

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 11 NOVEMBER 1904**

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FRIDAY, 11 NOVEMBER, 1904.

The SPEAKER (Hon. Sir A. S. Cowley, *Herbert*) took the chair at half-past 3 o'clock.

QUESTIONS.

RAILWAY EMPLOYEES' WAGES.

Mr. MAUGHAN (*Ipswich*) asked the Secretary for Railways—

If he will cause a departmental inquiry to be held as to the feasibility of establishing a system of weekly or fortnightly pays to railway employees working in all the larger centres of the State?

The SECRETARY FOR RAILWAYS (Hon. A. Morgan, *Warwick*) replied—

This matter has been under consideration for some time; but, as it is obvious that more frequent payments must entail more work, it is not considered advisable to incur the extra expense at the present time nor until the net revenue of the Railway Department has improved.

SALE OF LAND AT MEMERAMBI.

Mr. MACARTNEY (*Toowoomba*) asked the Secretary for Public Lands—

1. Has there been recently surveyed and offered at auction in town lots an area approximating 270 acres, at 7½ Miles, on Kilkivan-Coolabunia Extension, now known as Memerambi?

2. (a) What was the date of sale; (b) how many lots were sold; (c) how many remain open for sale; (d) what was the highest price realised for ¼-acre lot?

3. Did the plans issued for the purposes of the sale show a railway station at the proposed new township?

4. Is the Minister aware that a siding only has been provided instead of the six-point station provided by the original railway plans; also (a) that the alteration has caused considerable dissatisfaction amongst the purchasers and residents generally, and (b) that it is likely to affect the sale of the remaining lots?

*Hon. R. Philp.*]

The SECRETARY FOR PUBLIC LANDS (Hon. J. T. Bell, *Dalby*) replied—

1. Thirty-two acres 0 roods 18 perches in town lots, and 145 acres 1 rood 12 perches in suburban lots.
2. (a) 17th October, 1904; (b) twenty-two town lots; (c) thirty-six town lots and twenty-four suburban lots; (d) £11.
3. The plans showed the site of a proposed railway station.
4. I have no information; but if any of the purchasers are dissatisfied with the position the sales will be cancelled and their deposits returned if application is made within a fortnight.

#### RAILWAY EARNINGS.

Mr. FORSYTH (*Carpentaria*) asked the Secretary for Railways—

1. What was the amount earned by the railways for each month of the first four months of the financial year, 1903-4?
2. What was the amount earned by the railways for each of the corresponding months in the financial year 1904-5?
3. What was the amount due and outstanding for railway earnings,—
  - (a) On the 1st of July, 1903;
  - (b) On the 1st of July, 1904;
  - (c) On the 1st of this month?

The SECRETARY FOR RAILWAYS replied—

1. July, £103,430; August, £112,723; September, £112,472; and October, £123,095.
2. July, £104,224; August, £124,489; September, £127,160; and October (estimated), £120,914.
3. (a) £42,198.  
(b) £43,558.  
(c) £60,236.

#### SALES OF CROWN LANDS.

Mr. LESINA (*Clermont*) asked the Premier—

1. What is the total area of Crown lands sold privately or by auction since the present Government came into office?
  - (a) The amount realised?
2. To what purpose is the money thus raised devoted?

The PREMIER (Hon. A. Morgan, *Warwick*) replied—

1. Privately—74 acres 3 roods 13 perches. By auction—111,089 acres 1 rood 7 perches.
  - (a) £61,917 10s. 8d., of which £40,220 16s. has been paid. These figures relate to country lands only.
2. Consolidated revenue.

#### CONTRACTS FOR COAL, SOUTHERN AND WESTERN RAILWAYS.

Mr. LESINA asked the Secretary for Railways—

1. When did the contracts for supply of coal for Southern and Western Railways, issued in September last, expire?
2. Did colliery-owners get notice that 15,000 tons of coal were required for the Southern and Western Railways in May?
3. If so, what are the names of the said firms?

The SECRETARY FOR RAILWAYS replied—

1. No contracts were let in September.
2. No.
3. See No. 2.

#### PRICE OF COAL FOR SOUTHERN AND WESTERN SERVICES.

Mr. LESINA asked the Secretary for Railways—

What is the price per ton of coal at pit-head being supplied by the following firms at present to the department for Southern and Western services:—Auld

and Co., Brisbane Coal Agency, Borehole Colliery Company, Belmont Colliery Company, W. R. Black, Eadie and Co., H. V. King, New Swanbank Colliery Company, Macqueen and Co., Sunrise Colliery Company, Stafford Brothers, J. Wright, and Walker and Co.?

The SECRETARY FOR RAILWAYS replied—

Auld and Co., 7s.; Brisbane Coal Agency, 7s.; Borehole Coal Company (we do not take any of this coal); Belmont Colliery Company (we do not take any of this coal); W. R. Black (Walloon), 7s. 6d.; Eadie and Co., 7s.; H. V. King, 8s. 3d.; New Swanbank Colliery Company, 7s.; Macqueen and Co. (no order); Sunrise Colliery Company, 7s.; Stafford Brothers, 7s.; J. Wright (Oakley), 8s. 3d.; and Walker and Co., 7s.

#### PAPER.

The following paper, laid on the table, was ordered to be printed:—Immigration Agent's annual report on Pacific Island immigration.

#### MUNRO'S TRAMWAY BILL.

##### REPORT FROM SELECT COMMITTEE.

Mr. TOLMIE (*Drayton and Toowoomba*), as chairman, presented the report of the Select Committee on the Munro's Tramway Bill, together with the proceedings of the committee, the minutes of evidence, and an appendix.

Ordered to be printed.

On the motion of Mr. TOLMIE, the second reading of the Bill was made an Order of the Day for Thursday next.

#### LAND BETTERMENT ASSESSMENT BILL.

##### PROPOSED INTRODUCTION.

On the motion of the TREASURER (Hon. W. Kidston, *Rockhampton*), it was formally resolved—

That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to provide for the collection of part of any future betterment in land values, and for other purposes.

#### DAIRY PRODUCE BILL.

##### THIRD READING.

On the motion of the SECRETARY FOR AGRICULTURE (Hon. D. F. Denham, *Oxley*), this Bill was read a third time, passed, and ordered to be transmitted to the Council, by message in the usual form.

#### BANK HOLIDAYS BILL.

##### COMMITTEE.

Clauses 1, 2, and 3 put and passed.

On clause 4—"Bank holidays (Schedule)"—

Mr. J. LEAHY (*Bulloo*) asked what was the object of compelling the banks to keep as close holidays the days mentioned in the schedule, if they did not want to close? As had been mentioned last night by the hon. member for Barcoo, the banks were very obliging to their customers, and he quite agreed with the hon. member. This clause said they "shall" close, and it would prevent them from doing any business whatever on those days.

The PREMIER: He could not conceive that a Bank Holidays or a public holidays Bill, which contained provisions for certain holidays, should also contain provisions for certain banks remain-

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ing open at their own will. The hon. gentleman would see that the Bill prescribed certain procedure in respect of bills that became due on a bank holiday, which would apply on the day next succeeding the bank holiday. It would not be at all desirable to allow some banks to keep open and others to close, or the branches in some parts of the country to remain open for business, while others closed. There ought to be uniformity. [Mr. J. LEAHY: Won't this prevent them doing any business?] From his experience of banks in country districts—and he presumed it was the same in other districts—they were extremely obliging, as had been cited by the hon. member for Bulimba last night. To relieve the customers from the responsibility of keeping money on holidays, the banks would place their money in safe keeping. [Mr. HAWTHORN: This would not prevent them from doing that.] That would continue, of course; but that was an entirely different thing to what the hon. member for Bulloo was hinting at: that any bank should either keep open or keep its several branches open throughout the State. He thought it was not desirable to give them that liberty, as it might lead to a great many difficulties. He would remind the hon. member that the law as provided in the clause had been the law of the State for twenty years, and it had worked very well. He did not think that they should depart from this practice without good reason being shown, and none had been suggested by the hon. member.

Mr. J. LEAHY confessed he had not looked up the law on the subject. Bills were being rushed through at such a rate that hon. members had not time to scrutinise them properly. [The PREMIER: This is the law now.] He would not offer any objection, if the present practice was not interfered with.

Mr. MAXWELL (*Burke*) was satisfied that, if banks found it to their advantage to do business on those days, they would do it, no matter what legislation was passed.

Mr. MACARTNEY (*Toowong*): The mystery to him was how this clause would give any benefit, for even if the banking institutions were compelled to keep shut on public holidays, other business places would not and did not recognise the public holidays, and they were not compelled to recognise them. There was a great deal of inconsistency in the matter.

