

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 27 FEBRUARY 1884**

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**LEGISLATIVE COUNCIL.***Wednesday, 27 February, 1884.*

Divisional Boards Act of 1879 Amendment Bill—third reading.—Auditor-General (Salary) Bill—second reading.—Pacific Island Labourers Act of 1880 Amendment Bill—committee.—Message from the Legislative Assembly.

The PRESIDENT took the chair at 4 o'clock.

**DIVISIONAL BOARDS ACT OF 1879  
AMENDMENT 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 message in the usual form.

**AUDITOR-GENERAL (SALARY) BILL—  
SECOND READING.**

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said he might state that it was necessary, in order to increase the salary of the Auditor-General, that a Bill of this sort be introduced. As hon. members were aware, in ordinary cases of increases the sums were placed on the Estimates and considered in committee in that way. With reference to the position of the Auditor-General, he might say that in 1877 he was Under Secretary for the Treasury, and as Under Secretary he received a salary altogether equivalent to £850 a year; but in September, 1877, having at that time been in the service of the colony for a period of nearly sixteen years, he accepted the office of Auditor-General, and the salary attaching to that office was the sum of £800 a year. Now, at the time that Mr. Drew accepted the position of Auditor-General the salary belonging to that office was higher than that of the heads of any of the other departments, but since that time several of the heads of departments had received considerable increases of salary. He might state that the Surveyor-General, Mr. Tully, received at the present time a salary of £1,000 a year, and the Commissioner for Railways also received the same remuneration. It would be a matter of very great hardship, indeed, if Mr. Drew, after having been nominally promoted, should receive a smaller salary than that of any other head of a department, and £50 less per year than the salary he received as Under Secretary to the Treasury. There was very little doubt that, if the salary of Mr. Drew could have been increased as

other officers of the Civil Service had been, he would long before this time have been in receipt of the salary which the Bill now proposed to confer upon him. He might point out, also, that on comparing Mr. Drew's office with similar offices in other colonies, it would be found that his salary was less than that of any Auditor-General in the Australian colonies, except Tasmania. In Victoria the Audit Department was in commission, and was managed by three commissioners, receiving each £1,000 a year. In New Zealand it was managed by two auditors—an Auditor-General and an assistant—one getting £1,000 a year and the other £500. In New South Wales the Auditor-General, who was probably known to hon. members—Mr. Christopher Rolleston—received a salary, by schedule, of £900, and his predecessor received in addition £100, which was placed on the Estimates annually. It appeared that Mr. Rolleston was fortunate enough not to need or value that sum of £100 a year, and did not trouble himself about it. He might point out that the colony was rapidly developing, and its resources had rapidly increased since Mr. Drew was appointed to the position of Auditor-General. When appointed to that office in 1877 the revenue of the colony was about £1,500,000, and now it was somewhere about £2,500,000, and of course the expenditure increased in the same ratio. In addition to that, the introduction of local government had put upon the department a large increase of duty, the accounts of the various divisions being audited by the Auditor-General's Department. It might be said that that large general increase of business, and also that special increase of business, did not necessarily increase the business to be done by Mr. Drew—that his staff might need enlargement, and that the increased work would fall upon the staff. He thought hon. members would see that there was increased responsibility and increased work, for there was increased supervision and care required on the part of the Auditor-General. No matter how they might look at the subject, hon. members must acknowledge that Mr. Drew was entitled to an increase, for at the time he was appointed Auditor-General he was senior to all other heads of departments, except one, and received less than they did at the present time. He trusted that there would be no opposition to the passing of the Bill.

The Hon. W. H. WALSH said he should have thought that when a motion such as that was offered for the consideration of the House, seeing that it dealt with a gentleman who was under the control of Parliament alone, much more interest would have been taken in the matter. He should have thought that members would eagerly have availed themselves of the opportunity to express their opinions, not only respecting the way in which the duties were performed by Mr. Drew, but also in reference to the treatment he had received since the House last met. Whilst, of course, he agreed with all that had been said by the Postmaster-General, he would, if he would permit him to say so, state that he thought it was that gentleman's duty or the duty of the Government, in offering a Bill to increase the salary of Mr. Drew, and, knowing as they did the eminent services he had rendered, to have stated more than he did on the second reading. He (Mr. Walsh) could not allow a motion such as that to pass without making reference to matters which it was their privilege and their duty to criticise. The Auditor-General was the only officer of that House, in conjunction with his duties to the other House, whom they had a direct control over—the only officer whom they were called upon to observe and see that his duties were carried out efficiently.

Certain matters had occurred since they last met, during the last year, in which their officer, the Auditor-General, had been, he did not hesitate to say, most grossly treated; and he thought, by a reference to the correspondence which had passed between that officer and the Treasury, he should be able to show that the Auditor-General had been unfairly treated—cruelly treated almost—because he would not allow himself to forget his duty to the Parliament of the country by being coerced by the Ministry of the day. That was strong language to use, but he felt it imperative upon him to use it. If the Ministry did not think it their duty to call the attention of hon. members to the circumstances of the case, he thought it his; and if they expected the Auditor-General to fulfil his duties fairly and unflinchingly, they should show that officer that while he simply did his duty the members of that House, at any rate, would protect him, and, if necessary, reward him. Now, hon. members might be aware that, in the Financial Statement tabled by the present Treasurer, there was an allusion to the Auditor-General charging the late Government with unauthorised expenditure to the extent of £350,000 on account of immigration. That gross, unjustifiable, unconstitutional expenditure was pointed out to the Government of the day by the Auditor-General, and that, he believed, was what led to the recriminatory correspondence between subordinates in the Treasury and the Auditor-General, which had so ennobled the one and cast such a dark reflection upon the other. When he spoke of that unauthorised expenditure, let him at least exonerate one gentleman who was not now in the colony, nor in this world. Let him be absolved at once from casting any reflection upon the memory of such a good man. He might state that he believed the Auditor-General, after pointing out to the Government of the day that they were spending a large sum of money that the Parliament had not voted, and expending it by a request of the most uncommon kind, placed himself in a most painful and peculiar position, but one which he was bound to act up to, and which led him into such an unhappy correspondence with the subordinates of the Colonial Treasury. He would begin with the very question itself, which he fancied was the beginning of that embroglio between the Treasury and the Auditor-General. The Auditor-General headed one part of his report with "Absence of Parliamentary control over expenditure." The very title used was significant; and it was almost painful to them that such a thing as that could exist in this country, and that they had allowed the Government to get into such a reckless, careless habit of managing their affairs. The Auditor-General said:—

"I have in former reports suggested one or two important amendments required in the Audit Act. I beg now to respectfully invite the attention of hon. members to the unsatisfactory manner in which, under the law, expenditure unauthorised by Parliament is at present dealt with.

"By section 9 of the Audit Act the Treasurer is required to calculate and schedule in an instrument termed a 'Warrant' the amount of money likely to become due and payable by the Treasury during a period not exceeding one month from date. This warrant is transmitted to the Auditor-General, and by him examined, in order to ascertain whether the sums therein contained are legally available for and applicable to the services mentioned in such instrument. Should the Auditor-General find that these sums, or any of them, are not legally available for the services enumerated, he is required to withhold his counter-signature from the certificate and return the warrant to the Treasurer, attaching thereto a paper setting forth, in writing, for the information of the Governor, the grounds on which he withholds his counter-signature; and such paper is placed before the Governor with the said instrument when submitted by the

Treasurer for his approval and signature. The form used by me for this purpose is as follows, viz.:-

"In compliance with the 11th clause of the Audit Act, 35th Victoria, No. 12, I have the honour to state, for the information of His Excellency the Governor, that, 'for the reasons mentioned in the margin,' the sums enumerated in the warrant hereunto attached, No. \_\_\_\_\_, are not legally available for or applicable to the services or purposes therein set forth. I, therefore, withhold my counter-signature from the certificate at foot thereof, and return the said warrant to the Honourable the Colonial Treasurer."

Now, let him point out to hon. members that, if this colony had been constitutionally governed, that memorandum of the Auditor-General would have prevented the expenditure of that money until parliamentary sanction had been obtained. That was the *sine qua non* as practised in days of old, and no Treasurer without the consent of Parliament would have dared to ask the Governor to sign a warrant for that expenditure. The Auditor-General went on to say—

"Upon receipt of the warrant and the above protest the Treasurer submits the same to the Governor with the following printed covering wrapper, viz.:-

"The Colonial Treasurer begs to submit for the signature of His Excellency the Governor, the accompanying warrant, numbered as per margin,\* which has attached to it in accordance with the 11th section of the Audit act of 1874, a paper, setting forth the grounds on which the Auditor-General withholds his counter-signature.

"The Colonial Treasurer nevertheless asks for the Governor's sanction to this warrant, inasmuch as the amount therein set forth is necessary to defray 'Unforeseen Expenditure' for which the Executive Government is compelled to provide, by anticipating the consent of Parliament to Supplementary Estimates."

\* "A" Series. No. \_\_\_\_\_

That was according to the practice that had prevailed for a long time. Where small sums of money—not large ones—had to be provided for, all Governments had had to resort to that practice. The Auditor-General had connived at it, and in his report to Parliament he had stated the facts; and the expenditure had been sanctioned by Parliament, either by passing a Bill of Indemnity or by voting the money. But the marrow of the Colonial Treasurer's memorandum had to come. He told His Excellency the Governor that—

"No payments will be made out of the sum applied for but such as shall have been approved by the Executive Council."

And the Auditor-General then went on to say that—

"The warrant is then invariably signed by the Governor, and the money can be withdrawn from the bank by the Treasurer."

Let him now proceed to refer again to that huge sum of money that was appropriated under Executive minute for immigration services;—and he should not go out of his way there to give his opinion of the reason why that large amount was required for the service;—if he did so, he should have to give a very unpleasant reason, a reason according to his knowledge and convictions; but he should not do so—he would reserve that for another occasion—and he would proceed now to what the Auditor-General said:—

"The following is an exact copy of an Executive minute, dated the 20th June, 1883, under which an expenditure—which has already reached nearly a quarter of a million in excess of the Parliamentary Vote for Immigration—was authorised:—

"His Excellency the Administrator of the Government Governor, at the instance of the Honourable the Colonial Secretary, informs the Council that the amount voted by Parliament for the financial year 1882-3 for Immigration Loan Vote is insufficient to meet claims due and coming due against it, and recommends that further claims thereupon

a sum not exceeding \_\_\_\_\_ be placed on the Supplementary Estimates for the current financial year, to be applied when voted in aid of the deficient vote, and that in the meantime vouchers on account thereof be charged to 'Unforeseen Expenditure,' pending the passing of a vote.

