Queensland

Parliamentary Debates
[Hansard]

Legislative Council

FRIDAY, 29 OCTOBER 1880

LEGISLATIVE COUNCIL.

Friday, 29 *October*, 1880.

Absence of the Clerk.—Marsupial Fund Return.—Petition.—Customs Duties Bill—second reading.—Duty on Cedar Bill—second reading.—Pacific Island Labourers Bill—committee.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

ABSENCE OF THE CLERK.

The PRESIDING CHAIRMAN announced that he had received the following note :—

"Government House, Brisbane,
"October 29, 1880.

"SIR,—Will you inform the House on its meeting to-day, that I have granted further leave of absence for one month to the Clerk of the Council on the ground of ill-health.

"I have the honour, &c.,
"JOSHUA P. BELL.

"To the Presiding Chairman."

The POSTMASTER-GENERAL said he begged to move that during the absence of the Clerk his duties be performed by the Clerk-Assistant.

Question put and passed.

MARSUPIAL FUND RETURN.

The HON. J. F. McDOUGALL said that the object he had in view in moving the motion standing in his name was to show how the present Act had been worked. He had only asked for the returns for one district in order that they might be furnished in time to be of service to members while the Marsupial Bill was under consideration. He thought it would be seen when the returns were produced that great partiality had been shown by the board of directors, that great neglect had also been shown in enforcing the powers of the Act, and there were many other things which it was desirable should be brought before the House, and, as he believed the returns would be but short, he hoped there would be no opposition to the motion. He begged to move—

That there be laid on the table of this House, a return showing the amount of money which has been received from each station, selection, or freehold, with the names of the parties so contributing, in separate columns, to the Marsupial Fund, in the district of West Moreton, from the day the Marsupial Act came into force to the present day.

Question put and passed.

PETITION.

The HON. W. H. WALSH said he begged to move—

That the petition received by the House on Wednesday last, relative to the Marsupial Destruction Bill, be printed.

The petition was signed by a large number of gentlemen who styled themselves stock-owners, and they complained that they were subjected to a grievous hardship in consequence of their having to contribute to a fund from which they received no benefit at all. The petition stated that the petitioners were taxed for the destruction of marsupials in the central and southern portions of the district, distant 65 miles from Rockhampton, and 150 miles from their residences. It did seem hard that persons who were not affected by the marsupial pest, and who lived at a distance of 150 miles from it, should have to contribute to the Marsupial Fund. He could see no reason why they should be compelled to contribute to a fund from which they derived no advantage any more than the citizens of Brisbane. He was not at all surprised at such an influentia body of men taking the alarm when they found that this marsupial tax—which was to them a marsupial pest—was to be continued. He begge d to point out to the Postmaster-General that the only pest these and other settlers suffered from was a tax which was levied upon them from which they derived no benefit. It was because a Bill upon the subject had been introduced in another place that the petitioners had taken the alarm, and now called upon the Council to protect them, and, in advocating their claims, he was advocating the claims of hundreds of others who were similarly situated.

The HON. C. S. D. MELBOURNE said the petition presented by the Hon. Mr. Walsh bore the signatures of almost every squatter and selector owning any number of cattle in the northern portion of the present marsupial district of Rockhampton, and it was deserving of consideration, inasmuch as the persons signing it were the persons who would be taxed, and who would have to pay, according to his knowledge of the district, the major portion of any tax which might be inflicted upon them by any Marsupial Bill that might be passed. The remaining persons to be taxed, with two or three exceptions, represented a small number of the contributors to the Marsupial Fund, and the minimum portion of the amount which would be levied. The marsupial district of Rockhampton was somewhat peculiar. When the proclamation under the last Act was originally issued it took in the district

up to St. Lawrence. Then representations were made to the Government of that time, and it was found that it was so outrageous to embrace the people in the northern portion of the district that a large portion of the district, as then proclaimed, was alienated and the boundaries were very much reduced. The whole of the gentlemen signing the petition were the owners of runs and selections which were almost free from marsupials;—as far as he could make out from their statements, there was actually a difficulty in obtaining a marsupial upon their holdings. The greatest number of the marsupials were taken from or near the township of Yaamba, which was distant twenty miles from Rockhampton. Going north there were no marsupials. The St. Lawrence marsupial district had proclaimed no tax because it was not required. To show still further the force to be attached to the petition he might mention that the southern portion of the district ran down to a place on the Central Railway called Duaringa, which was distant about 120 miles, and it was from there, and round and about Yaamba, that the marsupials were obtained for which the petitioners were taxed, and from the destruction of which they derived no benefit. The petitioners said in the petition that if the tax was made general all over the colony it would be of a different nature; but to say that a district like theirs, which was free from marsupials, should be taxed for the destruction of marsupials 200 miles away, was an injustice to which they should not be subjected. The petitioners further complained that they were paying large rentals for their holdings, and were subjected to other taxes; and upon reference to the pastoral rent list it would be seen that one was paying as much as £512 per annum for rent, and he naturally complained that it was an injustice that he should, in addition, be compelled to pay a marsupial tax from which he derived no benefit. The petitioners were all stockholders, several were magistrates; and he believed the Postmaster-General, on looking at the petition, would be able to say of his own knowledge that the petitioners were all respectable men, and that their representations were worthy of consideration.

The HON. W. F. LAMBERT said he had seen the petition and knew most of the gentlemen who had signed. They nearly all resided at a place where marsupials were not to be found, and they were subjected to the grievance of having to pay for the destruction of marsupials which did not exist upon or in the vicinity of their holdings; in fact, they were paying for the destruction of marsupials running upon worthless Crown lands, namely, the scrub between Westwood and the Dawson. They had few or none on their properties.

The POSTMASTER-GENERAL thought it rather unfortunate to raise, upon a motion for the printing of a petition, a discussion upon the subject of the petition when a Bill dealing with it was before the House. He should be sorry to have the petition rejected on a technicality, but he was afraid that unless they violated the Standing Orders the motion could scarcely be assented to. The 126th Standing Order required that every petition must be accompanied by a statement of the occupation and residence of the parties whose names were appended to it. In the petition there was no statement of the occupation of the parties signing it; the petition simply stated that they had runs and selections, from which their occupation was to be presumed. Whether the House would consider that a sufficient description he was hardly in a position to say. Then there was a further objection. The 133rd Standing Order provided that no petition should be printed unless the member moving the printing should state it to be his intention to make a motion upon the subject to which it referred. He was obliged to take the Standing Order as he found it. He did not think it was a very advisable one, although there might be reasons why the House should not print petitions unless further action was to be taken. He should like to have the Presiding Chairman's ruling as to whether the motion for the printing of the petition could be assented to.

The HON. W. H. WALSH said there was no doubt that the petition would lead up to further action. He might state at once that it would be followed up on his part by opposition to any Bill which might be brought in. The Postmaster-General was rather captious in his objection about the occupations of the petitioners not being mentioned. So far as he (Mr. Walsh) read the petition, they distinctly stated what they were. They spoke of their runs and selections, showing that they were squatters. They did not use the word squatters, but it was easily understood. The occupation of the petitioners might not be directly stated, but it was inferentially stated, and that was all that was required. He noticed that the provision was altogether wanting in the corresponding Standing Order of the other Chamber. The petitioners were evidently stockowners, and they gave their names and residences. What else could be required?

The PRESIDING CHAIRMAN: I must state that on a former occasion when this petition was presented I asked the Hon. Mr. Walsh whether it was in order, and I had his assurance that it was. In looking at the petition I see nothing in it to lead me to dispute his statement. The petition is signed in accordance with the Standing Orders by the member presenting it and by a number of persons who style themselves graziers. . It is not for me to draw too fine a line with reference to Standing Order No. 126. I think the petition is in order —the more so as I presume that the hon. gentleman who has presented it will, as required by the Standing Orders, found a motion upon it.

Question put and passed.

CUSTOMS DUTIES BILL—SECOND READING.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said it would not be necessary for him to enter into a lengthy explanation of its provisions. It was a Bill which ordered the collection and remission of certain duties at the Customs House, which had been sanctioned in another House. A reference to the schedules would show that acids, boats, and screws were to be charged an *ad valorem* duty of 5 per cent.; that tallow and stearine would pay 1½d. per pound instead of an *ad valorem* duty as before; and that the duty upon hemp was to be taken off. The duties had been collected for a month or two upon the scale provided; and as that House did not generally interfere in these matters, he did not expect that there would be much discussion upon the Bill.

