencement of the Act. The words he had previously referred to had no meaning, and should be struck out.

The PREMIER said the Bill provided two or three modes in which the board became the possessors of rolling-stock. They might buy it or construct it, or call for tenders for it, here or at home. The hon. gentleman was right in saying that the words "in the prescribed manner" should be struck out.

The MINISTER FOR RAILWAYS moved the omission of the words "in the prescribed manner," at the end of the 1st subsection.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH said, if it was not the intention to move the omission of the word "respectively" in the next subsection, he had a subsequent amendment to move. He moved the insertion of the following new subsection, to follow subsection 7:—

All lands or other property vested in the Commissioner for Railways at the commencement of this Act.

Amendment agreed to; and clause, as amended, put and passed.

On clause 17—"Railway property not subject to rates, etc."—

The MINISTER FOR RAILWAYS said that clause merely exempted railway property from divisional board and other local government rates.

Clause passed as printed.

On clause 18, as follows:—

"(1) All purchases, sales, conveyances, grants, assurances, deeds, securities, contracts, bonds, agreements, and instruments entered into, made, or given, before the commencement of this Act, by, or to, the Commissioner for Railways, in connection with the railways, or with the piers, wharves, jetties, stations, yards, buildings, lands, or rolling-stock, by this Act vested in the commissioners, shall be as binding, and of as full force and effect, respectively, against, or in favour of, the commissioners, and may be enforced as fully and effectually as if, instead of the Commissioner for Railways as aforesaid, the commissioners had been parties thereto.

"(2) All powers heretofore conferred upon, and all matters or things done, or to be done by, and all rights and privileges accrued, or accruing, to the Commissioner for Railways, shall be exercised, enforced, and enjoyed by the commissioners, in the same manner as the Commissioner for Railways might have exercised, enforced, or enjoyed the same but for the passing of this Act,—and with respect thereto the commissioners shall be substituted for the Commissioner for Railways.

"(3) Any penalty, forfeiture, or other punishment incurred or to be incurred for any offence committed against the Commissioner for Railways in respect of the railways, or in respect of any such piers, wharves, jetties, stations, yards, buildings, lands, or rolling-stock, before the commencement of this Act, may be enforced and recovered by or on behalf of the commissioners in the same way as the Commissioner for Railways might have enforced and recovered the same if this Act had not been passed."

The MINISTER FOR RAILWAYS said that clause was a legal one substituting the commissioners for the present Commissioner for Railways, and giving all parties the same rights against them as now existed with regard to the Commissioner for Railways.

The HON. SIR S. W. GRIFFITH said the clause was intended to substitute the commissioners for the Commissioner for Railways. It gave the commissioners all the rights, but did not impose on them all the liabilities, of the Commissioner for Railways. In the interest of the public that ought to be done, but that provision was left out of the clause. It might, perhaps, be inferred, with respect to contracts, from the 1st paragraph, but he doubted it; but liability for negligence was certainly nowhere provided for. He, therefore, moved that there be inserted after the 1st paragraph the following new subsection:—

All liabilities incurred by the Commissioner for Railways before the commencement of this Act shall attach to and may be enforced against the commissioners.

Amendment agreed to; and clause, as amended, put and passed.

Clause 19—"Provisions as to proceedings, etc., already commenced"—passed as printed.

On clause 20, as follows:—

"All moneys appropriated by Parliament for the construction, maintenance, or management of the railways by this Act vested in the commissioners, and for all purposes in connection therewith, shall be expended under the direction and control of the commissioners."

The MINISTER FOR RAILWAYS said that clause gave the commissioners the power of expending all the loan money in future required for the construction of railways, as well as the moneys expended in the maintenance or management of railways. The whole control, therefore, of the capital invested in railways, and the expenditure on new lines, after the plans and book of reference had been approved by Parliament, would in future be vested in the commissioners. It would be their function and duty to see that the money was expended in a way that would conduce to the benefit of the colony.

The HON. SIR S. W. GRIFFITH said the hon. gentleman stated that that clause was intended to enable the commissioners to supervise the expenditure of the money voted by Parliament for the construction of new railways. It was rather obscure in the way it was worded—"The construction, maintenance, and management of the railways by this Act vested in the commissioners." Clause 16, which specified what railways were vested in the commissioners, was somewhat obscure. They certainly would not be vested in the commissioners until they were constructed, as far as he could see. That, of course, raised the question as to the constructing staff, because if the construction of railways was to be supervised by the commissioners, the constructing staff must also be under their supervision. What was intended about that? It was mentioned on the second reading.

The MINISTER FOR RAILWAYS said he proposed to leave the Chief Engineer precisely in the same position as he was in at present. It must be obvious to hon. members that the Ministry of the day, for the purpose of carrying out any policy of railways, must have a staff somewhere to make trial surveys before the railway schemes could be submitted to the House. The relations between the Chief Engineer and the Commissioner had always been amicable. There had been little or no friction, and he did not propose to make any difference in that respect. He thought that the new board and the Chief Engineer would also be able to work along without any difficulty, and at the same time the Government would have the power, at any time, of getting trial or preliminary surveys made. The position of the Chief Engineer was defined in the Act of 1864. Clause 5 said:—

“It shall be lawful for the Governor with the advice aforesaid, to appoint one or more fit and proper persons to be respectively styled chief engineers of railways, who shall be respectively deemed officers employed by or on behalf of the Government of Queensland, within the meaning and for the purposes of the said recited Act, and of this Act.”

That gave the Governor in Council power to appoint a chief engineer, and the next clause said—

“It shall be lawful for the Governor with the advice aforesaid from time to time to define and specify the particular duties and responsibilities to devolve upon the said chief engineers respectively, and to appoint any such chief engineer either to act exclusively for any one or more line or lines of railway, or for all the lines of railway within the colony as it shall appear expedient, and from time to time to annul or vary any such appointment or appointments respectively.”

That had been in operation for a great number of years, and the Executive Council had from time to time defined the duties of the Chief Engineer. If at any time it might be discovered that the Chief Engineer and the new commissioners were not working harmoniously together, then the Government would have the power to make a new definition of what the Chief Engineer's duties should be, or alter or vary the present definition of his duties according to the circumstances that might have given rise to the friction. He thought that that would work just as well for the future as it had done in the past. The Chief Engineer would be under the commissioners just as much as if he was appointed by them. He would have to carry out the directions of the commissioners. He would not be able to pay any money, or to make any contracts, or do anything of that sort without consulting the commissioners. They would pay upon the Chief Engineer's certificate, if they were satisfied that everything was correct. He did not think it desirable to make any alteration in the existing state of affairs.

The HON. SIR S. W. GRIFFITH said the hon. gentleman stated he had found no difficulty since he had been in office, but ten years ago when he (Sir S. W. Griffith) was Minister for Works, he found that there was the very greatest friction between the Commissioner and the Chief Engineer, and that it had been chronic for a long time.

The MINISTER FOR RAILWAYS: You put a stop to it.

The HON. SIR S. W. GRIFFITH said he did in the few months he was there. It was intolerable that two officers of the same department should quarrel, and he soon let it be understood that it would not be allowed. He would point out that the commissioners would not be officers of the Government. There would be two independent authorities—one, the officers of Parliament, and the other, officers of the Government. Suppose they did not work together. He

did not see any reason why they should. Why should they not quarrel as the Commissioner and Engineer did at the time he referred to? If they said that the construction of railways was to be under the supervision of the commissioners, then the officers of construction must be under their supervision. It was no use having two heads of the same department. When they were all attached to the Government, and belonged to one department, the Government would see that the officers did not quarrel; but if there was any difference of opinion between the Commissioners and the Chief Engineer, were the Government going to say to the Chief Engineer, “You must do what the commissioners tell you?” That seemed to him the only way to avoid disputes, and if so, why not say so at once.

The PREMIER said he did not think there was anything in what the Minister for Railways said which was inconsistent with what the leader of the Opposition said. He thought they agreed thoroughly. The clause affirmed what both hon. gentlemen had said. The Minister for Railways did not want to get the Engineer-in-Chief under the control of the commissioners. Everyone would see at once that it would be a very unfair thing to saddle the commissioners with the responsibility of spending money, and then take from them the officers who were going to spend it. The Government did not mean to do that.

The HON. SIR S. W. GRIFFITH: Look to the 48th clause.

The PREMIER said he wished the hon. gentlemen would not discuss the 48th section till they came to it. In the clause under discussion they were giving the responsibility of expending money voted by Parliament to the commissioners, and he thought it was better to wait until they came to the 48th section, and if there was anything contradictory in it, then his hon. colleague would be prepared to accept an amendment. But, so far as he could see, the leader of the Opposition agreed with the Minister for Railways. They could discuss the principle contained in the 48th clause when they came to it, but they were now determining that the commissioners should have the expenditure of money.

The MINISTER FOR RAILWAYS said he proposed to make several small amendments in the 48th clause.

Mr. ANNEAR said before they arrived at the 48th clause he should like the Minister for Railways to understand the system adopted in New South Wales. There the Commissioners had nothing whatever to do with the Chief Engineer.

The MINISTER FOR RAILWAYS: They have nothing to do with construction.

Mr. ANNEAR said the Chief Engineer was amenable to the Government of the day, and not to the Commissioners.

The MINISTER FOR RAILWAYS: The commissioners have nothing to do with construction.

Mr. ANNEAR said they should have the same system in this colony. Part of clause 48 said “nothing in this section shall apply to the Chief Engineers of railways and their respective staffs of officers.” Now the hon. gentleman had gone back from that.

The PREMIER: We are not on clause 48 now.

Mr. ANNEAR said he did not take up much of the time of the Committee as a rule, and he would ask the Premier to allow him to continue. He would not take up the time of the Committee so much as some of the hon. gentleman's supporters, many of whom had spoken four or

five times on the same clause, whilst hon. members on his side had not spoken at all. Now, he had been in the colony for twenty-six years and knew what had taken place, and he wished to put this case before the Committee. The three commissioners to be appointed might be non-professional men, and he held that it would be very unfair for non-professional men to override the opinion of a professional man such as the Chief Engineer of this colony. He hoped they would seriously consider that matter and follow the system adopted in New South Wales, because it might be impossible to get two gentlemen to work together so well as Mr. Speight, the Chief Commissioner in Victoria, and Mr. Watson, the Chief Engineer there. Those gentlemen had never clashed in any way, and he did not think they were likely to do so. They might not be so fortunate in this colony in getting men who would work so well together, and he hoped that the Minister for Railways would be able to see his way to make the Chief Engineer free from the control of the commissioners so far as construction was concerned.

The HON. SIR S. W. GRIFFITH said it was true the position of the Chief Engineer did not formally arise under that clause, but it raised the question as to the construction and maintenance of their railways being under the control of the commissioners. There was a great deal to be said on both sides of that question. If the commissioners were men who knew anything about the construction of railways it would be a good thing to place them in their hands, but they might know nothing at all about the work. At present construction, being a professional matter, was almost entirely in the hands of the Chief Engineer, and was there anything to be gained by taking it out of his hands—from under the control of the Government—and putting it in the hands of the commissioners? He did not know whether there was or not.