"The Council advise as recommended.

"Immediate action."

That was the style of the Executive minute that was brought before the Administrator of the Government of the day, and sanctioned by him when the vote for immigration had already been exceeded by the reckless mismanagement and expenditure of the Government. Here was the minute—

"His Excellency the Administrator of the Government, at the instance of the Honourable the Colonial Secretary, informs the Council that the amount voted by Parliament for the financial year 1882-3 for Immigration Loan Vote is insufficient to meet claims due and coming due against it, and recommends that further claims thereupon be charged to 'Unforeseen Expenditure,' pending the passing of a vote."

Such a minute was atrocious, and he would justify his words. When such Executive minutes had been written it had been the invariable custom, until that course was departed from by the late Administration, to state the amount required. The minute should have read—

"His Excellency the Administrator of the Government, Governor, at the instance of the Honourable the Colonial Secretary, informs the Council that the amount voted by Parliament for the financial year 1882-3 for Immigration Loan Vote is insufficient to meet claims due and coming due against it, and recommends that further claims thereupon, a sum not exceeding \_\_\_\_\_ be placed on the Supplementary Estimates for the current financial year, to be applied when voted in aid of the deficient vote, and that in the meantime vouchers on account thereof be charged to 'Unforeseen Expenditure,' pending the passing of a vote."

The minute he read first was the one the Auditor-General was called upon to swallow, and his protest called upon him the ire not only of the Government but also that of the subordinates of the Treasury Department. He would point out the harassing position occupied by the Auditor-General, in order to show how much that officer deserved at the hands of Parliament in recognition of the exemplary way in which he had done his duty. The correspondence with the Treasury began with a letter from the Accountant:—

"The Treasury,

"Brisbane, 10th July, 1883.

"SIR.—I have the honour to report that for the last week we have been perfectly inundated with Audit officers, who appear to have taken possession of our books.

"They are extracting therefrom the financial position on 30th June and the transactions during the year just closed, thus taking the result of our year's work.

"I would respectfully point out that the Audit Act specially provides that the Treasury is to prepare the annual Statement, and limits the reports of the Audit Office to such statements as the Treasury lays before them, and to advise as to the safe custody of moneys.

"I would also point out that the Budget figures, which are certainly Treasury work, are thus wrongfully foreshadowed. I beg most respectfully but firmly to protest against our office, our books, and our work being jumped by the Audit Office.

"I am perfectly certain that no one would have resented such action more bitterly than Mr. Drew had the late Auditor-General attempted it.

"For the last nine years I have always done what I could to assist in any audit they may require, but I do protest against my work and position being taken away by any Audit Inspectors.

"I have, etc.,

"T. W. CONNAH."

Was ever such a document ever promulgated or permitted in a Government office before? A subordinate in the Treasury Department wrote that the Audit Office had jumped the Colonial Treasurer's Office! It was the Auditor-General's duty to inundate, if necessary, that office with his officers,

THE HON. W. FORREST: Not then; not at that moment.

THE HON. W. H. WALSH said that no doubt the hon. gentleman would be able to prove that they had no right there then, and not at any time; but he (Mr. Walsh) took quite a different view. He was now reflecting particularly upon the style of correspondence that was evidently set in motion to worry the Auditor-General. That letter was followed by one of the next day's date from the Under Colonial Treasurer to the Auditor-General, and that was the first attempt, so far as the correspondence was concerned, to overawe that officer:—

"The Treasury,  
"Brisbane, 11th July, 1883.

"SIR,—I have the honour, by direction, to call your attention to the fact that considerable inconvenience has been occasioned to the Treasury by the officers of your department, who have been sent over, apparently, for the purpose of abstracting and preparing returns from the books of this office; and the Treasurer will be glad to learn what is the reason for the somewhat unusual course which is now being pursued.

"The 24th section of the Audit Act provides that the Treasurer shall, not later than six months after the end of the financial year, prepare and transmit to the Auditor-General, for examination and audit, a full and particular statement of revenue and expenditure; and the 46th section directs that such statement shall be audited and transmitted to Parliament with the Auditor-General's report thereon.

"I am, therefore, to point out that six months are allowed the Treasury for the preparation of the accounts to be reported on, and that it is not in accordance with the Audit Act, or in other respects desirable"—

It was not desirable that the Auditor-General should make visits to that office except when it pleased the Treasury Department! But it was the duty of the Auditor-General to see that the work of the Treasury was carried out to the satisfaction of Parliament.

"It is not in other respects desirable that a statement of the financial position of the colony should be hurriedly presented to Parliament by the Auditor-General"—

Fancy information being given to Parliament too soon—the only place to which he could give information! What did it mean? It meant that the Auditor-General was expected to yield his position to the desires and weaknesses of the Treasurer, though he was an independent parliamentary servant. The letter went on—

"Five or six months before the accounts to be reported on can possibly be supplied, and anticipating, as it must necessarily do to a very considerable extent, the facts and figures which form the basis of the Finance Minister's annual Budget Speech.

"I have, etc.,  
"E. B. CULLEN."

Now, he would call attention to the reply of the Auditor-General to that most improper letter. That officer lifted himself to the dignity of his position, and instead of addressing a subordinate went direct to the Colonial Treasurer:—

"Audit Department, Queensland,  
"Brisbane, 11th July, 1883.

"SIR,—In acknowledging the receipt of your letter of this date, I have to express my regret if any inconvenience has been occasioned to Treasury officials by the presence of Mr. Mills at the Treasury during the last two or three days."

He might point out that Mr. Connah said in his letter that the office was perfectly inundated.

"He has been engaged in the preparation of a Statement of Loan Expenditure, which has always appeared as a valuable appendix to the Report of the Auditor-General for the time being, and which contains information not to be found elsewhere. No other portion of the figures used in my report to Parliament or its appendices were collated in the Treasury; and, although the Loan Statement above referred to is of very great use to Members of Parliament and that portion of the public who take an interest in the finances of the colony, I had—before the receipt of your communication—decided either to forego its future preparation or to compile it from other sources, rather

than again subject an officer of this department to churlish treatment at the hands of any Treasury official.

"With regard to the remaining portion of the Under Secretary's letter, whilst I trust that I shall at all times refrain from pursuing any course or doing anything to which the Treasurer for the time being might reasonably take exception, and whilst I shall be always anxious to meet the views of the Treasurer so far as I am able to do so, I must be pardoned for pointing out that the Audit Act gives full power to the Auditor-General to report to Parliament 'at any time he may think fit.'"

Not at any time the Colonial Treasurer or his subordinates thought fit.

"And he must of course use his own discretion as to when such reports shall be made and what subjects shall be embraced therein. It cannot, I think, be justly urged that the present is not a suitable occasion for such a report, or that 'it anticipates the facts and figures which form the basis of any Budget Speech' likely to be delivered in Parliament within a reasonable period.

"I may add that the examination of the Treasury books complained of was not without use to the Treasury officials, as by that examination it was discovered that in two instances the Treasury Loan ledger did not agree with the published Loan Expenditure Statement—the latter being correct, and the ledger wrong; and furthermore, it was discovered that the Treasurer's Annual Statement of Revenue Expenditure, recently published in the *Governor's Gazette*, contains two errors and differs from the ledger accounts, which are posted correctly.

"I have, etc.,  
"W. L. G. DREW,  
"Auditor-General."

He was informed that the extent was considerable—something like £6,000. There was an admonition vouchsafed to the Treasury Department! But instead of being received with thankfulness, how was it received? The next portion of the correspondence would show.

"THE UNDER SECRETARY, TREASURY, TO THE AUDITOR-GENERAL.

"The Treasury,  
"Brisbane, 20th July, 1883.

"MEMORANDUM.—A copy of the memorandum herewith is forwarded to the Auditor-General by direction of the Colonial Treasurer.

"E. B. CULLEN,  
"Under Secretary.

"[Enclosure.]

"MEMORANDUM BY THE UNDER SECRETARY OF THE TREASURY.

"Referring to the Auditor-General's letter of 11th instant, I would remark that the Audit Act definitely prescribes the conditions to be observed both by the Treasury and the Auditor-General with respect to the examination and audit of the public accounts of the colony and the report to be made thereon to Parliament. These conditions have always been strictly observed by the Treasury, but have been deliberately ignored by the Auditor-General, who has presented a report to Parliament on the accounts of the year 1882-3, three months before the closing of the financial year, and in other respects entirely at variance with the provisions of the Audit Act.

"It is true the Act gives the Auditor-General full power to report to Parliament 'at any time he may think fit,' but such power, which is contained in the 47th section of the Act, refers only to special reports submitting plans and suggestions with reference to the collection and payment of the revenue, and the more effectual audit and examination of the public account; and the report now in question does not claim to be, and cannot be regarded as, a special report in terms of the said section.

"According to my reading of the Audit Act, it contains no authority under which the Auditor-General is required, or entitled, to rush before Parliament a statement compiled by himself of the financial position of the colony months before the accounts are ready for audit, and in anticipation of the Treasurer's Budget Speech.

"Under the circumstances, therefore, I do not think he is entitled to complain, even if assistance had been withheld by the officers of this department; which, however, I am assured is not the case [vide Mr. Connah's statement attached].

"The adjustment of errors, if any, in the Treasury returns has absolutely nothing to do with the matter in question.

"E. B. CULLEN."

No doubt that was the way the Treasury would like to deal with the financial matters of the colony. He must again direct the attention of hon. gentlemen to the dignified and proper course pursued by the Auditor-General as shown in the following note:—

"Read and returned. I am not anxious to be advised of the Under Secretary's opinion of the manner in which the duties of the Auditor-General should be conducted.—W.L.G.D."

The Government seemed to take up the question from that moment: hitherto they had employed their subordinates.

"This memorandum of the Under Secretary was forwarded, by direction, to the Auditor-General for his information, as he seems to have assumed a power not conferred on him by the Audit Act, to which he is referred for his guidance in future.—A.A., 27-7-83."

