

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

FRIDAY, 11 NOVEMBER 1892

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LEGISLATIVE COUNCIL.

Friday, 11 November, 1892.

Steam Rollers Regulation Bill: Message from the Legislative Assembly; First reading.—Land-Grant Railways: Message from the Legislative Assembly.—Joint Committees.—Suspension of Standing Orders.—Mineral Lands (Sales) Bill: Third reading.—Federal Council Referring Bill, No. 2: Third reading.—Chief Justice's Salary Bill: Second reading; Committee.—Pastoral Leases Extension Bill: Committee; Third reading.—Harbour Dues Bill: Committee; Third reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

STEAM ROLLERS REGULATION BILL.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, inviting the concurrence of the Council in a Bill to authorise and regulate the use of steam rollers upon highways.

FIRST READING.

On the motion of the SOLICITOR-GENERAL (Hon. T. J. Byrnes), the Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

LAND-GRANT RAILWAYS.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, inviting the concurrence of the Council in the following resolution:—

“That this House approves of the construction of the following lines of railway, under the provisions of the Railways Construction (Land Subsidy) Act of 1892:—

From Charleville to Cunnamulla;

From Charleville to Thargomindah;

From Charleville to the western boundary of the colony, passing within thirty miles of Windorah;

From Degilbo to Gayndah;

From Longreach to Winton;

From Longreach to the western boundary of the colony, passing within thirty miles of Boulia;

From Hughenden to Winton;

From Hughenden to the western boundary of the colony, passing within thirty miles of Richmond and Cloncurry;

From Granite Creek to Georgetown;

From Croydon to Georgetown;

From Normanton to Cloncurry.”

On the motion of the SOLICITOR-GENERAL, the consideration of the message was made an Order of the Day for Tuesday next.

JOINT COMMITTEES.

The SOLICITOR-GENERAL moved—

1. That, in the opinion of this House, it is desirable that the gentlemen constituting, respectively, the Buildings Committee, the Refreshment Rooms Committee, and the Library Committee, should continue to control during the recess the several matters committed to their management as such committees during the session.

2. That the above resolution be forwarded to the Legislative Assembly inviting their concurrence therein.

Question put and passed.

SUSPENSION OF STANDING ORDERS.

The SOLICITOR-GENERAL said: Hon. gentlemen,—There being an absolute majority of the House present, I beg to move that so much of the Standing Orders be suspended during the remainder of the session as will admit of the passing of Bills through all their stages in one day.

Question put and passed.

MINERAL LANDS (SALES) BILL.

THIRD READING.

On the motion of the SOLICITOR-GENERAL, this Bill was read a third time, passed, and returned to the Legislative Assembly, by message in the usual form.

FEDERAL COUNCIL REFERRING BILL,

No. 2.

THIRD READING.

On the motion of the SOLICITOR-GENERAL, this Bill was read a third time, passed, and returned to the Legislative Assembly, by message in the usual form.

CHIEF JUSTICE'S SALARY BILL.

SECOND READING.

The Hon. A. C. GREGORY said: Hon. gentlemen,—In moving the second reading of this Bill, I may say that the provisions are so short and explicit as to render it unnecessary for me to say more than that it is for the purpose of

increasing the salary of the Chief Justice of this colony from £2,500 to £3,500 a year. The object of this increase is that the emolument may be sufficient compensation to any leading member of the legal profession for the loss of any of his professional income, which he must necessarily lay aside in accepting a seat on the bench. It is hoped that by increasing the salary we may secure the best man available, because it is one of the most important matters that we should preserve our Supreme Court in such a condition that it shall be capable of efficiently administering law in a wise and judicious manner, in order that those who may come before that court may feel satisfied that its decisions are given without prejudice and in the most intelligent manner as regards the construction of the law. Taking the whole matter, we see that it is desirable that something should be done to maintain the status of our Supreme Court in the position of the greatest possible efficiency, and we must remember that though in this instance we are increasing the salary to a considerable extent at a time when economy may be almost a necessity, we are not in an isolated position, for the same thing has occurred both in New South Wales and in Victoria, where in order to secure the highest possible efficiency on the bench, the emoluments were raised to a scale which would command the attention of men who were earning a large professional income. I think it is unnecessary for me to dilate on the question. It is one that does not admit of a wide range of argument, because the subject is within narrow limits, though it is exceedingly important. In conclusion I may point out that the question to be considered is not what benefit may accrue to one individual, but the best means of ensuring to the whole community the impartial administration of the laws of our country. I beg to move that the Bill be now read a second time.

