

**Record of the
Proceedings of the Queensland Parliament**

...
Legislative Assembly
13th June 1862

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Extracted from the third party account as published in the
Courier 14th June 1862

THE SPEAKER took the chair at twenty minutes past ten.

MEDICAL ACT AMENDMENT BILL.

On the motion of the COLONIAL SECRETARY, the House went into committee on this bill.

The COLONIAL SECRETARY, in moving the adoption of the first clause, stated that he considered the proviso at the end of the clause undesirable as defeating the objects for which the bill was brought forward. The former bill had been sent back again, because it curtailed the privileges of those medical men registered under the Imperial Act. He thought, however, that the suggestion made by the hon. member for Warwick, on the second reading of the bill, would meet the case. He alluded to the suggestion that the medical man on landing should make an affidavit before the nearest magistrate as to his identity, and should forward his certificate to the Board.

Dr. CHALLINOR said that this bill had been previously sent back to them, in order that it might be altered, so as to protect the rights of those medical men registered under the Imperial Act; and in order to claim those rights, it was necessary that the names of the practitioners should appear, not upon any register, but upon the register for the current year. In a court of law the register of the current year only could be taken as evidence. (The hon. member here read some amendments which, he said, he would desire to substitute, which provided that the medical man should affirm that his name was on the register for the current year).

Mr. JONES then formally moved an addition to the proviso at the end of the clause, embodying his former suggestion as explained by the Colonial Secretary.

The COLONIAL SECRETARY considered that the amendment of the hon. member for Warwick would meet the case as put by the hon. member for West Moreton. If a man affirmed that he was "duly registered," it would of course be tantamount to affirming that his name appeared upon the register for the current year. The Imperial Act required that his name should appear upon the register for the current year, and if his name did not so appear, he would not be duly registered. He (the Colonial Secretary) desired that they should not hamper the practitioner more than necessary, as, if they did, they would defeat their object, and the bill would be disallowed.

Mr. WATTS saw no difficulty in the clause as it stood in the bill, except that it put a man to the expense of going to the Board here and getting himself registered. This, however, was no greater restriction than was imposed at home, where if a medical man left one town and went to reside in another he had to get himself again registered. He thought that under these circumstances it was not asking too much to require a medical man when he came to this colony to get himself registered.

Mr. O'SULLIVAN deprecated the practice of meddling too much with acts of the Imperial Parliament. When a man was once registered he could not see the necessity of his being again registered, for if he was once a doctor he must always be a doctor.

The clause, as amended by the addition proposed by MR. JONES, was then put and passed, and the remaining clause of the bill having been carried without debate the Chairman left the chair and reported progress.

On the motion of the COLONIAL SECRETARY the third reading of the bill was set down as an order of the day for Tuesday next.

COOLIE LABOR BILL.

