

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 22 AUGUST 1882

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Tuesday, 22 August, 1882.

Assent to Bill.—Immigration Bill—second reading.—
Corrected Titles to Land Bill—third reading.

The PRESIDENT took the chair at 4 o'clock.

ASSENT TO BILL.

The PRESIDENT announced that he had received a message from His Excellency the Governor notifying His Excellency's assent to the Savings Bank Act of 1872 Amendment Bill.

IMMIGRATION BILL—SECOND READING.

The POSTMASTER-GENERAL (the Hon. B. D. Morehead) said the Bill the second reading of which he was about to move had been in the hands of hon. gentlemen for nearly a week, and had no doubt been very carefully

considered by them all, being a Bill of very material consequence. He might mention that it contained not very many new principles, but was brought in chiefly for the purpose of legalising what had hitherto been done illegally, not only by the present but by preceding Governments, and for making some other alterations in the existing system of immigration. There were certain clauses in the Act of 1872—which was amended by the Act of 1875—which had not been wholly amended, but which had been practically treated as a dead-letter. There were two in particular, one dealing with the remittance clauses of the Act, a certain portion of which was repealed and a certain portion unrepealed—that portion compelling people bringing out remittance immigrants to sign promissory notes. That never had been enforced, and was now proposed to be repealed. With reference also to German immigration by—he would not call it the arbitrary act, but by the act of Mr. Macalister—there was a distinction made with respect to them. That was that on his own responsibility—and the responsibility also, he took it, of the Government—the expenses of German immigrants to the port of embarkation in England were made to be borne by the State. Under the proposed Bill that would not be so; but, on the other hand, to meet that the deposit which every immigrant was called upon to pay would not be taken from immigrants from the Continent. The Bill provided, as hon. members would see, for four classes of immigrants—for assisted immigrants, for immigrants who were nominated by their friends in the colony, for immigrants indentured to employers, and immigrants who could not or did not come under any of those classes—the class known as free immigrants, who came out free of all cost to themselves. There was also one remarkable new feature in the Bill, and that was in clause 21. His opinion was—but it was only his individual opinion as against the wisdom of another place—that the clause was not sufficiently stringent; that the principle contained in it was good would, he thought, be admitted by all. It must be patent to every member of that House that for years past and even at the present time, when labour was so scarce in the colony, they were losing a large portion of the immigrants who arrived here and went into the other colonies; in fact, they had been for years past acting to a great extent as immigration agents for New South Wales and Victoria. He must admit that he thought the clause as originally drafted was better than the clause as it now stood. He thought that three months' stay in Queensland was not sufficient to enforce upon the immigrants; that was to say, if hon. members agreed that the clause should be enforced at all. He thoroughly believed in keeping the people in the colony when they got them, if they could. As a matter of fact he had been informed from a very reliable source that not only did immigrants leave the colony at their own desire as soon as they landed, but that actually they were hired—that there were agents in the colony who hired immigrants for the other colonies as soon as they were landed, and shipped them off. He believed the new clause would to a certain extent have a deterrent effect. Hon. members would see by looking at schedule B that an immigrant who elected to come out to Queensland was made perfectly aware by the document he signed of the pains and penalties he would incur if he disobeyed the proposed law; so that it could not be said that a man was brought out in any way under false pretences. There was, further, in the Bill a provision—clause 14—to enable an employer of labour to make agreements in England or on the Continent which would have the force of law in