The PREMIER said it was carrying out the objects of the Bill. He wanted to see the construction of railways placed in the hands of commissioners exactly in the same way as they would have charge of the general management. He would not give the commissioners power to say where a railway should go, but he wanted to be in a position to get advice, which he could get nowhere else, as to certain facts connected with railways. When Parliament had decided where a railway was to go, the commissioners should have power to carry it out. That was the principle upon which the Bill had been framed, and then came in the difficulty regarding the Chief Engineer. The hon. gentleman had asked his question in the most pertinent way, when he asked was there anything to be gained by taking the construction of railways out of the hands of the Chief Engineer. Unfortunately, or it might be fortunately—he did not know which—the construction of railways was now in the hands of the Chief Engineer, and it would be a very good thing for that officer if he had to deal entirely with non-political men in the shape of commissioners, instead of a political Minister for Railways. He did not know a more unenviable position in the colony than that of Chief Engineer of railways. He had often to go near sacrificing his professional reputation to maintain his position, and that was a position an engineer should never be placed in. The hon. gentleman himself must have seen that often. He did not know what opinion the present Engineer-in-Chief held with regard to the Bill, but he knew that if he were in that officer's place he would like to be placed outside the control of a political Minister altogether, so far as his work was concerned, and be put under non-political commissioners. He

believed the scheme would work well. The difficulty suggested by his hon. friend the Minister for Railways, with regard to having a double staff, could be got over when they came to clause 48. They wanted to avoid the difficulty of having two staffs. He thought it was very likely they would have to face that difficulty, but there was not likely to be any additional expense. Practically they had two staffs now, and he did not think it would cost much more to have the surveying branch under the control of the Minister for Railways, and all the responsibilities and work of the Engineer-in-Chief under the commissioners. That was the scheme of the Bill. It had been disturbed a little by the difficulty he had referred to, but so far as the object of the Bill was concerned, they were carrying it out thoroughly when they placed the Chief Engineer under the commissioners. By that clause they placed all moneys appropriated by Parliament out of loans or the consolidated revenue at the disposal of the commissioners, and made them responsible for it, and it would, therefore, be very unfair to deprive them of the power of controlling the Engineer-in-Chief. They must have that power.

Clause put and passed.

On clause 21, as follows:—

"All moneys payable to the commissioners, under this or any other Act, shall be collected and received by them on account of, and shall be paid into, the consolidated revenue; and the provisions of The Audit Act of 1874, and of any other Act relating to the collection and payment of public moneys and the audit of the public accounts, shall, unless in this Act otherwise expressly provided, apply to the commissioners and to all officers and servants under this Act."

The HON. SIR S. W. GRIFFITH said he would ask what was the meaning of the clause?

The MINISTER FOR RAILWAYS said it simply placed the commissioners in the position of public accountants. They would be in the same position as any other public servants who had the expenditure of money; they would have to account for it to the Treasury.

The HON. SIR S. W. GRIFFITH said he had asked what was the meaning of the clause, because at present the railway accounts were not audited by the Audit Department. The matter was, therefore, a very important one. The commissioners would be a department independent of the Government.

The MINISTER FOR RAILWAYS: The railway accounts are audited.

The HON. SIR S. W. GRIFFITH said they were audited by the railway traffic auditors, but not by the Audit Department. There were many reasons why those accounts should be audited by the Audit Department. The commissioners would stand in a sort of independent position with regard to the Government; and their accounts ought to be audited by some authority independent of themselves. They ought not to audit their own accounts. As he had said, at present the railway accounts were not audited by the Audit Department.

The MINISTER FOR RAILWAYS: Yes.

The HON. SIR S. W. GRIFFITH said if that were so a change had been made during the last few months. He was sure the present staff of the Audit Department was totally inadequate to do the work.

The PREMIER said the hon. gentleman was quite wrong in saying the railway accounts were not audited by the Audit Department. The work done by the traffic auditors was different altogether, and was not done over again by the officers of the Audit Department. No change had been made in that respect. When he was Minister for Railways, fourteen

years ago, the railway accounts were audited by the Audit Department, and they were still. All the traffic auditors did was to make the officers of the department account for the tickets given out—either in cash or in returned tickets. They audited their own work in detail; but the general receipts and expenditure of the Railway Department were audited by the Audit Department, and it ought to be so. Did not the hon. gentleman remember a celebrated case in which certain defalcations in the Railway Department at Rockhampton were discovered by the officers of the Audit Department? As a matter of fact, the accounts were audited by the Audit Department, quite independent of the audit by the traffic auditors, which was an audit in detail that the officers of the Audit Department would not go into. The Audit Department could very easily, and ought to, audit the revenue and expenditure of the department the same as any other.

The HON. SIR S. W. GRIFFITH said the Premier seemed to use the word "audit" in a different sense from that in which he used it. The audit in the Railway Department, by the Audit Department, differed from the audit in every other department. There they did not audit the whole of the receipts and expenditure; they only audited results, and that was a very different thing.

The PREMIER said it was not intended to make any change at present, but if it should be necessary to make any change the clause would give that power to the Government.

Clause put and passed.

On clause 22, as follows:—

"The duties and powers respectively imposed and conferred by this Act are in addition to, and not in substitution for, the duties and powers respectively imposed or conferred by the Acts mentioned in the second section of this Act."

Mr. PALMER asked whether the initiation of new or branch railways was to be vested in the commissioners?

The MINISTER FOR RAILWAYS replied that the commissioners would have nothing to do with formulating the railway policy; that was a matter for the Government of the day to decide upon. The commissioners, by clause 29, would have to provide estimates of traffic, and they might be a board of advice, but it was the Government who would be entirely responsible for any proposed new railway.

Clause put and passed.

On clause 23, as follows:—

"1. It shall be the duty of the commissioners to maintain the railways and all works in connection therewith in a state of efficiency, and to work the same in such manner as will best conduce to the general public benefit, the promotion of settlement, and the development of the industries of Queensland.

"The commissioners shall at all times cause to be made a careful inspection of the condition of the railways under their control.

"3. Whenever it appears to the commissioners that for the purpose of maintaining the traffic on any existing line a partial reconstruction, or partial duplication, or other addition to, or extension of, the roadway of any existing line, or part of any such line, or any bridge, viaduct, or other work; or that the laying of new rails, or that any other repair or alteration of any line or work vested in them is necessary, they shall undertake, execute, and carry out any of the works aforesaid so far as may be required for such purpose.

"4. During any reconstruction, repair, or alteration, the passenger and goods traffic may be conducted along temporary roadways, or otherwise, as the commissioners may deem best for the public interest and safety."

The MINISTER FOR RAILWAYS said the clause gave the commissioners power to maintain the railways, to make what alterations and repairs they might deem necessary for the proper

working of the lines, and also to make temporary roadways during any alteration, repair, or reconstruction.

Mr. GLASSEY said he wished to call particular attention to the 1st paragraph of the clause—namely, that the commissioners were to work the railways—

"In such manner as will best conduce to the general public benefit, the promotion of settlement, and the development of the industries of Queensland."

He presumed that "settlement" meant settlement on the land, and one of the best means of promoting settlement on the land was undoubtedly to make the carriage on the railways as low as possible. But the matter to which he wished chiefly to allude was the development of the industries of Queensland. An important industry—one of the most important—of Queensland was the coal industry, and he wished to know from the Minister for Railways whether it was his intention that the commissioners should obtain their coal supply exclusively from the mines of the colony? That was a question that the miners of the colony were deeply interested in, and they wished to get a statement from the hon. gentleman as to whether the Government would, as far as possible, encourage the development of that industry by obtaining their coal exclusively from the Queensland mines. There was a special reason for bringing the matter forward. It was well known that, as soon as the colliery dispute in the adjoining colony was settled, every effort would be made by the coal proprietors there to open up new markets, or to regain the position they had previously held in the old markets. In order to do that they would doubtless sell their coal at a very low rate, and would no doubt send large consignments to Queensland with the same object in view. He should like the Minister to state whether instructions would be given to the commissioners to obtain all their coal from the Queensland mines, and so promote and develop that particular industry.

The MINISTER FOR RAILWAYS said he did not think there was much danger of their going outside the colony for their supply of coal. He had already intimated that when they reached clause 37, he should move for the insertion of a proviso, which had been accidentally omitted from the Bill, that no contract should be made for obtaining materials of any kind out of the colony of Queensland without the previous authority of the Governor in Council.

Mr. GROOM said he would ask whether the provisions of the 3rd subsection would not enable the commissioners to first construct the work, and then ask Parliament for money to pay for it?

The MINISTER FOR RAILWAYS replied that the commissioners would have no authority to spend any money that had not first been appropriated by Parliament.

The HON. SIR S. W. GRIFFITH said that with regard to the provision that the commissioners should work the railways—"in such manner as will best conduce to the general public benefit, the promotion of settlement, and the development of the industries of Queensland,"—it was politics; it was imposing political duties on the commissioners. How could that provision be put into effect apart from politics? Suppose the Government thought it would be very desirable to encourage agriculture by reducing freights to an almost nominal rate, and the commissioners thought it was inconsistent with a true commercial system of managing railways, what would happen then? Who was to be the judge in a case of that kind? They had better face the difficulty fairly, and say that the Government for the time being should declare

what should be considered the best interests of the country. It would be a great error to entrust a subordinate body like that with duties that could only be performed by Parliament.

The PREMIER said he was glad the leader of the Opposition had raised the point with regard to clause 23, as that was a clause which had had the anxious consideration of the Government before it was inserted. The first two lines they were thoroughly agreed upon, but with regard to the last three lines of that subsection—

“And to work the same in such manner as will best conduce to the general public benefit, the promotion of settlement, and the development of the industries of Queensland.”—

while he was anxious to have a general provision of that sort, directing the commissioners as to their duties, he had foreseen to a considerable extent the objections there would be to it. He quite agreed with the leader of the Opposition that it ought to be the part of Parliament in that Bill to remove from the duties of the commissioners anything that at all imposed upon them what they should reserve to themselves as political parties. It had been a matter of discussion between himself and the Minister for Railways whether the last three lines should remain. Since then he had had under his consideration some facts that had occurred in the colony of Victoria that bore very closely upon the subject. In Victoria a question had been referred by a certain section of the community to the commissioners, as to the exclusive use of Victorian-raised coal on the Victorian railways. That was a very nice point for the commissioners, and he could say now that he decidedly liked the decision of the commissioners. They said that they, as commissioners, advised the Government to get the best coal for their railways. Their experience of Victorian coal had been adverse to them, and in favour of Newcastle coal, and therefore their decision was that they should use the best coal for their railways; but if the Government decided on political grounds that they should use Victorian coal, then they must receive instructions to that effect. That was, it was understood by them that it was a political question, and they declined to decide upon it. He thought they were right in their decision. The clause, he might state, was left there against the judgment of the Minister for Railways, and his opinion was that of a sensible man; but, at the same time, the matter was worthy of consideration, and if he (the Premier) had seen the decision that had been given in Melbourne he would have thought the hon. gentleman was right. The hon. leader of the Opposition was right in referring to the matter, and he should be glad to have an expression of opinion from hon. members.