The SOLICITOR-GENERAL said: Hon. gentlemen,—I must confess that I am in a somewhat difficult position with regard to this Bill; not that I dissent from one word that is in it or from one word that has fallen from the lips of the mover of the Bill, who, I must say, has moved it in the very best taste. He said, and said truly, that this is a Bill to increase the emoluments of an office in order that that office may be filled in a manner creditable to the country. I believe we should try to get the best men in the community as judges. They have most important issues to decide—issues of life, fortune, honour, and reputation are all in their hands. I therefore think that the emoluments ought to be such that we can get the very best man to take the office, without making too great a sacrifice. I do not think the salaries of the judges should be as great as the emoluments of the profession from which they come. I think it is a good thing that a judge should sacrifice some portion of his income in going on the bench; and the English and colonial judges, the judges of America, and all other judges in the civilised world have always been ready to submit to some sacrifice in accepting seats on the bench. I believe it is a good thing that they should do so, because they get a position the tenure of which is secure, and a position of the highest honour in the community. I approve of the principle that this Bill proposes—namely, that the salary of the Chief Justice of Queensland shall be raised to £3,500 a year; but my difficulty arises from the fact that something is not included in the Bill which I would like to see in it. I should certainly like to see the salaries of the puisne judges raised in a like proportion; but the disproportion that will exist, when this Bill is passed, will be such that I do not think the country will submit to it very long. I am anxious to see the best man in the community occupy the position of Chief Justice of this

colony. It is a very important office. Next to that of Her Majesty's representative, it is the highest position in the land. But the office of puisne judge, as far as judicial functions are concerned, is not less important in one whit than the office of Chief Justice. The puisne judges of our colony have, as far as judicial matters are concerned, the same functions to perform. Under a law we passed this session no judge can sit on an appeal from himself; and in case of an appeal from the Chief Justice, the appellate court will have to be composed solely of puisne judges; so that the puisne judges are really the appellate court in cases of appeal from the Chief Justice. As far as their judicial functions are concerned, the work is equally distributed among the Chief Justice and the puisne judges. They take it in turns to sit in Chambers; they take their turn on circuit; they take turns to hold criminal and civil assizes. I think I can say, without fear of contradiction, that our puisne judges in Queensland are a credit to the colony, and I think there is no bench in Australia where the puisne judges, take them individually or collectively, are a stronger body of men than the puisne judges of Queensland. The importance of having strong men on the bench is a matter to which I need not refer. Hon. gentlemen know that it is absolutely necessary for the protection of life, liberty, fortune, and reputation, that there should be strong men on the bench, and I think one of the greatest mistakes would be to have one strong man on the bench, and have the others weak men. I believe in having the strongest man you can get as Chief Justice, but there should be equally strong men as puisne judges. I am not going to relate what took place elsewhere when the Bill was there, but I intend to refer to some very misleading statements which have been made with regard to the position of the puisne judges on this question. It has been stated that the puisne judges took office at £2,000 a year, and that for them to expect more is an improper thing. And the question is asked—Why should they at this stage of the country's finances ask for increased salaries? The puisne judges ask for no increase; but what they are entitled to is that their position shall not be lowered by a disproportionate increase in the case of one occupant of the bench. When the present puisne judges were appointed they took office at £2,000 a year, and the Chief Justice at that time received £2,500 a year. Now it is proposed to increase the salary of the Chief Justice to £3,500, and leave the puisne judges where they are. That can have only one effect—namely, that the position of puisne judges must necessarily be to some extent lowered. If it is not it will only be by the strong will of the men who may occupy that office. When the Chief Justice got £2,500 a year, any man—no matter how leading a man at the bar—could honourably take the office of puisne judge, and say, "I take the office as a colleague of the Chief Justice." But if such an extraordinary disproportion as this is allowed to continue, in the course of time the position of the puisne judges will be this: instead of being the colleagues of the Chief Justice they will practically be his subordinates; and that is a thing which for the credit of the country I do not want to see. I think it is my duty, as a legal man, to give the benefit of my experience to the House. I heard it stated somewhere that this was an attempt on the part of the bar and the legal profession to force the country to give £500 a year extra to the puisne judges. No more false or misleading statement than that could have been made. I intend to support the Bill, with the firm belief that so anomalous will be the disproportion between the salaries of the puisne judges and that of the