That was the memo. written by the Colonial Treasurer of the day. The following was the statement of Mr. Connah:—

"The facts of the case are as follows:—Mr. Mills was here in my room collating his information for nearly a week, and last Tuesday morning told me that he could not balance; and, as it was of the utmost importance to him to finish at once, he appealed to me for help. As he and I have been personal friends for years, and he was in a bad state of health, unfit just then for such work, I at once went to his assistance. He was wrong, as his memoranda now on my desk will show, £1,341 7s. 4d."

That had reference only to Mr. Mills, who alone was personally unable to inundate the Colonial Treasurer's office. Mr. Connah went on to say—

"Mr. Mills thanked me cordially for my trouble, saying that he could not, in his then state of health, have balanced but for me.

"I assisted Mr. Inrie in his municipality return, Mr. Hobbs with his Executive minutes, Mr. Dodds with his expenditure, and they each thanked me. I do not see where the churlishness comes in."

To that there was a long reply from the Auditor-General:—

"Audit Department, Queensland,

"Brisbane, 22nd August, 1883.

"Sir,—In consequence of your absence from Brisbane and the illness of the Under Secretary, I have refrained from addressing myself to the subject of your memorandum to me of the 27th ultimo until the present time, and indeed would not now reopen the question did I not feel that silence on my part may be misinterpreted and lead to future misunderstanding between the Treasury and myself, which I am anxious to avoid if possible.

"It will perhaps be convenient to recapitulate the circumstances which gave rise to your memorandum above referred to. They are as follows:—

"On the 11th July, 1883, I judged it expedient to present to Parliament 'Summaries of Treasury Receipts and Disbursements to the 30th June, 1883, together with other Financial Statements and information to that date,' with my report thereon, which statements and reports were received and ordered to be printed by both Houses of Parliament."

Parliament endorsed the action of the Auditor-General, but what was the treatment received by that officer for making that report?

"Immediately thereafter—namely, before the report was printed, and the Treasury could by any possibility know its nature and contents—I received a letter from the Treasury, signed by the Under Secretary, advising me as follows:—

"I have the honour, by direction, to call your attention to the fact that considerable inconvenience has been occasioned to the Treasury by the officers of your department, who have been sent over, apparently, for the purpose of abstracting and preparing returns from the books of this office; and the Treasurer will be glad to learn what is the reason for the somewhat unusual course which is now being pursued.

"The 24th section of the Audit Act provides that the Treasurer shall, not later than six months after the end of every financial year, prepare and transmit to the Auditor-General for examination and audit a full and particular Statement of Revenue and Expenditure, and the 45th section directs that such statement shall be audited and transmitted to Parliament with the Auditor-General's report thereon.

"I am therefore to point out that six months are allowed the Treasury for the preparation of the accounts to be reported on, and that it is not in accordance with the Audit Act."

"On the receipt of the foregoing, it occurred to me that there was in the mode of this communication a marked departure from the unwritten but well understood rule which recognises that, inasmuch as the Audit Office is not a subordinate department of the Treasury, all letters of a controversial character—indeed, all but ordinary departmental routine communications to the Auditor-General—should be signed by the Minister. This rule was followed when I was at the Treasury; it was recognised by your immediate predecessor in office, Sir Thomas Mcllwraith, and by Sir Arthur Palmer when Colonial Secretary, each of whom personally signed letters of the character referred to which they or the Government thought it necessary to address to me. Notwithstanding this, however, and the feeling that the Under Secretary's letter was of an unprecedented nature, and an uncalled-for interference with my duties, I replied to yourself personally, calmly and respectfully, in the following terms, in the belief that the matter would then be ended."

He had read that reply already.

"A few days after the above letter was sent I received from the Under Secretary a memorandum addressed by him to yourself, of which the following is a copy, and which he informed me was sent by your direction."

He had read that also.

"According to my reading of the Audit Act, it contains no authority under which the Auditor-General is required or entitled to rush before Parliament a statement compiled by himself of the financial position of the colony, months before the accounts are ready for audit, and in anticipation of the Treasurer's Budget Speech.

"Your initials certainly appear on this memorandum, the usual intimation that it has been perused by you; but there is nothing whatever under your hand to denote that it was sent with your knowledge and concurrence, still less by your direction. I was quite at a loss to discover the purpose for which it was forwarded, whether for my information—for any remarks I might think fit to offer—or simply for perusal. If I entertained any doubt of the proper interpretation to be placed upon the 47th clause of the Audit Act, which I do not, I should refer to the Crown Law Officers for an opinion, certainly not to the Under Secretary. I consequently read and immediately returned the letter to Mr. Cullen. It was then in due course referred to you, and afterwards returned to me minuted as follows:—

"This memo. of the Under Secretary was forwarded by direction, to the Auditor-General for his information."

"The above memorandum or minute was the first intimation received by me that you endorsed the views of Mr. Cullen with regard to the duties of the Auditor-General as hereinbefore set forth.

"The Treasury contention, so far as I understand it, is that, inasmuch as the Audit Act directs that the Treasurer shall prepare certain annual statements of revenue and expenditure, and that the Auditor-General shall examine the same, and report to Parliament thereon, therefore it is not intended and expedient that he should report to Parliament upon the public accounts of the colony at other times, and that any special reports, if made at all, must be confined to suggestions respecting the collection and payment of revenue, etc."

In other words, the Treasury officers were endeavouring to narrow down the Auditor-General's communication with Parliament to once a year.

"I cannot refrain from saying that any Auditor-General who permitted himself to acquiesce in any such erroneous and restricted view of his duty to Parliament and the public would be unworthy of his position. The financial year terminates on the 30th June, further payments on account of the year may be made until the end of September, and the accounts are not finally submitted to the Auditor-General until the month of December or January following, when they are examined by him, and his report is prepared. Parliament, however, does not usually meet for the despatch of business until the month of May or June; consequently the Treasury contention, in effect, is that reports to Parliament by the Auditor-General shall be confined to Treasury accounts of a financial year which expired nearly twelve months before the date the reports are presented, and shall relate to moneys a portion of which has been collected or paid eighteen months or nearly two years previously.

"I think you will agree with me that this construction of the Audit Act requires only to be stated to ensure its rejection, and that Audit reports, if limited as is apparently desired, would be almost valueless.

"The Auditor-General does not derive his right to report to Parliament wholly, nor indeed chiefly, from the 47th section of the Audit Act, as appears to be supposed by the Treasury. The right or duty to report

naturally pertains to his office. The clause referred to, however, rather amplifies than—as is contended—restricts that power. It is as follows:—

“It shall be lawful for the Auditor-General in such yearly report, or in any special report which he may at any time think fit to make, to recommend any plans and suggestions that he may think worthy of adoption for the better collection and payment of the Consolidated Revenue Fund and other monies as aforesaid, and the more effectual and economical audit and examination of the Public Account, and generally to report upon all matters relating to the same.

“In other words, in addition to the right to report upon the Public Accounts of the colony at any time he may think fit, which is inherent in his office, the Auditor-General is, in the above-recited clause, empowered, in any such report to recommend any plan or suggestions for the better collection of the revenue, etc., etc., which ‘recommendation,’ but for this authority, might perhaps be considered beyond his province as trenching upon the duties of the Executive.

“I respectfully submit, therefore, that in making the report to Parliament to which exception has been taken I have acted in accordance with both the spirit and letter of the law. It would not be difficult, moreover, to show that the time chosen—namely, immediately after the close of the financial year—was on that account and for other reasons a proper and convenient one.”

The question was whether Parliament would sanction the interference of the Colonial Treasurer with the Auditor-General in the performance of his duty. If the Government had any complaint to make they ought to state it to Parliament. But if Parliament tacitly acquiesced in the correspondence which had taken place, the Auditor-General would be placed in an awkward position. He would be fettered, and every Government would be strengthened in their endeavour to place under their control the action of an officer who represented the people and the Parliament of the country—an officer who was appointed to stand between the Government and the taxpayers in matters of expenditure. The next clause of the letter was significant:—

“What the Under Secretary refers to when he speaks of ‘the Auditor-General rushing before Parliament statements compiled by himself of the financial position of the colony, and in anticipation of the Treasurer’s Budget Speech,’ I am at a loss to conceive. The summaries of the Public Accounts recently submitted by me to Parliament are Treasury Accounts already published in the *Government Gazette*, and information connected therewith, and so far from being in anticipation of the Treasurer’s Budget Speech, Parliament was on the eve of rising, and no such speech could possibly be delivered for at least six months.

“It is to me apparent that the Treasury officials take exception to the Auditor-General laying any statements before Parliament in explanation of the Public Accounts of the colony, and I would point out that whilst this is so, the information published from the Treasury itself, excepting perhaps when the annual Financial Statement is made, is in the last degree meagre—more so than you, and probably the officials themselves, are aware of, for it is only when you attempt to analyse the published accounts without other aid that you see how very unsatisfactory they are.

“The Treasury books are, perhaps, all that can be desired, and from them all necessary information can be readily obtained, and is supplied when the Treasurer or Under Secretary needs it. What I wish to point out, however, is that, having such ample means at their command they do not utilise that information for the public benefit to the extent that I think they might, and, in my opinion, should do.

“Whether the explanation of this is to be found in the Under Secretary’s communications now under consideration I cannot of course say. He certainly appears unnecessarily afraid of anticipating the Treasurer’s Budget Speech, and if this is his reason I venture to think that it is an unsound one, for, in my opinion, in proportion to the amount of useful information in connection with the public finances periodically promulgated by the Treasury, will be the interest taken by the general public in the Treasurer’s Annual Statements, to the intelligent understanding of which statements, indeed, some previous knowledge of the public accounts is necessary.”

The rest of Mr. Drew’s letter was not of much importance. The next letter was one from the Under Secretary of the Treasury, and although

he should like it published, he did not think it was of sufficient importance to justify him in taking up the time of hon. members in reading it. He hardly thought it entered into the argument, but if any other hon. member thought it did, he could have the opportunity afterwards of reading it, and getting it printed. However, that letter led to the following extraordinary memorandum being sent to the Auditor-General, under this cover:—

“THE ACTING UNDER SECRETARY, TREASURY, to THE AUDITOR-GENERAL.

“The Treasury, Queensland,

“Brisbane, 19th September, 1883.

“SIR,—I have the honour, by direction, to forward herewith copy of memo. by the Honourable the Colonial Treasurer on your letter addressed to him, dated 22nd ultimo.

“I have, etc.,

“F. O. DARVALL, JUNR.,

“Acting Under Secretary.

“The Auditor-General.”