The HON. SIR S. W. GRIFFITH said as the hon. Premier had invited a discussion upon the clause, he would suggest that they might add after the first paragraph the words “subject, nevertheless to such general instructions (or directions) as to matters of policy, as may from time to time be given by the Governor-in-Council.” That would mean that they would receive instructions from persons responsible to Parliament for what they did. He thought at that moment that it would be desirable not to remove these matters from the control of some persons responsible to Parliament; but, that certain lines being laid down, it would be for the commissioners to carry them out. That appeared to be a sound basis to work upon. The words he had suggested would practically define the position so far as it was capable of being defined by an Act of Parliament. It was difficult to define a thing of that kind, but he

thought general lines should be indicated as far as possible; so he suggested the addition of the words he had mentioned. He only made the suggestion for the purpose of discussion. It was a very important matter, and one upon which the success of the scheme really very largely depended.

Mr. DRAKE said he was very glad the matter had been opened for discussion, because he entertained a very great objection to the clause as it stood, upon the ground that it seemed practically to give the commissioners the power of deciding the policy of the country on the very important subject of freetrade or protection, which they had been discussing lately. No doubt if the commissioners were pronounced freetraders they would desire to conduct the railways on commercial principles, and would think it their duty to be able to place before Parliament a return showing that the railways were paying the interest upon the cost of their construction. At the same time, it must be admitted that circumstances might arise under which it might be desirable to carry certain goods at low rates for the benefit of particular industries. He would suggest, as a possible way of meeting the views of hon. members generally that all the words after the word “benefit” in the 1st paragraph be omitted with a view of inserting the following: “in accordance with such general instructions (or directions) as to matters of policy as may from time to time be given by the Governor in Council.” That would leave the “promotion of settlement” and the “development of the industries of Queensland” to be dealt with by the Governor in Council. He would also refer to the third subsection. He understood the Minister for Railways to state that under that subsection the commissioners would only have the power of expending money voted by Parliament. Of course if that were so he saw no objection to the subsection. But the wording of it seemed to convey a different idea, because it commenced by saying—

“Whenever it appears to the commissioners that for the purpose of maintaining traffic,” etc.,

they might do certain things; but if the money had been voted by Parliament it seemed to him that it did not matter whether it appeared to the commissioners to be desirable or not. In the first place, he understood the commissioners made recommendations to the Government, who submitted them to Parliament, and Parliament actually voted the money. Therefore, what could it matter whether or not it appeared desirable to the commissioners that there should be an addition to, or an extension of, the roadway of any existing line, or to any bridge, or viaduct, or other work? If the money were voted by Parliament, the powers proposed to be given by the subsection were unnecessary.

The MINISTER FOR MINES AND WORKS said he hoped the Committee, in considering the clause, would not forget the necessity which had arisen, not only in Queensland, but in the other colonies for a Bill of that kind. It was not altogether, or perhaps not at all, because there had been commissioners who did not know how to manage their railways and make them pay, but because the commissioners had been fettered by the Governments under which they had worked, and had been obliged to manage the railways politically. Now, if they were to place the commissioners whom they were going to appoint at very large salaries in the same position as those whom they had displaced, what advantage would there be under the Bill? The only difference there would be, would be this, that they would have a chief commissioner who would possess a vast amount

of experience, he had no doubt, in the management of railways in Great Britain. But he would not be able to put his experience into practice, because he would be hampered by instructions received from Government after Government, one of them having one policy and another having another policy. So that actually, by adopting the suggestion of the leader of the Opposition, or that of the hon. member for Enoggera, they would, in his opinion, be nullifying the intention of Parliament in trying to introduce a system under which the commissioners would be more independent. It did not matter whether the commissioners were protectionists or freetraders if they were to be bound by the instructions they received. The commissioners were supposed to be placed in the position of managers; and before the Committee adopted any suggestion of the kind mentioned by the leader of the Opposition and the member for Enoggera they ought to consider the matter very seriously. He would rather see the last two lines struck out altogether, as he did not think they had any portion or part in such a Bill. It would be quite sufficient for the commissioners to know that the policy of the Government of the day was of a certain character without receiving instructions from different Governments as to what they should do.

The PREMIER said that in passing such a Bill there must be certain general power given, and it was very difficult to give that general power without taking away some of the powers of Parliament; at the same time they had to consider how it was likely to be carried out by the commissioners. In the case to which he had referred, the Commissioners in Victoria acted properly, when called to go against their principles of railway management, in favour of the political principle that it was best to use Victorian coal on Victorian railways. They performed their duty admirably by saying that it was a political question which they must refer to Parliament. That was virtually their decision. He would not like to go so far as to say that the general power should be subject to special general directions from the Government; but he thought that Parliament should have the power reserved to them of directing them as to policy in political matters. No doubt any commissioners working under the Act would act pretty much the same as the commissioners in Victoria, and would discriminate between their duty and the duty of Parliament. If the last words of the subsection, as suggested by the Minister for Mines and Works, were left out, and the general instruction left, that they were to keep the railways in a state of efficiency, and work the same in such manner as would best conduce to the public benefit, that would get rid of the difficulty, and leave the commissioners free to act according to the principles of common sense. It would be going too far to give them power to work the railways for the promotion of settlement, and the development of the industries of Queensland, and then put in a proviso to the effect that in those matters they must act subject to the instructions of the Government of the day. The effect of leaving out the words he had indicated would be, that if the commissioners were called upon by any section of the community to adopt a policy bad for the railways, but good for protectionists or good for freetraders, they would simply say that it was a political matter which they must refer to Parliament.

The MINISTER FOR RAILWAYS said he believed the manner of amending the clause just proposed would meet with the approbation of the Committee, and he, therefore, moved the omission of all the words after the word "benefit," in the 1st subsection.

Mr. GLASSEY said he did not quite agree with the remarks made by the Premier, because he thought there was a danger of conferring too much power on the commissioners. It was the business of those who managed railways in the old country to procure materials at the lowest possible price, regardless of what might have been paid to those who produced those materials; and it was also their aim to get labour at the lowest possible rates. He presumed that one, at any rate, of the commissioners would come from the old country, with considerable experience of buying material in the way he had described, and employing men at low, miserable, wretched wages. He did not want to confer on the commissioners power to buy material regardless of who produced it, and what was paid for its production, or to employ men at low rates of wages. He was inclined to submit that those were matters which should be guarded against; and he thought it behoved the Committee to see that those who were employed under the commissioners were fairly paid for the work they performed, and also that the material bought by the commissioners was produced by people who were well paid for their labour.

Amendment put and passed.

Mr. UNMACK said he would like the Minister for Railways to give the Committee a more detailed explanation of subsection 3 of the clause, because it seemed to him so excessively wide in its construction that it was possible it might lead to a disarrangement of the financial plans of the Treasurer. Under that subsection, as had been already pointed out, the commissioners were given power to undertake very large works. Whenever it appeared necessary to them for the maintenance of any existing line, a partial reconstruction, or partial duplication, or other addition to or extension of the roadway of any such line, or part of any such line, or any bridge, viaduct or other work, and so on, should be done, "they shall undertake, execute, and carry out any of the works aforesaid, so far as may be required for such purpose." The money required to carry out such works might amount to hundreds of thousands of pounds; but it was open, under the subsection, to the commissioners to undertake them if they deemed it necessary. If they were to be independent of Parliament or Government, and were to be given such excessive powers of spending money, he would like to know how the Treasurer was going to stand it. All his financial arrangements might be upset. That was a matter upon which the Committee were entitled to further information from the Minister for Railways.

The PREMIER said that the action of the commissioners under the clause would be regulated by clauses 20 and 21. It was perfectly essential that power should be given to the commissioners to do certain works; and it should be left to them and not to any ministerial action. There would always appear in the Estimates an amount for alterations and repairs upon lines, and that amount would be set down by the Treasurer, on the advice of the commissioners, for working out that clause. All the provisions mentioned in subsection 3 were necessary to enable the commissioners to carry on the ordinary traffic. Accidents might happen which might necessitate the deviation of lines to some extent, and under that clause the commissioners would be empowered to take the necessary action. Alterations might be necessary which could not have been foreseen, and the commissioners had the power to deal with them, limited, of course, to the money voted by Parliament for the purpose. A certain amount of money would be voted, and if it was not sufficient the commissioners could not go beyond it, unless they got the authority of

the Treasurer to spend more. When they had expended the amount voted by Parliament, their power to carry out works under the clause would cease, unless the Governor-in-Council stepped in and gave their sanction for the expenditure of money, subject to the approval of Parliament, in the usual way—through the Supplementary Estimates. It was necessary to give the commissioners the power asked for, and it would not be dangerous to do so, as they could only spend what was voted by Parliament, unless they could obtain special authority—to be afterwards ratified by Parliament—to spend more.

Mr. UNMACK said he clearly followed the intention of the Premier, but the clause did not express the hon. gentleman's intention. It made it an open question.

The MINISTER FOR RAILWAYS: It is provided for before.

Mr. UNMACK said that clauses 20 and 21 did not affect that subsection at all. The subsection provided that whenever it appeared necessary to the commissioners to do certain things, the commissioners "shall" do them. It did not say how much money they should spend. He knew what the intention was very well, but he rose to suggest that some limitation should be put upon the amount the commissioners might spend under the subsection. As it stood the clause left it open to the commissioners to do certain work if they deemed it necessary, and to call on the Treasurer to provide the money. If a proviso was inserted to prevent them spending more money than was voted by Parliament without special application and sanction from the Treasurer, that would alter the case.

The MINISTER FOR MINES AND WORKS said that, after looking at subsection 2 of clause 18, he was induced to think that subsection 3 of the clause they were discussing was really not necessary. Under subsection 2 of clause 18 the commissioners were given all the powers given them under the clause they were discussing. It provided that—

"All powers heretofore conferred upon, and all matters or things done, or to be done, by, and all rights and privileges accrued, or accruing, to the Commissioner for Railways, shall be exercised, enforced, and enjoyed by the commissioners, in the same manner as the Commissioner for Railways might have exercised, enforced, or enjoyed the same but for the passing of this Act,—and with respect thereto the commissioners shall be substituted for the Commissioner for Railways."