Chief Justice, that I am sure Parliament and the country will before long do their duty by increasing the salary of the puisne judges, and it is only with that firm belief that I support the Bill. If I thought that for all time the salary of the Chief Justice would be almost double that of the puisne judges, I would not support this measure; but I believe that when the country realises the position properly; when they see the possible danger that may arise from having perhaps a one-man bench; when the country sees the loss it may suffer in consequence of this great disparity, I think the country will come to its right senses and increase the emoluments of the puisne judges. I have heard all sorts of statements made—that the Chief Justice of the United States gets only £2,100 a year, and that the court over which he presides governs the destinies of 60,000,000 people. That is true, but what argument is that? Taking population as a basis, if you compare the population of the United States with our population, and take the salary of the Chief Justice of the United States as being a proper amount to be paid to him, then our Chief Justice ought to get something like £50 a year. The argument is a preposterous one. In America the Chief Justice gets £2,100 a year, but the puisne judges get £2,000 a year. The proportion is well and carefully maintained, and it is carefully maintained all through the States. And all over the world the proportion between the salaries of the puisne judges and the salary of the Chief Justice is carefully maintained. The only place where there is such a great disproportion is in the neighbouring colony of New South Wales; and I know that it has been felt there as a well-founded grievance. In South Australia the Chief Justice gets £2,000 a year, but his colleagues get £1,750; and it is the same in New Zealand. In Victoria the Chief Justice gets £3,500, and the puisne judges £3,000 a year. There is no such great disproportion anywhere as is proposed to be enacted in this Bill, and that is where the hardship comes in with respect to puisne judges. They do not ask for increased salary—that would not be proper—but when one salary is raised I think the others should go up in like proportion. I do not intend to weary the House at any great length. I liked this Bill as introduced in another place, and I must say that the fact that it has come up to us in its altered form is due to misconception. It is not a question of money at all that should be considered; it is not a matter on which some professed cheeseparer economy should be brought to bear. The question the country will have to consider is this: Are we going to maintain the position of puisne judge and Chief Justice as maintained in the past, or are we going to make a practically impassable gulf between the two? The inevitable result of the disproportion to which I object will be that the best men in the profession will not take the office of puisne judge, and that will be a great misfortune to the country. I promised the hon. gentleman at the opening of my speech that I would support the measure, and I do support it, because of the spirit in which the hon. gentleman introduced it. He said he wished to increase the salary of the occupant of the important office of Chief Justice, and I am with him there. We know that the Chief Commissioner of Railways receives £3,000 a year, while the Chief Justice receives £2,500 a year, and I think the salary of the Chief Justice should be greater than that of any other Civil servant. I am not inclined to carry my objection to the omission of the puisne judges from the Bill to such an extent as to vote against it, because I am confident that it will be found absolutely necessary to raise their salaries also, in order that justice may be administered by the strongest and firmest men.

I do not know how long I shall be in politics, but whether as a politician or as a private citizen I shall never cease to do my best to see this great anomaly removed, and I think it will not be long before that is done. For the reasons I have given I shall vote for the second reading of the Bill.