Clause 4 put and passed.

On clause 5—"Special bank holidays"—

Mr. PAGET (*Mackay*) pointed out that some country districts proclaimed holidays for two days for shows or races, and as the banks were closed the people visiting the towns were not able to do any business. That led to great inconvenience. Would it not be possible to make some arrangement under which the banks could remain open for such holidays? [The PREMIER: That is provided for in clause 10.] That only provided, he took it, for a half-holiday.

The PREMIER explained that under clause 10, instead of having two whole days for shows or races, there would be a half-holiday and the bank business would go on for the balance of the holiday.

Mr. HAWTHORN (*Enoggera*) did not fancy that that was really the position. He thought that the banks must keep closed on the holidays mentioned, and if one of those days happened to be a show or a race day, they would only keep open for the half-holiday. That was the question. [The PREMIER: The hon. member for Mackay was referring to the scheduled holidays.]

Mr. TURNER (*Rockhampton North*) thought there were too many holidays, which had the effect of dislocating work and business.

Mr. McDONNELL (*Fortitude Valley*) did not know whether this clause meant that the banks would have to keep open for half a day on the holidays mentioned. Last year, when he was out at Longreach, there were four holidays one after another, during which the banks were closed and a good deal of inconvenience was caused. He did not know whether this clause would deal with this inconvenience or not.

Mr. PAGET brought under the Premier's notice the 2nd paragraph of clause 5, which read—

Any day so appointed shall be kept as a close holiday in all banks within the locality mentioned in such proclamation, and shall be deemed to be a bank holiday for all the purposes of this Act.

He understood that clause 10 did not apply to special holidays proclaimed by the Governor in Council. In clause 10 there was a proviso, as follows:—

(a) In all cases where it is proposed to close such bank or branch during the afternoon of one specified day in every week until further notice, it shall be sufficient to give public notice of such closing by advertisement, published as aforesaid, in one issue of such newspaper.

Was it imperative that the banks should close on the days mentioned?

The PREMIER: Clause 5 dealt with special holidays, on which the banks would close for the whole day. After all, the proclamation of a holiday was only compulsory upon

[4 p.m.] the bank, and in the case of a carnival in country districts local requirements could be met by the proclamation of one day holiday and allowing the people interested to close voluntarily for the half day, and the banks would get their half-holiday on the succeeding day under the provision of clause 10. Now it was compulsory upon the banks to close the whole day, but under clause 10 they could close only during the afternoon.

HON. R. PHILP thought the Premier was wrong in his view of this matter. If a holiday was proclaimed the banks must close on that day. [The PREMIER: I said so.] Clause 10 dealt with a different matter altogether, and allowed the banks, by giving the requisite notice, to close regularly on some afternoon in the week. There were places in the North where the banks closed at 2 o'clock in the afternoon, and there was one bank up the line which opened only two days a week. He thought the banks should be given the option under clause 5 of keeping open in the morning, if that was considered desirable.

Mr. McDONNELL said the case he had mentioned where the banks at Longreach closed on four successive days at a carnival time, while the bulk of the stores kept open till noon, was one which showed the inconvenience of such a practice. Deposits could not be made during those four days, and people had to hump their money round with them during that time. The suggestion of the leader of the Opposition that the banks should close on one day and have the right to keep open till noon on the succeeding days would meet the convenience of the public.

The PREMIER: He was not familiar with any occasion on which four holidays in succession had been proclaimed. The custom was to proclaim one day, and if the townspeople wanted additional holidays they could observe them in the afternoon, and the banks could exercise the power conferred upon them by clause 10, and close in the afternoon after giving ordinary

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notice of their intention so to do. The only way to protect the public against inconvenience was to refuse to proclaim more than two holidays in succession. If the people in a particular locality wanted more holidays they must arrange those holidays by mutual consent, the banks acting under clause 10. He did not think there would be any difficulty or inconvenience about the matter.

Mr. MACARTNEY suggested that the difficulty could be met by inserting after the word "day," in the 2nd line, the words "or part of a day," and modifying the succeeding part of the clause accordingly. The Governor in Council would then have power to declare a half-holiday or a whole holiday, as the case might be.

The PREMIER said he had no objection to that amendment. The phraseology in clause 10 was "on any day in the afternoon," and he moved that, after the word "day," there be inserted the words "or the afternoon of such day."

Amendment agreed to.

Further consequential amendments made in lines 3 and 6; and clause, as so amended, put and passed.

Clauses 6 to 9, inclusive, put and passed.

On clause 10—"Banks and branches may be closed on certain afternoons"—

Mr. JENKINSON asked what provision there was for notice being given of the closing of a bank in a place where there was no paper published in the district? [Mr. HAWTHORN: There is bound to be some newspaper circulated in the district.]

The PREMIER was afraid that they could hardly provide for the establishment of a newspaper to enable banks to give the notice required by the clause; but he imagined they might allow the banks to observe the usual course adopted in small towns of posting a notice in some conspicuous place outside the bank premises. [Mr. JENKINSON: The difficulty might be overcome by substituting the word "or" for the word "and," and making it read "published or circulated," instead of "published and circulated."] Publication in the nearest newspaper would be of very little service in some cases; but the suggestion of the hon. member might prevent trouble arising.

Mr. HAWTHORN: The words "published and circulated in the neighbourhood of any bank" covered it. The newspaper need not be published in the particular town where the bank was, but it might be published "in the neighbourhood" of the bank.

Mr. JENKINSON moved the omission of the word "and" in line 53, with a view to inserting the word "or."

Amendment agreed to.

Mr. MAXWELL: Did he understand that before closing a bank notice would have to be given by advertisement in some paper? If that was so, a very nice mess would be made of things in the North and North-west of Queensland. There were some places where there were no papers. It was quite evident that whoever framed the Bill was interested in newspapers, and in endeavouring to make the banks advertise in them. If a notice on the bank door would be sufficient he would be quite satisfied.

Mr. PAGET: Paragraph (b) of the proviso said—

In all cases where any branch has heretofore been closed during the afternoon of Saturday in every week, such closing may be continued without any permission or notice whatsoever.

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He took it there were no banks open after noon on Saturday except savings banks, to which the Bill would not be applicable. Paragraph (a) of the proviso said—

In all cases where it is proposed to close such bank or branch during the afternoon of one specified day in every week until further notice, it shall be sufficient to give public notice of such closing by advertisement, published as aforesaid, in one issue of such newspaper.

In a good many country districts the Factories and Shops Act was in operation with respect to early closing, and in respect to closing one afternoon in every week. In some places it was Wednesday, in others Thursday, and in others Saturday. In a town where the afternoon chosen was Wednesday the banks at present closed at noon on Saturday. Would the banks, under that clause, be compelled to advertise before being able to close on Wednesday afternoon also? [The PREMIER: No; this is an indemnity.]

Mr. MACARTNEY was not quite sure of the operation of the last paragraph, which read—

On any day on which it is lawful under this Act to close any bank or branch as aforesaid, no time in the afternoon of that day shall in respect of any business at such bank or branch be a reasonable time within the meaning of the Bills of Exchange Act of 1884, or shall be within banking or business hours within any law, practice, or custom relating to banks or bankers.

It might be as well to refer to the particular section of the Act which was intended. The clause they were dealing with only referred to half-holidays, whereas clauses 5, 6, and 7 dealt with whole holidays.

HON. R. PHILP referred to the fact that the only time given for meeting a bill at the bank was up to the time of closing on a half-holiday. He thought they ought to extend the time until the following morning.

Mr. HAWTHORN pointed out that the person meeting a bill was entitled under the measure to the day following in which to meet the bill. [The PREMIER: This clause is intended to provide for that.]

Mr. MAXWELL again drew attention to the fact that it would be a great hardship to compel banks to advertise that they intended to close on an afternoon. In some places, such as Georgetown, there were no papers at times.

Mr. MACARTNEY: The clause dealt with a very important matter, and they should know exactly what they were doing. It was very much wider in its effect than the combined clauses 6, 7, 8, and 9. They dealt with notice of dishonour and presentation, whereas that clause dealt with the Bills of Exchange Act, and the alteration made in clause 5 might affect the one under discussion. To make the clause quite clear, he would move, after the word "under," on line 11, the insertion of the words, "this section and section five."

HON. R. PHILP: The question was a rather important one, and it ought to be distinctly understood what would happen if [4.30 p.m.] a bill became due on a day when the bank closed for a half-holiday.

The PREMIER: The Bill makes it payable on the following day.

The ATTORNEY-GENERAL: In the interpretation clause the term "bank holiday" was clearly defined, and "the day next following" was defined to mean—

The day next following a bank holiday (not being itself a bank holiday) on which a bill of exchange or promissory-note may be lawfully noted or protested, or on which any obligation to make any payment or to do any act relating to banking transactions may be enforced.