The HON. W. D. BOX said he felt it his duty to place his opinion of that Bill before the House and the country. The alteration of the duty upon acids was a very wise one, and would commend itself to the common-sense of anyone who knew anything about the value of acids. Acids were valued at from 2d. to 4s. per lb., and even more; and it was not desirable that they should all pay the same rate of duty. It was found that when the *ad valorem* duty of 5 per cent. upon tallow and stearine was in existence, that it paid people to import the raw material and put it through mould in the colony. The remission of hemp was another step in the right

direction. It could not be produced in the colony, and in fairness to their rope industries the raw material might be admitted free. He desired to say a few words in reference to leather, and he would ask hon. members to bear in mind that in free-trade New South Wales there were more tanneries than in any other colony in the Australian group. Up to 1870 leather was free in Queensland, but to meet the exigencies of the moment Parliament imposed a duty of 10 per cent. In the tariff of 1874, however, a duty of 2d. per lb. was substituted for the 10 per cent. duty. It would have been better to impose an *ad valorem* duty this year, as he believed the Government at first proposed, rather than allow sole and kip leather to pay the same duty as French calf and patent leather. If the Legislature had dealt with leather as it had dealt with acids, their industries would have had a far better chance. At the present time the bootmakers of Queensland lived in New South Wales. Sole and kip leather could not be profitably imported, and the consequence was that bluchers were made in Sydney and imported into this colony under a 5 per cent. duty. It was all very well to say that common leather could be made in Queensland; but the bootmakers had gone away from us, and would remain away. The Queensland tanneries for the most part prepared the better descriptions of leather—what was called in the trade "bespoke" goods. It was not at all surprising that our bootmakers and saddlers lived out of the colony while that state of things lasted. The Queensland tanners could not buy the hides as they came through; they were obliged to buy the butchers' hides. The lower classes of hides were sent to Sydney.

The HON. W. H. WALSH said he did not know whether to admire or condemn the remarkable inconsistency of the hon. gentleman who had just resumed his seat. He was a protectionist for one moment and a free-trader for the next. The hon. gentleman proposed to increase the tax on tallow, the product of the inside of the animal, and to take off the tax upon the animal's covering. They not only had to swallow a lot of protection in that Bill—he trusted that none of them were so infatuous now-a-days as to believe in protection—but they had to deal with a far more serious matter, which was the fact that the Bill was a paltry, trifling little measure, which was evidently intended to benefit only one or two parties in the colony. The measure, moreover, contained a vicious principle, through which existing contracts would be upset. Persons who had made bad bargains would have an opportunity to get out of them, while those who had made good bargains would be victimised, notwithstanding that they might have gone to great expense in an endeavour to carry out their contract. The 4th clause contained the following proviso, and it was of vast importance to the trading community :—

"Provided that in every case where an addition is so made to the price contracted for it shall be at the option of such purchaser, by notice in writing under his hand to be served on the other party to such contract within fourteen days after the passing of this Act, to declare the contract null and void, and the same shall be null and void accordingly."

Such a proviso ought not to be inserted in a Bill except in a case of great emergency—when it was necessary for the Government to make up a decrease in the revenue, or to provide for some sudden demand upon their funds. It was a vicious kind of legislation, and the Bill, upon the whole, was a wretched interference with the Customs revenue.

The HON. W. PETTIGREW said it was hard to say whether Queensland was free-trade or protectionist. There were several anomalies in the tariff, one of which concerned bran and flour. He could import flour free of duty, but he had to import wheat at a disadvantage of 6d. per bushel. That was one of the anomalies of protection, but he dared say that the matter would cure itself before long. The alteration of the duty on boats seemed to him to be only a fair thing; there was plenty of timber in the colony suitable for boats, but as the wages of boat-builders in other countries were lower than they were here there was an obstacle in the way of that timber being applied to the purpose for which it was so well suited. He noticed that a boat built in China had recently been put on the Queensland river trade. If the duty had been a little higher, so that that boat would have been kept out, it would have been advantageous. He did not think the revenue would be largely augmented by the proposed duty on tallow and stearine; but if it would have the effect of starting a manufactory for the conversion of the raw material into marketable commodities they would have nothing to complain about. If a number of prosperous industries could be established in the colony it would be for the well-being of the community at large.

Question put and passed, and the committal of the Bill made an Order of the Day for Tuesday next.

DUTY ON CEDAR BILL—SECOND READING.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said that it had been introduced with a view to put a stop to the loss which the colony was sustaining through the exportation of cedar. It had been found that large quantities of cedar were taken away from the colony in log. In many cases, he had been informed, the removal of this timber did not afford employment to any person within the colony, and it brought no benefit to the colony in any form. The owners of vessels had the timber cut down by their own men, and all they had to pay for it was the ordinary timber-cutter's licenses. The indiscriminate cutting down of cedar would undoubtedly be attended with injurious results in every respect. Men entered the forests and cut down valuable trees which they had no means of removing, and they trusted to extraordinary rains producing floods which would wash the timber down to some place whence it could be exported. There was no doubt that all timber growing in the colony belonged to the State, and the State were determined that they should get some compensation from persons who removed it. The duty which it was proposed to place on cedar timber would not affect legitimate trade, but it would have the effect of preventing the indiscriminate destruction of trees by persons engaged in the export trade who contributed nothing towards the revenue for what they took. The duty of 2s. per 100 superficial feet on cedar would not appreciably increase the cost to persons who used the timber properly. He believed that everyone engaged in the timber trade acknowledged the desirability of passing such a measure, and he did not think it necessary for him to say anything more respecting it. He begged to move that the Bill be read a second time.

The HON. T. L. MURRAY-PRIOR said he would take that opportunity of bringing under the notice of the Postmaster-General the great harm that was done to public roads by timber-carriers, who contributed nothing towards the maintenance of the roads. Those men used vehicles known as trollies, the wheels of which were peculiarly adapted for cutting up roads; the consequence was that he had seen in his

district roads which had been raised and metalled cut up until they were rendered absolutely impassable. He hoped that the Postmaster-General would see his way clear to propose some remedy for the evil.

The HON. W. PETTIGREW said he should like to see the Bill passed, although it was not sufficient for the purposes which he thought ought to be accomplished by it. Cedar was one of the most valuable timbers they had in the colony, and it was unlike other timber, inasmuch as its growth was not so prolific as that of other kinds. With some kinds of trees for one which was cut down a hundred would spring up, but it was not so with the cedar tree. He could scarcely point to an instance where a cedar tree had sprung up in place of another which had been cut down. In the interests of the colony it was necessary to conserve this valuable timber, and therefore, when a tree was cut down another ought to be planted in its place. He hoped that the Government would take steps to employ men for that purpose, and they ought to see that they raised sufficient revenue from the timber removed to cover all the expenses. The Bill proposed a step in the right direction, but it was a very small step indeed.

The POSTMASTER-GENERAL said that a Forestry Bill was under the consideration of the other House, and the question raised by the hon. gentleman might be discussed when that was brought forward.

Question put and passed, and the committal of the Bill made an Order of the Day for Tuesday next.

PACIFIC ISLAND LABOURERS BILL—COMMITTEE.

The House resolved itself into Committee to further consider the details of this Bill.

Clause 11—"Number of passengers"—put and passed.

On clause 12—"Conditions of ship-masters' licenses"—

The HON. W. H. WALSH proposed an amendment on subsection 4 to reduce the age of islanders who might be shipped from eighteen to twelve years.

The POSTMASTER-GENERAL said he could not accept the amendment. The present law limited the age of islanders who might be introduced to sixteen years, but that measure had failed, inasmuch as he had heard from the Inspector of Polynesians that mere boys had been brought to the colony and put to field-work. The excessive mortality amongst the islanders in the Maryborough district had arisen in a great measure from that circumstance. The Inspector had told him that there were many boys employed in field-work who could not be more than twelve years of age, and they were totally unfitted for such labour. They might be useful for household work, but as the object of the Bill was to limit the introduction of islanders to agricultural labourers, it was not advisable that small, weakly boys should be brought here.

The HON. W. H. WALSH said that if what the Postmaster-General had stated was correct those boys must have been brought out in contravention of the Act, and the same thing might equally well take place if the limit were twenty years. He had seen boys of apparently about fourteen or fifteen years of age who were very useful servants on establishments looking after cattle and horse-breaking, when white men could not be got to do the work as well. In East and West Moreton boys and girls under twelve years of age, the children of Germans, might be found toiling in the fields from morning till night. Whilst he was travelling on one occasion from Bundanba, a woman had complained to him that cotton-growing was the curse of the colony, because from the time the work commenced husbands would not allow their children to attend school; and he believed that the same complaint was made by the schoolmasters. Why should not a law be made to protect these young children from the evils which were apprehended in the case of kanakas? He regarded it as almost a crime to allow the young children on the Logan to toil like slaves in the fields under a broiling sun. The amendment he had suggested commended itself to his judgment; it was for the Committee to say whether they approved of it or not. It was in accordance with the argument so strongly advanced yesterday—namely, that it was not old or middle-aged kanakas that were wanted, but those who were supple in body and pliant in mind.