Queensland. It was a moot question whether the existing law would admit of that; and there appeared to be such serious doubt on the subject that it was thought as well to put a clause in the Bill which would make such agreements valid. One principle of the Bill was that they were desirous, so far as they could, of bringing out to the colony the three classes he had spoken of in the first instance—that was, to encourage assisted and indentured rather than free passengers. He believed it was better for the country that they should get out people who had friends in the colony, as they were much more likely to stay, or people who would be employed for a definite period, who would unquestionably eventually make the colony their home, rather than over-encourage free immigration. He thought himself there could be no two opinions on that point. People who came out with something definite to look to and a home to go to, as in the case of assisted immigrants, particularly those who came out to their friends, were actually the cheapest immigrants they could bring to the colony, because they entailed no cost to the State after arrival, but immediately went to their friends. In the same way those who were indentured were immediately employed by those bringing them out. One matter that he had contended for for many years, and which was provided for by the Bill, was that depôts should be established in the interior where labour was actually required—which, of course, would come to the knowledge of the Immigration Agent—where immigrants could be drafted, and where they would readily find employment, rather than that they should become the victims of those press-gangs that appeared to get hold of them almost as soon as they arrived in the colony. At present it was well known that labour was scarce everywhere in the colony. He had been given to understand that afternoon by an hon. member, that a gentleman who was conducting a large sugar establishment on the Herbert sent down to Maryborough on the arrival of a vessel there and hired a large number at once to go up there at a very high rate of wage, showing that the demand for labour in the colony, in that one instance, was very great; and such instances could be multiplied to any extent. There was hardly a day that he, in his business vocation, did not hear such complaints from the interior, and they all knew how hard it was in the city to get servants of any sort whatever. Some exception had been taken, or might be taken, to the 8th clause, where the persons made eligible as assisted persons were farmers, farm labourers, vine-dressers, labourers, mechanics, and then families and domestic servants. The clause had been purposely drafted in that way in order that Parliament—and, through Parliament, the Agent-General—might be given to understand what classes of immigrants were likely to be absorbed by the requirements of the colony. Otherwise, if it were left perfectly undefined by that designation being left out, they might be flooded with a higher educated class of people who came out as clerks, who were not accustomed to rough it, and who, really, it was an act of cruelty to bring out at the present time. He was sure that many hon. members as well as himself knew that there was hardly a day passed that they did not meet with applications for employment from that section of the unemployed—a section he was sure they were all very sorry to see in the state that they were, and who were at the same time most difficult of all to find employment for. The clause also said, "Such other persons as the Agent-General, with the authority of the Governor in Council, shall deem eligible." The clause was purposely worded in that way to show that in the meantime,

having, as they no doubt had, plenty of brains, they wanted willing hands to assist them in developing the country. The 11th clause he would call the attention of hon. gentlemen to. It dealt with immigration from the Continent, and provided that when there were no direct vessels leaving the Continental ports for Queensland a passage warrant could be obtained from the Immigration Agent to enable Continental immigrants to go across to England, and from there get a free passage without the payment that was entailed in schedule D, it being considered that the sum there mentioned would just about defray the cost of getting across to Great Britain. He might mention that heretofore a Continental immigrant had not had to pay for his kit, which the English immigrant had always had to pay for; and it was proposed under the Bill to equalise it, that was that all immigrants should be put upon exactly the same footing—that no favour should be shown to either the foreigner who desired to come to our shores or to the native-born Englishman, but all should be treated alike. Clause 12 gave power to any employer in the colony wishing to engage either Continental or British subjects to employ them; and the following clauses, 13 and 14, provided how the agreement was to be drawn up, and that any such agreement so drawn up should be valid. The 15th clause provided that free passages might be granted to female domestic servants and to such other immigrants approved of by the Agent-General, notwithstanding anything previously provided. The clause, he thought, was one that would be approved of by that Chamber, and was one that must be left to a great extent to the state and the requirements of the colony at the time, and was also a power that should not be unduly exercised. He thought if they could get plenty of immigrants of the other three classes that free immigration need not be so strongly gone in for. Clause 16 was again an equalising clause. It was put in by an amendment in the other House, and was, to his mind, a fair one. That was that where an English immigrant lived at a considerable distance from the port of embarkation it would not be fair to insist upon his paying the cost of travelling to the point of departure, but the sum to be allowed for travelling expenses had been limited to £2. The 19th clause provided that the Agent-General might contract for reduced passage rates for passengers of all classes. It was not a clause in the original Bill, nor was it a clause that was approved of by the Government, still it was carried by a majority in the other House, and he hoped it might prove a useful clause, although he had some doubt about it. Clause 18 dealt with what he had already spoken of—that was of depôts to be established in any places in the colony where the Ministry of the day might think the necessity arose. Railway passes existed at present. With respect to clause 19, under the existing law there was an arrangement by which there should be a fixed division of immigrants amongst the different parts of the colony. That had been found to work very unsatisfactorily. Many places had a larger amount allotted to them than they could utilise, while exactly the reverse had been the case in other places; so that absolutely there was a plethora in one case and a dearth in another. He thought that was a matter that should be left in the hands of the Ministry of the time being, who would of course be in a position to know in what portions of the colony labour was most required, or on what parts of the coast line immigrants might be most judiciously landed. The 21st clause was one which dealt with the penalty a person would be subject to who might