[Mr. FORSYTH: That refers to a whole holiday.] The concluding portion of clause 10 referred to the half-holiday, and provided that—

No time in the afternoon of that day shall in respect of any business at such bank or branch be a reasonable time within the meaning of the Bills of Exchange Act of 1884, or shall be within banking or business hours within any law, practice, or custom relating to banks or bankers.

That made it clear that the time for payment was postponed till next day.

Mr. SPENCER explained that at Roma the banks closed at 1 o'clock on Wednesdays, and bills were taken up to that time.

Mr. JENKINSON: Where half-holidays were observed the banks closed at 1 o'clock. Under this Bill they must close at 12 o'clock, and consequently no business could be done after that hour. Business people were anxious—their premises being closed in the afternoon—to bank their takings just before 1 o'clock. If they passed the clause as it stood it would be impossible for them to do so, the legal interpretation of "afternoon" being "after 12 o'clock." [The ATTORNEY-GENERAL: You must give the banks some latitude.] He was speaking in the interests of business people. Under the Bill the present satisfactory arrangement, as far as they were concerned, would be altered.

Amendment agreed to.

HON. R. PHILP moved the insertion of the following paragraph at the end of the clause:—

When the day on which a bill of exchange or promissory-note should be presented or received for acceptance or payment, or accepted or forwarded to any referee, is a bank holiday, such bill of exchange or promissory-note shall be presented or forwarded on the day next following.

Mr. SPENCER thought the amendment would cause complications, because the usual custom was to present a cheque at the bank during banking hours on the day it was due. The bank would be open part of the day on the holiday, and he did not think it would be wise where the bank was open at all to authorise the presentation of the note on the next day. Cheques or notes must be presented on their due date during banking hours, and there would be banking hours although it was a half-holiday. [Mr. JENKINSON: It only deals with bills of exchange or promissory-notes.]

Mr. JENKINSON: He would again point out that between the hours of 12 and 1 on a half-holiday in the town, it would be impossible for business people to do their ordinary banking business, which would cause great inconvenience. A man who came along with £200 or £300 at half-past 12 o'clock could be told it was not business hours and must take it back again, and run the risk of having his house broken into and the money stolen.

The PREMIER: The hon. member had taken a very extreme view. Against his fears they had the experience of years, during which they had been told by hon. members on both sides of the Chamber that the banks had proved their readiness to consult the convenience of customers, and he had no doubt that would continue under the Bill as drawn. [Mr. PAGET: The holiday will be made from 1 o'clock.] Of course, and the bank would transact business. The afternoon was used to express one-half of the day. Any bank which set itself up to a rigid observance of the strict letter of the law in this respect would probably lose its customers. [Mr. JENKINSON: It might be the only bank in the town.] It was desirable that the interests of

the commercial community should be safeguarded in the Bill, and he thought the clause as drawn would protect the rights of everybody. The Bill had been before the public for many weeks, and nothing in the nature of a protest had reached him from the commercial or banking community, and he should have heard of it if there were any provisions in the Bill threatening the interests of those parties. That was evidence that the Bill would meet the requirements of all parties interested.

HON. R. PHILP: The Attorney-General said the meaning of the Bill at present was that a bill coming in in the afternoon of that day would be met the following day, and his amendment would make it clear, but the hon. member for Maranoa said "No;" and that if the bank closed at 1 o'clock the bill must be paid before that hour. [The ATTORNEY-GENERAL: The hon. member for Maranoa said the practice is that it should be paid during the hours which the bank is open.] The hon. gentleman thought then if the bank closed half a day the bill would be protected as far as the following morning was concerned? [The ATTORNEY-GENERAL: No; part of the afternoon of that day.] His amendment would make the matter clear.

Mr. HAWTHORN did not think there was anything more in the amendment than was already contained in the Bill. As regards the inconvenience that would be experienced, the mercantile houses and shopkeepers did not at present close on bank holidays, and did not seem to suffer any inconvenience.

The ATTORNEY-GENERAL: The clause was framed on a clause in the Act No. 80 of 1900 providing for half-holidays in New South Wales, and he would read the provisions which stated the method in which banks and branches of the banks might be closed on certain afternoons. It provided—

2. (1) Any bank, on obtaining the permission in writing of the Colonel Treasurer, and on giving the public notice hereinafter mentioned, may close the bank, or any branch of the bank, to business on any day after noon. Public notice of such closing shall be given by the bank by advertisement published between the third and fourteenth day before the day of such closing in at least two issues of some newspaper publishing and circulating in the neighbourhood of any bank or branch proposed to be so closed.

(2) On any day on which it is lawful under this Act to close any bank or branch as aforesaid, no time after noon shall in respect of any business at such bank or branch be a reasonable hour within the meaning of the Bills of Exchange Act, 1887, or shall be within banking or business hours within any law, practice, or custom relating to banks or bankers.

That was practically the same as the clause in this Bill. [HON. R. PHILP: Apparently it is read differently by some hon. members.] This clause simply gave the banks power to close, and there was nothing prejudicial to the public under it. It was simply a relief measure. He confessed that he did not see any reason for the amendment proposed by the leader of the Opposition; but he would not oppose it.

HON. R. PHILP thought they should protect the customers as well as the banks. The hon. member for Maranoa had stated that the banks in Roma took a different view to that expressed by the Attorney-General. His (Mr. Philp's) amendment expressed the intention of the clause in plain words. He would ask what business men kept a copy of the Bills of Exchange Act of 1884? [An honourable member: The banks do.] [The ATTORNEY-GENERAL: I think the amendment is unnecessary.] His (Mr. Philp's) amendment would make the matter clear.

*Hon. R. Philp.]*

The ATTORNEY-GENERAL would just refer to one section of the Bills of Exchange Act, to show how the computation of "reasonable time" was construed. Section 15 provided—

Where a bill is not payable on demand the day on which it falls due is determined as follows:—Three days, called days of grace, are in every case, where the bill itself does not otherwise provide, added to the time of payment as fixed by the bill, and the bill is due and payable on the last day of grace: Provided that when the last day of grace is a Sunday or a bank holiday under the Bank Holidays Act of 1877, or any Act amending or in substitution for it, the bill is due and payable on the succeeding business day.

The present clause was interwoven with the Bills of Exchange Act, and was all that was necessary.

HON. R. PHILP again urged that his amendment would make the matter very clear.

Mr. MACARTNEY thought that the amendment proposed by the leader of the Opposition would confuse matters, as it would lead to all sorts of misunderstandings with respect to the presentation and payment of bills.

The ATTORNEY-GENERAL again pointed out that the clause as it stood was perfectly explicit.

Question—That the words proposed to be added (*Hon. R. Philp's amendment*) be so added—put; and the Committee divided:—

## AYES, 11.

Mr. Cameron	Mr. P. J. Leahy
" Cribb	" Paget
" Forsyth	" Petrie
" Fox	" Philp
" Hanran	" Stodart
" J. Leahy	

Tellers: Mr. Paget and Mr. Petrie.

## NOES, 42.

Mr. Airey	Mr. Kerr
" Barber	" Kidston
" Barton	" Land
" Bell	" Lindley
" Blair	" Macartney
" Bouchard	" Mann
" Bowman	" Martin
" Bridges	" Maughan
" Burrows	" Maxwell
" Cooper	" McDonnell
" Cowap	" Mitchell
" Denham	" Morgan
" Dibley	" Murphy
" Dunsford	" Nielson
" Fudge	" Norman
" Grayson	" Reinhold
" Hardacre	" Ryland
" Hargreaves	" Spencer
" Herbertson	" Tolmie
" Hodge	" Turner
" Jones	" Woods

Tellers: Mr. Bowman and Mr. Cowap.

Resolved in the negative.

Clause, as amended, put and passed.

On the schedule,

HON. R. PHILP thought that as the 1st of August was not a public holiday, but was only observed by the banks, those words [5 p.m.] should be omitted. He moved the omission of the words "the first day of August."

The PREMIER said he was not particularly wedded to the "first day of August." The idea was to distribute the holidays fairly evenly throughout the year, but as the National Society's Exhibition was generally held early in August, perhaps it would serve all purposes if a holiday were proclaimed on that day. The only effect of passing the amendment would be that the banks would be deprived of a holiday to which they had been accustomed.