The Commissioner for Railways actually did at the present time what the hon. member for Toowoong objected to giving the commissioners power to do, and he did it every year. He would give the Committee two or three cases of the kind that occurred when he was in office, cases involving large works of much greater extent than the ordinary works undertaken during the year. On the Main Range, between Brisbane and Toowoomba, there were several bridges and curves—curves on bridges as well as curves off bridges—and they had to be taken into account by the Commissioner in beneficially working the traffic. The Commissioner, acting under the authority conferred upon him, and using the money voted by Parliament for maintenance and repairs, undertook to remove some of those bridges and curves, and did remove them, and put embankments in the place of bridges on various sites. That was a work done without applying to Parliament for any authority other than the authority he held as Commissioner for Railways, and some of those works cost several thousand pounds. There was another matter to which he would refer, and that was that, when the Townsville railway was being

built, he determined to lay it with 60 lb. rails, and when they were laid they were found to act so beneficially for the working of the traffic that he determined to lay the Main Range with 60 lb. rails. The Commissioner, acting upon his suggestion, substituted 60 lb. rails for 41½ lb. rails on the Main Range, and that was done without the especial authority of Parliament. Where the work exceeded the amount voted by Parliament they applied to Parliament in the Supplementary Estimates afterwards for authority for spending it. The same thing was done in the case of a range on the Central line, under the authority and power conferred upon the Commissioner by the Act under which he worked. When they had already given the commissioners the powers he had quoted from subsection 2 of clause 18, in his estimation, the powers conferred upon them by subsection 3 of the clause they were discussing were simply surplusage. There was nothing in them either, seeing that they were regulated by clauses 20 and 21, and by the powers which the Commissioner already held, and which would be conferred by the 18th clause on the commissioners to be appointed.

The HON. SIR S. W. GRIFFITH said the hon. gentleman had not a very clear grip of the notion of parliamentary control over expenditure. He thought the Commissioner for Railways had no power to spend money without the authority of Parliament.

The MINISTER FOR MINES AND WORKS: He often spent it under you without the authority of Parliament.

The HON. SIR S. W. GRIFFITH: But they had to get the authority of Parliament afterwards, and the Commissioner had to get the authority of the Government, who pledged their existence upon getting the authority of Parliament. That was the theory of parliamentary government—namely, that no money could be spent without the authority of Parliament. And if an absolute necessity arose for the expenditure of money, those who expended it would have to apply to Parliament for indemnity afterwards. There was no doubt as to what was the intention of the Bill, and also of the Government in the present case, but the question was whether the clause, as framed, did not give the commissioners larger authority than Parliament intended to give them, as the clause read that whenever the commissioners deemed it necessary to spend money upon certain works they "shall" do it. "May" would have been a better word, because the word "shall" might impose upon the commissioners the liability to be afterwards sued for not doing something. "May" was certainly the proper word, because there should be no way of enforcing the obligation. He confessed that he would like to see some words inserted limiting their expenditure to moneys appropriated by Parliament.

The PREMIER said the leader of the Opposition was perfectly right when he stated that the Commissioner for Railways had no power to spend any money but what was voted by Parliament, and that if the Commissioner did so he did it with the authority of the Minister. The hon. gentleman must not, however, forget that when the money was voted by Parliament, the commissioners were voted the right to expend it. Beyond that they were stopped; they could not draw any money.

The HON. SIR S. W. GRIFFITH: No; but they can make contracts and leave the Government to pay for them.

The PREMIER: No.

The HON. SIR S. W. GRIFFITH: Yes, they can, unfortunately.

The PREMIER said that at all events it ought to be their object to make the law perfectly clear, and if they thought that the power of the commissioners should be limited to spending money voted by Parliament, they ought to provide that that was so, and the proper way to do that would be by adding a proviso to that effect. At the same time they did not want to limit the commissioners in spending money that was actually necessary for carrying on the railways properly, though, when they spent more than was voted by Parliament, they ought to get the authority of the Governor-in-Council who were responsible to Parliament, and who would afterwards be absolved for what they had done by Parliament. Probably, therefore, they should add a proviso at the end of the clause to the effect that if any money was necessary for the purpose of carrying out repairs and alterations and the money had not been provided by Parliament, it should only be expended by obtaining the sanction of the Governor-in-Council. The usual way now was to get the sanction of the Governor-in-Council for such expenditure, and afterwards to submit it for the approval of Parliament. Of course he knew the Governor-in-Council had no power to spend a single sixpence without the authority of Parliament, but he (the Premier) had spent thousands of pounds, and the leader of the Opposition hundreds of thousands, and had afterwards to get the sanction of Parliament, to which they were accountable. No difficulty had arisen from that mode of procedure, and he would, therefore, suggest the addition of the following proviso :—

Provided that it shall not be lawful for the commissioners to exceed the amount appropriated by Parliament for any of the works aforesaid, without the sanction of the Governor-in-Council.

The HON. SIR S. W. GRIFFITH said the hon. gentleman would be making a very serious mistake, constitutionally, in allowing it to appear that the Governor-in-Council could spend money without the sanction of Parliament. They knew that when the Government did that they did it on their own responsibility, and if they could not get Parliament to agree to such expenditure they must take the consequences. If the hon. gentleman looked further into the matter he would see that his suggested amendment was contrary to constitutional theory. It would be far better to follow the ordinary course, and he would suggest that instead of the proviso mentioned by the Premier they should add the following words at the end of the 3rd paragraph, namely :—

Subject nevertheless to the appropriation by Parliament of the necessary moneys for such works.

The PREMIER: Yes; that is better than mine.

The HON. SIR S. W. GRIFFITH said that met the constitutional theory. He would, however, still like to see the word "may" substituted for the word "shall" in the 3rd paragraph, between "they" and "undertake," and he would move that the word "shall" be omitted with the view of inserting the word "may."

Amendment put and passed.

The PREMIER said that the proviso he had suggested might inferentially, though it would not directly, bear the construction that it gave authority to the Minister to spend money beyond the amount voted by Parliament. That was not his intention, and if the suggestion of the hon. gentleman met that difficulty he was sure the Minister for Railways would be very glad to accept it.

The HON. SIR S. W. GRIFFITH moved, that the following words be added at the end of the 3rd paragraph :—

Subject nevertheless to the appropriation by Parliament of the necessary moneys for such works.

Amendment agreed to; and clause, as amended, put and passed.

On clause 24, as follows :—

"The commissioners shall not afford or give any undue or unreasonable preference or advantage to any particular person, in any respect whatsoever; nor shall they subject any particular person to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

The MINISTER FOR RAILWAYS said the clause was a general one, preventing the commissioners from giving any undue preference. Then there were some modifications of that which followed in subsequent clauses, 25, 26, 27, and 31.

The HON. SIR S. W. GRIFFITH said the clause was connected with an important question which should be taken into consideration with clauses 25 and 40. Clause 25 provided—

"Notwithstanding anything in this Act contained—"

He presumed that referred to the previous clause—

"the commissioners may frame a special scale of tolls or charges for the conveyance of specific classes of animals, live stock, produce, or merchandise."

He confessed he could not see the necessity for that. Then came the proviso :—

"Provided that the same charges shall apply alike to all persons using the railways."

Now, the 40th section provided that they might make by-laws fixing fares and charges. The provision in the existing Act contained in section 101 was :—

"Provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers, and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of railway under the same circumstances, and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the railway."

That was a very necessary provision, of course, to prevent undue preference being given amongst people using the same portion of line under similar circumstances. Now, the words in the 25th section were certainly not equivalent to that. He did not know how far the 101st section of the Railway Act of 1864 read with that section would effect the object intended. Of course, the object ought to be that all persons using the same piece of line under the same circumstances should be charged the same rate, but the 25th clause would not do that. The difficulty arose from the fact of the Railway Act of 1864 already providing for a great many of the things provided for in the Bill, and he feared the provisions of the Bill were likely to clash with the Railway Act.

The MINISTER FOR RAILWAYS said he should have explained before that he intended to propose to amend clause 25 to this effect :—

"Notwithstanding anything in this Act contained, the commissioners may frame a special scale of tolls or charges for the conveyance of specific classes of passengers, live stock, and merchandise, provided that the same charges shall be made alike upon all persons using the railways in the same manner and between the same places."

That contained the substance of the 101st clause so far as prohibiting the commissioners from giving undue preference to any particular firm or person.

The HON. SIR S. W. GRIFFITH said he hoped the hon. gentleman would give the question some consideration. He had read lately some observations made by a very learned judge in the House of Lords when commenting on a change of language in a statute. He said: "It was thought desirable by the draftsman to substitute for the full and clear definition of the earlier Act a shorter, briefer, and indistinct definition

in the new one," and the Act had to be carried to the House of Lords to discover the meaning. It was a great mistake to attempt to be too brief. Of course, he had not the slightest objection to clause 24, but he thought the hon. gentleman would do well to leave out clause 25. It was of no particular use, and they should certainly avoid the risk of a number of doubts which he, for one, should be very sorry to have to solve.

Clause put and passed.

On clause 25, as follows :—

"Notwithstanding anything in this Act contained, the commissioners may frame a special scale of tolls or charges for the conveyance of specific classes of animals, live stock, produce, or merchandise. Provided that the same charges shall apply alike to all persons using the railways."

The MINISTER FOR RAILWAYS said he had already intimated that he had one or two amendments to propose in the clause. He did not think it clashed with clause 101, and he had carefully considered the matter. The clause gave the full power with which they wanted to endow the commissioners. A great many cases arose where it was necessary and expedient, in order to increase the traffic on the lines, to make special goods and passenger rates, and he thought the clause would be found very useful. The amendments which he would propose would be to leave out the word "animals," in the 15th line, with a view of inserting the word "passengers," and he would propose afterwards to add to the clause the words "in the same manner and between the same two places."

The HON. SIR S. W. GRIFFITH said he wished, before the amendments were put, to address himself to the clause generally. He thought the entire clause, or, at all events, the preliminary words, should be omitted. The 101st section of the 1864 Act provided—

"It shall be lawful for the commissioner under and subject to such orders and regulations as aforesaid to use and employ locomotive engines, or other moving power, and carriages and waggon to be drawn or propelled thereby, and to carry and convey upon the railways all such passengers and goods as shall be offered for that purpose, and to make such charges in respect thereof as may from time to time be determined upon by the Governor, with the advice of the Executive Council."

Now, he was not quite sure how far that applied, because the scheme of the Bill was to take those matters out of the hands of the Governor and Executive Council. He thought that clause 101 should be repealed, or, at all events, they should consider how far it should be repealed. At any rate, the proviso to that clause ought not to be repealed, it should be re-enacted.

"Provided that all such tolls be at all times charged equally to all persons and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of railway, under the same circumstances, and no reduction or advance of any such tolls shall be made either directly or indirectly in favour of or against any particular company or person travelling upon or using such railway."