The HON. T. L. MURRAY-PRIOR suggested that it was very difficult to ascertain what the age of an islander was; but the wish of the Committee might perhaps be met by substituting the words, "under the age of puberty."

The HON. G. SANDEMAN said he would remind hon. members that in tropical climates the natives arrived at maturity far sooner than in more temperate climates. Natives of India and other tropical countries, at thirteen or fourteen, were generally as matured as young men of eighteen born in colder climates.

The POSTMASTER-GENERAL said when the age of sixteen was fixed upon it was anticipated that some difficulty would be experienced in determining the age of kanakas accurately. Practically there had been no difficulty. It was impossible to say exactly what the age of an islander was, but if he was fit to do field-work it would be assumed that he had attained the required age.

The HON. W. H. WALSH said he would accept the suggestion of the Hon. Mr. Murray-Prior, and move that the words "under the age of puberty" be inserted in place of the words "less than eighteen years of age."

The HON. C. S. MEIN said the object of the Bill was to introduce competent labourers, and experience had shown that it was to the interest of employers that none who were weakly constituted should be introduced. No doubt the Postmaster-General was right when he said that a great number of lads had been introduced who were physically incapable of performing the work required of them. This clause in its present shape was therefore entirely in the interest of employers. If the proposal of the Hon. Mr. Murray-Prior were accepted, it would be necessary to make an addition to the definition clause in order to explain what the age of puberty was. In his opinion it would be better to retain the limit fixed in the present Bill—namely, eighteen years—as being the correct one, at all events, in the interest of employers.

The HON. K. I. O'DOHERTY said it occurred to him that to fix the age at eighteen was a mistake. So far as he had been able to judge, natives of the islands, or aboriginals, before they reached the age of eighteen years were able to do all the ordinary work required to be done on plantations. He should be surprised if healthy boys of sixteen years of age, or even fifteen, were not capable of doing the ordinary work of plantations. The Bill in its present shape, limiting the age to eighteen years, seemed to put an unnecessary difficulty in the way of employers who wished to get that class of labour. Boys of fifteen and sixteen, the children of European parents, were often as well able to do

a day's work as almost any adult. There was a great deal of work done on plantations not requiring any great amount of physical strength, which any boy of fourteen, fifteen, sixteen, or seventeen years of age ought to be able to do. He believed there was already a serious difficulty in getting the requisite number of labourers for the plantations, and if the limit with regard to age were made more restrictive the difficulty would be increased. Sixteen years was the limit under the present regulations, and he should be prepared to vote for any resolution maintaining that limit, as he believed the result so far had been very satisfactory. With regard to the proposal to substitute the words "under the age of puberty," he might say that the age of puberty was arrived at so early in tropical climates that that would be a dangerous limit. Persons at twelve to fourteen might be considered as having arrived at the age of puberty, but they would not be properly capable of bearing the change of climate and condition. An examination of the mortality returns would show that more deaths occurred through mental than bodily ailment—the distress of being torn away from their homes, subjected to a sea voyage, and then cast amongst strangers, was often more injurious to the islander than the work required to be done on the plantations.

The HON. C. S. MEIN said the hon. gentleman (Dr. O'Doherty) had adduced the most potent argument in favour of retaining the age of eighteen. It was no doubt a fact that lads were torn from their homes before their physical powers were developed—before they were responsible agents; but the hon. gentleman had overlooked the fact that those lads were expected to do men's work. It was like expecting a two-year-old colt to do the work of a full-grown horse. Drs. Thompson and Wray had stated that these labourers were kept at work on the plantations for twelve hours a-day—from daylight to sundown. Were lads of sixteen physically capable of continuous drudgery of that description? Europeans would be the first to cry out if their children were treated in that way, and yet they were willing to allow helpless young persons to be driven or cajoled from their homes to do men's work. It was not fair to the islanders, and experience had shown that it was also unfair to the employers.

The HON. W. H. WALSH said the hon. gentleman was very unfair in quoting one report made against one or two establishments in the colony, when there were scores of other reports in the possession of the Government, in some of which the inspectors had shown that the kanakas had been treated better than white men on the same plantation and in the same neighbourhood. There seemed to have been an endemic on the particular plantation referred to in the report quoted, the reason of which was supposed to be the impurity of the water. He could testify to the fact that Mr. Cran was a humane employer and in every way a Christian, and he had heard from that gentleman that the only cause to which he could ascribe the unusual mortality was the impurity of the water, which he was taking every possible means to remedy. Had the Hon. C. S. Mein read from the almost numberless reports in the hands of the Government, he would have learnt the fair and fatherly care which had been taken of the boys on the plantations in the Wide Bay, Bundaberg, and Mackay districts. It was very unfair to taint the whole class of employers of kanakas in the colony because a most unfortunate number of deaths had occurred in one particular spot. He had looked up the meaning of the word "puberty" in "Tomlin's Law Dictionary," and found that it meant the age of fourteen in men and twelve in women. Surely that could not be objected to.

The POSTMASTER-GENERAL said the question of age was not very material, for it would be impossible to prove the age of an islander, and the 16th clause provided that if any islander was introduced unfit for labour he was to be sent back again. He should prefer seeing the age left as it appeared in the Bill, but he would be willing to accept an amendment reducing it to sixteen.

The HON. G. SANDEMAN said that, to settle the question, he would move that the word "eighteen" be omitted with the view of inserting the word "sixteen."

The HON. W. F. LAMBERT said that, from his experience of islanders, the younger they were when imported the more satisfactory they turned out. Some of the younger boys were capable of working against men twice their age. He saw no reason why "sixteen" should not be substituted.

The HON. C. S. MEIN read the opinions of Mr. Buttenshaw, Polynesian inspector at Maryborough, that the low age at which boys were introduced increased the death rate; of Drs. Thompson and Wray, that no boy should be employed under the age of eighteen years; and of Mr. Horrocks, that the lowest age for enlistment should be raised to eighteen years. In the face of those opinions they should pause before attempting to reduce the limit fixed by the Bill.

The HON. K. I. O'DOHERTY said that after hearing those opinions it would be scarcely wise to alter the limit as prescribed in the Bill, and he should not feel justified in doing so. He hoped a clause would be introduced into the Bill limiting the hours of labour.

The HON. C. S. D. MELBOURNE pointed out that in Demerara the hours of labour were limited to even an hour less than that suggested in the report of Drs. Thompson and Wray.

The HON. W. D. BOX said he hoped some provision would be made to regulate the hours of labour. If it was found necessary to protect mechanics in England, it was far more necessary to protect the islanders.

Question—That the word proposed to be omitted stand part of the question—put, and the Committee divided :—

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Question, therefore, resolved in the negative.

On motion of the HON. G. SANDEMAN, the word "sixteen" was inserted, and the clause, as amended, was agreed to.

On clause 13—"Length of voyage"—

The HON. C. S. D. MELBOURNE suggested whether it would not be advisable to extend the period of the voyage to or from the South Sea Islands to more than thirty days : vessels from the Southern colonies sometimes occupied that length of time.

The HON. C. S. MEIN pointed out that the time specified was ample—vessels generally having leading winds throughout the voyage.

Clause put and passed.

Clause 14—"Agreements to be completed on board ship"—put and passed.

On clause 15—"Master of vessel to report arrival, &c."—

The HON. C. S. D. MELBOURNE pointed out that there was some ambiguity between this clause and clause 12 with regard to the making of the agreement.

The POSTMASTER-GENERAL said the agreement was evidently made after the arrival of the vessel here.

Clause put and passed.

Clause 16—"Certificate of health"—was agreed to, with verbal amendment.

On clause 17—"Labourers to be registered on arrival"—

The HON. F. J. IVORY said according to the interpretation clause an islander was not a labourer until he was engaged, and he suggested that "islander" should be substituted for "labourer."

The POSTMASTER-GENERAL suggested that the objection might be met by amending the clause so as to read "every labourer shall, on completion of his agreement, be registered, &c."

The HON. C. S. MEIN said that would still leave the clause open to ambiguity, and it was better to leave it as it stood.

Clause put and passed.

Clause 18—"Employers to provide for labourers on arrival"—passed as printed.

On clause 19—"Transfer of labourer"—

The HON. L. HOPE said it was frequently the case, especially where there were small plantations, that the services of labourers were transferred for a few days. Would the Act be interpreted so stringently as to prevent that being done? There were two or three sugar-planters near him, and they had frequently arranged to have the services of labourers for a short time so as to enable them to take their crop off quickly. It seemed to him that the Bill would interfere with that.

The POSTMASTER-GENERAL said he did not think that was the meaning of the clause. He presumed that when a labourer was temporarily transferred there would be no objection. The transfer spoken of in the clause was certainly not a temporary hiring.