[*Hon. J. W. Blair.*

Question—That the words proposed to be omitted (*Hon. R. Philp's amendment*) stand part of the schedule—put; and the Committee divided:—

## AYES, 24.

Mr. Airey	Mr. Herbertson
" Bell	" Hodge
" Blair	" Kidston
" Bouchard	" Lindley
" Burrows	" Macartney
" Cooper	" Maughan
" Cowap	" Mitchell
" Denham	" Morgan
" Dibley	" Ryland
" Dunsford	" Spencer
" Fudge	" Turner
" Hargreaves	" Woods

Tellers: Mr. Bouchard and Mr. Dibley.

## NOES, 24.

Mr. Barber	Mr. J. Leahy
" Barton	" P. J. Leahy
" Bowman	" Mann
" Cameron	" McDonnell
" Cribb	" Murphy
" Forsyth	" Norman
" Fox	" Paget
" Grayson	" Petrie
" Hanran	" Philp
" Jones	" Reinhold
" Kerr	" Stodart
" Land	" Tolmie

Tellers: Mr. P. J. Leahy and Mr. Tolmie.

The CHAIRMAN: "Ayes," 24; "Noes," 24. I give my voice with the "Ayes," and declare the question resolved in the affirmative. [Honourable members: Hear, hear, and laughter.]

HON. R. PHILP did not want to increase the list of holidays, and with that object in view he had moved the omission of the 1st of August, as it was in the cool weather, when people did not want so many holidays. They required more holidays in the summer. He moved the insertion of the words "thirtieth day of November" after the words "the birthday of His Majesty or his successor." There were too many sinners and too few saints in Queensland, and they wanted more saints. St. Andrew was the patron saint of all good Scotchmen, and he hoped the good sense of hon. members would induce them to vote for the amendment. In times gone by St. Andrew's Day was a holiday in Queensland, but lately it had gone out of date.

The PREMIER hoped the Committee would not increase the list of statutory holidays. The list in the schedule was already sufficiently long, and ample provision was made for the proclamation of special holidays. He sympathised with the hon. member's desire to do honour to a saint—[Hon. R. PHILP: I do not want your sympathy, my friend.]—particularly the patron saint of Scotland; but, even if the day were placed on the list, it would only be observed by the banks. [Hon. R. PHILP: How do you know?] He spoke from the experience of a good many years in Queensland, and the hon. gentleman would have to go back to very old newspaper files to find anything like a general celebration of St. Andrew's Day.

HON. R. PHILP could not understand the Premier voting for the retention of Lammas Day. No one knew what it was, except that it was an old bank holiday, and it was only observed by the banks. The hon. gentleman proposed to vote against the day of the patron saint of Scotland; well, he would insist upon taking a division upon the question. He had no wish to increase the number of statutory holidays, and he understood it was intended to move the omission of the 10th of December—Separation Day. They did not want to keep that day now that they had federation; and, if some day they got separation again, they could have a holiday for that separation. In

the meantime he hoped, notwithstanding the stern, threatening voice of the Premier, that some of his supporters would vote for the amendment. [The PREMIER: The Treasurer will probably vote with you.] Well, he ought to.

Mr. McDONNELL was not a Scotchman, but Irishmen having their national holiday in the schedule, it would be very bad grace on their part to object to the Scotchman having theirs. He was therefore prepared to vote for the amendment, but at the same time would point out that the principal holiday of Scotchmen was New Year's Day. He had no objection to St. Patrick and St. Andrew joining hands.

Question—That the words proposed to be inserted (*Hon. R. Philp's amendment*) be so inserted—put; and the Committee divided:—

AYES, 26.

Mr. Barton	Mr. Macartney
„ Burrows	„ Maughan
„ Cameron	„ Maxwell
„ Cooper	„ McDonnell
„ Dunsford	„ Norman
„ Forsyth	„ Paget
„ Fox	„ Petrie
„ Grayson	„ Philp
„ Hanran	„ Ryland
„ Herbertson	„ Scott
„ Kenna	„ Spencer
„ J. Leahy	„ Stodart
„ P. J. Leahy	„ Tolmie

Tellers: Mr. Maxwell and Mr. Cooper.

NOES, 27.

Mr. Airey	Mr. Jones
„ Bell	„ Kerr
„ Blair	„ Kidston
„ Bouchard	„ Land
„ Bowman	„ Lesina
„ Bridges	„ Mann
„ Burrows	„ Martin
„ Cowap	„ Mitchell
„ Cribb	„ Morgan
„ Denham	„ Murphy
„ Dibley	„ Reinhold
„ Fudge	„ Turner
„ Hargreaves	„ Woods
„ Hodge	

Tellers: Mr. Burrows and Mr. Turner.

Resolved in the negative.

Mr. McDONNELL moved the omission of the words "the tenth day of December." He thought they all recognised that that day meant practically nothing. It was all right before they entered federation, but since federation it was ridiculous that they should celebrate the separation of Queensland from New South Wales. It was a holiday that really had no business now in the calendar. [Mr. J. LEAHY: We may want it later on.] He hoped the leader of the Government would accept the amendment. The 10th December fell during a busy portion of the year, when the commercial community gave a number of holidays. Closely following upon it were Christmas Day, Boxing Day, the day after, and sometimes the day after that again. The 10th December could be very well omitted from the schedule.

The PREMIER had no very strong opinion one way or the other with respect to that holiday. There were a great number of people who thought it should be taken out of the schedule of holidays, and they thought that chiefly because Queensland had joined the federal union, and he was afraid there was some feeling of resentment against federation behind the movement. He could not follow that line of reasoning. The 10th December was the anniversary of the day on which Queensland received her Constitution, and before taking the holiday out of the schedule they should remember all that the Constitution implied. No doubt they had deliberately surrendered some of their powers to a superior power which

they had assisted in creating; but that, in itself, was not a sufficient reason for refusing to continue to celebrate the anniversary of the day on which Queensland received her Constitution. He was not particularly wedded to the day, but he would prefer to see the 10th December continued as a day to be commemorated.

Hon. R. PHILP: The holiday on the 10th December was instituted to commemorate the separation of Queensland from New South Wales, and meant nothing now, seeing that they had again joined New South Wales. If ever Queensland separated again they might fix another holiday in memory of it. He should vote for its exclusion.

Mr. FORSYTH: If the 10th December were retained, there would be no less than three bank holidays in one month. That was altogether too many.

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

AYES, 35.

Mr. Airey	Mr. Land
„ Barton	„ Lesina
„ Bell	„ Macartney
„ Blair	„ Maughan
„ Bouchard	„ Maxwell
„ Bridges	„ Mitchell
„ Burrows	„ Morgan
„ Cooper	„ Murphy
„ Cowap	„ Norman
„ Denham	„ Petrie
„ Dibley	„ Reinhold
„ Dunsford	„ Ryland
„ Fudge	„ Scott
„ Grayson	„ Spencer
„ Hargreaves	„ Tolmie
„ Herbertson	„ Turner
„ Hodge	„ Woods
„ Kidston	

Tellers: Mr. Mitchell and Mr. Ryland.

NOES, 18.

Mr. Barber	Mr. J. Leahy
„ Bowman	„ P. J. Leahy
„ Cribb	„ Mann
„ Forsyth	„ Martin
„ Fox	„ McDonnell
„ Hanran	„ Paget
„ Jones	„ Philp
„ Kerr	„ Stodart

Tellers: Mr. Forsyth and Mr. McDonnell.

Resolved in the affirmative.

Mr. LESINA said he did not like the 10th of December to be included. [Hon. R. PHILP: Why did you not object before?] There was a prospect now of changing it.

The CHAIRMAN: I would remind the hon. member that the Committee has decided that the clause shall stand.

Mr. MAUGHAN did not believe in having too many holidays, but he thought there was one day of all days they could regard now and in the future as a public holiday, and that was the 27th of August, which he should desire to call "liberation day." [Hon. R. PHILP: You are not in order.] When the Chairman called him to order it would be sufficient to guide him. After ten years of continuous misgovernment, he thought it ought to be impressed upon the people by including 27th August in the schedule and calling it "liberation day."

Hon. R. PHILP: If the Bill passed as it was now, he did not know how Christmas Day would come in. The schedule stated—

When any of the above days falls upon a Sunday, the next following Monday shall be a bank holiday; and whenever the twenty-sixth day of December falls upon a Monday, the day following shall be a bank holiday.

If the 26th December fell on a Monday, the day following would be a bank holiday.