The HON. A. J. THYNNE said: Hon. gentlemen,—This Bill has been introduced, as the Solicitor-General says, by the Hon. Mr. Gregory in a very faithful manner. He avoided reference to many points which have been discussed in the Press and elsewhere, and left the discussion clear of many of those circumstances. At the same time, I do not think this is a Bill that should have come to this House in its present form. I think it is a dangerous measure, inasmuch as it unhinges the relation that has hitherto existed between the Chief Justice and the puisne judges. I am of opinion that it will open the door to a great many objectionable features in our judicial arrangements. The Solicitor-General referred to the great desirability of having the best men in the legal profession always available to take positions upon the Supreme Court bench. I have always understood that all the members of the bar look with ambition to attaining, ultimately, to a seat on the Supreme Court bench. That is their hope, and they look forward to the possibility of their doing that as one of the incentives to a highly honourable career. We have in the bar a collection of men who, I think, beyond almost any other body of men we can select in the community, are the treasure-house of high and honourable conduct; and it is amongst them that we must look for the best man to fill the highest office in the State—that of a Supreme Court judge. One of the principles of the members of the bar I have always understood to be that when an individual, no matter how much may be his private income from practice, is offered the position of a judge it is his duty to accept it, notwithstanding the greatness of the sacrifice, and so long as he, by accepting it, continues in a position to support himself and his family in a fairly comfortable manner. It is recognised that it is his duty to sacrifice a large income, and one of the reasons for that lies in the fact of the high honour which a seat on the bench, even as a puisne judge, confers. It is an honour to the individual and to the profession to which he belongs. But under this Bill what is the position in which the puisne judges will be? I consider that this measure is of the most offensive character that could be devised to the puisne judges of this colony, and it is one which lowers their status. By this Bill, each individual puisne judge, who now exercises the same legal functions on the bench as the Chief Justice, except in certain particulars, is told, “You are only half as good as the man we are putting on.” That is a most offensive proposition. It lowers their standing, and I should not wonder at their being unwilling to retain their present position, as the appointment to a puisne judgeship will cease to be the honour that it has been, and when it ceases to be such we relieve members of the bar of the performance of the duty I have just alluded to—that of accepting the position when it is offered to them. In another sense I think this measure is not a good one, and that is that it exposes the present Parliament to great misapprehension as to its object in passing this Bill at the present moment. It is against my will that I say this, but I think nothing can be more unfortunate than that the Parliament of this colony should lie under the suspicion that, in making this provision for the salary of the Chief Justice, they may be connecting the judicial office with any measure of reward for political services.

If that principle is once admitted, I do not know where the end may be. There is greater danger in this measure than in any measure that has ever passed through Parliament for the last twenty years, and some of those measures have been very dangerous. I see in this a risk of degrading our judicial system to an extent that I cannot fully realise at the present moment. I am strongly opposed to the measure in its present shape, as I think it will be derogatory to the Supreme Court bench, and will throw doubt and suspicion upon the objects and aims for which the Bill has been brought forward. Those who support this measure are, I think, in error. On the one hand they say that the discharge of the duties of this office is worth £3,500 a year. But if the office of Chief Justice is only fairly remunerated by a salary of £3,500, then why is it proposed that the puisne judges should be remunerated by the comparatively low salaries of £2,000 a year? That position cannot be supported. On the other hand, will anyone who supports this measure be prepared to go the length of saying that, in consideration of any past services to the colony, the occupant of that high office should receive an increased salary?

The SOLICITOR-GENERAL: I should vote against it if it were introduced on that ground.

The HON. A. J. THYNNE: I can quite understand the hon. gentleman saying so, and I am sure that a great majority in this House would vote against it if it were brought in on that ground. But if you vote against it on that ground, how can you vote for it on the other ground? The supporters of the measure are on the horns of a dilemma here, and the Bill may be a source of great danger.

The HON. J. C. HEUSSLER said: Hon. gentlemen,—I rise to make a few remarks on this question. I agree entirely with what has been said by the Hon. Mr. Gregory, and other hon. members who have spoken. The Solicitor-General said there was something left out of the Bill that he would prefer to have seen in it, and I think there is a great question that has not been mentioned. To whom is this high position to be offered? We are not allowed to refer to discussions that have taken place elsewhere, and I will not do so; but we would be like the ostrich that buries its head in the sand when there is danger if we did not take notice of what the people and the papers are so full of. It is not only stated that we should have the highest ability for this position, but it is also said that the Chief Secretary is the gentleman to whom the position will be offered. It has become a matter of pounds, shillings, and pence, in some respects, and I am very sorry that that matter has been so prominent in this question. Money is not all in this world. Honour and position, in a great many instances, go further than money, and that should be the case in this instance. There is no doubt an offer has been made to a certain gentleman, and that gentleman it is said—

The PRESIDENT: I do not think the hon. member is justified in making these remarks. He cannot possibly know it of his own knowledge.

The HON. J. C. HEUSSLER: Of course I bow to the ruling of the President; but it strikes me that I am only stating a thing closely connected with this Bill. It has been openly stated that it is the Chief Secretary who is to receive this £3,500 a year, and not the Chief Justice simply. There can be no question as to the desirability of having this gentleman on the bench, and surely we all know so much of his high standing, his

learning, his immense capacity for work, and his great experience, that we are confident he will do honour to the position. But it is a great pity that there should be such a disparity between the salary proposed to be offered to this gentleman and that now given to the other judges, who have similar duties to perform. In my humble opinion that difficulty could have been avoided. There is no doubt that our Chief Secretary has had very onerous duties to perform, and that the time has arrived when he should have some leisure.