The HON. C. S. MEIN said that clause 20 would meet the case pointed out by the Hon. Mr. Hope. It enabled an islander to be used for a temporary purpose with the consent of an inspector.

The HON. G. SANDEMAN said he also was of opinion that clause 20 provided for the objection raised by the Hon. Mr. Hope. It would be very easy to get the written permission of the inspector required by that clause.

The HON. W. H. WALSH said that clause 45 seemed to him one of the most dangerous and insidious in the Bill. It appeared to him that a very venial offence committed under the 19th clause might be considered as punishable under the 45th, which provided that any person who offended against any of the provisions of the Act for which no penalty was specially provided should be liable for a first offence to a penalty not exceeding £10, and for a second offence to a penalty not exceeding £20 nor less than £5. If he happened to lend a neighbour a boy for a day or a week he should be liable in the first instance to a fine of not exceeding £10. The exigencies might be such that he could not obtain the inspector's permission before lending his boys. Supposing, for example, that a fire or great accident occurred requiring that he should give his neighbour the immediate assistance of his boys, for doing so without obtaining the written permission of the inspector he should come under the 45th clause.

The HON. C. S. MEIN said the 45th clause would meet an infraction of the 19th, which was intended to deal only with an absolute transfer of the services of an islander for the remainder of his term. The object was very apparent—it was to prevent persons getting rid of their responsibilities. The provision was also in the interest of the transferror: if he gave up his business and anybody took it over it was desirable that that person should take over the islanders also. A temporary employment of an islander was met by clause 20: all that had to be done to get the right to transfer a labourer temporarily was to obtain the sanction of the inspector, which was not a hard matter to do, as where islanders were employed an inspector was accessible.

Question—That clause 19 as read stand part of the Bill—put and passed.

Clause 20 put and passed.

Upon clause 21—"Wages to be paid in presence of Polynesian inspector; wages paid during currency of agreement not to be deducted; store accounts not to be deducted from wages"—

The HON. T. L. MURRAY-PRIOR said that many islanders were engaged in places where no police magistrate or inspector could be found. Were the men to be brought the whole of the way to Brisbane to be paid in the presence of the immigration agent, or what was to be done?

The HON. W. D. BOX said clause 1 would meet that difficulty.

The HON. C. S. D. MELBOURNE said he would suggest that the clause be amended to permit of the whole of the wages of islanders being paid into the savings bank, and handed over to them at the expiration of their three years' agreement. That suggestion was made by Mr. King in another Chamber; but the committee there preferred an amendment moved by the Colonial Secretary. That amendment was now before them, and it did not seem to him sufficient to protect the islanders. There had been several cases in the Insolvent Court during the past twelve months which illustrated the necessity for some such provision as he had suggested. In one case there was a number of islanders who were working in the interior, and who had stood by a large quantity of sheep in a very bad season. The mortgagee transferred the mortage to a firm in Brisbane, and it was subsequently transferred to a bank. The men came down to Brisbane and received only six months' wages out of the wages for the whole three years which were due to them. Another case was that of a selector on the Downs, in which £45 for wages of islanders was returned in the schedule. In that case the men received nothing. There was a third case in which three islanders had £69 due to them. They also received nothing. Then there was another case of eleven islanders who served the whole of their three years, and were entitled to £18 each. Their master was adjudicated insolvent about a week before the expiration of their agreement, and the men received nothing, there being no assets in the estate. He had obtained this information yesterday from the records of the Insolvent Court. These cases had occurred within a short period, and were only four out of a number. If the money were paid over to the islanders themselves every six months, the chances were that they would spend it if they were near a public-house, or that some people would take advantage of their comparative ignorance to become possessed of the money. If the islanders received money every

six months they would terminate their engagement with only six months' wages in their possession, and would go away dissatisfied. They would then give the colony a bad name among their friends, and might be instrumental in arresting the Polynesian immigration.

The HON. F. T. GREGORY said he had intended to draw the attention of the Postmaster-General to the fact that if the islanders received their wages every six months it would result in one of two things: they would either return the money to their employers and ask them to take care of it, or the money would fall into wrong hands. He would not keep back the whole of the islanders' wages until they were about to return to their native country. Supposing they received a certain per centage—say 20 per cent.—to supply their wants, and the remainder were deposited. He would like to see some provision of that kind inserted, if it would not encumber the Bill.

The HON. T. L. MURRAY-PRIOR said he agreed with the Hon. Mr. Melbourne that the whole of the money should be deposited in the savings bank. The islanders came there with the object of making a sum of money to enable them to take goods back to their islands. They were fully supplied with all they required during their stay in the colony, and did not stand in need of any wages. If their wages were deposited in the savings bank every six months they would have the advantage of interest at the end of three years.

The HON. F. J. IVORY said he also agreed with the Hon. Mr. Melbourne. The wants of the islanders during the period of their engagement were very small. It was really surprising to see the care with which they took over the money due to them. In consequence of a regulation issued during the administration of the late Government, the money of some islanders was lodged at the savings bank for them, and when their engagements had expired they found themselves in possession of a fair amount of interest.

The HON. C. S. MEIN said he was fairly staggered by the altered tone of some hon. members' speeches. Last night they heard a great deal about the acumen of these islanders. It was said that they heaped up riches far more surely than the ordinary run of white men; but to-night hon. members were singing quite a different song—the islanders were not fit to be trusted with their wages, and were to be treated like slaves or infants, and were to have their money locked up for three years whether they liked it or not. He thought, for his own part, that that would be a little too hard upon the islanders. They had seen what their friends had been able to do with money, and the stipulation that they should receive their wages every six months was upon the whole a very fair one. If they were intelligent men they would put the money into the savings bank. They ought to have the right accorded to every man in a free country—that of doing what he liked with his own.

The HON. F. J. IVORY said that the hon. member (Mr. Mein) had changed his opinions very considerably. When they on a former occasion referred to islanders being able to take care of themselves they alluded to islanders who had been in the colony for three years. It was wonderful how quickly the men came to know the full value of money.

The HON. T. L. MURRAY-PRIOR said that when they first came the islanders were very much like children. Hon. members must not suppose that they came here because they preferred this country to their own. If they were asked what they had come for, they would say because here they could get "plenty money, plenty clothes, plenty everything!" They should do all they could to assist the men.

The HON. F. J. IVORY said it was the practice of a neighbour of his to pay his islanders every twelve months in the presence of a magistrate, and the islanders at once handed it back to their employer so that he might take care of it for them. It would be far better to put the money in the savings bank, as the men would derive a further benefit from it. There was always the risk of the employer going insolvent, or of something happening which would be to the disadvantage of the islander.

The HON. W. F. LAMBERT preferred that the money should be paid into the savings bank. Under the existing Act the employers had to pay the money into the Treasury, and he knew of cases where employers who had paid the labourers' money into the Treasury, when they wished to send the men back to their islands could not get the money for them. In one case an employer had to pay £18 a-head to the men to get them away by ship, otherwise he would have been at the cost of keeping them two or three months pending the departure of another ship. By paying the money to the men's credit in the savings bank all such difficulties would be avoided.

The HON. T. L. MURRAY-PRIOR said that the Immigration Agent knew how much money was due to an islander at a given time. The employer could pay the money into the savings bank and hand the pass-books to the Immigration Agent, who would then have evidence that the money had been paid.

The HON. C. S. D. MELBOURNE moved that the clause be amended so as to provide that the wages of labourers should be paid every six months to an inspector or police magistrate, who should lodge it in the savings bank to the credit of the labourers, and that no payment should have any force or effect unless the money had been so paid and lodged in the savings bank.

The POSTMASTER-GENERAL said he was willing to accept the amendment.

The HON. C. S. MEIN thought the plan proposed would be quite impracticable. There would be a great deal of trouble in getting the money, as the men would have to prove their identity, sign cheques, and go through a great deal of formalities.

The HON. F. J. IVORY said there would be no such difficulties. He knew that labourers' wages had been paid to the police magistrate at Gayndah, by whom it had been lodged in the savings bank. There was no trouble whatever in getting the money when the men had to return to their islands.

The HON. W. H. WALSH said the scheme proposed was the most impracticable he had heard of. Within a short time probably 2,000 or 3,000 islanders would be introduced in the colony, and for months two-thirds of them would not understand a word of English. There would be no means of explaining to the men what would become of their money, and if they saw the police magistrate pocketing it they would be under the impression that they were being robbed. He was astonished at the Postmaster-General accepting the amendment. He knew that there were a large number of islanders who were depositors in the savings bank, but they were intelligent men.

The HON. C. S. D. MELBOURNE said his only object was to protect the islanders, and if the hon. member, Mr. Walsh, would propose an amendment which would better preserve their interests he (Mr. Melbourne) would withdraw his.