He took that opportunity of saying, before reading the memorandum, that it was an extraordinary thing that hon. gentlemen generally listened with great interest to the debate when it did not directly concern them; but if he (Mr. Walsh) happened to tread on their toes in anything he said, they did not remain long in the Chamber. He knew no other way of calling the attention of the country to the report which was laid before that Chamber for their use, and after they had made use of it, for the benefit of the country. Then he came again to this extraordinary memorandum, which read as follows:—

“MEMORANDUM BY THE COLONIAL TREASURER ON LETTER FROM THE AUDITOR-GENERAL, DATED 22ND AUGUST, 1883.

“After careful perusal of all the correspondence on this matter, and with a full knowledge of the circumstances that caused it, I can come to no other conclusion than that the contention of this department is right; that the Auditor-General, for some reason not easily understood, went outside the Audit Act in his wish to rush a report prematurely before the Assembly; that in so doing he interfered with the work of the Treasury; and that he has failed to show what useful object was to be obtained by the course he took.

“There is, however, no intention of continuing this correspondence, which will lead to nothing.

“A copy of this memo. to be forwarded to the Auditor-General.

“A. A.”

He (Mr. Walsh) said it had led to something. It had already led to the recognition by the representatives of the people of the colony of the necessity of rewarding the Auditor-General for the noble stand he had made against the unconstitutional, lavish, gross extravagance of the late Government. He said it had led to that, and they would be failing indeed in their duty if they did not recognise that the Auditor-General had on that occasion done his duty in the most manful manner. He thought the concluding sentence of the Colonial Treasurer’s memorandum was about the most amusing, and he thought he could do all previous Colonial Treasurers the justice of saying that there was not one of them capable of writing such a memorandum. The next letter was a very important one, in reply, by the Auditor-General to the Colonial Treasurer:—

“THE AUDITOR-GENERAL to THE HONOURABLE THE COLONIAL TREASURER.

“Audit Department, Queensland,

“Brisbane, 21st September, 1883.

“SIR,—I have the honour to acknowledge receipt of Treasury letter covering copy of your memorandum of the 19th instant, relating to a Report made by me to Parliament on the 11th July last.

“Whilst concurring in the opinion expressed by you, that further correspondence on the subject will lead to no good result, it is due to the office I have the honour to hold, to place on record the hope that the Treasury action in this case will not be regarded as a precedent.”

Perhaps if there was one fault the Auditor-General had, it was that he was too clever and too sarcastic. The letter went on :—

"The Auditor-General is entrusted with important, and at times delicate, duties, and enjoys the protection of a special Act of Parliament in order that he may faithfully and fearlessly perform those duties. He is a parliamentary officer, and is expected to report to Parliament upon matters connected with the Public Accounts of the Colony whenever he may think it right or necessary to do so. It is entirely contrary to the intention and spirit of the Act that he should be subjected to long and irritating correspondence whenever the mode or time of making a report may not commend itself to the judgment of the Treasury; nor can I find any provision in the Audit Act which imposes upon him the duty of demonstrating to the satisfaction of the Treasurer what useful object was obtained by the course of action he took in making any particular report.

"I have, etc.,  
"W. L. G. DREW,  
"Auditor-General."

That was all that he intended to read. He had felt it his duty, at some inconvenience to himself, to refer at length to that correspondence, which, but for his action, would have been almost lost to the country. He felt that he had done his duty. He had had an important duty to perform in letting the people and the Auditor-General know that whenever he was interfered with in his duties by a powerful Government, determined or able to misappropriate and unconstitutionally expend the people's money, that Government would be called to account, and the Auditor-General protected in the fulfilment of the duties imposed upon him by Parliament.

The Hon. F. H. HART said he need scarcely say that he intended to support the Bill, which, according to the heading of it, was to increase the salary of the Auditor-General. He supported it because he considered that the increase given was not one farthing more than the gentleman occupying the position of Auditor-General was entitled to. He had thought for some time past that the Auditor-General in this colony had been underpaid; but the Bill being one to increase the salary of the Auditor-General, he supported it on that ground, and not because Mr. Drew happened to be Auditor-General at the present time. Mr. Drew and himself had been personal friends for many years, and for his sake he was glad that he occupied the position of Auditor-General. However, he thought that gentleman ought to bear in mind the old adage, "Save me from my friends," when he read the speech to which the Hon. Mr. Walsh had just treated the Chamber. The hon. gentleman was very much mistaken if he thought those papers would have been lost to the country if he had not read them. He could assure the hon. gentleman they had been read and criticised most closely, and the general opinion he had heard was, that although Mr. Drew might have thought that he was doing his duty, he had not come out of the argument very well. He (Mr. Hart) was sorry he had not done so, but he could not help saying that Mr. Drew showed a little too much partisanship and a little too much temper; but for all that he was not sorry he was going to get the increase. That subject had been discussed very well in another place, and he thought Mr. Drew would see that, for the future, it would be advisable to be a little more discreet. The hon. gentleman (Mr. Walsh) had read a lot of correspondence on both sides; but he (Mr. Hart) thought it should not be lost sight of that the officers in the Treasury, with whom Mr. Drew had quarrelled, had been, as it were, educated by him when he was Under Secretary, and no doubt they had merely carried out the sentiments with which he imbued them. Hon. members ought to hesitate before they came to the conclusion that those officers had acted in any way in an officious

manner. He thought it was much to be regretted that there had been any discussion between the Treasury and a high official like the Auditor-General, and if Mr. Drew had studied a little more closely the principle of give and take, no such correspondence as they had heard read would have taken place.

The Hon. A. C. GREGORY said he was sorry the debate had taken the direction it had, especially as it had gone quite outside the question, and he was not at all sure that the Hon. Mr. Walsh had not transgressed the rules of debate. He (Mr. Gregory) would have thought that he had done so if he had taken the course the hon. gentleman had adopted. The hon. gentleman had taken the part of not so much supporting the interest of his friend, but he had sacrificed him to the opportunity of finding fault with the previous Government. It struck him as very singular that the hon. gentleman's memory was so defective, because he must have known that when he was Minister for Works himself a considerable amount of unforeseen expenditure had taken place. The hon. gentleman would remember that very well if he furnished up his memory a little bit. He certainly thought that the Auditor-General was entitled to some increase of salary; for he found that the salaries of other officers had been increased, and it was but fair that that gentleman's salary should be put upon the same footing. He strongly objected, however, to the idea that the increase was given to Mr. Drew as a reward for anything he might have done either for or against anybody. The true fact was that a good servant had not made a pleasant master. The Auditor-General had been Under Secretary in the Treasury, and knew the ins and outs of that department. He was at that time in constant collision with the then Auditor-General, and considered that officer too inquisitive. However, since he himself had been translated to the position of Auditor-General, knowing so well what should go on in the Treasury, he sometimes looked after the business of that department a little too closely—more closely than he was justified in doing. It was perhaps to the interest of the country that the Auditor-General and the Treasury should not run in couples and make everything smooth and nice, and they had a very good security for things being conducted in the manner they should be in the present squabble. There was another reason why there must be a very great difference between the offices of Auditor-General and the Under Secretary of the Treasury. The Auditor-General was bound, if any expenditure beyond that which had been authorised by Parliament took place, to append a note to his report that the expenditure was beyond the specific vote. They all knew that it was impossible for any Ministry ever to prepare their estimates with such accuracy and certainty as to altogether avoid unforeseen expenditure—and that sometimes to a large extent. The Parliament had a very good additional security when they considered that the Ministry was responsible to them. The Auditor-General was responsible for saying whether the moneys included in the warrant were in accordance with the specific votes, and if they were not, it was his duty to append the memorandum to his report. He might do that in an unpleasant manner, but he thought that the Auditor-General in this case had acted strictly in accordance with his legal duties, but had pushed them a little too closely to their extreme. It was better, however, that the Auditor-General should be excessive than deficient in his duties. If they looked back to their earliest history of their expenditure, they found that the system was not exactly to spend money merely without authority, but the old fashion was to transfer one



vote to another, and they could remember one occasion when, on the recommendation of the Treasurer, a sum of £70,000 was transferred from loan to general expenditure, and that was afterwards approved by Parliament. He did not think they could find fault with the late Government for expending certain sums on immigration, and if they intended to criticise them, let the criticism be confined to the purpose for which the expenditure was incurred. If that expenditure was unnecessary, then they could reasonably find fault; but if the necessities of the State demanded that the money should be spent, then he thought the Government were perfectly justified in paying over the money when the liabilities had been incurred. After all, he thought it would have been far better to have said less, and not have made the Auditor-General the stalking-horse for a violent attack upon the late Ministry.

Question put and passed.

#### PACIFIC ISLAND LABOURERS ACT OF 1880 AMENDMENT BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee on this Bill.

Preamble postponed.

Clause 1—"Act to be read with 44 Vic., No. 17"—put and passed.

On clause 2—"Definition of tropical and semi-tropical agriculture"—

The HON. A. J. THYNNE asked what definition the Government put upon semi-tropical agriculture?—how was it to be defined?

The POSTMASTER-GENERAL said the Bill plainly indicated what the Government meant. The meaning was plainly intimated by the use of specific terms.

The HON. W. F. LAMBERT asked if the term included draining for the purpose of carrying on tropical and semi-tropical agriculture?

The POSTMASTER-GENERAL said he thought drainage would be included.

The HON. T. L. MURRAY-PRIOR asked whether the Postmaster-General considered millet, sago, and arrowroot to be tropical or semi-tropical products?

The POSTMASTER-GENERAL said it was impossible to include in a definition every specific product. Whether sago, or maize, or other products were included must be a matter to be ascertained when the question arose.

The HON. T. L. MURRAY-PRIOR said he did not see why kanakas should not be employed in any way in which their labour might be considered necessary. In Brisbane kanakas drove vehicles, and were employed as grooms. They were also employed in domestic service, and did their work well.

The POSTMASTER-GENERAL said the matter alluded to by the hon. gentleman was one of the greatest objections to the employment of Polynesian labour. Those who had visited Maryborough must have been struck by the number of Polynesians employed in all sorts of labour that could be done by white men. The planters said they wanted Polynesian labour only for certain things, and the Government were anxious to meet their wishes.