That was the established form used in England, and the meaning of it had been fully ascertained after a great amount of litigation. Of course it was intended that there should be exceptions to it. Free passes would be an exception. It had been so held in America, and since the Inter-State Traffic Act of last year, free passes were not allowed to be issued by any company there. The 31st section might also be said to be an exception—the only substantial one there was. He would suggest to the hon. gentleman the advisability of dealing with the clause in a more general manner. The power to fix rates was given by clause 40, the commissioners having power to make by-laws for—

"Fixing the amount of fares for the conveyance of passengers, and the charges for the carriage of animals, goods, and parcels, and the circumstances and conditions under which special rates for the carriage of goods in quantities will be made."

That covered the whole ground. It certainly covered all that was in the 25th section of the Bill. The rates should, of course, be fixed by by-laws. But there should be a provision in the Bill analogous to the proviso in clause 101 of the present Act. What was meant by "special tolls" and "specific classes"? Surely every toll and every class was covered by the general power to make tolls and fix classes. Whether the proviso he referred to was inserted there or after clause 40 was immaterial.

The MINISTER FOR RAILWAYS asked if he was to understand the hon. gentleman to suggest that clause 25 be omitted altogether?

The HON. SIR S. W. GRIFFITH said he thought the clause was unnecessary, but that the proviso to clause 101 of the Act of 1864 should be inserted because it had stood fire, and they knew what it meant. It should be inserted with the limiting words "except as hereinafter provided," because they would then declare within what limits they might depart from the general rule.

The MINISTER FOR RAILWAYS said he thought, on the whole, the advice of the hon. gentleman was good, and that it would be better to omit the clause.

Mr. UNMACK said it would save time if they omitted clause 26 also, which was of a similar character.

Clause put and negatived.

On clause 26, as follows :—

"Subject to the provisions of this Act, the commissioners may from time to time alter or vary the tolls and charges either upon the whole or any particular portion of any railway."

The HON. SIR S. W. GRIFFITH suggested that the clause should be omitted. It was not wanted, and was clearly out of place. The Acts Shortening Act covered all the ground.

Clause put and negatived.

On clause 27, as follows :—

"Free Passes.

"Each of the persons hereinafter mentioned shall be entitled to receive from the commissioners and to hold and use a pass which shall entitle him to travel free on all railways vested in the commissioners, but which shall in no case be transferable :—

- (1) Members of the Legislative Council;
- (2) Members of the Legislative Assembly;

Every such pass shall be returned to the Commissioners—

- (a) In the case of a member of the Council, upon his ceasing to be a member thereof;
- (b) In the case of a member of the Assembly, upon the election of another person to serve in his place.

- (3) Such other persons as from time to time the Minister may, in his discretion, and by notification in writing to the commissioners direct;

Passes issued under this subsection shall be available only for such time and purpose, and upon such railways, and in such manner as the Minister may direct;

- (4) The railway pass of a member of the Legislature of any British colony which grants the same privilege to members of the Legislature of Queensland, shall entitle the holders thereof to travel free upon all Queensland railways;

- (5) The holder of every free pass issued or used under this section, and his personal representatives, shall have and be subject to all the rights, remedies, obligations, and liabilities appertaining to an ordinary passenger upon the railways."

The MINISTER FOR RAILWAYS said the first three subsections simply gave authority for what was now the usage in Queensland. Beyond being the practice, there was no authority

for it by any Act of Parliament. The 4th and 5th subsections prescribed the conditions under which free passes would be given.

Mr. DRAKE said the clause provided that every pass should be returned to the commissioners, in the case of a member of the Council, upon his ceasing to be a member thereof; and in the case of a member of the Assembly, upon the election of another person to serve in his place. He did not see why the same phraseology should not be used in both cases. He would point out that the electorate of a member of the Assembly might be abolished, so that nobody would be elected to serve in his place, and he might hold the pass after he had ceased to be a member.

The COLONIAL SECRETARY said he did not think the hon. member could be in earnest in his objection. Whenever a person ceased to be a member of the Assembly some other person was elected to serve in his place. The pass was issued to a person representing an electorate and returned as a member of the House.

The PREMIER said the argument of the hon. member for Enoggera was a very subtle one. The hon. member said that an electorate might be abolished, and that as there could then be no election of another person to serve in his place he would enjoy a perpetual free pass. But the object of the clause was to give members of Parliament the privilege of a free pass until a dissolution of Parliament when, of course, they ceased to be members, and lost all claim to the privilege.

The COLONIAL SECRETARY said the hon. member for Enoggera was clearly wrong. If an hon. member's "place" did not exist, no other person could be elected to occupy it. The language of the clause was perfectly clear.

Mr. DRAKE said that when a member's seat was abolished he would cease to be a member of the Assembly, but according to the clause he was not bound to return his pass to the commissioners.

The HON. SIR S. W. GRIFFITH said there was something in the point raised by the hon. member for Enoggera, although if the pass were not returned the commissioners would be entitled to bring an action for its recovery. But it would be just as well to provide that in such an event the pass should become void, and should be returned to the commissioners. The other question would be met by the insertion of the words "or upon the election of a new Parliament of which he is not a member." A constituency might be abolished, and in the case of a dissolution no one could properly be said to be elected to serve in a member's place, because by the dissolution he had no place.

Mr. O'SULLIVAN said that before they came to that question he had another amendment to propose. The persons qualified to obtain free passes now were members of the Legislative Council and members of the Legislative Assembly. He wished to add a third class, and would therefore move the insertion of the following words to follow "Legislative Assembly":—

3. Any person who has served as a member of the Legislative Assembly for two Parliaments, or an aggregate period of five years.

That might be a new thing in Queensland, but it was not in the other colonies. They had been hitherto very stingy with their passes in Queensland.

The PREMIER said he did not see why persons who had served as members of Parliament for five years should receive a free pass for the rest of their lives. It raised the question of payment of members over again. There were a good many persons who might be picked out who would like to be rewarded in that way. He

should not object to the hon. member having a free pass, but the line must be drawn somewhere. A free pass was not given to members of Parliament to reward them for their labours there—that was provided for in another way—but to enable them to travel over the country, and see a great deal that would be of advantage to them while they were members of Parliament.

Mr. O'SULLIVAN said he could see no reason in the Premier's argument. A man who had been, but was no longer, a member of Parliament, could, by travelling about, see things which would be of advantage to him when he again became a member of Parliament. While a man was in Parliament he had no time to travel; he must remain to take part in the work of Parliament. It was those who were outside Parliament and who had not legislative duties to attend to who could travel over the country. It had been a common thing to give passes without much reason to people in the colony—both to very rich people and to very poor people. If the people were very rich they got passes, and if they were so abjectly poor that they could not pay they got passes; but the working man who had worked as a legislator for the country got nothing. It was a common thing in the other colonies to give them passes.

The COLONIAL SECRETARY said he could not agree with the hon. gentleman's last statement, and he should certainly oppose that amendment. He believed that in Victoria they had some arrangement by which members of the Executive Council, although they might be in office for only a few days, got free passes over all the railways; but he really did not see why, because a gentleman happened either by fortune or accident to be a member of Parliament for five years, he should have a free pass over their lines, which would carry with it a free pass over the railways of the other colonies. He thought members of Parliament had sufficient privileges as matters stood at present, and he certainly would oppose the proposition made by the hon. member for Stanley, who had not backed it up by any good arguments.

Mr. MURPHY said the only persons besides present members of Parliament in Victoria who got free railway passes were men who had once been members of the Ministry and were Executive Councillors, and persons who had been members of Parliament prior to the payment of members.

The POSTMASTER-GENERAL: That is only lately.

Mr. MELLOR said he did not think the amendment proposed would be regarded favourably—for such a short time as five years, at all events. There was another matter he would like to bring before the Committee, and that was with reference to issuing free passes to children attending schools. They should do all they could to encourage the attendance of children at school, and working people who lived along the railway lines had often made application to him to enable them to send their children to school. Such a step would encourage the settlement of people along their lines, as it was a great drawback when people could not afford to pay the railway fares.

Mr. GROOM said the first question raised by the hon. member for Enoggera he found had been discussed by the Parliament of New South Wales, and perhaps the words that had been inserted in the clause there might be inserted here. Mr. Want put the case in the following way:—

"If three people are proceeding by train to contest an election, one of them having a member's pass, why should not the other two have free passes also?"

To which Sir Henry Parkes replied:—

“I admit that I cannot get over that logic.”

Then Mr. Abbott proposed the insertion of the following words:—

“And shall remain in force until the successor of such member shall have been elected,”

which was agreed to. He threw out the suggestion to hon. members, and he had thought it for a long time, that the privilege of a free pass should be granted to officers of Parliament. He knew that some officers had had free passes given them by preceding Governments, but as soon as a change of Government had taken place the passes had been withdrawn. Officers of Parliament were entirely under their own control, and he was one of those who thought that, considering the long hours many of them had to endure during the session, free passes should be granted to them. The same question had arisen in New South Wales, when an amendment was proposed by Mr. Dibbs to the following effect:—

“Officers of both Houses of Parliament while holding such offices shall be entitled to similar passes.”

That was carried by 19 to 13 on a division, and he thought a similar concession should be made in this colony.

The MINISTER FOR RAILWAYS: They were voted only for a month.

Mr. GROOM said there was a similar provision to one in the Bill under discussion which stated that—

“Any person of distinction visiting the colony or officially engaged in some public duty which renders it necessary for him to travel by railway, or who may have rendered some important public service to the colony,”

should receive a free pass for a month. That did not apply to officers of Parliament, who, he thought, should certainly have that concession.

The Hon. A. RUTLEDGE said he did not agree with the suggestion just made, and he did not think the hon. gentleman had made use of any arguments in favour of the proposal. He thought, if officers of Parliament were to be considered in a matter of that sort, there were other high officers who deserved the same consideration. He thought officers of Parliament had rather rosy times, as during six months of the year they had nothing to do, comparatively speaking, and during the other six they had not particularly late hours or very laborious occupation; and he thought that to single out officers of Parliament would create heartburning throughout the Civil service. He, however, regarded differently the suggestion of the hon. member for Stanley, and if he would modify it somewhat he thought it would be better. Parliament was under considerable obligations, to that hon. member in carrying, as he had done some years ago, a resolution to which he (Hon. A. Rutledge) was not favourable at the time, but which had worked beneficially since. That resolution granted to members of Parliament free passes by steamers to enable them to visit the various parts of the colony once every year. That suggestion had not been treated very favourably when it was first brought up, and he thought that, although the present suggestion might not commend itself favourably to many hon. members, there was a good deal in it; and if the period were extended to ten years that would constitute a very strong claim indeed for a privilege of that sort. Although they had now payment of members they would receive a comparatively small sum for such a session as the present—some of them not more than £40 or £50—which was not an adequate consideration for the services of a member of Parliament to the country. He thought that after ten years it would be only a

graceful concession to one who had spent so much of his time in the public welfare to grant a privilege of that sort.