The plan he proposed was pursued at present by many employers. If hon. members would refer to the half-yearly report of the Curator of Intestate Estates, they would find there the names of numerous islanders who had died, and whose money had been paid to other islanders under the Intestacy Act. About a fortnight ago an islander came to him and asked him to indentify him so that he might receive his money from the bank. He could not identify the man, but at his request the savings bank officials communicated with the man's employer, and the result was that he got his money.

The HON. T. L. MURRAY-PRIOR said the Hon. Mr. Walsh appeared to be making a mountain out of a mole-heap. A similar provision had been carried out for a long time past, and islanders had found no difficulty at all in getting their money, especially at the expiration of their term.

The HON. W. H. WALSH said no doubt many islanders would have no objection to placing their money in the hand of an employer whom they knew and trusted; but it would be quite different when a Government and an institution quite unknown to the labourer stepped in. According to this clause, employers would be forced to pay the money in this way; and the Government would be forced to become bankers for the islanders. He considered the clause would be most oppressive and unjust, and would cause no end of trouble to the employers themselves. Supposing sixty or eighty men to arrive at a port in one ship, they would probably have to be paid on the same day; and if they got an idea into their heads that they were not being treated properly, a revolt might be the result, followed by a general state of confusion.

The POSTMASTER-GENERAL said his opinion was that the Hon. Mr. Walsh exaggerated the effect likely to be experienced. Something was certainly necessary for the protection of the islanders. He had known cases where islanders had been in the employment of men whom he would not trust; and what was easier than to pay the money in the presence of the inspector, and afterwards induce the islanders to give it back to them? He did not anticipate any difficulty in regard to the identification of the islanders, because each one of them would be, under the 17th clause, registered, and the inspector would be able to trace him to wherever he might be employed.

The HON. G. SANDEMAN said the difficulty appeared to have been rather exaggerated. Some of the islanders in his employment were in the habit of placing their money in the savings bank, though they always had the option of doing as they liked. They very soon acquired a knowledge of money matters, and got to know their own interest very well.

The HON. W. D. BOX said if the hon. gentleman who represented the Government saw no objection, and was willing to take the responsibility of the amendment, the House might as well agree to it.

The POSTMASTER-GENERAL said if the opinion of the Committee was that the alteration would be an improvement, and he could see no objection to it, he thought he ought to accept it.

Question put and passed.

The HON. G. SANDEMAN said the expression "current coin of the Realm" might occasion difficulty, because it was not always to be had.

The HON. C. S. MEIN: That portion of the clause is passed.

Clause 21, with further verbal amendments, agreed to.

Clause 22 passed as printed.

On clause 23—"Employer to provide return passage"—

The HON. W. F. LAMBERT asked what became of the £5 provided by the employer for that purpose, if the labourer did not return to his country?

The POSTMASTER-GENERAL replied that the 48th section provided that all moneys raised under the Act should be paid to the credit of the Pacific Islanders' Fund.

Clause put and passed.

On clause 24—"Re-engagement of time-expired islanders"—

The HON. F. T. GREGORY said that, in speaking on the second reading of the Bill, several hon. members, himself among the number, pointed out that there were certain clauses to which strong exception was taken. The present clause was one of them. Up to clause 23 they had provided for the care of the islanders up to the time they had completed their three years' service, and had provided them with £5 to enable them to return to their native country if they chose. Having done that, the care which had hitherto been taken of them might well terminate, inasmuch as they were free to do whatever they thought fit. He should propose, as an amendment, that the clause be omitted as unnecessary. By so doing they would give the islanders the freedom to which they were justly entitled after they had acquired a full knowledge of the habits and customs and civilisation of the colony, and were well able to take care of themselves. If they attempted to hamper the islanders after that period they would be subjecting them to what had been designated by a majority of hon. members as slavery.

The HON. W. H. WALSH said the motion could not be put in that form. It would be better to meet the clause with a direct negative.

The POSTMASTER-GENERAL said he had three or four amendments to propose in the clause; and, on his motion, the words "in Brisbane" were struck out after the words "Immigration Agent" in the forty-first line, and "any Polynesian" before the word "inspector" in the next line.

After several other verbal amendments,

The HON. C. S. MEIN said, although considerable discussion had taken place on the policy of this clause, he should not like it to go to a division without saying a few words upon it. He might say at the outset that he was entirely in favour of the clause as it stood, because he held that in a young colony like this, where one of the leading professed principles of all parties was the desirability of inducing their fellow-countrymen from the over-populated places at home to come out here and settle in their midst, it was a wrong policy to encourage the unrestricted employment of savages or semi-savages throughout all portions of the colony, and in all industries of the colony. As had been said repeatedly—and he did not think it could be repeated too often—the reason for introducing a Bill of this description at all was to offer facilities and give encouragement to certain undertakings of an agricultural character, which could not well succeed without the use of cheap labour, arising from the circumstance that the industries they intended to foster had their origin in countries where labour was cheap, and hence to compete with those countries they must have cheap labour here. He was willing to admit that, so far as those industries and other new industries of a like nature were concerned; but, seeing the desirability of bringing their own countrymen here, he thought it was unnecessary to go further. Therefore, he cordially approved of the clause; but if, at the

same time, the majority of the Committee were of opinion that these islanders, after having served them three years, should not be restricted to tropical or semi-tropical agriculture, he still thought it desirable to make provision that these men should be well looked after. He did not know by what magic process these islanders would be converted, at the end of three years' service, into persons thoroughly capable of looking after themselves, whilst up to the termination of the three years it was stipulated that they should not have a penny of the money they had earned in the interim. These men were supposed, according to the principles they had affirmed, to be not able to look after themselves during the three years; and yet by some magical process after that time they were supposed to be able to do so, and to want no protection whatever. Under the existing law it was enacted that wherever islanders were engaged they must know the nature of the engagement they were entering into, which must also be made before some authorised person. He therefore saw that if they were going to encourage the employment of those men whose term of agreement had expired they should fence it round with such provisions that they should not cease to have protection, but that their engagement should be made before the immigration agent, or some other authorised person, and registered. If they excised this clause they should have no supervision whatever over these people, because the other clauses simply provided for those men who were labourers; so that an employer might, immediately upon the expiration of the three years, re-employ the whole of the men on his plantation and not come within the provisions of part 4 of the Act, and there was nothing to show that the men would know the nature of the terms on which they were re-employed. What he suggested could be provided for by making certain amendments in the second and third paragraphs of the clause. He admitted that his object was to have as little employment of these men throughout the colony as possible; but if the majority of the Committee were against him on that point, he should still like that these men should be employed under proper supervision.

The HON. T. L. MURRAY-PRIOR took an entirely different view from the last speaker. There was no use garbling the question—the real object of the Bill was, as the hon. gentleman had admitted, as much as possible to exclude islanders from the colony. He (Mr. Murray-Prior), on the other hand, thought that every employer of labour in the country had a right to employ any labour he chose, and that he should not be at the beck of the employé, which was really the intention of the Bill. They had made laws for the introduction and protection of these islanders for three years; during that time they had taught them a great many of their habits; they knew what the accumulation of money meant, and when they had finished their time they were to all intents and purposes as free as any other men in the colony, and quite as competent as many of their own immigrants to look after themselves. He therefore looked upon the question from a British view—that every free man could do as he liked. The hon. gentleman said if they excised this clause they would take all protection from these men, but by the Bill they would still come under the Masters and Servants Act. He hoped hon. gentlemen would vote against the clause.

The POSTMASTER-GENERAL pointed out that part 4 of the Bill provided that hospitals should be proclaimed, and that those hospitals should be for the reception of islanders as well as labourers. Clauses 26, 27, and 28 only referred to labourers, and then provision was made by which islanders whose time had expired might be received into those hospitals. If the 24th and 25th clauses were struck out, the time-expired islanders would have no fair claim on these hospitals; they would have to go into the other hospitals or not be cared for at all. In the event of most of the men in a district in which a Pacific islanders' hospital was established being expirees, they would not be eligible for admission into the hospital, and the hospital tax would not be levied upon their employer; so that it might happen that in a district where Polynesians were largely employed the whole hospital system would break down for the want of funds to carry on the institution. Supposing there were 200 or 300 islanders employed in a district, that a hospital were established, and that a year afterwards the engagements of half the men expired, and the men re-engaged as time-expired islanders, their employers would not have to contribute, nor would the islanders be eligible for admission into the hospital; and the result would be as he had already stated—for the want of funds the institution must lapse. The clause might be modified so as to meet the views of the Committee; it might be altered so that the license fee should be £2 per annum for every islander employed, instead of £2 every time an employer engaged an islander. He did not think an employer would object to pay £2 per annum for the privilege of employing an islander, and it would give the islander the right to be admitted to the Polynesian hospital.