use the free passage to Queensland as a stepping stone to go to one of the other colonies. As he had said before, he thought the clause was not strong enough—that as it stood it was not sufficiently deterrent. He could conceive people coming out and a large contractor from New South Wales absolutely paying the passage money on condition of making long engagements with the men so landed; and he thought the clause had been materially weakened in another place. He thought he had explained as well as he could the main provisions of the Bill, and in what way it would alter or interfere with the present laws relating to immigration. He was perfectly certain it would receive careful consideration at the hands of hon. members. They would all agree that it was most important at the present time that Queensland should be in the van on the subject of immigration. They wanted labour everywhere; and he was also perfectly certain that population and prosperity would go together. They had at present a period of great prosperity, but that prosperity was being sadly retarded in almost every branch of industry by the lack of labour. He trusted, therefore, that the Bill would receive the approval of hon. members and their very careful consideration in committee, which, if it passed the second reading that afternoon, he proposed to go on with to-morrow.

The Hon. J. C. HEUSSLER said that having been intimately connected with foreign immigration for many years he should take the liberty of saying a few words on the Bill. In the first place he must congratulate the Postmaster-General and the Government on having brought forward such a fair Bill, and one which he thought would work very well as far as it went. There was one principle, however, which he should have liked to see embodied in any Immigration Bill, and that was a modification of the land-order system, which he believed worked well in the olden times. Under that system a great amount of settlement had taken place on the lands with very great advantage to the colony in general; but it seemed that that system was not now in very great favour with the Government; but no doubt the Government knew all about it, as they could see all that was behind the scenes while he could see what was in front. He dared say that the direct payment for what they were going to get would be just as good. It was formerly adopted as a principle that there should be some sort of compensation given to people who paid their own passages to the colony, and it had worked very well for the settlement of people on the land. The various clauses of the Bill, he supposed, would pass; and if there were any small amendments necessary they could be made in committee, and he had made some notes with a view to a few amendments which might meet the approval of the House. He observed with great pleasure that under clause 12 engagements made in Europe were to be legalised. During the time that he was connected with foreign immigration he himself made thousands of agreements for a term not longer than two years, and although in some instances those agreements were not strictly fulfilled, he might say that those cases formed a very small percentage, and that in the case of families they were always fulfilled, and those families proved the very best of labourers, especially for agricultural purposes. He thought they should endeavour to encourage those classes, the more so as the agricultural interest in the colony was assuming such very great dimensions that they must look for some description of reliable labour from some source or another. The great sugar industry must have not only labour that was efficient but also reliable, and he had no doubt

it was with that object the Coolie question had been brought up. He was not a very great believer in the efficiency of coolie labour. He had no particular objection to it, and thought that the great interest now springing up in the North was entitled to some consideration, but still he had a feeling that Indian coolie labour would not pay. He had himself seen and heard reliable statements that the work which those men did was not sufficient for the cost they incurred, and that one European would really do more work than three or four coolies. He thought hon. gentlemen would agree with him that the employment of European labourers in agricultural pursuits was much more advantageous, because in a short time they would settle down as colonists and become employers of labour themselves, as they had seen in many instances already. In so far the expenditure for them would prove to be permanent good, while, at the best, coloured labour could only be considered as auxiliary labour—as part of a machine that was brought into the colony, employed for a time and then left, taking away in many instances the value of their labour in kind, as was the case with South Sea Islanders, and in that way benefiting trade to some extent. Others, like Chinese or Indian coolies, took away the hard cash, and left, consequently, very little good behind. He had nothing more to say on the Bill. He did not see anything objectionable in it, but rather than anything else he thought the Government were to be congratulated on its fairness to all concerned.