The HON. W. H. WALSH said that if it were not for the kanakas employed in Maryborough the ordinary citizens would not have been able to get on so well. There was no town in the colony where the industrious white man could earn higher wages or get more constant employment than in Maryborough. If one went into a public-house in that town, there he would see numbers of white men and very few kanakas, but on visiting the churches it would be

noticed that the majority of the attendants were respectable, well-to-do kanakas. It was remarkable that such a doctrine should be laid down by a Minister of the Crown in the nineteenth century—that the noble English race must be protected from the competition of kanakas. If they required protection he would say, "Let them recede before the dark race; let the fittest survive." In the Maryborough district kanakas were not employed so much by the planters as by the farmers, who wished at the end of their days to rest a little from toil and employ kanakas to do the work which they themselves were not able to do. The outcry against kanakas in Maryborough was made only by loafers and ne'er-do-wells, and by the people who wished to become their delegates in Parliament. He did not intend to move an amendment, but would wash his hands of the Bill.

The HON. W. F. LAMBERT said that the Bill protected white men against the competition of kanakas in domestic service; but a man was not worth much if he could not do something more than that kind of labour. The framers of the Bill appeared to have forgotten that kanakas could still be employed in punting sugar-cane and working barges, which was surely a white man's occupation.

The HON. A. J. THYNNE said the Postmaster-General had given good reasons why the Bill should not have been introduced. The Government wanted to propitiate the planters on the one hand and the white labourers on the other, and in doing so they were prepared to sacrifice the principle of doing justice to the people who were in the colony at the present time. He would not oppose restrictions being placed upon the islanders who might be introduced hereafter, but it was a gross injustice that those who were already in the colony should be ousted from occupations for which they had fitted themselves. He had heard of a man who received £3 a week as a sugar-boiler. If that man had been told when he was engaged that he would only be at liberty to enter into certain occupations, nothing could be said; but, the man having come to the colony on the presumed understanding that he was a free man, it would be a piece of gross injustice to compel him either to leave the colony or to go to field work.

The HON. T. L. MURRAY-PRIOR said that one phase of the case had not been hitherto taken into consideration. It was allowed by the Postmaster-General that, for the sake of expediency, a certain kind of injustice would accrue to islanders who were in the position described by the Hon. Mr. Thynne. Those were men of some mental capacity, and they certainly would not return to work as field labourers after having gained knowledge in a superior sort of labour. Those men, having learned the spirit of freedom which it was proposed to take from them, feeling injured by the course pursued, would, if they were human, think of revenge; and how did the hon. the Postmaster-General—and those who thought with him—how did they know but that they might be the cause of death to many a shipwrecked mariner who might come into the power of those men after they returned to their islands? Revenge was human, and there was no doubt that revenge would take place. He had always heard and read that the black man must disappear before the white man, but now they were making laws to prevent the black man from ousting the white man out. He did not know but what it might be better to follow the example of the Hon. Mr. Walsh, and have nothing to do with such legislation. The Postmaster-General must be well aware, from the expressions he had heard, that it was within the power of hon. gentlemen to decide that the Bill

should be read again that day six months. They had seen a Minister of the Crown bring forward a Bill and stand up and explain its principles and the benefits it would confer, but he did not remember hearing one single individual in the Chamber second the hon. gentleman. Every speech yet made was directed against the Bill. That was a particularly humiliating position for the hon. gentleman to occupy, and he felt for the Postmaster-General. But the Bill was so bad that it would work its own cure. It would cause the introduction sooner or later of coloured labour. An injustice could never be inflicted without the penalty being paid.

The HON. W. FORREST said that subsection D of the clause, prohibiting kanakas from being employed in domestic or household service, ought to be either amended or struck out. On plantations kanakas had a camp to themselves, and one or more of their number did the cooking and domestic service required. If the clause were carried in its present shape, those who employed kanakas in that way would be liable to punishment, and the kanakas themselves would probably be turned away.

The POSTMASTER-GENERAL said that kanakas engaged in such service in any of their own camps would not come under the subsection.

The HON. T. L. MURRAY-PRIOR said the subsection should be struck out because of the great difficulty experienced in obtaining domestic servants. Since he had been without a coloured servant he had the greatest difficulty in getting acts of domestic service performed. The Postmaster-General and his colleagues had never been in such a position as to feel the want of household servants; but if the hon. gentleman had to do his own domestic work he would be very glad of a kanaka or a coolie, or any other servant he could get. In California, where Chinese had been excluded, it was found that the wages of domestic servants had risen to £60 or £70 a year, and they were the only persons who could save anything; and the same thing would happen in Queensland if coloured labour was excluded. Although higher wages might be paid, fewer men and women would be employed, and it would be found that, instead of their position being made better in a pecuniary way, they would be worse off than now. It might appear strange to the Postmaster-General, but in the first days of the colony 10s. a week was considered a very good wage indeed, and he could point to men who out of that sum had saved sufficient money to raise themselves into a position of fortune. He moved that all the words after the word "work" in the 20th line be omitted.

After a pause,

The HON. T. L. MURRAY-PRIOR said that since moving his amendment he had been thinking over the matter, and it seemed to him that the general feeling was rather in favour of preventing the islanders being engaged in domestic and household services within the towns; and therefore, with the permission of the House, he would withdraw his amendment, and bring it more within what the Postmaster-General would like. That would be by inserting after the word "service" the words "within municipalities."

Amendment withdrawn.

The HON. T. L. MURRAY-PRIOR moved that the words "within municipalities" be added at the end of the clause.

The HON. J. SWAN said he did not think his hon. friend, Mr. Murray-Prior, considered the effect of the amendment, which would deprive the sugar-planters of a certain amount of labour, and bring the kanakas into the towns.

The HON. T. L. MURRAY-PRIOR said the hon. gentleman had misunderstood him. The

amendment would exactly carry out the views of the hon. gentleman—to exclude kanakas from the municipalities.

The POSTMASTER-GENERAL said he was sorry he could not assent to the amendment of the Hon. Mr. Murray-Prior. He wished hon. members to remember what they were trying to do. It had been said that this was a question of expediency. They were trying to conserve, as far as possible, the existing interests of the planters, and they were endeavouring to take away a complaint that had been made with reference to the competition between white and black labour. The planters themselves had said what was necessary for their work, and the Government had accepted their statement with respect to that matter, and conceded to the fullest extent their demands. They had given them, in fact, black labour for the work for which they considered it necessary. The amendment would make the Bill still more than ever class legislation, because the Hon. Mr. Murray-Prior was asking that labour might be granted for the purpose for which the planters themselves did not claim it. Admitting that they had granted the planters all that they had asked for, still it was said that there was something in the Bill which might inconvenience them, and that was taking away labour for domestic services. But hon. members must remember that a portion of that labour was still available, because the planters could employ Polynesians who came under the 11th clause after they had served their five years' term of indenture. Now it was asked that the Government should concede something that had never been demanded. Hon. members might say what they liked, but the Bill was an honest attempt on the part of the Government to meet the circumstances of the case. It was not, as he said on the second reading, as if the ground was thoroughly clear, and they could strike out a new course. They found existing circumstances, and they were obliged to consider the interests that had grown up amongst them.

The HON. W. H. WALSH said the explanation given by the Postmaster-General only showed more clearly the odious character of the Bill. They were told now that the sugar-planter was getting all he had asked for, and the Bill was nothing more than a sugar-planters' Bill. They had been told also, by the Colonial Secretary in another place, that they had another constituency to please, and that was the working classes. So that they were legislating in the first instance to please the working classes, and in the next to satisfy the actual demand made by the sugar-planters. Well, he protested against the House legislating for the especial benefit of only two classes in the colony. The small farmers would be more than benefited if they could get a copious supply of, not cheap, but black labour at the time they wanted it. The squatters also would reap advantages if they could get a supply of such permanent labour. And he himself could say that if it had not been for the timely assistance of the kanakas, there would have been a very great difficulty in carrying out household arrangements.

The HON. W. D. BOX: No, no!

The HON. W. H. WALSH said perhaps the Hon. Mr. Box had a peculiar faculty of managing his household. Now, because selfishly and avariciously the sugar-planters insisted that the employment of that kind of labour should be confined to them, the Government selfishly fell in with their views, and said, "That will suit us exactly." Was not that the actual position that the Bill assumed? The working classes had to be propitiated, and the sugar-growing people had to be benefited, and, while he said

this, he could not acquit his hon. friend, Mr. Murray-Prior, from also falling into the mistake that kanaka domestic labour should be kept outside the towns. The hon. gentleman was laying himself open to the same charge of legislating in his own favour; and he would be told by-and-by, when he saw the effect of this mal-legislation, that he had an eye to his own interests. He (Mr. Walsh) came back again to the statement of the Postmaster-General, who had brought the whole question down to these two facts: that they were to gratify the selfish-minded, self-protecting class of planters, and also propitiate the working classes. He would again ask his hon. friend the Postmaster-General what was to be done with those recalcitrant kanakas who would not work in the sugar fields, and who would not inform the Immigration Agent that they had been five years in the colony? What would be done with those who considered themselves free men? How were the Government to treat them—were they going to fill the gaols with them, or export them? Would the Postmaster-General answer that one problem—what was to be done with those men if they did not find employment? What was to be done with those men who had educated themselves to that state of proficiency that they had become school teachers and missionaries amongst their fellow-islanders? Were they to come under the provisions of the Bill, simply because they would not come, or could not come, or did not know how to come, to the Immigration Agent and show that they had been so many years in the colony? Those were questions that must be considered. The Bill would set class against class, and while protesting against it, he wanted an answer from the Postmaster-General.

The POSTMASTER-GENERAL said he did not think it advisable always to reply to the hon. gentleman, but he must say something to the charge that had been brought against the Government of pandering to the sugar-planters and labouring classes. The Government had done no more than this: They had found two difficulties which they thought needed amendment, and they honestly tried to amend them, and he considered that was the province of any Government. The hon. gentleman had alluded to the islanders who became schoolmasters and missionaries, but he (the Postmaster-General) believed that those would be free men, and he did not think the hon. gentleman need fear much about them. In respect to those who had been here under five years, there could be no doubt that there was plenty of employment for them, and the planters were only too anxious to get such labour, and would get full value for it.

The Hon. W. F. LAMBERT said there was no doubt the Bill was one-sided, but in the great Western sheep country kanaka labour was not required, owing to the existence of wire fences. The Bill was intended to benefit the sugar industry, and he would support it for that reason. People had come to the colony bringing with them their money and their perseverance, and it was only right that the industry in which they had sunk their capital should be protected.