Question—That clause 24 as amended stand part of the Bill—put.

The Committee divided:—

CONTENTS, 7.

The Hons. C. S. D. Melbourne, C. H. Buzacott, C. S. Mein, J. Swan, G. Edmondstone, W. Pettigrew, and K. I. O'Doherty.

NON-CONTENTS, 11:

The Hons. W. H. Walsh, T. L. Murray-Prior, J. F. McDougall, F. H. Hart, W. D. Box, F. T. Gregory, L. Hope, W. Graham, G. Sandeman, W. F. Lambert, and F. J. Ivory.

Question, therefore, resolved in the negative.

Clause 25—"Engagement of islanders after December 31, 1881"—put and negatived.

The HON. C. S. MEIN said he would propose the following new clause, to follow clause 25, as printed:—

No islander or labourer shall be permitted by any employer to be engaged in field-work for more than eight hours in any one day.

In view of the reports which had been made such a provision was desirable. The Committee would notice that he said nothing about employment not of the character of field-work, and consequently the employer would not be prevented from making use of the labour for odd jobs about the house or under shelter. The clause simply provided that the labourer should not be engaged for more than eight hours in field-work.

The HON. F. T. GREGORY said the clause was no doubt well intended, but it would be a mistake to pass it. The conclusion he had come to, not only from his own experience but from the experience of other employers of this kind of labour, was that no employer would attempt to force Polynesians to work for longer hours than was of the greatest advantage to both employer and employed. They were a very willing race, it was true, and might be tempted in certain cases to work longer hours than Europeans; but it must be recollected that the class of work they did varied materially, and there would be no greater want of policy on the part of an employer than to attempt to overwork his men. They would sulk, and nothing would go well on a plantation where it was at-

tempted to overwork them. Furthermore, the law of the country was quite sufficient to protect these labourers against cruelty. Another objection to the proposed clause was, that it was like forcing the eight-hours' system on employers in connection with Polynesian labour.

The HON. W. H. WALSH thought the Postmaster-General ought to state at once whether he would accept the proposed clause. It appeared to him a very reasonable provision.

The POSTMASTER-GENERAL said he had no objection to state to the Committee that his individual opinion was that, after the information they had had of the overwork that had taken place on the plantations near Maryborough, there ought to be some kind of restriction to the hours of labour in the field.

In reply to a further question from the Hon. W. H. WALSH,

The POSTMASTER-GENERAL said he declined to say whether he would accept the clause or not. He would hear it discussed first.

The HON. W. H. WALSH said he would tell the Postmaster-General what his colleague in the other Chamber had stated respecting a somewhat similar clause which was proposed by Mr. Douglas. The Colonial Secretary had the manliness to say at once that he should oppose the clause. After the sweeping condemnations passed upon a similar proposal in another place, the Postmaster-General should be prepared to say whether he would support the amendment or not. He was inclined to respect his hon. friend (Mr. Mein) for proposing that amendment; but they should not have a Ministry which practiced one thing in one House and a totally different thing in another.

The HON. T. L. MURRAY-PRIOR thought the Hon. Mr. Walsh had made a most unwarrantable attack upon the Postmaster-General. The hon. member at first endeavoured to induce the Postmaster-General to say something, and then abused him for not saying it.

The HON. C. S. MEIN said that was a very important question, and if there were a particle of truth in the assertion of the Hon. Mr. Gregory as to the way in which the white race dealt with inferior races, he would hesitate in proposing that amendment; but history showed quite the contrary. The employers of black labour who were of the humane description alluded to by the Hon. Mr. Gregory were unfortunately the exception to the rule. All the world over where the black race were labourers and the white race employers, the first thing the employer considered was the quantity of work and the amount of money he could make out of his labourers. The sentiment of humanity did not operate upon him to any appreciable extent. The experience of that colony was in conformity with the experience of all other colonies where black labour was employed. The chief reason the Colonial Secretary objected to a similar amendment in another place was because he believed there was no testimony in support of Drs. Wray and Thompson, and that they had had insufficient experience to determine the question. He would give the testimony of Captain Horrocks, than whom he thought hon. members would admit there was not a more competent authority in the colony. In criticising the report of Drs. Thompson and Wray, that gentleman agreed with their opinion, and said—

"There can be but little doubt that the hours of labour on plantations are too long, and that too little regard is given to the nature of the work the islanders have to perform. It must be patent to anyone that young recruits who have never worked, and who in many cases are as soft as females, cannot all at once do heavy work in the cane-fields or at the mills. Little attention is, however, as a rule, paid by employers to this point, and the new arrivals are put at it with often fatal results. I have remonstrated, but without effect, having no power whatever to stop the evil."

Drs. Thompson and Wray had stated that unfortunately a great number of the deaths upon plantations were occasioned by the inhuman manner in which the men were driven to work by their employers, with a view to get as much out of them as they possibly could. Even if they were confined to their own colony the evidence was overwhelming that the black labourers were not looked after as they should be, and that they were, on some plantations, worked to death. Unless Parliament fenced the employers round with certain restrictions this disgrace to the community would continue to be perpetrated. His amendment was strictly in consonance with the recommendations of Drs. Wray and Thompson, who, say what they might, were not altogether new chums. Dr. Thompson had had as much experience with coloured races as any man in the community, and his scientific education was sufficient to entitle him to speak upon that point with an authority which should be regarded with respect. As to getting in the thin end of the wedge of the eight-hours' movement, the thing was farcical. His amendment had nothing whatever to do with that movement. The islanders did not work by the day; they were engaged for a definite term.

The HON. W. D. BOX thought the Committee would agree to the amendment. He could not imagine how, after taking such great care of the islander—after treating him so gently all through the Bill—hon. members should be willing to put him in the hands of an employer who would work him for more than eight hours a day in the sun. Some employers were sufficiently conscientious not to overwork their men, but they were not the rule. If any difficulty arose through the restriction contained in the amendment, the men might be worked in gangs.

The HON. C. S. D. MELBOURNE thought the amendment moved by the Hon. Mr. Mein a very reasonable one. The amendment extended the hours of labour one hour beyond the time allowed in the British dependency of Demerara. There the hours of labour were restricted to seven. He could scarcely believe that islanders would be employed upon the Herbert River or in the plantations near Mackay from five in the morning till seven o'clock at night. It might sometimes be done for a fortnight, in case of great emergency; but no planter would think of making it a practice. When there was any pressure the difficulty might be got over, as the Hon. Mr. Box had suggested, by working the islanders in gangs. He was sure the Hon. Mr. Mein did not intend that his amendment should in any way affect the eight-hours' labour question. It had been found necessary to supervise the employment of coolies imported into Ceylon in the same way as the employment of islanders was supervised in that colony. It was necessary that the black labourers should have some protection. The Hon. Mr. Mein deserved great credit for bringing forward that clause. The hon. member's proposal was simply made in the interests of humanity.

The POSTMASTER-GENERAL said he had visited several plantations near Mackay and had seen a great number of islanders there. He had never seen men looking healthier or happier, although the white men, for the most part, looked ill. Anyone who had been among the islanders he saw could not but notice that they were well treated and well fed. He was sure that in nine cases out of ten the employers

treated the islanders well; but even supposing that in the tenth case the employer was inhuman, that would be quite sufficient to justify some restriction as to the number of hours during which the labourers should be employed. It was necessary for the honour of the colony that something should be done to prevent the labourers from being badly treated. He was satisfied that in ninety-nine cases out of a hundred the employers would not ask the men to work more than eight hours a-day except in case of emergency. He certainly agreed that employers should not be allowed to employ these islanders without any regard for their health.

Question—That the proposed new clause as read stand as clause 24 of the Bill—put.

The Committee divided:—

CONTENTS, 11.

The Hons. C. S. Mein, C. H. Buzacott, W. H. Walsh, C. S. D. Melbourne, W. Pettigrew, G. Edmondstone, J. Swan, J. C. Foote, J. F. McDougall, K. I. O'Doherty, and W. D. Box.

NON-CONTENTS, 3.

The Hons. T L. Murray-Prior, F. T. Gregory, and L. Hope.

Question, consequently, resolved in the affirmative.

Clauses 26 to 33, inclusive, put and passed.

On clause 34—"Penalty for failing to send labourers to hospital when sick"—

The HON. F. J. IVORY moved that the words "or islanders," line 2, be omitted. Through the elimination of clauses 24 and 25 the Bill had nothing to do with islanders; it only referred to "labourers." He did not see why an employer should be compelled to send an islander to a hospital when he was sick. The islander was a free man, engaged just as a white man would be, and he might refuse to go to a hospital.