The Hon. W. H. WALSH said he should have thought that a Bill of such very great importance as the one before the House would at least have elicited some remarks from those hon. gentlemen whom they were all glad to see amongst them, and whom they might call new members, and perhaps new members of Parliament. Being an admirable opportunity for them to educate the older members of Parliament on a subject which no doubt they had thought over for years as much as, and with much more clearness and perception than, older members could, owing to party feelings, he thought they would have embraced it as a most fitting occasion for doing at any rate some service to the country; but they must admire their diffidence rather than thank them for their silence. Hon. members he thought would admit that the Bill had been introduced by the Postmaster-General in such a temperate way that it made it almost a Bill of their own. It had put them in that frame of mind that if there were any amongst them who could find fault with the Bill it would be from a disposition to endeavour to make it as perfect a Bill as they possibly could for the general good of the country. But there was a great question to be considered in the introduction of a Bill of that kind, and that was whether there was any necessity whatever for it—whether the Act at present in existence, under which such an excellent supply of immigrants was being brought to the colony, was so defective as to justify—or, rather, to necessitate—the Government introducing a measure which, to a certain extent, would cause a shock to the emigrating classes of Europe who were preparing to come out to the colony, or raise a degree of doubt as to whether they could come out under the new Bill under such favourable circumstances as they were able to do under the Act upon which they had been instructed for a number of years. He held that nothing could justify the Government in introducing an important measure of that kind unless there were very grave reasons to necessitate it. The Postmaster-General had stated that the Bill was introduced for the purpose of making legal certain points—those were not his words, but he thought that was his meaning—in connection with immigra-

tion which were not legal now; but did the Bill accomplish that? The hon. gentleman did not clearly point out how or where it did so, and he (Mr. Walsh) thought before he sat down he should be able to show that it did not clearly do so; and therefore he maintained again that when the Government introduced as their prime measure of the session a Bill, the contents of which would be telegraphed to Europe and would cause a certain shock to the immigration system at present carried on, they should show that they were thoroughly justified in so doing. What was there defective in the present Immigration Act? Was there ever such an Immigration Act? It enabled the Government to do whatever they liked. They could employ steamers; they could appoint whom they liked as Agent-General; they could employ sailing vessels, and abrogate the quarantine laws in their favour; they could appoint their friends or their enemies, and pay them, and send them here, there, and everywhere, almost all over the world! Was there ever an Act that appeared so expansive, and so suited to what they might call the exigencies of the case as the law under which they were now operating? He looked upon it that legislation was not a thing to be played with—such a thing was no more permissible on the part of a Government than on the part of individuals—and a Government that introduced needlessly a Bill that disturbed the existing law was as culpable—ten times more culpable—than an individual who from some fancy, or spite, or crotchet, introduced a Bill that would interfere with and disturb existing legal operations. He begged hon. gentlemen to understand that he was not going to criticise the Bill in any adverse way whatever. He impugned the introduction of it more than he did its quality. He could not see that a good case had been made out for the introduction of a Bill of that kind, although he admitted that there were certain clauses that he cordially agreed with, and that were not in the present Act. But those clauses might have been introduced in a separate Bill, or brought into operation by Orders in Council—by Government regulations. The very first clause he took exception to, strange to say, was one that privately most commended itself to his feelings, not to his judgment. That was the 3rd clause, and he wished hon. gentlemen to direct their attention to it. It was a very peculiar clause. It gave the Governor in Council the very necessary power to appoint an Agent-General, but there was the following proviso which he did not like:—

“Provided that the present Agent-General be deemed to be appointed Agent-General for emigration under this Act.”