The COLONIAL SECRETARY said that with regard to the proposal he had heard the hon. member for Stanley the other day assert—he could hardly say boast—that he was as old a member of Parliament as the hon. member for Toowoomba. That was a statement which he wished to traverse, because the hon. member for Toowoomba had been a continuous member for a longer period than any other hon. member—he believed he was correct in saying that—while the hon. member for Stanley had had intervals in his tenure; he had had what he might call an “interregnum,” when he was not a member of Parliament, although the world wagged on. There had been one or two Parliaments when that gentleman had been away, but during which the hon. member for Toowoomba had been a member of the Legislative Assembly. He thought ten years would be quite little enough. But was that to be continuous service, or were the periods of his service to be added together, irrespective of the time when his popularity had waned, and he was not considered at the time to be a fit representative of the people? He thought it would be a very bad thing indeed if those passes were issued; he saw no necessity for them. While gentlemen were members of that Assembly they possessed that privilege, and that privilege ceased when they ceased to be members of the Assembly, unless they were promoted to another place, when, possibly, unless some untoward accident happened to them, they would be entitled to passes for all time—at any rate, until the time of their demise. The Committee ought to be rather chary about giving those passes on their railways, considering their relations with the other colonies. Victoria was rather lavish, and he thought New South Wales was rather chary, in the matter of free passes. He did not think the amendment should be allowed, as he did not think the hon. member for Stanley had made out a very good case.

Mr. O'SULLIVAN said he could never make out a good case where he was personally concerned. He certainly would not have taken up the position he had upon his own account; but he had been asked by others to do it. The Colonial Secretary had not acted very honestly towards him in drawing comparisons between him and the hon. member for Toowoomba. Hon. members knew that he did not possess, and never had possessed, the ability of that hon. member. They all knew that when any political breeze came along he stood the breeze, and had never specially trimmed his sails to meet it; consequently he was kicked out. He had been kicked out of Parliament five times, and he had been kicked in again five times, and if he liked to go from one side to the other he would be always there. With regard to the statement made by the hon. member for Toowoomba about men without passes fighting men who had, he had had to do that three or four times, and had had to pay for everything. He would not say any more about himself; his race was nearly run. But would the hon. gentleman stand up and say young men would not be rising up in the colony who would wish to see the colony and travel upon its railways? It was quite within the bounds of possibility that some of those gentlemen might not always be able to pay as much as free passes would save them. What trouble or expense or injury would it do the railways if an intelligent young native of Brisbane wanted to go to the Barcoo, or to Charleville, or anywhere else, and received a free pass? Did those free passes in steamers that the hon. member for Charters Towers gave

him credit for passing, do any harm to the colony? They did good to the colony, and he believed the passes he was suggesting then would do good to the colony also. Passes were given to ex-members if Ministers, and to governors, and great men who should have been the last to receive them. They were the very men who ought to pay, because they really did very little, and drew a revenue out of the colony. If a man spent eight years or ten years of his life, neglecting his own business and attending to the business of the colony, he ought to be entitled to some consideration. The hon. member for Barcoo said that in Victoria passes were only given to men who had been members of Parliament previous to payment of members. Many times he (Mr. O'Sullivan) had had to swim rivers and creeks, in coming down to attend Parliament, that would very soon have carried him away. He remembered one occasion upon which he parted company with his horse. He had left home at about 8 o'clock on a Monday morning, and did not get back until the Friday night, and every week he spent in Brisbane he was £3 or £4 more out of pocket. There were certain men who were cut out for politics. Many gentlemen took an evening walk into that House, the same as they would go to the theatre, and made a speech or two and went home again; but he (Mr. O'Sullivan) always gave all his attention to Parliament. He could not half do a thing; he must either do his duty or stop out altogether. He would not say any more, but would adopt the suggestion of the hon. member for Charters Towers, and move that the period be ten years instead of five years.

Mr. DRAKE said that it occurred to him that deserving cases might be met by the third subsection, which gave the Minister power to issue free passes according to his own discretion.

The HON. SIR S. W. GRIFFITH: That would be invidious.

Mr. ARCHER said it was rather an invidious thing that the proposed amendment should apply to members of the Assembly, and not to members of the Council. A member of the Legislative Council might resign after having been a member for ten years.

The PREMIER said he did not think it a proper thing to provide that those who had been members for ten years should be entitled to passes. It did not look much, because the number of those who had been members for ten years would be very few; but it would be represented that some had been members for nine, eight, seven, or six years, and were quite as deserving of passes as others who had been members for ten years, and they would, no doubt, obtain passes under the subsection providing that the Minister might grant passes on his own authority. Under those circumstances the number of passes granted to those who had been members of Parliament would be very large.

Mr. O'SULLIVAN said he thought the Premier was casting his shadows before. It was time enough to deal with such difficulties when they arose. "Bid the devil good morning when you meet him."

Mr. ANNEAR said he intended to support the amendment of the hon. member for Stanley. When the hon. member moved that steamer passes be granted to members to enable them to visit the northern part of the colony it was argued that the privilege would be abused; but it had done a great deal of good, and hon. members were deeply indebted to the hon. member for conferring upon them that boon. It had been the means of opening the eyes of a great many Southern members. They had been able to see the lavish expenditure that had taken place and

was now taking place in the North. They would not find any place in the South where £400,000 was being spent on fifteen miles of railway. There was no harbour in the South which had cost so much as that of Townsville. And had it not been for those free passes many hon. members might have remained in ignorance of those things. He wished now to refer to another matter. He saw by the papers some time ago that hon. members were to be provided with gold medals instead of the cards at present used as passes. He was told that those medals were completed, and were real works of art; but up to the present time none had been distributed. Perhaps the Minister for Railways would oblige the Committee by stating whether the information he (Mr. Annear) had received was correct or not.

Mr. ADAMS said it was all very well for members to have passes while they were members, but he did not see why the country should pay for people travelling about after they ceased to be members. It was all very well to say that steamer passes had done a vast amount of good, because they had been the means of opening the eyes of Southern members. There was no doubt that the eyes of Southern members had been opened while in the North; but as soon as they returned to the South they closed their eyes again. No doubt others would like to have free passes also, and he knew of several persons who were just as deserving of passes as those who had been members of Parliament. He thought that if passes were given to those who had been members of Parliament for ten years the number of passes granted would become very numerous after a time.

Mr. O'SULLIVAN said that, with the consent of the Committee, he would temporarily withdraw his amendment to allow of others being put.

Amendment, by leave, withdrawn.

The MINISTER FOR RAILWAYS moved the insertion after the word "pass," on the 28th line, of the words "shall become void and."

Amendment put and passed.

The HON. SIR S. W. GRIFFITH moved the addition at the end of paragraph (b), subsection 2, of the words, "or upon the election of a new Parliament of which he is not a member."

Amendment put and passed.

Mr. O'SULLIVAN moved that the following new subsection be inserted, to follow subsection (b):—

Any person who has served as a member of the Legislative Assembly for an aggregate period of not less than ten years.

Question put, and the Committee divided:—

AYES, 21.

Sir S. W. Griffith, Messrs. Jordan, Drake, Isambert, Groom, Wimble, Macrossan, McMaster, Smyth, Annear, Buckland, Macfarlane, Black, Rutledge, Grimes, Philp, Mellor, Hamilton, Hunter, O'Sullivan, and Campbell.

NOES, 33.

Sir T. McIlwraith, Messrs. Nelson, Morehead, Paul Donaldson, Pattison, Rees R. Jones, Plunkett, Murphy, Dunsmore, Stevenson, Unmack, Adams, Luya, Perkins, Battersby, Agnew, Corfield, G. H. Jones, Tozer, Salkeld, Powers, Cowley, Murray, North, Morgan, Dalrymple, Gammon, Crombie, Barlow, Glassey, Stephens, and Watson.

Question resolved in the negative.

Mr. MELLOR said he would suggest to the Minister for Railways that it would be a considerable benefit to the country if the Government could see their way clear to grant free passes to children attending the public schools.

The HON. SIR S. W. GRIFFITH said he was disposed to think that the question of granting

free passes to children attending State schools was a matter of discretion to be exercised from time to time, and not a matter to be laid down in an Act of Parliament. He believed free passes had been granted sometimes, and was under the impression that he had himself procured that privilege in certain places when he was Minister for Education.

The MINISTER FOR RAILWAYS said free passes had, he thought, been granted to children in isolated places, but the matter was one that could be very well dealt with by the Executive or the commissioners; and it was not desirable, as the leader of the Opposition had very properly pointed out, that a rule on the subject should be laid down in an Act of Parliament.

Mr. O'SULLIVAN said a great many children came from Ipswich to schools in Brisbane, but the concession made in their favour did not satisfy their parents. He knew that the concession here was not nearly as great as it was in New South Wales, because he had been in that colony and had stayed at Randwick. He entered into a conversation with some children there who went ten miles to school by rail, and in one instance, where there were three children in one family, they told him that their father got a twelve-months ticket for the three of them for £1 11s. They could scarcely get a ticket for three children for a month at that price in Queensland. The charge was something like half-price, and then they must prove that they were children going to school. If greater concessions were made there would, no doubt, be more children coming down to school from the country; but instead of that the department took every sixpence they could out of the people's pockets.

Mr. PAUL said subsection 3 appeared to him to meet the case. He was under the impression, though he spoke under correction, that on the Central line children constantly travelled free.

Mr. MURPHY: Yes.

Mr. PAUL said he had been up and down the line frequently, and always saw children going backwards and forwards to school by train, and if they had not the privilege of travelling free he did not think they would be able to go to school. If they passed the suggested amendment they would have people sending their children to school in Brisbane. He thought it was better to leave the matter to the discretion of the commissioners.

Mr. O'SULLIVAN: No child from Ipswich ever came to Brisbane to school free.

Mr. HUNTER said it was not desirable that free passes should be supplied to children going from one school to another—as from Ipswich to Brisbane. If, however, an amendment were made in the direction indicated by those members who advocated free passes to children, it would be open to that abuse. All they could expect would be that facilities should be given to children to go to the nearest school, where they could get a good plain education, and those who wished to go to the higher schools should pay their own fares.

Mr. MELLOR said he spoke particularly in the interests of children living in the country. It was not his intention to suggest that children should have facilities for going from one school to another. Every hon. member must know that unless some such facilities as he had suggested were given to the children of people settling in the country they would be able to get very little schooling. In his district children were not allowed to travel free by railway. The hon. member for Leichhardt, however, stated that he was under the impression the children travelled on the Central Railway.

Mr. MURPHY: They are children of railway employes.

Mr. MELLOR said it would be a great advantage to settlers to allow children to go to school free. The great drawback to people settling in the country was that they could not send their children to school, and if they got free passes it would be a great encouragement to settlement generally.

Mr. O'SULLIVAN said it appeared to him that the hon. member for Burke and the hon. member for Wide Bay misunderstood the matter with regard to sending children past one school to another. Did the hon. members know that there were schools to which they could not send their children? If, then, people sent them to other schools, why should the children not be allowed to travel at reasonable rates? He contended that the fares should be lower. There was a school within a stone's throw of his house; but if he chose to send his children elsewhere, why should he not get them carried at a reasonable rate?