The HON. C. S. MEIN said he should object to the excision. He knew of no charm attaching to islanders who had served their term which would prevent them from being liable to the same illnesses as those who had recently arrived were liable to. If they fell ill it was the duty of their employers to look after them and to send them to the special hospitals which were to be provided for these islanders. A large number of those who were now employed on the plantations were men who had been re-engaged, and when they fell ill they had a right to the same care and medical treatment as was bestowed upon any others.

The HON. W. H. WALSH pointed out that an islander, after serving his term, might engage himself to another employer and fall ill before he had been a week in the new employer's service. According to this clause the employer would then be liable for all the expense of keeping the man in the hospital. Another difficulty might arise in deciding when a man was sick. He might say he had a head-ache, and, if malingering, his employer might not have the cunning to discover the fraud.

The POSTMASTER-GENERAL said the hon. gentleman (the Hon. Mr. Ivory) would observe that the 26th, 27th, and 28th clauses referred to labourers only, and said nothing about islanders. The 29th clause provided for the establishment of hospitals for the benefit of both classes, and the subsequent clauses provided that labourers should be paid for by a capitation fee of 10s. per annum, to be paid by the employer; and in the case of islanders, the employer was required to maintain them while in the hospital. The 33rd clause gave the employer the privilege of voluntarily sending either labourers or islanders to the hospital. As that condition in regard to islanders was purely voluntary, it did appear to be inconsistent to provide a penalty in case of failure to comply with it; and he thought it would be only reasonable to expunge the word "islander."

The HON. K. I. O'DOHERTY said there was a great deal of force in the remarks of the Postmaster-General, and they proved to him the great risk which the Committee had incurred in expunging clause 24 from the Bill. It did not need any great amount of foresight to picture the condition of a large number of these islanders when turned abroad in the towns of the colony, compared with which their condition on stations in the interior would be infinitely preferable. If after having served three years in the colony they were allowed to go abroad at will, with plenty of money in their pockets and without any control being exercised over them, he thought the Legislature would be very seriously responsible. He hoped the result would not be as he feared. He agreed to a great extent with those hon. gentlemen who desired that a certain amount of confidence should be placed in these islanders, and that as they acquired a knowledge of European habits and language a larger measure of freedom should be allowed them; but he was afraid the results might be very serious if they were allowed to go abroad immediately after the expiration of their first term and before they had been subjected to any civilising influence whatever. What would be the condition of one of these lads employed in a town at a very small wage if he became sick and his employer was under no obligation to care for him? He believed that a great mortality would arise amongst them, and that they would die in the towns like rotten sheep if left to their own devices and not cared for by their employers. No doubt a considerable number of them being naturally acute were quite able to take care of themselves, but he could say from his own knowledge—indeed, it must necessarily be the case—that most of them abroad in the towns with £18 in their pockets would be quite unable to do so without some sort of supervision. He entered his protest against the steps being taken by a majority in the House to regard such men as being on a footing with free men in not requiring any more care than white men.

The HON. W. H. WALSH said he did not know whether to be serious or amused in listening to the remarks of the hon. gentleman. He was perfectly astonished to hear the hon. gentleman make such remarks. Had anything occurred in the past to warrant the hon. gentleman in stating that the towns would present the awful appearance he indicated if men who had served three or five years were allowed to go abroad with money in their pockets? Did not experience show that these men who had served their term were the mildest and most inoffensive, the best dressed, and the best behaved of almost any men who might be met with on the highways? The hon. gentleman wanted to know what was to become of these men if they became sick—sick unto death, he presumed—and their employers were not compelled to take care of them. He might tell the hon. gentleman that in such a case there was not a man or woman to be met with in the street who would not take care of them. The public was not so bereft of feeling—so inhuman as to hesitate to step forward and assist a sufferer, and no one would be more ready to set the example than the doctor himself. He claimed, on behalf of his fellow-colonists, to state that they would never allow a sick person in a forlorn condition to pass by without helping him to the best of their powers, and he did not think the hon. gentleman could have taken into consideration the full import of the remarks he had made.

The HON. L. HOPE said he did not anticipate anything like the disastrous consequences predicted by the hon. member. It was only the superior class of men who would remain in the colony.

The HON. C. S. MEIN said they were legislating for persons throughout the length and breadth of the land; not for persons in towns only. Provision had been made for the establishment of hospitals at the expense of the State for the treatment of Polynesian islanders; and experience had shown that they were liable to be attacked by diseases peculiar to themselves. It would be absurd to stop short there, and not provide that employers should be compelled to send them to the proper place for treatment. They might then insist that all the islanders should be treated in the hospital.

Question—That the words proposed to be omitted stand part of the question—put, and the Committee divided:—

CONTENTS, 8.

The Hons. C. S. Mein, C. S. D. Melbourne, W. H. Walsh, K. I. O'Doherty, J. Swan, W. Pettigrew, G. Edmondstone, and J. C. Foote.

NON-CONTENTS, 10.

The Hons. T. L. Murray-Prior, C. H. Buzacott, L. Hope, J. F. McDougall, F. J. Ivory, G. Sandeman, W. Graham, F. T. Gregory, W. F. Lambert, and F. H. Hart.

Question, therefore, resolved in the negative.

The HON. C. S. MEIN asked whether the Postmaster-General, having voted against his own clause, intended to withdraw the Bill?

The POSTMASTER-GENERAL said his object was to make the Bill consistent with itself, which it would not be if the clause was left as it stood in the Bill.

The HON. C. S. MEIN said he presumed the Government understood the clause when they were framing the Bill. It was quite consistent then, and clause 24 had nothing whatever to do with the Government measure; it was interpolated in the Lower House.

The POSTMASTER-GENERAL said the case was clear. An employer was compelled to provide his labourers with medical attendance where there was not a hospital, but not his islanders. Why should an employer be compelled to send his islanders to a hospital, who were capable of taking care of themselves?

The HON. T. L. MURRAY-PRIOR said the Postmaster-General was perfectly right. Certain clauses had been expunged, and it was necessary that those minor alterations should be made.

The HON. C. S. MEIN said clause 24 was not in the original Bill, while clause 34 was. He was afraid the hon. gentleman was in the same category with some of those who had just voted "non-content." The majority of them were away during the debate, came in while the division was going on, and voted *en masse* without knowing at all what they were voting for. They voted with the "non-contents" because they saw their friends voting that way. That might be intelligence according to their opinions, but not in his.

The HON. T. L. MURRAY-PRIOR said he had been leader of the House for several years, and he thought he knew what he was about.

The HON. W. GRAHAM said he was one of those who came in to vote, but he was perfectly aware what the division was upon. After the 24th and 25th clauses had been expunged it became absolutely necessary to make the alteration. He did not vote in the blind way described by the hon. gentleman. All the intelligence of the House was not bound up in that side or in that individual.

The HON. C. S. MEIN said he was free to admit that, but he would not go to the hon. gentleman for a certificate for intelligence. He thought he (Mr. Mein) had ordinary intelligence, and the hon. gentleman showed that his intelligence had deserted him when he made the remarks he did, and that he did not know the force of this clause; and he (Mr. Mein) was sure the majority of hon. gentlemen who voted with the "non-contents" on the last division did not know the meaning of the clause. It simply provided that where an islander or labourer had been in the colony over three years as well as under three years, the obligation was thrown on his employer in case of sickness to send him to the hospital, if there was an hospital for Pacific islanders established in the district, for medical treatment. He (Mr. Mein) said that obligation should be maintained, and that it was doubly necessary when the employer was not bound to keep medical comforts for the men in his employ. They did not compel the employers of labourers who had been here more than three years to have medical comforts for their men, and he maintained for that very reason they should provide that in case of sickness those men should be sent to the hospital. The Government were wise in inserting that provision in the Bill, and the excision of the 24th and 25th clauses did not affect the question in the slightest degree. It did not relieve them of the responsibility of providing that unfortunate islanders who had been here more than three years and fell sick should have somebody to look after them.

The HON. F. J. IVORY thought the Hon. Mr. Mein did not exactly understand the clause himself, or the bearings of it. He (Mr. Ivory) did not see that a person who engaged a labourer and received the benefit of the services of that labourer for three years, was in the same position as a person who engaged a free man, possibly for a month or a week, and who would under this very clause be compelled, under a penalty of £10, to send a man, well to do in the world, who had been going through the district and was known to have plenty of money in his pocket, to the hospital—a thing they were not required to do with even white labourers. These men would be simply persons under the Masters and Servants Act, and the only difference between them and white men was that they had a black skin. It did not require much intelligence to see that there was a vast difference between the two cases.