Now, if there was ever anybody by nature, and by ability, fitted to be a good Agent-General, it was their present one; but that was no reason why the Act should be strained, or that they should go out of their way to place him above the control almost of the Governor in Council, which that proviso would do. If he was to be appointed Agent-General under the Act, as the clause expressly stated, then nothing but an Act of Parliament could remove him. True, there was provision made in the 5th clause for the appointment of persons—

“to act as agents for emigration on the Continent of Europe, and such agents shall receive and obey all instructions in connection with their duties which may be sent to them by the Agent-General, and shall be entitled to receive such salary as the Parliament of Queensland may from time to time provide, and shall be required to give security, approved by the Governor in Council, for the due performance of their duties, each in the sum of £1,000.”

But if clause 3 were passed as it stood the Agent-General could as much defy the Governor in Council as the Auditor-General could, because it

would put him in exactly the same position, and that was not a position an Agent-General should be placed in. If there ever was a man who would be least likely to provoke criticism on the part of the Government, or on the part of Parliament, by the way in which he carried out his duties, it was Mr. Thomas Archer; but that he held no reason why they should introduce such an extraordinary clause, which, to him, was one of the great objections to the Bill. He was now going more into the details of the Bill than was usual on the second reading simply because it was possible he might not be present when the Bill was in Committee. If it came on to-morrow he would be present, but if it were postponed until later, probably he would not; therefore he thought it his duty to make such remarks as struck him that afternoon. There was a clumsiness in the drafting of the Bill which he would point out further in clause 14. That clause provided that every agreement made with immigrants engaged at home should be in duplicate, and for a period not exceeding two years; and then the second paragraph went on to say that every such agreement should bear an endorsement by the secretary to the Agent-General, but the Bill provided for no such officer as secretary to the Agent-General. He pointed this out to show that the Bill required very careful attention in committee. Clause 15 he objected to *in toto*, because it was one of those clauses that seemed to him to undo other important provisions. Provisions were made as to the selection of immigrants, who and what they were to be, and then in the 15th clause they found:—

“Notwithstanding anything herein before expressed, it shall be lawful for the Governor in Council to authorise free passages to be granted to female domestic servants and to such other emigrants approved of by the Agent-General as may from time to time be specially required in the colony.”

The words “female domestic servants” seemed to have been put in to mislead. Why not have said: “Notwithstanding anything hereinbefore expressed it shall be lawful for the Governor in Council to authorise free passages to emigrants.” Why not put it in plain English? But no; it began by the deluding words “female domestic servants,” and went on to say, “such other emigrants approved of by the Agent-General as may from time to time be specially required in the colony.” Why, the Agent-General might approve of immigrants at the dictation of the Government or their supporters or their friends or their enemies; he would have instructions to send them out, and how could he disobey the Government? How could he disapprove of them? He (Mr. Walsh) held that the selection and shipping of emigrants should rest entirely with the Agent-General, upon whom, and not upon any Government 15,000 or 16,000 miles away, should be thrown the onus of sending out none but eligible persons,—persons they should be justified in spending £14 or £15 per head of the people’s money to bring to the colony. Once the Government began a divided authority with the Agent-General they might look for a repetition of the bad immigration they had in the olden times. To go back a little, he must say that he thought clause 14 was of very doubtful value. He had often heard it debated, but he had never been convinced that agreements made with emigrants at home could be made binding in the colony. However, the clause might go for what it was worth. He now came to a very extraordinary portion of clause 17, which said:—

“Persons eligible to be approved as passengers under this section shall be any persons of good fame.”