The PRESIDENT: I must again call the hon. gentleman's attention to the fact that he is going away from the Bill.

The HON. J. C. HEUSSLER: I should have left the salary as it stands, and offered that gentleman for his services debentures to the value of some £10,000 or £15,000. That would have been a much better way of getting out of the difficulty, and it would have solved the financial question also. For instance, if £12,500 had been awarded to that gentleman, that would have been £500 a year, and we should have gained £500 directly, and £500 hereafter, when the pension became due. Therefore, I think the present proposal is a blunder. Of course, we should have the best man for the position, and I fully endorse everything that has been said, and shall vote for the Bill.

The HON. F. T. BRENTNALL said: Hon. gentlemen,—The difficulty in this case, as it has been presented to the House, is to account for the Bill coming before us for consideration. There has been no special reason mentioned why we should now be invited to pass a measure of this character. It has been put before the House as an abstract measure—a measure of abstract utility—and something that is desirable in the interests of justice; but not something that has been necessitated by any special circumstances. There has not been any occasion stated for this Bill, although we have heard so much on the subject. It has been discussed by almost everybody, and it is so inseparably associated with certain circumstances and certain personalities that it is absolutely impossible to disassociate the large abstract question from one or two distinct personalities. Of course I have not the slightest wish to discuss the personal aspect of the question, and it would not be in the highest taste to do that. The subject was brought before the House in the speech of the Hon. Mr. Gregory, which was very brief and dealt only with generalities. No specified reason was given why we should be called upon to vote for a Bill of this kind. There has been nothing said as to why it is rendered necessary or desirable at this epoch to make an addition to the salary of the Chief Justice. But we ought to know why we are called upon to vote on a Bill of this kind. It may be a fact that in order to secure the efficient filling of that position it is necessary that the salary should be increased. If it be true in the abstract that the position cannot be filled even now or at any future time without a considerable addition to the salary of the gentlemen who may occupy it, then we should vote upon the general question, and make up our minds whether it would be right or not in such a crisis or reverse such as the country is passing through at present, to increase the emoluments of the occupants of the Supreme Court bench. The Bill, as it first came into our hands through the post, as members of the legislature, contained provisions for increasing the salaries of the puisne judges; but in the wisdom of that branch of the legislature which has control of the funds of the country, it has been deemed desirable to expunge them from the Bill. That is a question that we cannot discuss; 1892—P

but we may express opinions, and it seems to be thought by some gentlemen who should, by their profession and position, be able to form an opinion, that it would be a gross unfairness to the puisne judges to add £1,000 a year to the salary of the Chief Justice, be he whom he may. I am bound to say that I approve of whatever action has been taken in the way of preventing greater burdens being laid upon the people by increasing a considerable number of large salaries. We must have some regard for the financial necessities of the country, and some regard to its revenue resources, and to the hardships that are put upon the people by making these additional calls upon them for high salaries. The argument of the Solicitor-General seemed to me to go in the direction of proving the abstract impropriety of this increase. If this increase be given, it will be unfair to the other judges. I do not feel called upon to argue that question, but I look upon the refusal to increase those salaries with approval. If it be a correlative wrong now that the increases should not be given to the puisne judges, is it right that this other increase should take place? I presume that it can hardly be contended that it can be right to confer upon one official high financial advantages, and thereby do an injustice to other officials not much inferior in position. I think there should not be this discrepancy; but are there any special circumstances which render it necessary? If it had not been considered necessary that there should be a considerable addition to the salary of the Chief Justice, nobody would have dreamed of proposing that the salaries of the puisne judges should be increased. That was a proposal which followed the primary proposal to increase the salary of the Chief Justice. Then the Hon. Mr. Thynne has stated that this discrepancy will induce some or all of the puisne judges to vacate their positions, and improve their incomes by returning to practise at the bar. I feel bound to say that I give them credit for more patriotism than that. Of course, nobody can blame a man if he thinks he can improve his financial position by withdrawing from the bench; but I do not anticipate much danger in that direction. The gist of the whole question was touched by the Hon. Mr. Heussler when he seemed to indicate that if there had not been one gentleman in particular designed for the position of Chief Justice there would have been no proposed increases. The primary fact is this: That in three months or so there will be a vacancy by the retirement of the present Chief Justice, and it will be necessary to fill that vacancy. We have all been casting our eyes about to see who is competent to fill that position, who has the best legal ability and the widest legal experience, and has proved himself to have the keenest legal acumen, and who has best proved himself to be the most reliable lawyer in the country. The people have had these questions passing through their minds, and it is a marvellous thing that by a general consensus of opinion their ideas have concentrated upon one individual. We cannot disassociate that individual from the question before us, and I should probably vote against this measure if it were put before me simply as an abstract question as to whether any Chief Justice should have a salary of £23,500 a year. But if this prominent position is to be occupied by a man of the highest ability, then we have to consider whether the position, as it stands now, holds out sufficient inducements to lead that gentleman to accept it. We have been told that the administration of justice is a question of paramount importance, but I think the question of dealing with the general interests of the country is a question of higher importance, and I confess that I look