The HON. K. I. O'DOHERTY said it appeared to him a distinction without a difference. He repeated, in spite of all that had been said by hon. gentlemen opposite, that in the case of many of these unfortunate islanders—who he maintained were more unfortunate than the islanders who came under the provisions of the Bill, because they would be cast adrift without protection or provision in case of sickness—there would, unless some provision was made for them, be great mortality. He agreed with the Hon. Mr. Mein that the elimination of clauses 24 and 25 had nothing whatever to do with the 34th clause, which, he maintained, should be considered a most important feature of the Bill—that was, that all islanders, whether under three years' engagement or employed in towns by any other employer, should have security to their lives in cases of sickness, by compelling the employer, under a penalty, to see that they were sent to the hospital established especially for their protection. The Hon. Mr. Walsh had taken him to task for the warning he had given with reference to the conditions that most of these men would be under, but he was satisfied that if they were attacked by sick-

ness the chances were that they would die like rotten sheep.

The HON. T. L. MURRAY-PRIOR asked what was the usage of the country where they employed Europeans? It was to obtain subscriptions to hospitals, and when their men became sick to send them there; and that would be the usage, for humanity sake, in the case of these islanders. Were hon. gentlemen on that side of the House less humane because they employed certain labour than an hon. gentleman who happened to be learned in the law?

The HON. C. S. MEIN: I am not a nigger-driver.

The HON. T. L. MURRAY-PRIOR said the hon. gentleman stated he was not a nigger-driver; but there were some people who drove white slaves and some who drove black, and he wondered which was the worst of the two. He imputed no motives to the hon. gentleman, but what he did impute to him was ignorance of the mode of life of employers of labour. The hon. gentleman said he had as much intelligence as any hon. member, but there was such a thing as being too clever.

The HON. C. S. MEIN: I never said anything of the kind; it is a total fabrication.

The POSTMASTER-GENERAL urged hon. members to proceed with the Bill. He was satisfied that the last amendment was perfectly right.

Clause 34, as amended, put and passed.

Clause 35—"Wages of deceased labourers to be paid to Polynesian inspector or Immigration Agent"—was agreed to with verbal amendment.

Clauses 36, 37, and 38 passed as printed.

On clause 39—"Quarterly return of cases to be forwarded by bench to Immigration Agent"—

The HON. T. L. MURRAY-PRIOR said it would be seen that the words "or islanders" in the thirty-third line would have to be omitted.

The POSTMASTER-GENERAL said that he would move that the word "Polynesian" in the thirty-third line be struck out, and in doing so he would deal with the Hon. Mr. Murray-Prior's suggested amendment. The object of the clause was to get particulars of all police court cases in which Polynesians were concerned, and he thought it would be wise to let that be carried out.

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

Clause 40—"Engagements subject to 25 Vic., No. 11"—passed as printed.

On clause 41—"Penalty for evasion of Act"—

The HON. F. H. HART said that he had to point out an amendment which would have to be made; otherwise the clause might act very injuriously upon our existing steamers. The clause was directed against the introduction of islanders by sea contrary to the provisions of the Act. They knew that there were a large number of free islanders in New South Wales. Any of them might pay their own passages, and come into the colony by the A.S.N. Company or Howard Smith and Son's steamers; and if they did, the company which brought them would, according to the clause, render itself liable to a penalty of £20 for every islander, and the ship in which they were introduced would be absolutely forfeited. He did not think that was intended, and would propose that the words "from the Pacific Islands direct" should be inserted after the words "by sea." He would also ask whether they could provide that the ship should be absolutely forfeited. It might so happen that an American or German ship might come across islanders and bring them into the colony. Could we forfeit the ship in such a case?

The HON. C. S. MEIN said he hoped the amendment would not pass, because it would be offering an inducement for evading the Act. If it were agreed to there would be nothing to prevent a cargo of islanders being taken to Sydney or Melbourne, transhipped there to another vessel, and brought up here, and the persons introducing them would not be subject to the provisions of the statute in the slightest degree. The number of islanders who had been anxious to come from the adjoining colonies was very limited, and the few there were who were so inclined might well be left to look out for themselves. The policy of the Act was that islanders should not come here unless under certain supervision. If hon. members were to provide for one or two individuals they would never be done legislating.

The POSTMASTER-GENERAL said that if the Hon. Mr. Hart would withdraw his amendment for the time being he would promise to consider it, and, if necessary, recommit the Bill in order to discuss the question; but he was afraid the amendment would defeat the whole object of the Bill.

The HON. F. H. HART said he had no objection to comply with the request of the Postmaster-General. He had no intention in altering the clause to leave it open to defeat the object of the Bill in the way the Hon. Mr. Mein had stated it might be; but he might point out that he knew a number of free islanders who for the last two or three years had been in the habit of going to New South Wales and finding employment on the Clarence during the crushing season, and after it was over they came back to Brisbane to visit their friends and put their money into the Savings Bank. He should not like to see men of that sort shut out from the colony. With the permission of the Committee he would withdraw his amendment.

The HON. C. S. MEIN said the clause was practically the same as the corresponding clause in the Act.

The HON. W. H. WALSH said there was a difference in the provision relative to the forfeiture of vessels.

The HON. F. H. HART: That clause refers to labourers; this refers to islanders.

The HON. C. S. MEIN: The clause in the old Act covers all Polynesians.

Clause put and passed.

Upon clause 42—"Islanders not to be removed out of the colony without permission or consent"—

The POSTMASTER-GENERAL pointed out that this clause dealt with islanders, while the 20th clause dealt with labourers.

The HON. F. J. IVORY said this was a most extraordinary clause. If an islander who had been in the colony five or six years consented to go with him to New South Wales, he could not take him there without the written permission of the Colonial Secretary.

The HON. C. S. MEIN: You have to get that at present.

The HON. F. J. IVORY: Not for an expiree.

The HON. F. H. HART said that no free islander would be able to pay his passage to Sydney by one of the A. S. N. steamers without the written consent of the Minister. This would be very hard. He had known islanders go to Sydney to join their friends there for the voyage

home. He suggested that the word "islander" should be struck out and the word "labourer" inserted.

The HON. C. S. MEIN said the hardship of getting the permission of the Colonial Secretary would not be very great, as far as the few islanders who desired to go to Sydney were concerned. The clause as it stood was very necessary. An employer here might wish to relieve himself of all further responsibility by taking his islanders over the border. He might take them to New South Wales, and throw them upon the protection of the New South Wales Government. All that clause said was, that if an employer had a *bonâ fide* intention of dealing fairly with the men he should have the consent of the Colonial Secretary to take them away.

The HON. F. J. IVORY moved that the word "islander" be omitted, and the word "labourer" inserted in lieu thereof.

The HON. K. I. O'DOHERTY said he would support that amendment, seeing that the 24th clause had been excised.

Amendment put and passed.

Consequential amendments made, and clause, as amended, put and passed.

Clauses 43 and 44 passed.

On clause 45—"Breaches of regulations punishable by fine"—

The HON. W. H. WALSH pointed out that as the clause was worded a man would be liable to an increased penalty for a second offence, although the offence might not be the same as the one for which he was first fined. He moved that after the word "offence," line 8, the words "of a like nature" be inserted.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 46 put and passed.

On clause 47—"Onus of proof that labourer is not a Pacific islander"—

The POSTMASTER-GENERAL said when he first saw the clause he thought it one which should be struck out, but on consideration he found that it was necessary—as if it was not included in the Bill all legal proceedings might be upset by the statement that the person respecting whom the proceedings had arisen was not an islander or labourer, but British or French subject.

The HON. C. S. D. MELBOURNE suggested that it would be advisable to provide that the defendant in any action under the Act should be allowed to give evidence on oath. That was provided for in the Masters and Servants Act, and in other statutes.

The HON. C. S. MEIN said such a form of procedure would be out of harmony with British law, and though some advantage might be gained in certain cases, there would be a danger of falling into the French system of compelling a defendant to go into the witness-box and criminate himself. There would not, he thought, be any difficulty in proving the nationality of an islander.

Question put and passed.

On clause 48—"Trust Fund to be established"—

The HON. C. S. D. MELBOURNE asked what was done with the surplus revenue?

The POSTMASTER-GENERAL said he believed the whole amount of the fund would be required for providing hospitals and meeting various expenses.

The HON. W. H. WALSH said nearly £10,000 had already accumulated, and under this Bill the amount would probably be increased.

The POSTMASTER-GENERAL said that the disposal of the fund might be a matter for direction hereafter.

Question put and passed.

Clauses 49 and 50 passed as printed.

Schedules A to M passed with verbal amendments.

Schedule N was negatived as being unnecessary.

Preamble passed as printed.

The CHAIRMAN left the chair and reported the Bill to the House with amendments; the report was adopted; and the third reading of the Bill was made an Order of the Day for Tuesday next.

The House adjourned at twenty minutes past 11 o'clock.