The Hon. T. L. MURRAY-PRIOR said that by the clause Polynesian labour was limited to tropical or semi-tropical agriculture. The Government had brought forward the measure at the very last moment, and told the House that if they did not do this or that the Bill would not become law. He did not see why they should submit to anything against their principles which might be contained in the Bill, and, as for the sugar-planters, what they had done was in self-defence. Their common sense told them that white men could not work in the northern latitudes, and their argument in favour of coloured labour was

a good one. He was much amused at the speech of the Hon. Dr. O'Doherty some time ago, when he said that after the capitalists had cleared away the scrubs the fever and miasma would disappear, and the settlement of industrious Englishmen would take place. The hon. gentleman forgot to say how those industrious people were to get hold of the land.

The POSTMASTER-GENERAL said the hon. gentleman did not appear to see the force of his amendment. The clause was a definition of tropical or semi-tropical agriculture, and it exempted from the definition all the matters contained in subsections A, B, C, and D. The result of the amendment would be that islanders could be employed in any kind of labour all over the colony, except within municipalities.

The Hon. T. L. MURRAY-PRIOR said his intention was to exclude Polynesians from working in the municipalities. It was not his intention that people should be allowed to employ islanders all over the colony; at the same time he should be very glad to see it done.

The Hon. J. C. HEUSSLER said at first he thought the amendment would do very well, but after the explanation of the Postmaster-General he had come to the conclusion that the clause ought to remain as it was.

The Hon. T. L. MURRAY-PRIOR asked whether the Bill was intended to be retrospective?

The POSTMASTER-GENERAL said the scheme of the Bill was plain enough. It dealt with those who were already in the colony, as well as those who might arrive hereafter.

The Hon. T. L. MURRAY-PRIOR said it was therefore a restrictive Bill, and he thought that was the first time since Queensland became a colony that the rights acquired under other Acts were not taken into consideration when passing a measure through Parliament. He should like some gentleman learned in the law to inform the Council whether free men could be legally excluded or interfered with in any way.

The Hon. W. FORREST said that after hearing the explanation of the Postmaster-General he thought the amendment would not work in with the clause. He should like to know whether the Act, if passed, would limit islanders to tropical or semi-tropical agriculture, because that was the object of the Hon. Mr. Murray-Prior's amendment.

The POSTMASTER-GENERAL said the limitation was one of the objects of the Bill.

The Hon. T. L. MURRAY-PRIOR said it was his wish that planters should be allowed to employ kanakas as domestic or household servants; and if he were allowed to do so he should like to go back to his original amendment.

The Hon. W. H. WALSH said if the hon. gentleman were allowed to withdraw the amendment before the Committee the clause would stand as if no amendment had been put, and he could then go back to the first part of the clause.

The Hon. T. L. MURRAY-PRIOR said he would withdraw his amendment by leave of the Committee.

Amendment withdrawn.

The Hon. A. J. THYNNE moved that the words "the principal Act and," in the 10th line, be omitted. He did that for the purpose of putting plainly before the Committee the question whether the Bill should pass in such a shape as to affect the privileges or rights of the islanders now in the colony. Tropical and semi-tropical agriculture was defined differently in the two Acts. The Bill before the Committee excluded islanders from occupations from which they were not at present excluded. He was one of the last

who would like to see islanders interfere with the proper province of white labour; but, while wishing to protect the sugar industry and white labour, they must not sacrifice proper principle for the sake of expediency. In complying with the requirements of the sugar industry the Government had honestly tried to do their best according to their lights; but if they attempted to restrict the rights of the islanders at present in the colony they would be doing an unwise, an unjust, and an impolitic act.

The Hon. W. FORREST said he understood that the amendment was intended to prevent the clause from being retrospective, and he should like to hear it explained how it would act in the manner desired.

The Hon. A. J. THYNNE said that agreements entered into under the principal Act would come under the definition given in the principal Act—tropical or semi-tropical agriculture simply—and would not be modified by the occupations mentioned in the clause before the Committee. The new agreements entered into, if the Bill should pass, would be affected by the clause he wished to amend.

The Hon. W. D. BOX said the amendment of the Hon. Mr. Thynne would be inoperative, because what was proposed to be omitted from this Bill was in the principal Act.

The Hon. A. J. THYNNE said they had no right to impose exceptions upon islanders not already in the colony, and the Hon. Mr. Box would not find those exceptions in the principal Act. This Bill was a graft upon the principal Act, and it was the exclusion from employment of any sort which he objected to.

The Hon. W. H. WALSH said he thought the Hon. Mr. Box was wrong if he meant that the Act of 1880 restricted the employment of kanakas to tropical products. He could not find it in the Act. He had been told that the Bill did not propose to alter the existing state of things, because they prevailed already under the Act of 1880. Clause 2 of the principal Act told them what semi-tropical and tropical agriculture was, but no part of the clause confined the labourer or the employer of labour to any particular product. He believed the clause that hon. members were running their heads against was a clause which only authorised the importation of islanders for use in the cultivation of tropical products. The clause he referred to in the principal Act was clause 7, which provided that any person desirous of introducing Pacific islanders should make application in form A of the Act, and that no license should be granted unless the applicant proved that he intended to engage in tropical agriculture.

The Hon. C. S. MEIN said that although the Act did provide specifically that islanders should not be employed in any but tropical and semi-tropical agriculture, still no one who had read the Act could misunderstand the intention of the Legislature, which was that labourers should not be employed in any work except that specified in the Act. Clause 7 provided that no employer should get a license unless he satisfied the authorities that he was engaged in tropical agriculture, and clause 9 said that in the transfer of an islander from one employer to another the transferee must be engaged in tropical agriculture. The Hon. Mr. Thynne's reasons for his amendment were very curious. He told the Committee he was desirous of protecting the interests of islanders, but he (Mr. Mein) would like to know how the amendment would do that. He did not think an islander cared a three-penny-bit whether he was employed in driving an engine or carting cane. The clause under discussion would affect the employers only, and he understood that they were

satisfied that the islanders should not be employed in *quasi* scientific operations which could be better performed by white people. The definition in the Act of 1880 of tropical agriculture was simply the growing of sugar and making it marketable. It had been notorious that islanders were being employed, not in agricultural pursuits, but in domestic work—making beds, doing housework, and the work of nurses and housemaids, and acting as coachmen. The excuse for the introduction of that class of labour was, that the sugar industry could not get on without its assistance, and the Legislature, by the statute of 1880, recognised that principle, and said that the sugar-planters had some claim upon the community. But in the interests of the community, as well as in the interests of the planters, it was necessary that the abuses that had crept in should be done away with. The real persons who were interested under the Bill were satisfied that they should have the privilege of employing men in a particular class of labour, and he thought it would be very unwise to interfere with that clause.

The Hon. T. L. MURRAY-PRIOR said he did not see that the Hon. Mr. Mein had given an explanation as to what the hon. member (Mr. Thynne's) amendment meant. He took it that what the Hon. Mr. Thynne meant was that there was an objection to mixing up the two Acts, and bringing persons who had arrived in the colony under the Act of 1880 under the present Bill. For his part, he intended to carry out what he thought right, and he hoped other hon. members would do the same. If the Bill was made retrospective, he considered it was contrary to the common law of England, and he hoped his hon. friend would urge the amendment to a division.

The POSTMASTER-GENERAL said he had endeavoured to explain, several times, that they were really dealing with a set of circumstances which had been brought into existence and had to be dealt with, and they were dealing with them in the interests of those concerned. They were endeavouring to remedy evils to the best of their ability, and to withdraw from competition with the white labourer the Pacific islander. The Hon. Mr. Murray-Prior had said that they were mixing up the two Acts, but that was an absolute necessity. The Bill dealt with the islanders who were to come here, as well as those who were here, and he would invite the Hon. Mr. Thynne to consider his amendment again.

The Hon. A. J. THYNNE said he believed the Government were honestly trying to deal with the two contending parties, but he repeated again that the interests of the islanders who had acquired rights in the colony were being completely ignored. Was it right to take action that would lead to that result? He had no objection to assist in passing the Bill so as to make it applicable to all islanders coming here hereafter; but they ought to be very careful how they dealt with those islanders who had acquired rights, and who had no one to represent their views in the colony.

The Hon. C. S. MEIN said that in considering the amendment hon. members should take into consideration clause 10 of the Bill, which was to the effect that islanders should only be employed in tropical and semi-tropical agriculture. How could that affect the privileges of islanders who were here? The islander was the servant of the employer, and he had got nothing to do but to obey his employer's or his master's commands. The Bill did not interfere with the privileges of the islanders in any way. If they were discussing clause 11 he could understand the Hon. Mr. Thynne talking about the privileges of islanders, and when they came to that clause perhaps the hon. gentleman's remarks would be

apposite; but he failed to see how the hon. gentleman's arguments applied to the clause under discussion. Everybody was agreed—planters and others, whether for the sake of expediency or otherwise—that the islanders should not have their time occupied in performing anything but agricultural work. If all the parties concerned were satisfied, why, he should like to know, were they talking about the privileges of islanders.

The HON. T. L. MURRAY-PRIOR said the hon. gentleman who had just sat down spoke only of the islanders who were at present under agreement. The Hon. Mr. Thynne and himself were referring also to islanders who were at present not under agreement, and who would come under the operation of the Bill if passed, and be forced, for instance, to leave Brisbane, or any of the other towns. He fully agreed with his hon. friend Mr. Thynne, and would continue to support his amendment.