Mr. J. LEAHY: He was rather astonished, after the discussion that had taken place on bank holidays this afternoon, during which he was strictly silent, that no hon. member of the House proposed to include any holiday complimentary to the Welsh people. Where were the friends of Wales? They had been singing all over the country. [Hon. R. PHILP: What about St. George?] He did not say a word about England at all, because England was so big that she could afford to do without those little ceremonies. She had absorbed other nations in the past. He did not see why there should not be something of this kind in connection with Wales, and it was a remarkable thing, when we considered that it produced such a celebrated character as King Arthur, and that this King Arthur—like our own Premier—said, if he recollected rightly, that he was the first of all the kings—

But I was first of all the kings who drew  
The knighthood-errant of this realm, and all  
The realms together under me, their head,  
In that fair order of my table round,  
A glorious company, the flower of men,  
To serve as model for the mighty world,  
And be the fair beginning of a time.

Our Premier was going to lay down a new condition of things to govern the political life of Australia, and he was to be the chief baron who presided at the round table. He did not like to draw comparisons; but he should say Sir Lancelot would be represented by the hon. member for Dalby. [The SECRETARY FOR PUBLIC LANDS: No, Sir Galahad.] If they wanted a Sir Galahad, they would have to come to the opposite side of the House, and he did not know any hon. member who would be pure enough to make a political Sir Galahad but himself. (Laughter.) When they came to look at this, perhaps it was as well they should remain where they were, because King Arthur did not reign for a long time; his knights began to desert him one by one, and after a few years all forsook him except Sir Bedivere. King Arthur sprang from nobody; nobody knew where he came from, and he disappeared at last in a dirty lagoon, with a lot of old women. All these things were historical, and he thought the tradition had a strong resemblance to the conditions existing at present, and they ought to celebrate his name in this Bill. If the Premier himself was not going to propose it, of course there would be no chance of his carrying it. [Mr. LESINA: Let us celebrate the anniversary of King John of Thargomindah.]

HON. R. PHILP pointed out that under the last proviso of the schedule when a holiday fell on a Tuesday, it would have to be kept up on the following Monday, and that might cause a great deal of inconvenience. It might happen that they might have to keep up the King's Birthday six days after the date of his birthday, and the 24th of May might have to be kept up as a holiday on the 30th of May. [The PREMIER: That has been the practice or custom in the old country for a long time.] The whole thing would be a farce. They had kept up the King's Birthday last Wednesday—the proper day to keep it up. [Mr. TURNER: This will work out all right.] He did not think it would work out all right.

Mr. MACARTNEY asked how the Factories and Shops Act would work with this Bill? When a holiday now happened shopkeepers were allowed to keep open late towards the end of the week. It might also happen that the bank holiday would fall on a day that was already a holiday. [The PREMIER: I don't think it will be altered in the least.] He was not so sure about that.

[Mr. J. Leahy.]

The PREMIER: The leader of the Opposition seemed to think that it would be an extraordinary thing to observe a holiday some days later than the formal date; but that practice or custom was common in Australia and in the old country, and it was a very convenient custom. It would be of advantage to those who wanted to enjoy the holiday on Monday, and it would not cause any inconvenience to people engaged in business—especially where machinery was used. And, if the Monday was observed as the holiday, it would induce a great many people to use the railways who did not use them now when the holiday came on another day of the week. [Mr. J. LEAHY: I know the Commissioner holds that view.] Yes; and a good many other people hold that view. He thought that the argument for the Monday holiday was a very strong one, and that the majority of hon. members would vote for it.

Mr. P. J. LEAHY: Supposing that a holiday fell on a Tuesday, would it not be just as well to observe that holiday on the Tuesday, instead of on the following Monday? [The PREMIER: No.] There might be occasions on which a previous Monday was a holiday also. Take the case in which a holiday fell on a Monday and another holiday fell on a Tuesday, would it not be better to have the holiday on the Tuesday? [The PREMIER: Can you cite such a case?] Not at present; but if the Premier said he had gone into the matter, and it was all right, no objection could be raised.

HON. R. PHILP: The hon. member for Bulimba used a very strong argument last night why the 24th of May, which was the children's day, should not fall on a Monday. They could not obtain provisions for picnicing on Sunday, and the bread and other eatables would be all stale on the Monday. In fixing holidays they should not take into consideration the sordid ideas of the Commissioner for Railways with regard to making money.

Mr. TOLMIE considered that having holidays on the Monday would be appreciated by the country residents because they would have Saturday, Sunday, and Monday to go to the seaside. The people of the metropolis would also have an opportunity of getting to the Toowoomba hills, and he was sure the people of Toowoomba would be very pleased to see them there. This measure would be of great advantage to the general public, and it would also be beneficial to the revenue of the State. The leader of the Opposition had referred to some difficulty that might arise under the measure with regard to the 24th of May, which was regarded as the children's day. [The PREMIER: That is provided for in clause 6.] He thought it would be well to keep the holidays in the way prescribed in the Bill.

HON. R. PHILP said he felt very keenly the loss of his amendment to include the St.

Andrew's Day in the schedule, [7 p.m.] and was sorry to see that some hon. members had voted against the observance of their patron saint's day as a holiday in Queensland. The hon. member for Ipswich had suggested that they should include the 27th day of August, and if that were proposed as an amendment, he should be glad to support it, because he believed that some day the people of Queensland would regard that day with different feelings from those anticipated by the hon. member—that in sackcloth and ashes they would regard it as a day of humiliation and prayer for the vote they gave on that day. Some people said that Scotchmen were "the salt of the earth" and were spread throughout the length and breadth of the world. Yet here in

Queensland, where there were so many Scotchmen, they did not observe St. Andrew's Day as a public holiday, though it was observed in a place like Honolulu. St. Patrick was, he believed, admitted by all good Irishmen to have been a Scotchman, and he thought St. Andrew's Day should be commemorated in Queensland. He, therefore, moved that after the words, "The twenty-sixth day of December," there be inserted, "The twenty-ninth day of November," which would mean that it would be observed on the same day as if it were fixed for the 30th, seeing that all holidays not falling on a Monday were to be observed on the following Monday.

Mr. PETRIE said that, although a native of Queensland, he was a Scotchman by parentage, and he thought they should celebrate St. Andrew's Day by keeping it as a public holiday. He was pleased that St. Patrick's Day was to be observed as a holiday, and held that they should also keep St. Andrew's Day. He was sorry that they lost the previous amendment by one vote, and hoped that the present amendment would be carried.

Mr. MANN did not wish to include St. Andrew's Day in the schedule for the simple reason that that day was not observed as a public holiday in Scotland. If the hon. member would propose to include the birthday of Burns, Scotland's national poet, he should be very happy to support such an amendment.

Question—That the words proposed to be inserted (*Hon. R. Philp's amendment*) be so inserted—put; and the Committee divided:—

AYES, 13.	
Mr. Campbell	Mr. Macartney
„ Fox	„ Paget
„ Grant	„ Petrie
„ Grayson	„ Philp
„ Jenkinson	„ Scott
„ J. Leahy	„ Stodart
„ P. J. Leahy	
Tellers: Mr. Macartney and Mr. Paget.	

NOES, 26.	
Mr. Airey	Mr. Hodge
„ Barber	„ Kenna
„ Barton	„ Kidston
„ Bell	„ Land
„ Bowman	„ Mann
„ Bridges	„ Martin
„ Burrows	„ Maughan
„ Cooper	„ Moran
„ Denham	„ Nielson
„ Dibley	„ Reinhold
„ Duusford	„ Ryland
„ Hamilton	„ Tolmie
„ Hargreaves	„ Turner
Tellers: Mr. Hodge and Mr. Kenna.	

PAIR.

Aye—Mr. Cribb. No—Mr. Blair.

Resolved in the negative.

Schedule put and passed.

The House resumed. The CHAIRMAN reported the Bill with amendments, and the third reading was made an Order of the Day for Tuesday next.

GRACEMERE CEMETERY IMPROVEMENT BILL.

COMMITTEE.

On clause 1—"Short title"—

The SECRETARY FOR PUBLIC LANDS: He undertook last night to produce a map giving particulars in regard to the Rockhampton Cemetery, which he now produced.

HON. R. PHILP: On the second reading he took strong exception to the sale of this land. Townsville made a similar application, which was refused by the late Government. The reason for closing the Rockhampton Cemetery was that

it was a danger to the public health. Would it not be equally dangerous to those people who bought land alongside the present cemetery? [The TREASURER: No.] Perhaps the Treasurer would say why it would not be as dangerous.

The TREASURER: The strip of land which it was proposed to sell fronted the Upper Dawson road, running along the face of the hill. The part of the cemetery at present in use was sloping ground. It sloped right away down to where the population was settled, and the drainage from the cemetery actually went into some wells. The population was very dense there, and it was eminently desirable that the cemetery should be closed and taken further out of town. [Hon. R. PHILP: There is no objection to that.] He believed the land which it was proposed to sell would sell very readily, as it was on the high side of the cemetery. It was on a level with the highest part of the cemetery.