The MINISTER FOR RAILWAYS said the hon. member was wandering away from the subject. They were dealing now with free passes, but the hon. gentleman spoke of season tickets—a different thing altogether, which the commissioners would regulate.

Mr. MACFARLANE said, touching the point raised by the member for Gympie, he held in his hand a letter from a gentleman who took an interest in a widow residing at a station on the Ipswich line. Although the train passed by her house the children had to walk five miles to school every day, and he thought that was a case which would serve to illustrate what had been referred to by hon. members.

Mr. DRAKE said he would like to know where power was given in the Bill to lower the rates for children attending school. It seemed to him that that would have come under clause 25, which had been negatived. The 24th section prevented the commissioner from giving any undue preference to any particular person. He did not know whether there was any power under section 40 to fix differential rates.

The MINISTER FOR RAILWAYS said it had been pointed out that clause 101 of the 1864 Act provided for that.

Mr. UNMACK said, if the member for Gympie would table a motion affirming the desirableness of granting free passes to children in the scattered districts, he would go with him, because it would result in a distinct saving to the country; inasmuch as it would lessen the number of small schools, and enable teachers to teach nearly double or treble the number of children they were now called upon to teach. On the other hand, he should oppose the granting of free passes to children if there was a school available in the district. There was an evil tendency existing amongst people to send their children away from their own districts to favoured schools, the consequence being that many schools were over-staffed. There were many notable instances of that sort of thing in the neighbourhood of Brisbane, and it certainly acted most prejudicially on the funds of the department. If the teachers were called upon to teach more children in their own districts, they could do with smaller staffs.

Mr. DRAKE said the Minister for Railways must have made a mistake with regard to the 101st section giving power to the commissioners to fix lower rates, and he should like to know whether there would be any power to make special rates for school children. There was certainly no such power given in the 101st section of the 1864 Act.

The MINISTER FOR RAILWAYS said it had been pointed out that the 101st section of the 1864 Act was to be read in conjunction with clause 40.

Mr. DRAKE: Is power given under clause 40?

The MINISTER FOR RAILWAYS said it gave the commissioners full power to make charges. Moreover, they would be given more general powers in the by-laws.

Mr. O'SULLIVAN said he did not like the distinction which the hon. member for Toowong would make between children. He thought the hon. member's distinction would act very prejudicially. How did the hon. member know his (Mr. O'Sullivan's) reason for not sending his children to the nearest school? What right had any one to inquire his reasons? He was the parent, and could do as he liked, and if he chose to send his children past half-a-dozen schools he had a perfect right to do so, and should have them carried at fair rates. As to sending children to favoured schools, that encouraged competition, and would be the means of creating more favoured schools.

Mr. GRIMES said he would like to see the member for Gympie move an amendment. There was no doubt that the granting of free passes would help to fill the country schools. There were numbers of schools in the country in which the teachers did not work up to their full capacity, whilst the children played about in the bush.

Mr. MELLOR said he had no intention of moving an amendment, because it would open up a very large question, and he did not wish to delay the work of the Committee.

Mr. SALKELD said he noticed that subsection 4 provided for members of the Legislatures of British colonies being granted free passes if the same privilege were extended to members of the Queensland Legislature. He would point out that in some British colonies only certain railways belonged to the State, whilst the rest were in the hands of private companies. In Western Australia, very likely, there would be large lengths of railway in private hands. How would the provision he had referred to act in such cases; because it must be remembered they were passing an Act of Parliament, and not regulations which could be altered. Or, for instance, in Tasmania, where some of the railways were in private hands, and would not be available for free passes, how would that provision operate?

Mr. BARLOW said he would draw attention to the fact that the 5th subsection provided that all people who had free passes issued to them should be subject to all the rights of ordinary passengers. Therefore if a train loaded with members of Parliament met with an accident and they were all killed, he presumed their families would be entitled to claim compensation although they were travelling on free passes.

The PREMIER: That is what it means.

Mr. SALKELD said he again rose to point out that they were granting to the members of the Legislatures of other British colonies the right to travel over our extensive railways, while in some of those colonies they might not have more than twenty miles of railway in the hands of the State and available for free passes. He presumed it was not intended to grant free passes to members of the House of Commons or of countries where the railways were in the hands of private companies, and why should they give free passes to members of other colonies where their railways were in private hands?

Mr. MURPHY said England was not a "colony." The clause provided that passes should

be issued to members of the Legislature of any British colony which extended the same privilege to members of the Queensland Legislature. In England all the railways were in private hands, and the clause only applied to colonies where the railways were in the hands of the Government.

The COLONIAL SECRETARY said possibly it would meet the objection of the hon. member—and perhaps there might be something in it—if they limited the privilege to mileage; that was to say, supposing Tasmania had fifty or seventy miles of a public railway, and members of the Queensland Legislature had the privilege to travel over that seventy miles, when members of the Legislature of that colony came here they should have the privilege of travelling seventy miles over our railways. He thought that was the *reductio ad absurdum*.

Clause, as amended, put and passed.

On clause 28, as follows:—

"The commissioners shall be the authority to decide on the position, character, and suitability of all stations, station platforms, gate-houses, station-yards, sheds, piers, wharves, jetties required for or in connection with any railway already or hereafter to be constructed or of any other building, siding, platform, or work for the accommodation of the passengers, stock, or goods to be carried on such railway."

The MINISTER FOR RAILWAYS said it gave power to the commissioners to decide where extra accommodation was required on existing lines, and what was necessary on lines about to be constructed. It was a very necessary clause.

Clause put and passed.

On clause 29, as follows:—

"Before the plans, sections, and book of reference of any proposed railway are approved by the Legislative Assembly, the commissioners shall transmit to the Minister a statement under their official seal showing their estimate of the cost of the proposed line, including therein the value of land required to be resumed, and of the traffic on the line, and any other returns likely to be derived therefrom, and the Minister shall, before such approval, lay the same upon the table of the Assembly, and no resolution approving of such plans, sections, and book of reference shall be adopted by the Assembly unless and until such statement has been laid upon the table of the Assembly."

The HON. SIR S. W. GRIFFITH said he did not see why the Legislative Council had been omitted from the clause. The present Act required that plans, sections, and books of reference should be laid before Parliament. That was the intention, and why not say so. It would seem like trying to pick a quarrel with the Legislative Council.

The PREMIER: Move an amendment.

Mr. O'SULLIVAN said the clause empowered the commissioners to value land required to be resumed. Would the owner of the land have any appeal against their valuations?

The HON. SIR S. W. GRIFFITH moved that the words "approved by the Legislative Assembly" in line 12 be omitted, with the view of inserting "laid before Parliament."

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved as a consequential amendment, that the words "and the Minister shall before such approval lay the same upon the table of the Assembly," be omitted.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved that the words "by the Assembly," in the next line, be omitted.

Amendment put and agreed to.

The HON. SIR S. W. GRIFFITH moved that the words "upon the table of the Assembly" be omitted, with the view of inserting the words "before Parliament."

Amendment put and agreed to; and clause, as amended, passed.

On clause 30, as follows:—

"The commissioners may—

- (1) Appoint places at any distance from a railway as depôts for the receipt and delivery of goods, parcels, or passengers' luggage to be forwarded to or received from any railway;
- (2) Contract with any person for the carriage of such goods parcels or passengers' luggage to and from any railway station or depôt;
- (3) Instead of loading or unloading goods on or from any truck, shed, or vessel by temporary day labour, invite public tenders on such terms and conditions as they think fit for the performance of such work, for a period not exceeding one year; and may accept the lowest eligible tender, or invite fresh tenders."

The MINISTER FOR RAILWAYS said the only amendment he had to propose in the clause was in the second last line, which provided that tenders should be called for a period "not exceeding one year." That was too short a period. The work might involve the purchase of expensive plant by the tenderer, and one year might not be a sufficient inducement to persons to tender. He moved, as an amendment, that the words "one year" be omitted, with the view of inserting the words "three years."

Amendment put and agreed to; and clause, as amended, passed.

On clause 31, as follows:—

"The commissioners may—

- (1) Make special contracts to carry for any person any goods and merchandise—
 - (a) From any place within to any place without Queensland;
 - (b) From any place without to any place within Queensland;
 - (c) From any place without to any place without Queensland.

Provided that some portion of the *transitus* in each of the foregoing cases be upon one or more of the Queensland railways.

- (2) For the purposes of this section, the commissioners may contract with the owner of any vessel for so much of the carriage of such goods, and merchandise, as may be required to be done by water.
- (3) The toll or charge to be imposed, and taken, by the commissioners for the carriage of any goods or merchandise under this section may be at per ton per mile, or a lump sum for the entire *transitus*, or partly one and partly the other, and they may apportion the amount of such charge between themselves and the owner of the vessel, in such manner as may be agreed upon by them.
- (4) Nothing in this section shall extend or be deemed to make the liability of the commissioners under any contracts made in pursuance thereof greater than that of a common carrier, and in any such contracts the commissioners may by any lawful exceptions or conditions therein limit their liability to any extent and in any respect or manner whatever."

The MINISTER FOR RAILWAYS said the first part of the clause might very conveniently be shortened, and he should propose to make it read:—

Notwithstanding anything in this Act contained, the commissioners may make special contracts to carry for any person any goods and merchandise from any place within or without to any place within or without Queensland.

The 2nd subsection should apply to land carriage as well as to water carriage, and he proposed to meet that by making it read:—

For the purposes of this section the commissioners may contract with any common or other carrier, or with the owner of any vessel, or with the owner or master or charterer of any vessel," etc.

In the next subsection he proposed to insert after the words "partly the one and partly the other" the words "and may raise or lower the general or special rates imposed for the same description of goods or merchandise." With those amendments he thought the clause would effect the object they had in view—namely, to keep their trade within the colony.

The HON. SIR S. W. GRIFFITH said the proposed amendments would greatly improve the clause. He did not quite understand what "special contracts" meant. Was it intended to give special advantages to a man with a station, say, on the south side of the line near Cunnamulla, so as to prevent him sending his goods to New South Wales, while the same advantages would not be given to a man with his station on the north side of the line or to another man a few miles away? It might be necessary to do something of the kind, but it would be rather difficult to express it so as not to give an absolute power to the commissioners, which they did not desire to do.

Mr. GLASSEY said he should like to draw the attention of the Minister for Railways to what he considered an omission. In making arrangements with the owners of vessels, he should like to know whether the owners of such vessels were to be allowed to carry black crews? That was a matter of some importance—whether the commissioners should be allowed to contract with owners of vessels manned by black crews. He would suggest that the clause should provide that the commissioners might contract with the owners of vessels carrying white crews only.

The HON. SIR S. W. GRIFFITH said he would suggest that the words "for any person," in the 29th line, should be omitted. There was apparently an inconsistency, and those words accentuated the danger of giving the commissioners too much power. If they omitted the words "for any person" the clause would read, "The commissioners may make special contracts to carry any goods and merchandise." That simply authorised the commissioners to make contracts for carrying goods for distances not entirely over railways, and he thought that, on the general principle of fair play, they should place all persons on an equal footing.