The HON. W. H. WALSH said he certainly wished to take exception to the language used by the Hon. Mr. Mein. He asked, what were the privileges of islanders? and he told them that their sole privilege was to obey their master. He (Mr. Walsh) told the hon. gentleman that the rights of islanders, when they stood upon British soil, were the rights of Englishmen, and, as had been well put by the Hon. Mr. Thynne, if they legislated at all for these people it was their duty, when they found they were here, to protect them. The islanders had no representative in the colony, and they therefore doubly demanded the attention of the Legislature. Were they, because they had no representative, to be coerced and treated as though they were in slavery? Let him put a very probable case before hon. members. Say the master of some of these islanders failed, and the nearest court decided that he was not fit to have charge of his labourers—what would the Hon. Mr. Mein say to that? Were the labourers still to serve that bad or broken master? The fact was, the more they discussed the matter, the more they discovered the odiousness of the traffic in labourers; the more they dabbled in the question, the more they covered themselves with confusion and shame. He said that kanakas had rights, and they had duties, and the members of that House had their duties. The Hon. Mr. Mein had said the object of the Bill was to keep kanakas from doing domestic work and from interfering with the white labourer. He would like to know where was the divine right which prohibited any class of labour being employed in domestic work? Where was the necessity for employing only white people in domestic work? Were the people of the colony slaves that they were not to be allowed to employ the most suitable labour for their purposes? And, he would ask further, what provision was to be made for the female labourers who arrived in the colony? Were the young mothers, the young girls to be employed in the field? Were they to be driven out of the town, away from necessary comforts, and made to work in the field? Did hon. members intend that to be the effect of the Bill, simply because these people were black? He was heartily ashamed of the arguments he had heard used by his hon. friend Mr. Mein. If the hon. gentleman had been in the Chamber at an earlier part of the evening he would have heard the Hon. Mr. Murray-Prior narrate how, through the want of white domestics, he had been compelled to clean his own boots. He would relate to the House an anecdote that was told him the other day. An emigrant ship arrived at Bundaberg, and a friend of his went down to the depot to engage a married couple. The wages

were high, and the labour was simply that of domestic service. Two days after the engagement the man approached his master and said: "I want to speak to you, sir." He said: "Mr. B—", cleaning boots is repugnant to my feelings." That was the experience of a friend of his (Mr. Walsh's) of a couple who had just arrived under the auspices of the Government, and at the expense of the country. He failed to see why people should not be allowed to employ the labour that suited them best.

The POSTMASTER-GENERAL said he really desired that they should do some business with respect to the Bill; and he would point out to the Hon. Mr. Thynne that his amendment did not effect the object he had in view. It would be unfair of him (the Postmaster-General) if he were to allow the amendment to pass without saying so. The proper place to move what the hon. gentleman had in view was in clause 11, and when he got to that clause he could make the exceptions which he proposed to do. If the hon. gentleman would read clause 10, he would see what he meant. The Bill was merely an amendment on the principal Act, and of necessity they must be worked together.

The HON. T. L. MURRAY-PRIOR said he was glad the Hon. Mr. Walsh had referred to the women who might be imported. What was to be done with them.

The HON. W. G. POWER said he did not see any hardship in the clause. These people were brought here under an agreement for three years, and they were to be returned at the end of three years. It struck him that hon. members were getting too philanthropical altogether. Of course the Bill was class legislation, but there was class legislation in every country.

The HON. A. C. GREGORY said the amendment would scarcely meet the object in view. There was a matter, however, which had been overlooked by hon. gentlemen. Under the Constitution Act it was not in their power to pass a law which would break any existing legal agreement. They might make provision as to future agreements, but if a Polynesian and his employer went before the Supreme Court they would certainly get a verdict against those who endeavoured to alter their agreement.

The HON. A. J. THYNNE said that he had intended to move an amendment on clause 11 if the amendment before the Committee were carried; but if it was the wish of hon. gentlemen he would withdraw the present amendment, and take the sense of the Committee on clause 11.

The POSTMASTER-GENERAL said he wished hon. gentlemen would consider their amendments before bringing them forward. Several amendments had been discussed and withdrawn, and the amendment now before the Committee did not in any way carry out the views of the hon. member.

Amendment, by leave, withdrawn.

The HON. T. L. MURRAY-PRIOR moved that after the word "service," in the 21st line, the words "except on sugar plantations" be added. It was his wish as far as possible to meet the views of the Committee, and his amendment would give the planters power to employ kanakas, either male or female, in domestic service on the plantations.

The POSTMASTER-GENERAL said that was a requirement never asked by the planters. It was desirable to continue Polynesian labour for the purpose for which it was introduced into the colony, and under clause 11 there was a provision for household servants on the plantations; so that the amendment proposed was unnecessary.

The HON. T. L. MURRAY-PRIOR said they had to legislate not only in the interests of the planters, but also in the interests of kanakas, and if the amendment were carried it would provide lighter work for the kanaka women and sickly people who were unable to do hard work.

The HON. W. FORREST said that a proper amendment in section 11 would meet the whole matter. As had been pointed out by the Hon. Mr. Gregory, they could not pass a Bill to interfere with contracts already existing.

Question—That the words proposed to be added be so added—put.

The Committee divided :—

#### CONTENTS, 4.

The Hons. W. F. Lambert, A. C. Gregory, G. Sandeman, and T. L. Murray-Prior.

#### NON-CONTENTS, 10.

The Hons. J. F. Garrick, C. S. Mein, W. Pettigrew, W. D. Box, J. Swan, A. J. Thynne, J. C. Heussler, K. I. O'Doherty, W. G. Power, and J. Cowlishaw.

Question resolved in the negative.

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

Clauses 3 to 6, inclusive, passed as printed.

On clause 7—"Persons employed in labour ships to be paid fixed wages"—

The HON. A. J. THYNNE pointed out that the clause was inefficient and contradictory. If the owners of a vessel, after a successful trip, chose to give the captain £100, could he be brought under the provisions of the clause, seeing that the amount was supposed to be dependent upon the number of passengers brought to Queensland? The clause attached an impossible condition to a new offence, and it would exclude good men, but would not deter bad men from going into the trade. The Government virtually had the power themselves of appointing the officers to be employed in labour ships, seeing that they had the power of approval; and if any person virtually appointed by the Government to take charge of a ship committed an offence, the owner was liable to lose the ship and everything belonging to it. And to add one more absurdity to the Bill, the case would be prosecuted before two magistrates appointed by the Government themselves. The Government appointed the men who committed the offence, and then they had the power to bring the charge before a tribunal of their own appointment. It might very often happen that magistrates competent to deal with such a question could not be found, and, even if the section contained any good, the effect was spoiled by its harshness. The Bill would be better without the clause.

The POSTMASTER-GENERAL said the forfeiture of a ship was quite a different matter from an offence against the Act, and the procedure must take place before the Supreme Court. Two justices of the peace might inflict a penalty of £100 under the Act; but the forfeiture of the ship was quite another matter. With regard to the bonus of £100 which a captain might receive from the owners of a vessel, there was no difficulty whatever. There must be a contract made, and the difficulty frequently was that the reward of those employed in the trade was head-money. The person against whom the clause was directed was not so much the captain as the recruiting agent. It had been the practice to pay according to the number of islanders which were brought to the colony, and that was one of the greatest difficulties connected with the trade. That sort of thing was always done under an engagement. "You bring so many islanders, and I will pay you so much money." It was that which induced kidnapping. The Government had been careful

in this measure to keep prosecutions in their own hands, and they would not act upon the information of any man or any common informer, nor could any man of his own motion institute a prosecution. What was the first object of the Government? It was to stop the kidnapping, which was taking the shape of a scandal in the trade, and if that was not stopped the trade would be stopped altogether. The way in which the islanders were recruited was a charge and a scandal upon Queensland, and the Government, recognising that, were compelled to introduce drastic measures. There were many cases in which it would be inequitable to put in motion the clause, and the Government would reserve to themselves the right to say that where the letter of the law was broken they would not prosecute, but where the spirit of it was the full penalty would be enforced. Hon. members seemed to think that the desire was to crush the sugar industry, whereas the only desire that he knew of was to conserve existing interests.

The HON. W. F. LAMBERT asked whether the Government had taken into consideration the advisableness of sending a doctor with each ship? He knew something about the labour traffic, and he had seen wretched creatures brought to the colony who were not fit for the work expected of them. He knew of three cases where some of the men introduced had to be returned as useless. He hoped the Postmaster-General would introduce a clause into the Bill providing that a medical man should accompany each ship.

The HON. G. SANDEMAN said he had been an employer of this class of labour some years ago, and he could endorse what had been said by the Hon. Mr. Lambert. That was a great abuse in former days in connection with the labour traffic. The islanders were allowed to come here, diseased before they left their homes, diseased when they arrived, and he had as many as three out of a batch of twenty who were unable to do their work. If this recruiting was to be carried on in a proper manner, medical attendance ought certainly to be provided.

The HON. A. C. GREGORY said when he looked at clause 7 he saw that the penalty of the forfeiture of the ship was left in the hands of two justices. Surely they are not going to put such important powers in the hands of such men!

The HON. W. FORREST said he ventured to say that nineteen out of twenty members of that Chamber who read the Bill would understand that the power of enforcing the penalty of forfeiture would be left in the hands of two justices, although the Postmaster-General had assured them it would not be. He did not consider the Act was clear on that point, and the clause wanted a little explanation.

The POSTMASTER-GENERAL said the hon. gentleman had forgotten what he had told him. This was one of those things in which the Government took preliminary steps, and they would know the proper tribunal before which to bring the offender. The Minister knew perfectly well what he was about, and would not act without advice. That part of the Act would only be put in operation by the Crown itself.

The HON. W. FORREST said he understood the meaning of the clause now, but without the Postmaster-General's explanation it was not clear, and he would like to have an explanation inserted.

Clause put and passed.

On clause 8—"Detailed statement of accounts to be sent in"—

The HON. W. H. WALSH said he thought this clause was a most inquisitorial and improper one, and he could not imagine who could have

been the author of it. He was very sure it had not been inserted by the Government, and he had not the least doubt that it had got into the Bill at the instigation of some infatuated anti-coolie man, who was hardly answerable for his proceedings when the kanaka question was raised in his mind. The penalty, as far as he understood, could accumulate till it reached £1,500, and that was the penalty for the small admission of rendering an account of the voyage demanded in the most extraordinary way and for the most extraordinary purpose. He ventured to say that such a power as that did not exist in any other community or in any other statute in the world. Whenever the Kanaka question came before the Legislature, hon. members seemed to lose their senses and forego all their attributes of mercy, right, and reason. Supposing the owner of the vessel relied upon the captain making that return, and it was not made, who was liable then? Was it the captain, owner, and charterer altogether? Nothing, he maintained, could have been conceived in a worse spirit, for the clause compelled the owner to exhibit his business, and make a declaration of the profits that had accrued to him. He could not see what was the object of the clause, and the Postmaster-General had given no reason for it.