The COLONIAL SECRETARY, in moving the second reading of this bill, stated that the object of the measure was to give the force of law to regulations for Coolie immigration. It would be in the recollection of hon. members that last session resolutions were passed by the House affirming that the Government should take steps to remove the restrictions which at present existed upon the introduction of this class of British subjects. These resolutions were passed by a large majority, and there were only four dissentient voices. This bill was to give these resolutions the force of law. The regulations when passed would be very voluminous, and could not well be incorporated in the act. It was simply required that with regard to the introduction of this class of labor this colony should be put upon the same footing as the other British possessions. The object of the Government was not in any way to assist or hold out inducements for the importation of this class of persons, but simply to allow people here who desired to employ them the same rights as they would have in the other British colonies, by framing regulations which would have of course to be approved of by our Executive, and by the East Indian Government. This position had always been maintained by the House even so far back as the first session of Parliament, when it was asserted in the report of the Immigration Committee. If persons here chose to employ labor of any kind, more especially the labor of British subjects, at their own expense, we should not place obstacles in their way. He (the Colonial Secretary) did not believe that the employment of Coolie labor would be attended with the great results anticipated by some persons. He did not think it would be found more profitable than European labor; that is, assuming that we could get the Coolie labor, which was a question about which there was considerable doubt. The Government of India would not offer great facilities for the emigration of men from the different districts, as, owing to the railways and other extensive works now being carried on in that country, there was a very considerable demand for native labour. This bill, however, would place us in the same position as other British colonies, and would enable any enterprising persons who chose to make the attempt, to get these labourers to do so. The regulations of the Indian Government were matters of detail, and he was not at present in a position to say what that Government required. What the Government here wanted to provide for was, that when the regulations were approved of by the Home Government, and by the Indian Government, they should have the force of law. As soon as the Government here received the regulations, they should be laid upon the table of the House, and hon. members could enquire into them, and take exception to whatever seemed undesirable. The last clause of the bill made provision for the cancellation of contracts between the Coolie and his employer. The Master and Servants' Act did not make any specific provision for the cancellation of contracts entered into in India. It was necessary that a magistrate should be enabled to hear any cause of complaint which the Oriental servant might have against his master, and in case of any injustice cancel the contract. He (the Colonial Secretary) might state that he had drafted a set of regulations, which he had last year submitted to the Indian Government, but which, it seems, required several amendments. These regulations had been, he believed, transmitted to the Secretary of State, and the nature of the amendments required he could not at present state. This bill would, however, give the regulations, which would of course have to be published in the *Government Gazette*, the force of law, when such regulations were decided on.

Mr. O'SULLIVAN said that the resolutions referred to by the Colonial Secretary had been passed in a very thin House, and by what he (Mr. O'Sullivan) might term a splendid trick. The hon. member (Mr. R. Cribb) had brought forward a series of resolutions asserting the inexpediency of introducing Coolie labor, and these same resolutions had been turned against him. The resolutions referred to by the Colonial Secretary he could not consider as having been passed in a clear and decisive manner. If these Coolies were British subjects, what need was there to make these regulations for their introduction? It appeared also that we were only to have one-third of the voice in framing these regulations, as they had first to be referred to the Indian Government, and then to the Home Government, before they were submitted to this Legislature. No benefit would be conferred upon the colony at large by these men. Their introduction would

only be to the advantage of a few speculators. No settler would think it worth while to send for any of these men on his own responsibility. The speculators would bring them over for the mere purpose of traffic and speculation like they would bring cattle.

Mr. R. CRIBB entirely objected to the bill. He looked upon it as the mere tail end of the resolutions which had been passed during the last session. Under the present circumstances of the colony the operation of the bill would prove to be a great evil. He had always stood up for the principles of free trade, and he therefore thought that no obstruction should be placed in the way of persons who wished to introduce any class of labor whatever into the colony; but he entirely objected to those persons being allowed to receive any aid whatever from the Government. If the Coolies were brought here, they must be looked upon as free men, and as such would be entitled to all the privileges enjoyed by the other colonists. The system proposed to be adopted might answer very well in Mauritius, where a kind of feudalism was in existence, and there were only two classes—the large landholders, and these, he might say, slaves; but here every man was to be on an equality with other men, and consequently the introduction of the system would turn out to be a failure. He did not wish to throw the slightest obstacle in the way of free trade (ironical cheers), but thought that individuals who wished to import Coolies should not appeal to that House for assistance. He would move that the bill be read a second time that day six months.

Mr. B. CRIBB seconded the motion.

Mr. HALY said that the hon. member who had just sat down had forgotten to mention that a petition had been received from the inhabitants of Maryborough, praying that regulations should be adopted for the importation of Coolies, and he would ask hon. members how the colony was to be extended to the far north if Coolies or some other class of Asiatics were not to be obtained? The petition he referred to was not signed by employers alone, but numbers of individuals in the capacity of working men had appended their signatures thereto. One thing was very certain, that if Coolies were not to be got, Chinamen must be. The present rate of wages in the district to which he referred was £3 a week, and labor was not easily obtainable even at that; and he would ask hon. members whether it was possible that sheep-farmers could afford to pay such an extravagant rate of wages. If the hon. member for North Brisbane (Mr. Cribb) were compelled to pay £3 a week for labor, he would soon be heard crying out for the importation of Coolies. He (Mr. Haly) should support the bill.