The CHAIRMAN: I think it would be more in order to discuss the sale of the land when we come to the next clause. This clause deals with the short title only.

Clause put and passed.

On clause 2—"Trustees of Rockhampton Cemetery empowered to sell part of lands"—

The SECRETARY FOR PUBLIC LANDS quite appreciated the action of the leader of the Opposition in showing concern for the health of the people, but he would point out that there was no danger in living in close proximity to a cemetery. If one wanted proof of that, and went to the city of London, he would have evidence of it. Brompton Cemetery, in Kensington, was in the very heart of residential London, and many thousands of people were buried there. The dangerous element in cemeteries came in when one happened to be to leeward of them, and when people depended for their water supply from a source which really was the drainage of the cemetery. That was the reason why it was desired to close the Rockhampton Cemetery, and the portion which it was desired to give power to alienate was to the westward, and at a greater altitude than the portion which it was desired to close. So far as any danger to the public health that might arise from living immediately around the closed portion of the cemetery, he ventured to say that all medical testimony would go to show that there was absolutely none at all, but there was a great danger if the residents had to get their water supply from an area at a lower level than the cemetery now in use. He thought the hon. gentleman would recognise that, hygienically, it was very desirable to pass the Bill.

HON. R. PHILP: No objection whatever had been made to the removal of the cemetery. In fact, it had been removed. [The TREASURER: No.] A grant of land had been made, at all events. The case was similar to that of Townsville. The trustees went further out, but they were refused permission to sell land. Everyone knew that in all the large towns of older countries there were cemeteries in the populous areas. At one time, indeed, the dead used to be buried at the front door, but that was not the case now, and all large towns had their necropolis outside. It was quite desirable that the Rockhampton people should go further afield, but he was concerned about the people who bought the land. It would get over the difficulty if the Minister would allow the land to be sold subject to the approval of the local authority. If that were done he would have no further objection.

Mr. HANRAN: It would simplify matters if the Treasurer could tell them whether the Rockhampton Cemetery was in a sound financial condition.

Mr. Hanran.]

The TREASURER: He could not give any particulars. He did not suppose they were likely to have any large amount [7.30 p.m.] of money, but he understood that they had always paid their way. They had never applied for a loan.

Mr. HANRAN: A case exactly on all-fours occurred some years ago at Townsville. For certain reasons the existing cemetery, long before it was filled up, became unsuitable for further burials. Representations were made to the Government, who set apart another piece of ground for the purpose and vested it in trustees. It was proposed to sell the unused portion of the old cemetery, and the trustees applied to the Government to give them some portion of the proceeds of the sale for the purpose of improving the new cemetery. That was distinctly refused, on the ground that the property belonged to the Government, and that the trustees had no title to it. [The SECRETARY FOR PUBLIC LANDS: When was that?] About seven years ago. [The TREASURER: There was a very inconsiderate, hard-hearted, Government in power then.] The Rockhampton case was exactly similar, and it was very desirable to get more information as to the financial position of the trustees—whether they were in a position to effect the improvements without having the land sold to which they were not entitled. That should be ascertained before proceeding further with the Bill.

The SECRETARY FOR PUBLIC LANDS: If the Townsville people considered they had good grounds for making a fresh application, he hoped they would do so. There was an extreme probability of the Government not refusing a little aid.

Mr. GRANT: The last balance-sheet of the Rockhampton trustees showed that they had a balance in hand of £87 15s. 11d. That would not go far in the way of fencing and otherwise improving the ground.

Mr. MACARTNEY: The Bill ought properly to have been introduced as a private Bill. It would then have been referred to a Select Committee, which would have obtained all the information necessary to enable the House to have considered it from all points. [The PREMIER: It came to us from the other Chamber as a public Bill.] Although introduced under the aegis of the Government it was really a private Bill. Treating it, however, as a public Bill he would point out that there was nothing stated about any intention to subdivide. That power was generally given in Acts of that kind. It might also be necessary to dedicate a portion of the land as a road, and it would be advisable to insert a proviso which would ensure the compliance by the trustees of the Undue Subdivision of Land Prevention Act of 1885 and the Local Authorities Act so far as the dedication of roads was concerned.

The SECRETARY FOR PUBLIC LANDS: He would be glad to consider any amendment the hon. member might move, but he thought the trustees and the local authorities between them had ample power to make any provision for roads they considered necessary.

Mr. MACARTNEY: The clause only gave the trustees power to sell; it did not give them the power to dedicate roads. He moved the addition of the following proviso:—

Provided always that if the same is proposed to be subdivided and sold in lots, or any part thereof, and to be dedicated as a lane or road, such subdivision and dedication shall be subject to the provisions of the Undue Subdivision of Land Prevention Act of 1885 and of the Local Authorities Act of 1890, so far as the same are not applicable thereto.

The SECRETARY FOR PUBLIC LANDS: Before accepting that amendment, which he was

[Hon. W. Kidston.

prepared to do, as the leader of the Opposition stated that he would approve of the clause provided the sale was made with the permission of the health authorities, he proposed to meet him by moving the insertion after "empowered," on the 39th line, of the words "if the Government medical officer of health so permits." [Hon. R. PHILP: Is there no board of health in Rockhampton?] [Mr. GRANT: No.] So far as he was aware, the Government medical officer was the only authority for such a purpose.

Mr. KENNA: The question had been raised whether this measure was really a private or a public Bill. It seemed to him that it was a private Bill, and had no right to be introduced either in this or the other Chamber as a public measure. On referring to "May," page 634, the 1st paragraph said—

Every Bill for the particular interest or benefit of any person or persons is treated, in Parliament, as a private Bill. Whether it be for the interest of an individual, a public company or corporation, a parish, a city, a county, or other locality, it is equally distinguished from a measure of public policy in which the whole community are interested.

That seemed to him to be very definite, and to place this measure within the category of a private Bill.

The CHAIRMAN: Order! I think the hon. member is out of order in raising this point now that the Bill is in committee. The question before the Committee is the amendment that certain words be inserted in the clause.

Mr. TURNER did not think there could possibly be any objection to the sale of the land on the part of any person who knew the position. As long ago as twenty years a funeral took place in connection with his own family, and he was advised by the then medical officer not to have the interment at the Rockhampton Cemetery, as it was already too full at that time; and, since burials had been taking place all these years, that must have been intensified. When they looked at the land proposed to be sold, it was further away from dwellings than the present site. It was a step in the right direction to remove interments from Rockhampton to Gracemere, and he was quite satisfied that no one who knew anything about the situation would have any objection whatever to it.

Amendment (*Mr. Bell's*) agreed to.

Mr. MACARTNEY moved the amendment he had previously read.

Amendment agreed to.

Question—That clause 2, as amended, stand part of the Bill—put and passed.

On clause 3—"Appropriation of proceeds"—

Mr. JENKINSON did not like the clause. They were dealing with a principle which was likely to be very far-reaching in its effects. If any public company, after being given a grant of Crown lands, and finding no further use for it, were to be allowed to convert it into cash, and expend the money in the purchase of a fresh piece of land, or utilising it otherwise, where was the principle going to end? [The PREMIER: There are dozens of cases on the statute-books.] There had been dozens of cases, too, where applications of a similar nature had been refused. [The TREASURER: And may be refused again; it all depends on the merits of the case.] He was dealing with the principle of the thing. There was nothing to prevent a school of arts selling a piece of ground which had been given to it for the purpose of buying a cheaper piece and erecting a building, and he thought the principle a bad one to import here, because it was evidently the intention of the

Legislature that the ground should not be parted with. It was permanently reserved, and not a question of being permanently or temporarily utilised for a cemetery. [Mr. GRANT: Those were nearly always the words used in a grant.] As pointed out by the junior member for Townsville in a case on all-fours with this, the Government of the day, seeing the danger of adopting the principle, although the Premier was the senior member for Townsville, he absolutely refused it.

The SECRETARY FOR PUBLIC LANDS realised the caution which distinguished the remarks of the hon. member who had just spoken, and who sat on the front Opposition bench; but that hon. member had got to realise that there was a distinct difference between the two cases he set out. In one case a Government took a certain course of action, and in the other instance, the supreme authority—one Chamber of this Legislature—on the full facts placed before it, decided to take a certain course; and he (Mr. Bell) did not think that the hon. member was right in taking up the attitude that this was establishing a bad precedent. The only precedent they were establishing was that, when the trustees of similar property made a similar request based on similar or identical facts, the Government or Parliament would be justified in granting it. Hon. members should remember that Parliament was the supreme authority, and Parliament could do what it liked when any similar instances cropped up.

Clause 3 put and passed.

Schedule and preamble put and passed.