The POSTMASTER-GENERAL said he thought the Committee must have learned that this was no ordinary legislation. It was exceptional legislation for exceptional purposes. The Hon. Mr. Thynne asked how certain things were to be found out, but he would point out that the clause must be read in connection with clause 7. To the man who did right there was no fear whatever, and it was only to the man who was not honest that the clause would be a terror. The hon. member said the clause compelled persons to divulge their private affairs, but it was simply inserted for the purpose of ascertaining whether persons had committed a breach of clause 7. It had also been said that one person could be fined £500 for a breach of the section by another person, but he said distinctly that that was not the meaning of the clause. The owner, agent, and charterer were specified as persons who should do certain things, but if either of them did it the law was satisfied. He would repeat again that the penal provisions of the clause would not be enforced except by the Crown, and only then after due inquiry.

The Hon. W. FORREST said, when the Postmaster-General got up to throw dust in their eyes, he surrounded what he said with such an immensity of matter that he defied anyone to understand him. He (Mr. Forrest) contended that the clause did not mean what the Postmaster-General said. For every breach of the provisions of the section the owner, charterer, and agent were each liable to a penalty of £500. Would hon. members allow such a clause to pass? He believed it was a misprint, and was never intended to appear in the Bill at all.

The Hon. W. G. POWER said it appeared to him that this was a very fair clause. It gave three people the opportunity of making the statement that was necessary, so that if one of them should be away the other two might fulfil the requirements of the Act.

The Hon. T. L. MURRAY-PRIOR said he did not suppose for one moment that the clause was intended to appear in the Bill, and he could not help thinking that it was a mistake.

The Hon. C. S. MEIN said the clause would be rendered inoperative if interfered with in any way. Any of the three persons could perform the duties required by the Act, but if they all failed they were all liable. If they neglected to attend to their responsibilities, it was only right that they should be penalised.

The Hon. W. H. WALSH said he hoped the explanation given by the Hon. Mr. Mein would not carry any weight. It appeared to him simply a statement made by the hon. member, who was determined that the Bill should pass in its present form. Surely the Postmaster-General did not intend to carry out the intensity of the clause as it at present stood! He maintained that the Hon. Mr. Murray-Prior was perfectly right in the statements he had made, and he (Mr. Walsh) was right in the objection he had made, that the clause did entail and would entail a penalty of £500 for a breach of it by any one of the parties. No other statute provided that such an excessive fine as £100 should be inflicted for what might be, in some instances, a venial offence. Most Acts of Parliament said that a fine should not be more than a certain sum. The clause might be worked upon by the agent, the charterer, or the owner, for the most scandalous purpose, because, under the 16th clause, half the fine would go to the informer; and it was well known that informers were generally of an infamous character.

The Hon. W. FORREST moved that the word "or" be substituted for the word "and" in the 38th line.

The Hon. C. S. MEIN said that if the amendment were passed the clause might as well be excised. If the penalty was excessive it might be reduced, but it was necessary that the responsibility should be fixed on someone, and one of the three parties was bound to be on the spot.

The Hon. A. J. THYNNE said that when a vessel was chartered by someone else the owner could not possibly supply the required accounts, and why should the penalty fall upon him in that case?

The Hon. SIR ARTHUR PALMER said he had not intended to speak on the Bill at all. It was so unutterably bad that any attempt to amend it would be futile. It was bad in every respect—like the Highlander's gun, which wanted a new stock, lock, and barrel. But he would put it to hon. members whether it was worth while straining at a gnat with regard to the clause before the Committee, after they had swallowed a camel in passing the preceding clause. He had long since given up all hope of amending the Bill, which was bad in principle, bad in practice, and bad in theory. It was bad in every possible way, and if passed it would be a disgrace to the statute-book.

The POSTMASTER-GENERAL said that mere assertion was not argument, and that remark applied as well to the Hon. Sir Arthur Palmer as to anyone else. The Bill was a very good one under the circumstances. No doubt the 7th clause provided heavier penalties than the 8th, but the administration of the Act was in the hands of the Government, whose desire was to purify the trade, and not to put clauses into force merely for the purpose of injuring people.

The Hon. SIR ARTHUR PALMER said his experience in politics was greater than that of the Postmaster-General. He had quite as good a head on his shoulders, and his opinion was worth twice as much as that of the hon. gentleman, seeing that he had no object in passing the Bill, while the Postmaster-General had an object in passing the Bill on behalf of the Government.

The Hon. W. H. WALSH said that what the Committee had before them was the Bill, and not the intentions of the Government, and they must judge the Bill on its merits. He did not agree that the 7th clause was more severe than the 8th, but he agreed with the remainder of

what fell from the Hon. Sir Arthur Palmer; and he would do that hon. gentleman the justice to say that no one was more competent to express an opinion on matters connected with the legislation of the colony than that hon. gentleman.

The Hon. W. FORREST said he agreed with a great deal of what had been said by the Hon. Sir Arthur Palmer, but he did not see why, because they had passed one bad clause, they should pass another; nor did he see why the owner of a vessel should be made to suffer for the neglect of the charterer.

The Hon. C. S. MEIN pointed out that it was necessary to provide such penalties; and although it was well known that they were not always exacted, still it was necessary that the penalties should be provided in order to deter people from committing breaches of the law. Quite as severe penalties were provided in connection with the Customs laws as were provided in the Bill.

The Hon. T. L. MURRAY-PRIOR said it was the duty of hon. members to make good laws for the country. Various opinions had been expressed on the Bill; but it was admitted that if they allowed it to pass it would be only as a matter of expediency, in order to protect an industry; and the question was whether they ought to pass a bad measure for such a purpose. Were they, as a superior Chamber, right as a matter of expediency in passing that measure? His feelings were very strong in the matter, and he knew there were several hon. members who thought with him only that the Bill ought to be passed as one of expediency. He had tried to alter the measure, but with no success. He therefore had a clear conscience, and he could say that of all members of the House he could speak the most disinterestedly on the subject. He found it his bounden duty not to flinch from bearing the onus of anything that might result from his action, and being one of the oldest members of the Council, he looked upon it as his duty, as an honourable man, to place on record what he thought. Although he did not know that he should carry his amendment, he would move it as soon as the one before the House was disposed of.

Question—That the word proposed to be omitted stand part of the question—put and passed.

Clause 8 put.

The Hon. T. L. MURRAY-PRIOR said he would perhaps surprise the Postmaster-General in what he was going to do, but he could not help that. He consulted no other hon. gentleman, and he simply moved that the Chairman leave the chair, report progress, and ask leave to sit again.

The POSTMASTER-GENERAL said he presumed the hon. member's motion was intended to shelve the Bill. He thought hon. members had made up their minds on the question, and if what had been said would not have any force, nothing further they could say would alter anyone's determination. He therefore thought they had better go to a division.

The Hon. W. H. WALSH said as the Bill was about to be shelved he wished to avail himself of the last opportunity of making a few remarks in connection with a book from which he quoted yesterday. He had been asked by many persons that day to give them some information about the author of that book, and he had also received a letter on the subject. He took the opportunity of stating that when strangers wrote to him on public matters, and marked their letters "private," he held himself

at liberty to deal with those productions in a public manner. He would, therefore, quote this letter:—

"[PRIVATE.]

"Brisbane, 28th February, 1884.

"Hon. William Henry Walsh, M.L.C.

"DEAR SIR,—I take the liberty of addressing you in reference to the extracts from Mr. James Inglis' book, 'Our Australian Cousins,' from which you read in the Legislative Council on Tuesday, or perhaps I might more correctly say in reference to Mr. Inglis personally.

"The gentleman named, although secretary of an insurance company when the book mentioned was written, is now senior partner in the Calcutta Tea Association in Sydney. He had at home and in India always held a very high social position, and his works have been welcomed and very heartily commended by the leading reviews in the world. He was appointed Commissioner for India at the Melbourne Exhibition; and knowing, as you doubtless do, the peculiarities of the Indian Government, his appointment to that position will show you that he is not only a clever and reliable person, but also of considerable personal worth. Mr. Inglis must be now nearly forty years of age or thereabouts, and, of course, has got over the enthusiasm of youth; so that his statements may be accepted without any reservation on that score. I think Mr. Garrick's ironical 'Hear, hear!' was not called for. Mr. Inglis is one of my oldest friends, and, from my youth up, we have been in constant communication. I therefore address you with the idea of showing you that he is, besides being a remarkably gifted writer and scholar, a gentleman of excellent social standing. Of this you may have already been aware; but I think I am justified in sending you this letter."

Hon. members would understand from that that the work he quoted from was by an author of no common kind, and that the ironical interjection of the Postmaster-General was not justifiable. He had done his duty in showing the opinion of a disinterested person upon the subject, and he had satisfied the curiosity of hon. members, as well as the public, when he brought forward that evidence in the author's favour.

Question put, and the Committee divided:—

CONTENTS, 1.

The Hon. T. L. Murray-Prior.

NON-CONTENTS, 14.

The Postmaster-General, the Hons. J. C. Heussler, C. S. Mein, W. D. Box, J. Swan, W. Pettigrew, F. H. Hart, W. Forrest, W. F. Lambert, A. F. Thynne, W. G. Power, K. I. O'Doherty, A. C. Gregory, and J. Cowlshaw.

Question resolved in the negative.

Clause 8 put.

The Hon. T. L. MURRAY-PRIOR said he had done what he thought right. He had said what he thought on the Bill, and he did not see his way to making any further amendment.

The Hon. W. FORREST said he proposed, as an amendment, that the word "each" be left out of the 39th line of the clause.

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

CONTENTS, 9.

The Postmaster-General, the Hons. J. C. Heussler, W. Pettigrew, W. D. Box, W. G. Power, J. Cowlshaw, C. S. Mein, J. Swan, and K. I. O'Doherty.

NON-CONTENTS, 3.

The Hons. W. Lambert, W. Forrest, and A. C. Gregory.

Question resolved in the affirmative.

Question—That clause 8 stand part of the Bill—put.

The Hon. W. F. LAMBERT said he could not see the object of the statement required by the clause, because the person to whom it was presented had no means of proving its authenticity.

Clause put and passed.

On clause 9—"Firearms or ammunition not to be supplied to islanders?"—

The POSTMASTER-GENERAL said if there was to be any discussion on this clause, he would move the Chairman out of the chair.



The HON. J. C. HEUSSLER said he wished to make a few remarks upon the clause.

The POSTMASTER-GENERAL: Then I will move the Chairman out of the chair.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again to-morrow.

MESSAGE FROM THE LEGISLATIVE  
ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding Appropriation Bill No. 3, 1883-4.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

The House adjourned at thirty-two minutes past 10 o'clock.

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