Mr. JONES would say, in reply to the statements of the hon. member for the Burnett, that he (Mr. Haly) had quite misunderstood the question. It was perfectly open for that hon. member to go and get labourers from whatever place he chose, provided that he could obtain them; but still he (Mr. Jones) believed that with the enormous number of people at home who would, if a proper system of immigration were initiated, be prepared to immigrate to this colony—people with whom we could amalgamate in every possible way—it would be very injudicious to take any active steps towards inducing the immigration of a race of people, amalgamation in any way with whom was evidently so repugnant to the feelings of the colonists of Queensland. Another objection he entertained towards the bill was that its first clause proposed to confer a power upon the Governor and the Executive Council which should belong to that House alone. As far as he could understand, hon. members of that House were not particularly desirous of shifting any of their responsibility to the shoulders of the Government. Besides, he believed it to be absolutely necessary that before that House could assent to any regulations whatever, they should at least be favoured with a sight of them. He should oppose the second reading of the bill.

Mr. WARRY believed that no one in Queensland would object more to marrying a Coolie woman than would the hon. member at the head of the Government. He (Mr. W.) did not wish particularly to interfere with the importation of Coolies, but he had a most decided objection to seeing any of the people's money expended on them.

Dr. CHALLINOR said that the hon. member for the Burnett had stated that if Coolies were not to be had they must get Chinamen, and he should like to know what great advantage the hon. member expected to gain if he succeeded in so doing. If that class of men were imported by private enterprise they would be as free and independent as any other class of men; therefore, unless that very objectionable practice of indenting the Coolies for a certain term of years were resorted to, their introduction would not pay, because, as soon as they were made aware of the

difference of wages between themselves and the Europeans they would demand that the difference should be made up. Not the slightest advantage would be gained by smuggling either Coolies or Chinamen. He should oppose the bill.

Mr O'SULLIVAN had one or two remarks to make, with reference especially to what had fallen from an hon. member, to the effect that it was impossible to extend the colony northward unless by the introduction of Coolies. He believed that if half-a-dozen ship-loads of Coolies were to be landed here, they would have little or no effect upon the extension of the colony to the northward. He also denied the fact of labor being not obtainable at a less rate of wages to the northward than £3 per week. What had become of the immigrants by the Persia—why, the squatters would not hire them because they were free labourers. It was desired that the Coolies should come here for the purpose of being treated as cattle. It had also been stated, that at a certain time the importation of Chinamen had saved the colony. He denied that fact. Labor was as cheap at that time as it was now, and those Chinamen being sent for was the result of a conspiracy entered into by the squatters on the Downs, joined by a few townsmen. At the present time labourers were to be hired at as cheap a rate in Rockhampton as they were in Brisbane. The hon. member for the Burnett had said that they must have either Coolies or Chinamen. He would remind that hon. member, that the other evening it had been decided that the majority should bow to the minority, therefore they should do so now. Unless a Coolieman or Chinaman was looked upon in the same light as an imported bull, he would, upon his arrival in the colony, have a right to claim as much freedom as any other person.

Mr. MOFFATT would support the second reading of the bill, believing as he did that the introduction of the class of labour sought for was absolutely necessary for the purpose of developing the latent resources of the colony. A trial had been made as to whether cotton could be grown in the colony, and that trial had proved successful; at the same time it had been shown that cotton could not be grown profitably unless some other than European labour were to be obtained. There could be no doubt that the cultivation of cotton, sugar, and rice required a description of labour that Europeans were not accustomed to. The greatest portion of the labour necessary for the cultivation of cotton was in the picking of it, and no hon. member would assert that an agricultural labourer was the best fitted individual in the world for cotton picking. He was surprised to hear the friends of the people object to the bill, when it was easily discernible that a great advantage would accrue to the white population from its operation. He should support the bill.