with some misgiving to the country's general interests being subordinated—as they will be, in my opinion, by this appointment—to the interests of justice in this colony. I am not going into any personal aspect of the question. I have, and always have had, a very high admiration of the abilities of the gentleman we cannot put out of our minds while considering this question, but I do not regard this proposal as in any sense a proposal to reward political services. I do not think we should degrade it in that way. I believe the opinion is that the best man will be selected for the important position we are now considering, and the next question is not whether we are to sacrifice one of the chief statesmen of this colony, and of this continent, in order to secure the best legal talent for the office of Chief Justice, but whether we are to secure for the office of Chief Justice the man who stands out prominently in the eyes of all as the most suitable man for the position. Recognising the prominent and valuable services rendered to the colony by the gentleman whom we associate with this Bill; recognising the distinguished ability with which his public work has always been performed, I feel somewhat reluctant to support the measure, when I think that the legislature of this colony is likely to lose the services of such a capable statesman by his elevation to the position of Chief Justice of this colony. But if he be the most eligible man for the position, and if it be necessary that the position should be occupied by the most competent man in the community, I cannot see very well how we can hesitate to make it worth the while of the man to take the office, and make the salary somewhat commensurate with the abilities of the gentleman we all desire to see occupy the position. Holding those views, I shall vote for the second reading of the Bill.

Question put and passed.

COMMITTEE.

On the motion of the HON. A. C. GREGORY, the President left the chair, and the House went into committee to consider the Bill in detail.

The clauses were agreed to without discussion.

The House resumed; and the CHAIRMAN reported the Bill without amendment.

The report was adopted; and the third reading of the Bill made an Order of the Day for Tuesday next.

PASTORAL LEASES EXTENSION BILL.

COMMITTEE.

On the motion of the SOLICITOR-GENERAL, the President left the chair, and the House went into committee to consider this Bill.

Preamble postponed.

Clauses 1, 2, and 3 passed as printed.

On clause 4—“Extension of term of holding in certain cases”—

The HON. A. C. GREGORY said that paragraph (1) set forth the following condition:—

“If at any time during the term of the lease it is proved to the satisfaction of the Board that any part of such external fence has fallen into disrepair so as to be no longer sufficient to prevent the passage of rabbits, and that the lessee has wilfully failed to repair the same, the Governor in Council may, by proclamation, declare that the extension of the term of the lease hereby granted is revoked, and thereupon such extension shall cease to have any effect, and the term of the lease shall be reduced to its original period.”

He thought it would be desirable to add the following words to the paragraph:—“Or in the case of the original period having expired, then to the date of such proclamation.” As the Bill now stood, the term of the lease would be reduced to the termination of the original period, which might be five or six years prior to the date of forfeiture.

The SOLICITOR-GENERAL said that he hoped the hon. gentleman would not press the amendment, because it was quite unnecessary. Besides, in its present form, the amendment was unintelligible. As the clause stood anyone could understand what it meant. If at any time during the term of the lease, the lessee allowed his fence to fall into disrepair, and wilfully failed to repair the same, the Governor in Council might declare that the extension of the term of lease was revoked. That was all that would be in the proclamation. It would not say that the lease was to be considered as having stopped at a certain period. Then the clause provided what consequences would follow on such a proclamation being made. The consequences were that the extension would cease to have any effect, and the term of the lease would be reduced to its original period. If it was originally a twenty-one years' lease, it would be reduced to twenty-one years. It was too late in the session to propose amendments in matters of form, and no useful purpose would be served by pressing the amendment.