and so on. It appeared to him that it was a work of supererogation to insert anything of the

sort. “Any person of good fame!” Why, presumably, they were all of good fame. That reminded him of an incident that occurred the other day in a certain town, and he called the attention of the Postmaster-General to it as a matter requiring some notice: A vessel arrived with a number of immigrants, presumably all persons of good fame, and half-a-dozen prominent citizens, headed by certain officials, went down on board, and some of them spent the whole evening in exhorting the girls to be virtuous. The newspaper was full of the account of it. First one exhorted them, then another, and then another, and the whole burden of their addresses to those girls was to be virtuous. He was quite sure that the girls would have been perfectly justified in turning round upon their exhorters and exhorting them to be virtuous. It seemed such a gross insult, such a bad way of adopting towards those poor girls, who were told as it were, probably for the first time in their lives, that their virtue was in danger, or that they were suspected, as he presumed they must have been. Clause 19 he totally objected to. Years ago, when the colony was in a very very different state from what it was now—when Brisbane, or the southern portion of the colony, comprised at least one-half the whole population—then, he remembered that those members of Parliament who sat on the same side of the House as the present Government insisted, and successfully insisted, that one immigrant ship should be sent to the North for every one that came to Brisbane. He thought it was inserted in the Act; at any rate it was insisted upon; and here they had now a new-fangled clause providing that the Agent-General should despatch emigrants direct to Brisbane and direct to the northern ports “in such proportions as the Minister shall from time to time direct.” He objected to that *in toto*. No Minister should have the power to direct that. He said that the people of the colony, through their representatives—that members of that House who represented them more faithfully probably than any other class—should insist where those immigrants should be landed. They knew where the population was, and what the wants of the colony were; and why leave it to any Ministry? The present Ministry would not last for ever, nor would their successors, and the third might be as corrupt as any Ministry that had ever existed; and why should it be left to them to say what the proportion should be? He said if they did their duty, and were willing to allot to the different parts of the colony their share of immigration, let it be stated in the 19th clause that it should be the duty of the Agent-General to despatch immigrants in the proportion of one ship to Brisbane and three to the other parts of the colony. That would be doing something like justice to the country, and would prevent the necessity of immigrants being sent—he was going to say *holusbolus*, but as that was not parliamentary language, he would withdraw it—wholesale by railway to the frontier of New South Wales, so as to enable them to cross over into that colony, as had been done too frequently. They had abundant testimony of that, and he said if they were now going to pass a Bill of the kind let them acknowledge that the northern portion of the colony was the greater portion, that it required a large number of immigrants, and let them apportion them according to the lights they now possessed. He held that they were barely doing justice to the North—to Maryborough, Rockhampton, Townsville, Mackay, and Cooktown—in apportioning only three vessels to them for every one sent to Brisbane. The 22nd clause, he thought, was unworkable as it stood. If it was to be enforced, it

should read : "The proceedings of the last preceding section shall not apply to any person attempting to leave the colony at any time within three months." The previous clause referred to a person who arrived with "the intention" of immediately leaving the colony, but it was very hard to prove the intention. He saw that there was an interpretation put upon that, but he did not see how it was possible to prove the intention. Hon. members must also bear in mind that once persons left the colony the Act would be futile for the purpose of overtaking them. Once they got into New South Wales, Victoria, or any other colony, it would be the duty of the Government of that colony to protect them from the operation of the Act. There would be no interchange of prisoners of that kind. Magistrates might issue warrants for the apprehension of defaulting immigrants until they were black in the face, but they would not get one given up by the other colonies; they might rest assured of that. Then again, he thought that the last clause of the Bill should run something to this effect : "This Act shall be styled and may be cited as 'The Immigration Act of 1882,' and shall come into force on the 1st January, 1883." He did not imagine that the Government themselves could think that it would be proper, if they reflected upon it, to suddenly repeal the present Act, under which there were such numerous arrangements passing. He trusted hon. members would take that into consideration. The whole Bill was worthy of a great deal of consideration. It had one valuable quality—it was brief, and reflected great credit on the Attorney-General. He hoped hon. gentlemen would assist him if he were in the House when it was passing through Committee, or that they would let him assist them in making it such a Bill as would be conducive to the introduction of a large number of immigrants to the colony, and render it unnecessary to introduce any other Immigration Bill for a great many years to come.

Question—That the Bill be now read a second time—put and passed.

The consideration of the Bill in Committee was made an Order of the Day for to-morrow.

CORRECTED TITLES TO LAND BILL— THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Assembly with the usual message.

The House adjourned at 5 o'clock until the usual hour to-morrow.