The House resumed. The CHAIRMAN reported the Bill with amendments, and the third reading of the Bill was made an Order of the Day for Tuesday next.

## REGISTRATION OF CLUBS BILL.

### SECOND READING.

The HOME SECRETARY (Hon. P. Airey, *Flanders*): In moving the second reading of the Bill now before the House, I think I might venture to say—to use a hackneyed phrase—that it is a Bill to supply “a long-felt want.” I think there is a general consensus of opinion between the temperance party on the one hand and the licensed victuallers on the other with regard to the importance of this club question. It always struck me as being somewhat singular that the advocates of temperance reform seemed to think for a long time that their aims were best subserved by curtailing the privileges of hotel-keepers, by cutting off their powers and, in some cases, by attempting to abolish hotels altogether. At the same time the temperance people showed in the past, strange to say, but little hostility to clubs. Possibly they regarded clubs somewhat tolerantly on account of the latter institutions being an abomination to the licensed victuallers. However, at present the temperance people are keenly alive to the importance of the club question. It must be apparent that the more licensed victuallers are restricted the greater must be the temptation to establish clubs. If the licensed victuallers are hemmed in a dozen different ways while the clubs are wholly unrestricted, there is undoubtedly a gross injustice in existence. I know it has been said, and said time and again, that you cannot make men sober by Act of Parliament. That may be to a certain extent true; but although you cannot make men sober by Act of Parliament, it is none the less true that you can do a great deal to make them drunken. The

presence of clubs in our midst without proper restrictions is very often a very efficient mode of helping to make people drunken. With regard to the restrictions in this particular Bill, no *bonâ fide* club will object to them, and, as for the bad clubs, I submit that they have not very much right to consideration. The first thing that strikes anyone in looking over this question is why there should be such a scandalous inequity of treatment with respect to these two institutions. Of course, I know that these institutions should be in their nature essentially different. But the fact remains that at the present time we have quite a number of clubs that carry on a drinking trade, which is certainly not the legitimate business that is supposed to appertain to clubs. The licensed victualler in the town has to pay a license fee of £30 per annum; the club has to pay £5 once for all. The one institution has to pay a license fee of £10 for a billiard-table, and the other gets it for nothing. I remember reading some time ago, in the evidence given by the secretary of the Licensed Victuallers' Association before the Liquor Commission in 1900, that that gentleman told of one club in town where there were in operation at that particular time something like six billiard-tables, which paid absolutely nothing to the revenue. A few years previously this establishment had been running four or five billiard-tables paying at the rate of £10 each per annum to the revenue; but it was discovered by the proprietor that if he turned the establishment into a club, the billiard-tables could be run free of cost. When that discovery was made it was put into effect, and half a dozen billiard-tables went merrily along without paying a cent. to the Treasury. I do not think anybody would maintain that privileges of that kind should be granted so lightly, when we have at the same time other places which pay very heavily for such privileges, and contribute to the revenue of the State in a way that does not do them very much harm, but is an advantage to the State. A Registration of Clubs Bill, to be effective, should decide, in the first place, what is the character and what is the *bona fides* of a club. It should then settle the nature of club premises, and it should further refuse recognition to anything in the nature of a proprietary club, and then—perhaps more important still—it should certainly secure that no dispossessed publican should have an opportunity of evading the licensing laws by converting premises which he has given up into a drinking club. [Mr. J. LEAHY: He will be able to do that under this Bill if he gets members enough.] It is just possible, but there are many restrictions. The records which have to be kept by a club will be a very substantial barrier to any such violation. I remember reading in the English debates that in England some four or five years ago a certain brewer had thirteen hotels. He lost the license for one of them, and he immediately converted it into a club with forty members at 1s. each. So satisfied was he with the change, that he converted the whole of the thirteen hotels into clubs, and the speculation proved eminently profitable. It may be said that we have not much in the nature of proprietary clubs in this country. I remember that Mr. McMahon, Inspector of Distilleries, stated in his evidence before the Liquor Commission that out of thirteen clubs then existing there were only three that were residential, and as for the others he was so bold as to assert that the profits went mainly into the pockets of two or three people. [Mr. J. LEAHY: There is only one such club at present.] Yes, there is only one at the present time. [Mr. MACARTNEY: Have you facts?] I shall give the House facts presently. As to whether Mr. McMahon was justified in making a statement

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so sweeping I cannot say, but still the statement should be borne in mind in discussing a Bill like this. In the report of the Liquor Commission Mr. Yaldwyn spoke of a proprietary club in the vicinity of Ipswich which did a roaring trade for a considerable time. When the secretary levanted the club collapsed. Whether induced to do so by the temperance people or by the licensed victuallers, I cannot say. I have a statement here taken from the minority report of the Imperial Commission which sat in the old country nine or ten years ago, and it is well worth the attention of hon. members. It says—

Another very dangerous kind of club is that which is started by a dispossessed publican, or a brewer, usually in premises that have lost or have not received a license. The brewer has the club property constituted as a members' club; that is, the club, as a whole, takes the retail profit, but, of course, he takes the wholesale profit, which may be very considerable, especially as the club is fitted up exactly like a public-house, and is free from all restrictions as to hours. A dispossessed publican starts a club in a similar manner, and gets himself appointed as barman or steward. Nominally the profits go to the club, but there can be little doubt as to their real destination.

The hon. member for Toowong asked me just now if I had any facts with regard to the standing of clubs, and the membership of clubs at present in existence. Well, I find that in Brisbane at present there are twelve non-residential clubs and one residential club. There are, I am assured from official sources, no real proprietary clubs, unless the "Deutscher Turn Verein," which permits of shares and shareholders, can be called one. [Mr. COOPER: What is the "Bodega Club"?] I have not sufficient information on that point. The information I am giving is from official statements, and from matters of exact knowledge. It is really very difficult to estimate to what extent these clubs compete with hotels. But, taking the number of members—and the number of members is possibly as good a criterion as one could possibly have—at all events, it is the only one I can go by—I find that, if you take all the non-residential clubs—leaving out the Brisbane Bicycle Club and the United Services Club—they have a membership of 2,454, and the subscriptions range from—I think there is one down to 2s. 6d. per annum—[Hon. R. PHILP: Are there not some as low as 1s. ?] If there are, I have not got them on my list. [Mr. J. LEAHY: There used to be some at 1s.] The Centennial Club—the one that has five billiard-tables—has a subscription of 2s. 6d. They go up from this to the Brisbane Club with an entrance fee of £15 15s., and an annual subscription of £5; the Johnsonian Club, with an entrance fee of £10 10s., and an annual subscription of £4 4s. Out of these thirteen clubs there is one that is supposed to sell a vast quantity of liquor to people who are not members. The Queensland Club is the only one that can be described as a residential club. There is one thing that I may remark by the way, and that is that none of the so-called "workmen's" clubs that exist in the old country have yet sprung into existence in Queensland. [Mr. JENKINSON: There was one, but it is defunct.] There was one at one time in South Brisbane, and there were some notorious proceedings there, I believe. We must all admit that, if we are going to have an effective Registration of Clubs Act, we must first of all decide that a club shall have a clear identity. It must be such that we can lay our hands on it when we want; there must be nothing illusive about its list of members; it must meet a social want in a legitimate way. To do this it should, therefore, be an association of persons for the promotion of a common social object—persons who should be bound together by common aims, and who should contribute to the revenue by an annual registra-