The HON. A. J. THYNNE said he thought the point which the Hon. Mr. Gregory wanted to have cleared up, was the position the tenant would occupy in case the extension of the term of the lease was revoked.

The SOLICITOR-GENERAL said the Bill was clear as to the position the tenant would occupy. If he did not keep up his part of the contract, as far as the extension was concerned, it would be at an end, and he would be reduced to his original lease. If the original term had expired he would be a tenant on sufferance, and there would be a simple means of getting rid of him. As far as the rents received from him by the Crown were concerned, he would have no chance of getting them back if he broke his contract. He would like to see any tenant recovering money when it was through his breach of contract that the lease came to an end. If the term of the lease had expired he would have to go out, but if not he might hold on till the original lease terminated in the ordinary way.

The HON. A. C. GREGORY said that if the extension of the lease was cancelled under the clause as it now stood, he would like to know what would be the position of the lessee with regard to many other matters not referred to by the Solicitor-General. The lessee might have some question pending with regard to trespass, for instance, and the other parties might plead that he was not the lessee at all. If paragraph (1) had stopped at the word “revoked” he could have understood it, and the meaning would have been compatible with what had fallen from the Solicitor-General.

The SOLICITOR-GENERAL said that as far as the position of the lessee was concerned with regard to an action for trespass, if he was in possession at the time, that would be sufficient for him to maintain the action. If any difficulty came to him it would be the result of his own wrongful act; and if anybody was to suffer he should suffer.

The HON. W. FORREST said that some amendment was necessary. If a lessee had a lease of twenty-one years, and got an extension of seven years, at the end of twenty-four years he might fail to comply with some of the conditions. How was his lease to be reduced to its original term in that case? He thought it would be better if the paragraph ended with the word “revoked.”

The HON. SIR A. H. PALMER said he thought it would be better to amend the paragraph by stopping at the word “revoked.” The

original period was the time for which the lessee got his first lease. That might have expired many years before, and the lessee would be without any remedy. Almost all of the leases in the district to which the Bill would apply had been extended.

The HON. A. J. THYNNE said that if the paragraph stopped at the word "revoked" it would have no legal effect whatever, because it would simply authorise the Government to declare that the extension was revoked. In addition to the proclamation there must be some legal power to carry out what was declared in the proclamation.

The HON. A. C. GREGORY said the question was one that could not arise for many years, and if they passed any important amendment it might have the effect of shelving the Bill, seeing the session would probably close very soon. Therefore, with the consent of the Committee, he would withdraw his amendment.

Amendment, by leave, withdrawn, and clause passed as printed.

Clauses 5 to 8, inclusive, passed as printed.

On clause 9—"Fences erected by the Crown."

The HON. W. FORREST said he would like to say a word or two in addition to what he said yesterday. He did not think the threatened danger was sufficiently appreciated, and he feared very much that the Bill was not sufficient to prevent the incursion of rabbits, because it was not compulsory, and those people in that part of the colony which was most threatened with the danger would not be able to avail themselves of its provisions. What he would like to see, and what he believed would be a very good thing, would be a fence along the railway from Toowoomba to Charleville, and thence to the western border of the colony. If the rabbits could be prevented from coming in waves, perhaps it would be possible to cope with them. There were only two ways in which the evil could be effectually dealt with. One was by means of wire netting, and the other by digging out the burrows and keeping the rabbits on the surface. He would like a clause to compel everyone who found a burrow on his land to dig the rabbits out. He did not think the evil was sufficiently appreciated. He had heard it remarked that rabbits had been let loose in Queensland, but they had died out. Anybody who knew their history in Victoria would know that they were started five or six times, but did not thrive at first, and the same in New Zealand. But if they got headway here they would never be checked. Under one Rabbit Act the Governor in Council was empowered to cause certain animals to be declared natural enemies of the rabbits, and as such were protected, and he thought that if rabbits got a large hold of the colony, native dogs should be protected. They were an evil, but not so great an evil as rabbits, and the lesser evil would destroy the greater. He hoped the Government would consider the suggestion with regard to the rabbit-proof fence along the Western line from Mitchell to Charleville.