Mr. LILLEY thought that the discussion might have been avoided had the code of regulations to which the bill was intended to give the force of law been before the House. Of course, it was impossible to prohibit the introduction into the colony of any class of people who were British subjects, although it was quite competent for the House to affirm the principle that that class of people should be introduced by private enterprise only. To attempt to prohibit any class of British subjects from coming here would be an outrage against the cardinal principles of the constitution. The question was, were they or were they not to adopt certain regulations calculated to provide for the evils which such an immigration as the one proposed was likely to induce. He would suggest to the Government the propriety of postponing the second reading of the bill until the regulations referred to could be placed before the House. If the bill were allowed to pass without the regulations having been accepted by the House, too much power would be delegated to the Government. It was very necessary that everything should be embodied in a bill which was likely to become law under its provisions. He would never be one—let popular clamour be as loud as it might—to alter the opinions he had already expressed on the subject; he would never allow his judgment to be subject to the influence of popular clamour. The hon. gentleman concluded by expressing his desire that the Government would postpone the second reading of the bill until the regulations were laid before the House.

Mr. WATTS would say a few words on the question before the House. The hon. member who had just sat down had stated that it would have been desirable to have had the regulations placed before the House, in fact, that they should have been incorporated with the bill. That hon. gentleman appeared to have forgotten that, subsequent to the regulations having been framed, they had to be sent to India for the assent of the Indian Government. What a waste of time it

would be then, if the regulations were to pass through the House, and after all be refused by the Government of India. He considered it would be time enough to bring the regulations before the House after they had been assented to by the Indian Government. With reference to another observation from the hon. member in a previous debate as to the probability of the Coolies intermarrying with Europeans, he could state that there was but little fear of that. If the Coolies did so intermarry they would lose caste, which was a great punishment in the eyes of the Coolies. He could not understand how the advent of a number of Coolies could interfere with European labor. On the contrary, he believed that for every Coolie who arrived here there would be a good opening for two white men. It was not to be expected that Englishmen, Irishmen, or Scotchmen would stoop to the effeminate labor of picking cotton; therefore, he could really not understand on what grounds the objection to the introduction of Coolies was made.

The COLONIAL SECRETARY regretted that he was not in a position to place regulations before the House. If he had done so, however, he should most decidedly have opposed any attempt which might have been made to incorporate them with the act. There was no precedent for such a course of action,—besides it was not in the power of the House to do so. It was certain that were that House alone to endeavor to frame regulations by which the immigration could be conducted the consequence would be that immigration would cease at once. It must be remembered that the object of the regulations was to protect the Coolies, and to prevent the slightest assimilation to slavery. Should the importation of Coolies take place to any large extent without there being any regulations in operation by which that importation could be guided, there was a much greater chance of the Coolies being tyrannised over, and made almost slaves of, than if a good code of regulations were to be established. There had certainly been some slight expression of opinion in Brisbane as to the inadvisability of importing Coolies, and with that expression of opinion he could to a certain extent sympathise, but at the same time he must remind hon. members that they did not sit in that House for the purpose of legislating for Brisbane alone, but they were there to look after the interest of the whole colony. He believed that if the Coolies did come to the colony, many working men would soon rise to the position of overseers. He had himself been to the Mauritius, and had observed that the system worked well there, and that white men rose rapidly in the social scale. He was very much surprised to hear the remarkable definition of free trade enunciated by the hon. member for North Brisbane (Mr. R. Cribb.) A great many new lights were being thrown on certain subjects at the present time, and he must say that that hon. member had been successful to a remarkable degree in throwing a new light on free trade. He hoped that hon. gentleman would find time and opportunity to reconsider the view he (Mr. Cribb) had taken on that particular subject.