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tion fee. I submit that a number of clubs which already exist in this city are well able to do something in the way of contributing more freely to the revenue than they do at present. [Mr. J. LEAHY: More taxation?] We can scarcely call this taxation—it is a matter of registration. Take Tattersall's Club, for instance. I believe that club has a membership of 350, and entrance fee, £1 1s.; annual fee, £1 1s. If it was called upon to pay £10 10s. or £15 15s. per annum to the revenue, it would not do Tattersall's any particular harm. [Mr. J. LEAHY: They pay a lot more than that through the totalisator.] Possibly they do indirectly, but so do hotels. I will now take the Commercial Travellers' Club. That club has obtained some little notability during the discussion on this Bill in another place. It has a membership of 580, an entrance fee of £1 1s., and a full member's subscription—I do not use the term in any invidious sense—is £2 2s. for five years, and £1 1s. a year afterwards. [The SECRETARY FOR AGRICULTURE: They have full members and associate members—distinct classes.] So I understand. Then there is another very select institution of which the entrance fee is £15 15s., and a yearly subscription, £5. What harm would it do if that institution contributed a little more freely to the revenue than it does now? Its members are well able to afford it, and I submit that in the course of the year they would never miss such a contribution. [Mr. J. LEAHY: Don't those men all pay their full share as citizens already, and a bit more?] There is no doubt they pay something. As to whether they pay in proportion to their means, that is altogether another question. Then, if you take the case of the club I mentioned just now as having an annual membership fee of 2s. 6d., and which has the privilege of running five billiard-tables which contribute nothing to the revenue, I think that institution should pay something to the revenue, if only for the purpose of proving its *bona fides*, and of showing that it is not in existence merely for the purpose of drinking, but for *bona fide* social objects. [Mr. J. LEAHY: It is not a club at all.] The hon. member may not call it a club, but it gets there all the same. I have already alluded to the stringent conditions under which hotels come into existence. As we all know, they have to comply with very stringent conditions with regard to premises; they have to comply with all kinds of formalities before they can get their licenses; they have to submit to visits of the licensing inspector; they have to pay a license fee for billiard-tables—£10 per annum; and they are also subject to police supervision. [The SECRETARY FOR AGRICULTURE: Schools of arts have to pay £10 too, for billiard-tables.] That is so; and I think it would do no harm if we demand that clubs, which compete with these licensed victuallers to a very serious extent, should be asked for a little more contribution, both for the sake of establishing their own *bona fides* and for the sake of helping along the revenue of the country. I shall just dwell slightly upon the provisions of the Bill. Hon. members will notice that they have to demand registration in much the same manner as hotels. Of course one great defect in the present system is that a club does not give any notice of its intention to apply for a license, and I look upon this having to give notice of intention to apply for a license as an exceedingly valuable safeguard. If hon. members will turn to clause 3, they will see that section 18 of the Liquor Act of 1886—the clause dealing with clubs—is repealed. In clause 4 they will find that paragraph (e) of section 60 and subsection (4) of section 62 of the Licensing Act of 1885 shall extend and apply only to

registered clubs. Those are the provisions which exempt clubs from the restrictions under the Licensing Act, and also the section relating to billiard-tables. In clause 5 we have a provision for registration by the licensing authority. I might remark, by the way, that a great many of these provisions—in fact, most of them—are based upon the Acts which have recently come into force in England and Scotland. In clause 6 there are laid down a number of exceedingly important provisions with regard to the registration of clubs. These provisions are designed to guard against the springing into existence of what are called bogus clubs. A club must be a *bonâ fide* association or company of persons of not less than fifty persons in the case of a club established at any place within a radius of 10 miles from the General Post Office in Brisbane, and not less than twenty-five persons in the case of a club established elsewhere. Hon. members may possibly disagree in regard to the number of persons, but that is a matter that can be modified in committee. Then by subsection (2)—

The club must be established for the purpose of providing accommodation and meat and drink for the members thereof and their guests upon premises of which such association or company are the *bonâ fide* occupiers.

Then there is to be kept a register of members. If hon. members will look at clause 7, they will find that it operates, in conjunction with clause 6, to suppress bogus clubs, and I should imagine that under it they will be rendered almost impossible. If the rules and restrictions are insisted upon, it will be practically impossible to run any club which is not *bonâ fide*. For instance, it is provided in clause 7—

That the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and that an interval of not less than two weeks shall elapse between nomination and election of ordinary members.

Subsection (d) provides—

That all members shall be elected by the general body of members or by the committee, at a meeting or meetings duly convened, and that a record shall be kept by the secretary of the club of the names of the members present and voting at such meetings.

Subsection (e) is an important one, and provides that there shall be a *bonâ fide* subscription of at least £1 per annum. Subsection (g) says that a visitor shall not be supplied with liquor unless on the invitation and in company with a member. Subsection (h) says that no liquor shall be sold for consumption outside the club premises. If hon. members will turn to clause 23, they will find that it deals with the same matter. Subsection (j) says that no person under twenty-one years of age shall be admitted a member of a club. In the Bill, as originally printed, that was eighteen years of age, but it was amended by the Upper House, and I think it will be admitted that the amendment is a substantial improvement. The method of procedure in granting certificates is dealt with by clauses 8 to 12. Clause 12 is an exceedingly important one. It says—

The inspector shall, immediately on receipt of any notice sent to him by the clerk of petty sessions, as by this Act is directed, inspect every premises in the district respecting which any application for a certificate, or the renewal of a certificate, has been notified as intended to be made: and shall also inspect the certified copy of the register of members accompanying the application, and satisfy himself by all proper inquiries that the particulars contained therein are correct.

I draw the particular attention of hon. members to clause 13, which is a new departure as far as we are concerned. We have there a summary of

the objections that may be taken to the granting of a club license or renewal. Subsections (a), (b), and (c) read—

That the application made by the club, or the rules of the club, or any of them, are in any respect specified in such objection not in conformity with this Act; or

That the club has ceased to exist, or that the number of members is less than fifty or twenty-five, as the case may be, according to the locality in which the premises are situated; or

That it is not conducted in good faith as a club, or that it is kept, or habitually used, for any unlawful purpose or mainly for the supply of liquor.

If members will look at subsections (f) and (g), they will find that two other objections that may be taken are—

That persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor; or

That the club occupies premises, in respect of which, within twelve months next preceding the formation of the club, a certificate for the sale of liquor has been forfeited, or the renewal of such a certificate has been refused.

Those are very valuable provisions which are aimed at drinking clubs. Subsection (g) deals with the matter I have spoken of before, and is designed to prevent a dispossessed publican applying for club registration. There are one or two other provisions worthy of attention. For instance, there is clause 17, which reads—

Upon the complaint of an inspector made upon oath a police magistrate may issue a summons to the secretary of any registered club calling upon him to show cause at the next meeting of the licensing authority why the certificate of registration of the club should not be cancelled on all or any of the grounds of objection to the grant or renewal of a certificate as hereinbefore provided.

And clause 18 gives the procedure on cancellation. Clause 20 provides that a register is to be kept, and on passing to clause 23 hon. members will find a blank. That was left blank because the Upper House cannot deal with taxation, and it is proposed to fix the amount of the fee at £15 per annum, and £10 for a billiard-table license. There is a very stringent provision in clause 27, which says—

If any liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club shall be liable to a penalty not exceeding five pounds, unless he proves, to the satisfaction of the court, that such liquor was so kept without his knowledge or against his consent.

And clause 28 is also worthy of close attention. It reads—

If any liquor is sold or supplied in a registered club for consumption outside the premises of the club, except to a member on the premises and for his own consumption, every person supplying or selling such liquor, every person who pays for such liquor, and every person authorising the sale or supply of such liquor, shall be liable severally to a penalty not exceeding fifty pounds, unless he proves to the satisfaction of the court that such liquor was so sold or supplied without his knowledge or against his consent, and where it is proved that such liquor has been received, delivered, or distributed in the premises of the club and taken outside the premises, it shall, failing proof to the contrary, be deemed to have been so taken for consumption outside the premises.

Clause 30 deals with neglect on the part of the inspector. There have been inserted in another place clauses 31, 32, and 33, which contain certain exemptions not in the original Bill. These will, of course, be dealt with in committee, and members can then express an opinion upon them. I have dealt at some length with the provisions of the Bill, and I would like to say, in conclusion, that I urge its adoption for two great reasons. I urge this matter as affecting the social welfare of the community—the suppression of drinking

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clubs which are very often gambling dens, and which are not only injurious to adults, but which are also the means of entangling young people and bringing them to trouble. I also urge the Bill as a measure of equity for the protection of licensed victuallers. I say it is absolutely unjust that one man should pay as much as £90 per annum for his license, and billiard-tables, while a club can get a license for £5, which lasts for all time, and then not do legitimate business. I also think it is very desirable that when you restrict what may be called the legitimate liquor trade in a thousand ways, it is our bounden duty to suppress the illegitimate trade in every form, whether in the form of sly grog-selling or drinking institutions known under the genteel name of clubs. At the same time, while we were doing this, we

have to remember that the legitimate residential club is not a thing to be discouraged at all. It would be scarcely fair to say that a club that exists for social purposes—with its fifty, sixty, seventy, or eighty members—shall be subject to all the provisions of hotels, with their thousands of chance customers. The restrictions in this Bill will have no terrors to any *bonâ fide* club. But there will be restrictions on what I may call drinking clubs and drinking by immature youngsters, and there will also be a contribution to the revenue which we cannot afford to despise nowadays. Of course, there will probably be much in this Bill that may be amended. Every Bill of this kind is in the nature of a draft, and I do not suppose that this Bill, any more than any other Bill, is exempt from the rule of modification and improvement. I have much pleasure in moving that the Bill be now read a second time.

Hon. R. PHILP : I move the adjournment of the debate.

Question put and passed ; and the resumption of the debate made an Order of the Day for Tuesday next.

The House adjourned at twenty-six minutes to 9 o'clock.