The MINISTER FOR RAILWAYS said he would move that the words, "for any person," in the 29th line, be omitted.

Mr. GLASSEY said he had not received any answer from the Minister for Railways in the matter of ships carrying only white crews. Would they come to that again? He wanted to be in order.

The MINISTER FOR RAILWAYS said they were only at the 29th line.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved that the words "or without" be inserted in the 31st line after the word "within."

Amendment agreed to.

The MINISTER FOR RAILWAYS moved that the words "within or" be inserted after the word "place" in the 31st line.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved that paragraphs (b) and (c) be omitted.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved that in lines 37 and 38 the words "in each of the foregoing cases" be omitted.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved that in line 41, after the word "with," the words "any common or other carrier or with" be inserted.

Amendment agreed to.

On the motion of the MINISTER FOR RAILWAYS, the words "master or charterer" were inserted after the word "owner," in the 41st line.

Mr. GLASSEY moved that the words "provided every such vessel is manned by a white crew," be inserted after the word "vessel" in the 41st line.

Amendment put, and the Committee divided:—

AYES, 19.

Messrs. Watson, Plunkett, McMaster, Groom, Amear, Unmack, Isumbert, Tozer, Grimes, W. Stephens, Hunter, Glassy, Morgan, Jordan, Wimple, Barlow, Drake, Gannon, and Salkeld.

NOES, 28.

Sir T. McIlwraith, Messrs. R. Jones, Donaldson, Nelson, Macrossan, Morehead, Pattison, Black, Crombie, Hamilton, Smith, Agnew, Dunsmore, Philip, Murphy, Paul, Dalrymple, Perkins, Luya, Adams, Corfield, Allan, Murray, Smyth, G. H. Jones, North, Powers, and Cowley.

Question resolved in the negative.

The HON. SIR S. W. GRIFFITH said he wished to state, with the permission of the Committee, why he did not vote on the last division. He did not understand that there was likely to be a division; if he had, he would have given reasons why he could not support the amendment. He thought the question whether vessels should be manned by white or black crews was a very large question; but the question whether the commissioners should not be allowed to make provision for carrying goods in vessels on which there were coloured seamen, and which might be the only vessels available, was very different. He agreed with the principle contended for by the hon. member—namely, that vessels should be manned by white crews; but instead of that principle being introduced into the clause, it should be dealt with on general grounds.

The MINISTER FOR RAILWAYS moved the omission in lines 42 and 43 of the words "may be required to be done by water," with the view of inserting the words "cannot be effected on the railways."

Amendment put and passed.

The MINISTER FOR RAILWAYS moved the insertion, after the word "other" on the 48th line, of the words "and may be higher or lower than the general or special rate in force for the same description of goods or merchandise."

The HON. SIR S. W. GRIFFITH said he did not quite understand the object of the amendment. The carriage of goods partly by rail and partly by sea could not be compared with the carriage of goods by rail. It was comparing two things which had no connection with each other.

The MINISTER FOR RAILWAYS said that, with the consent of the Committee, he would withdraw the amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR RAILWAYS moved the omission of the words "owner of the vessel," in subsection 3, with a view of inserting the words "other carrier."

Mr. UNMACK said he would suggest that all the words after the word "*transitus*" should be omitted. The subsection provided that the toll or charge to be imposed by the commissioners might be at per ton per mile or a lump sum for the whole *transitus*, and that was sufficiently specific.

The HON. SIR S. W. GRIFFITH said the last three lines of the subsection might be omitted, as they seemed to him to be simply a repetition of the 2nd subsection, which enabled the commissioners to make sub-contracts. They would get so much on the contract for the carriage of the goods, and would out of that have to pay the sub-contractors for their carriage by land or water. If those words were left in, a difficulty might perhaps arise which would necessitate the using of some such words as the hon. member suggested just now. If they talked about the apportionment of the rates it might be necessary to say the amount retained by the commissioners might be a higher or lower rate than that charged for the carriage of goods wholly upon the railway. It would be better to leave that part of the subsection out altogether.

The MINISTER FOR RAILWAYS said that according to the 24th section the commissioners had not the power to carry merchandise for any person on the southern side of the line, he would say, at a different rate from that charged to persons on the northern side, but they might be anxious to do so to secure the whole of the trade. The carriage of wool from Brisbane to Charleville might be £6, but they might make a contract to carry goods to Cunnamulla for £8, and the Railway Department might only derive £5 from that, and the other carrier £3. In that case the commissioners would be carrying goods at a lower rate for some people than for others. It was exactly in the same way that they gave passages through to Sydney at a reduced rate. If a man took a ticket for Wallangarra he paid so much for it, but if he took a through ticket for Sydney, he would get it at a rate 1s. cheaper than if he only took it for Wallangarra on the same part of the line.

Mr. ANNEAR said there was a great deal in the contention of the Minister for Railways. At the present time the New South Wales Government was bringing flour from Newcastle to Stanthorpe at 37s. per ton. The commissioners should be in a position to check that; and by giving them the power proposed in the clause they would be able to do so. New South Wales took every opportunity to take away the Queensland trade, and that was shown when they carried flour between 400 and 500 miles for 37s. per ton, while the freight was as much as that, or more, from Brisbane to Stanthorpe.

The HON. SIR S. W. GRIFFITH said they were all agreed as to the advisableness of doing that, but he was pointing out that the clause as it stood did not effect that object at all. The last three lines of the paragraph practically meant nothing. The second subsection provided that the commissioners might make sub-contracts for the carriage of goods. What was intended was better expressed by the second subsection. The words in the 3rd subsection went further and proposed to apportion the total charge, and declare how much of it should be for the carriage by rail and how much for carriage by water or by land. If that was passed some such words as the hon. member proposed just now would be needed, and they would have to be to the effect that the amount apportioned to the commissioners in respect of the carriage by rail might be higher or lower than the general rates for the carriage of merchandise or goods over the same line of

railway. It would be better, as he said, to leave the words out altogether, as they were involved in the second subsection providing for a sub-contract.

The COLONIAL SECRETARY said he spoke as the representative of a district that extended to the border of New South Wales, and the intention of the clause was to endeavour to get the trade of that district which was now being diverted into New South Wales.

The HON. SIR S. W. GRIFFITH: On that we are all agreed.

The COLONIAL SECRETARY said he did not know that the hon. member for Toowoong agreed with that, as he seemed to raise as many obstructions as he could. At the present moment they knew that the whole of the trade from a little bit south of Charleville, down the lower Warrego, the lower Bulloo, and in fact the south-western portion of the colony, was going into New South Wales; and, although they had extended the railway to Charleville, they had not yet, by any existing regulations or railway tariff, been able to divert that trade which belonged to Queensland into Queensland. As he understood it, the clause was intended to cope with that difficulty. They had a right to compete for their own trade in the same way that New South Wales dealt with her trade that was going to Victoria, and as she was now dealing with the Queensland trade diverted to New South Wales. It was right they should do that, not only as regarded the coast—because Brisbane, after all, was the place that would be materially benefited—but also having regard to those people who were settlers, or squatters, or storekeepers on the border. It was well known that they were severely handicapped, not only so far as carrying the produce they had to send to port was concerned, but also in regard to the goods they received from the seaboard. A letter appeared in that morning's paper with regard to the differential railway rate on flour. He did not know whether any hon. member had read it, but those who had read it would see that the consumer at Charleville had to pay £2 4s. 2d. a ton more for Adelaide than for Queensland flour. If the carriage for Adelaide flour were made the same as that for the local article, people there would be able to get Adelaide flour at the same rate as they got Darling Downs flour. He hoped the clause would not be mutilated to such an extent as to prevent them accomplishing the object they had in view, which was to keep the trade to which they were entitled within their own borders.

The HON. SIR S. W. GRIFFITH said he hoped the hon. gentleman did not think he was replying to anything he had said. The only matter to which he (Sir S. W. Griffith) addressed himself was how best to give effect to the objects they all had in view.

The COLONIAL SECRETARY: Hear, hear!

The PREMIER said they were all agreed as to what they wanted to accomplish, and the only thing they had to do was to put the matter into shape. He had followed, to a certain extent, the leader of the Opposition, but he thought the hon. gentleman had taken too much into consideration subsection 2, which gave the commissioners power to make sub-contracts. That did not meet the case where the railway might be the intermediate portion of the carriage, and where the commissioners could scarcely make a sub-contract for the land carriage on one side and the sea carriage on the other, over which the goods had to travel before reaching their desti-

nation. For a combination of that sort the words now in the clause were, he thought, essentially necessary. If the words "other carrier" were substituted for the words "owner of the vessel," then the clause would meet the case. It would be a matter of arrangement between the commissioners and the other carriers as to the amount to be paid for the railway carriage and not a sub-contract made by the commissioners with the other carriers. The commissioners might take a sub-contract from a company that would carry goods right through to England. It was quite possible the sub-contract might be the other way, so that that provision was wanted to give them the power to make agreements as to how much each should take. They would be very much in the position of carriers who were allowed by their directors to make an agreement for carriage and then divided the through fare amongst themselves and those with whom they had agreed.

The HON. SIR S. W. GRIFFITH said he was quite willing to accept that view. Then it would be necessary to use some such words as were proposed just now by the hon. the Minister for Railways.

Mr. UNMACK said he only desired to make a few remarks in reply to the Colonial Secretary, in reference to the most undeserved charge made against him (Mr. Unmack) of wishing to obstruct that measure. He was certain that no member of the Committee was more anxious than he was to help to bring about the state of affairs desired by the Colonial Secretary—namely, to preserve to Queensland the trade which belonged to Queensland—and the only object he had in view in suggesting that all the words after "*transitus*" be omitted, was simply that it would be giving the commissioners more power than was given them by the clause as it stood, and because he thought by including those words they were going into details that were unnecessary. He was sorry that the hon. gentleman had made the charge against him of obstructing. He did not think he (Mr. Unmack) had spoken more than once the whole evening, and that was when the free passes to school children were under discussion. He thought that it came with very bad taste indeed to charge him with wishing to obstruct.

Amendment put and passed.

The MINISTER FOR RAILWAYS moved that there be added at the end of the 3rd subsection the words:—

And in any such case the part of the charge retained by the commissioners may be higher or lower than the general or special rate in force for the same description of goods or merchandise carried over the same part of the railway.

Amendment agreed to; and clause, as amended, put and passed.

Clause 32—"Commissioners to requisition for rolling-stock, etc."—put and passed.

On the motion of the MINISTER FOR RAILWAYS, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn. The first business to-morrow we will go on with will be the Tariff Bill, and we will take the Railway Bill after that.

Question put and passed.

The House adjourned at twenty-eight minutes to 11 o'clock.