Mr. TAYLOR would certainly not have risen to speak to the question then before the House, had it not been for the very intemperate, and he might say, injudicious language, which had been indulged in by his friend, the hon. member for the Burnett. The squatting community were not the people who were anxious for the importation of Coolies. Two large companies which were about to commence operations in cotton-growing were the prime movers in the matter, and the whole of the benefit to be derived from the presence of Coolies would be shared between the towns of Brisbane and Ipswich. The fact of Coolies being required for the purposes of pastoral pursuits, he would deny *in toto*. What with the labor the squatters already possessed, and what they would obtain by importations from England, he had no doubt the squatters would be enabled to muddle along for some time to come. He fancied what a splendid effect the speech of the hon. member for North Brisbane (Mr. R. Cribb) would have had, had it been delivered from the hustings. He imagined, however, that the hon. member had spoken rather against than for free trade. He could agree with the hon. member for Fortitude Valley, that the less power given to the Government with regard to the framing of regulations, the better; at the same time, he thought that these regulations were made for the purpose of protecting the unfortunate men who were about to come to the colony. Something had been said by the hon. member, Dr. Challinor, about the tyranny of the squatters, but he (Mr. Taylor) had no doubt that that hon. member did not pay the one or two servants he kept better, and that he abused them as much as ever the squatters did. There was no question about the fact that at present labor was well paid, and was very scarce. He would remark, too, that the whole of the hon. member's speeches plainly showed that they had an eye to the future. He had been accused again by that very liberal paper the *Courier*

of treating the grave question as to the Chinese immigration in some light and funny way, and it was possible that he might incur the displeasure of that journal again on this occasion. He had also been taken to task for averring that the Toowoombians would be happy to receive any money which the Chinese might spend in their passage through Toowoomba. He reiterated that statement, and would ask hon. members whether the people of Brisbane would make much demur at selling goods to the Chinese—aye, and whether the *Courier* itself would not be delighted to receive a large number of those very Chinamen as subscribers. As far as the fact of a few Chinamen travelling through Queensland into New South Wales being regarded as a very serious matter, he must confess that he could see nothing particularly grave about such a thing. He should support the bill; but he would warn the Government that unless the business of the country were proceeded with quickly it would be discovered there would be no House; for what with races, assizes, &c., hon. members would certainly be compelled to disperse in the course of a month or so.

Mr. FERRETT should not have spoken on the subject before the House, but for the fact of certain observations having been made which to say the least required contradiction. An hon. member had asserted that labour was obtainable in the north at a less rate than £3 per week; that assertion he was prepared to contradict, and he would go so far as to say that in the far north as much as 12s. and £1 per day was demanded for labour. He should vote for the second reading of the bill.

Mr. RAFF said he believed the object of the bill was fully understood by the House; it was to give force to certain regulations which had been made for the protection of Coolies. The House had agreed that no restriction should be placed upon the introduction into the colony of any class of labor. No one wished to see Chinamen arrive in the colony by thousands, but he certainly must submit that none of the speakers had shown what evil was likely to arise from the introduction of a few Coolies; there was no ground to assume that any evil would result from such introduction. Hon. members should remember that they were not legislating for Brisbane alone. One hon. member had stated that the town members had evidently been speaking with an eye to future effect. There was no doubt of that fact, and he would ask why they should not do so. He believed, with the hon. member for Fortitude Valley, that the Government should have brought down to the House the regulations which had been referred to. The despatch on the subject which had been received from the Duke of Newcastle expressly stated that the Government were to adapt whatever regulations were made from those already in use, and that they were then to be submitted for the approval of the local legislature; and he (Mr. Raff) believed that regulations framed by that House would have been accepted by the Indian Government. If the Government would delay the committal of the bill until the regulations had been placed before the House, he could not conceive what objections hon. members could entertain against voting for the second reading.

The question was then put, that the words proposed to be omitted stand portion of the bill, and the House divided with the following result:—

Ayes, 14.	Noes, 5.
Colonial Secretary	Mr. O'Sullivan
Colonial Treasurer	B. Cribb
Minister for Lands	R. Cribb
Mr. Royds	Raff
Ferrett	Edmondstone
Moffatt	Blakeney
Haly	Jones
Taylor	Lilley
McLean	Dr. Challinor.
Richards	
Sandeman	
Coxen	

Watts
Fleming.