The SOLICITOR-GENERAL said he had seen the result of the depredations of rabbits in Victoria, and if they increased in the North-western districts of New South Wales he saw no reason why an arbitrary boundary line should prevent their spread into Queensland. In regard to the fencing of the railway line, the work was actually being done. The Leichhardt Board were fencing eastward from Charleville, and if the Darling Downs Board continued it eastward, and another board continued it westward, a great deal of good would be done.

The HON. W. FORREST said at one time he was staying at a most beautiful estate in the western district of Victoria, which was then clear of rabbits; but he was afterwards shown the books in connection with that station, and saw that it had cost £38,000 to get rid of the rabbits on 29,000 acres of land. A fact like that was worth a great deal of theory.

The SOLICITOR-GENERAL: And that was in a settled country where labour was cheap.

The HON. T. MACDONALD-PATERSON said he rose to put on record a fact which had not hitherto been disclosed with regard to the rabbit question. Some years ago he took it into his head to spend a few weeks in Victoria in the rabbit-infested districts there, and had the good fortune to meet a New South Wales rabbit inspector at Albury. He obtained a lot of information from him in travelling, as well as maps showing the progress of the rabbits in New South Wales north-east towards Queensland. Having obtained all this information he laid it before Mr. Dutton, the then Secretary for Lands; but the Government of the day pooh-poohed the whole matter. That was nine years ago. The Secretary for Lands said that the rabbits would never reach Queensland, and he was never in a more distressed condition of mind, as a Queensland, when he saw all his statements and representations treated with derision. If that information had been acted upon at that time, or within a couple of years, this debate would never have taken place, and hundreds of thousands of acres of good country would have been saved. The rabbits advanced from forty to seventy miles a year, and at that time they were within 170 miles or so of the Queensland border. If it had not been for the great drought and the subsequent floods they would have been all over the Barcoo by this time and on the confines of the Darling Downs. He should support everything that would tend to the preservation of their territory against the incursions of rabbits.

The HON. F. T. BRETNALL said the very strong representations that had been made regarding the danger threatening the colony convinced him that the Bill now before them was not equal to the occasion. Some people who had studied the question thought there were other remedies less costly than erecting wire fences, and more speedy, and they proposed to inoculate the rabbits with some disease and let them kill one another. This was purely an optional measure, and he did not think it should be left to the option of a man, whether owner or occupier, to fence in his land. There was nothing in the Bill compelling people to fence, and it was no use erecting a fence upon one run and leaving another open. He was much afraid that the optional character of the Bill would render it abortive, and he hoped that the inducement of an extended tenure would be sufficient.

Clause put and passed.

The schedule and preamble were passed as printed.

The House resumed; the CHAIRMAN reported the Bill without amendment, and the report was adopted.

THIRD READING.

On the motion of the SOLICITOR-GENERAL, the Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

HARBOUR DUES BILL.

COMMITTEE.

On the motion of the SOLICITOR-GENERAL, the President left the chair, and the House went into committee to consider the Bill.

Preamble postponed.

Clauses 1, 2, and 3 passed as printed.

On clause 4—"Enforcement of payment of dues upon goods discharged"—

The HON. A. C. GREGORY said the clause stated that when harbour dues were payable under this Act in respect of any goods or merchandise upon the discharging thereof, and such duties had not been paid, the Customs officer might detain them. He thought the word "duties" in that and in a subsequent case was a mistake, and should be changed to "dues." He should not risk the passage of the Bill by moving an amendment now, but hoped the Government would not overlook the point in making regulations; otherwise it might lead to confusion.

Clause put and passed.

Clauses 5, 6, 7, and 8 passed as printed.

On clause 9—"Fund to be paid over to harbour board when appointed"—

The HON. W. FORREST said he thought he was right in stating that neither in this nor in the original Bill was there any power for rating property. The whole of the dues were levied upon the goods in the shape of a toll.

Clause put and passed.

The schedule and the preamble were agreed to.

On the motion of the SOLICITOR-GENERAL, the House resumed; the CHAIRMAN reported the Bill without amendment, and the report was adopted.

THIRD READING.

On the motion of the SOLICITOR-GENERAL, the Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

ADJOURNMENT.

The SOLICITOR-GENERAL said: Hon. gentlemen,—I move that this House do now adjourn.

Question put and passed.

The House adjourned at three minutes to 6 o'clock.