The COLONIAL SECRETARY moved that the committal of the bill stand an order of the day for Tuesday next, by which time he would endeavor to place a draught of the regulations on the table of the House.

Mr. R. CRIBB would move as an amendment that the committal of the bill be postponed till Tuesday week, as it was very desirable that a copy of the regulations should be laid before the House.

Mr O'SULLIVAN seconded the motion.

Dr. CHALLINOR supported the amendment.

The House then divided on the amendment, with the following result:—

Ayes, 9.	Noes, 13.
Dr. Challinor	Colonial Secretary
Mr. Lilley	Colonial Treasurer
Jones	Minister for Lands
O'Sullivan	Mr. Fleming
B. Cribb	Watts
R. Cribb	Coxen
Raff	Sandeman
Edmondstone	McLean
Blakeney	Taylor
	Haly
	Moffatt
	Ferrett
	Royds.

PASTORAL OCCUPATION BILL.

The MINISTER for LANDS and WORKS, in rising to speak to the next order of the day, would state that it was his intention to move the recommittal of the bill, with the view of making four different clauses of the third clause. The alteration would make no substantial difference, but it was believed that it would have the effect of making the bill read much better. It was also proposed to insert two additional clauses, which would have the effect of getting rid of the Tendering System, and of the system of application under the provisions of the Crown Lands Occupation Act. In order to do so it would be necessary that a general survey of the country should be made, which would of course involve considerable expense. He would move that the order of the day be discharged.

Mr. MOFFATT must say that the hon. the Minister for Lands and Works was taking a very unusual course. The bill had already been re-committed once, and it was now a very different bill from what it appeared to be on the second reading. An obnoxious alteration had been made, by which the six months' grace would only be allowed in those cases where licenses had not been issued, so that another impediment had been placed in the way of *bona fide* occupiers.

After some further remarks from the MINISTER for LANDS, in the course of which that hon. member stated that it was never imagined for a moment that any bill of the sort would please the hon. member who had just sat down, the motion was put and carried.

The MINISTER for LANDS and WORKS then moved that the bill be re-committed.

Mr. JONES moved, as an amendment, that the debate be adjourned until Tuesday next.

Mr. MOFFATT seconded the amendment.

Messrs. TAYLOR, FERRETT, and CHALLINOR spoke against the amendment, and Mr. COXEN in support of it.

The amendment was then put and negatived, and the House went into committee of the whole for the re-consideration of certain clauses of the bill.

The new clauses 3, 4, 5, were passed without amendment.

Clauses 6, 7 and 8 were then put and passed.

The MINISTER for LANDS proposed, after the insertion of clause 8, a new clause, to stand as clause 9. This clause rendered a survey of the run compulsory, the lessee being compelled to pay for the survey, and the cost of survey being at the maximum £8 per block.

Mr. HALY wished to know if every squatter would be compelled to have his run surveyed, as, if this were the case, it might, in the case of beginners, prove a hardship.

The MINISTER for LANDS said that it could not prove a hardship for anyone. It was good for every lessee to have his run surveyed and know its boundaries, and the survey was essentially necessary for the proper settlement of the country. (Hear, hear).

Mr. HALY thought it would press hard on the small squatter at first. (Mr. TAYLOR: "There's no such thing.")

The MINISTER for LANDS considered that if the small squatter could not afford to pay £8 he had better not commence squatting.

The clause was then put and passed, after which the CHAIRMAN reported progress, and the House resumed.

On the motion of the MINISTER for LANDS the third reading of the bill was set down as an order of the day for Tuesday next.

POSTPONEMENT.

The resolution of Mr. WATTS, relative to the Toowoomba Court-house, were postponed until Wednesday next, and those of Mr. R. CRIBB, relative to the Tramroad, until Tuesday next.

The House adjourned at half-past one until three o'clock on Tuesday next.