Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 14 OCTOBER 1884

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Tuesday, 14 *October*, 1884.

Assent to Bills.—Message from the Legislative Assembly.—Townsville Gas Company Bill.—Oaths Act of 1882 Amendment Bill—third reading.—Maryborough Racecourse Bill—third reading.—Appropriation Bill No. 2—committee.—Immigration Act of 1882 Amendment Bill—committee.—Native Labourers Protection Bill.—Health Bill.

The PRESIDENT took the chair at 4 o'clock.

ASSENT TO BILLS.

The PRESIDENT read messages from His Excellency the Governor assenting to the following Bills:—

A Bill to amend the Native Birds Protection Act of 1877.

A Bill entitled "A Bill to amend and consolidate the law relating to Patents for Inventions, and the Registration of Designs and Trade Marks."

A Bill to amend the Wages Act of 1870.

A Bill to declare the powers of local authorities with respect to imposing License Fees, Tolls, Rates and Dues, and for other purposes.

A Bill to enable the council of the municipality of Maryborough to sell or mortgage certain lands granted to the said council as a site for a town hall, and to apply the proceeds to the building of a new town hall on other land granted to the said council as a reserve for a town hall.

A Bill to enable the Trustees for the time being of the Will of John Pettigrew, deceased, to sell and dispose of certain trust property comprised therein.

A Bill to enable the Gympie Gas Company (Limited), incorporated under the provisions of the Companies Act, 1863, to light with gas the Goldfields of Gympie and for other purposes therein mentioned.

A Bill to close a road privately dedicated to the public over subsection A of portion 59, parish of North Brisbane, county of Stanley, and to open in its stead a road over subdivisions *d a* and *d b* of the said portion.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT read the following message from the Legislative Assembly:—

"Mr. PRESIDENT,—The Legislative Assembly having passed the following resolution—namely:—

"That Mr. Stevens be discharged from attendance upon the Joint Committee for the management and superintendence of the Parliamentary Buildings; and that Mr. Ferguson be appointed a member of such committee,—

"Beg now to communicate the same to the Legislative Council.

"W. H. GROOM,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 10th October, 1884."

TOWNSVILLE GAS COMPANY BILL.

The PRESIDENT read a message from the Legislative Assembly forwarding this Bill for the concurrence of the Legislative Council, and at the same time transmitting a printed copy of the report and proceedings of the Select Committee to which it had been referred.

On the motion of the POSTMASTER-GENERAL (Hon. C. S. Mein), the Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

OATHS ACT OF 1882 AMENDMENT BILL—THIRD READING.

On motion of the HON. P. MACPHERSON, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Assembly with message in the usual form.

MARYBOROUGH RACECOURSE BILL—THIRD READING.

The POSTMASTER-GENERAL moved that this Bill be now read a third time.

The HON. W. H. WALSH: One moment, Mr. President!

After a pause,

The PRESIDENT: I shall not wait for hon. members if they are not prepared to speak. No amendment can be moved of which notice has not been given.

The HON. W. H. WALSH: I am not going to move an amendment.

The PRESIDENT: Then the hon. member is out of order in speaking.

The HON. W. H. WALSH: Do you rule s sir?

The PRESIDENT: Decidedly. The Standing Order is perfectly clear. No amendment can be moved unless notice of it has been given. There is no question before the House except the third reading of the Bill.

The HON. W. H. WALSH: That is the question. Do you rule that I cannot speak at all on the subject?

The PRESIDENT: The hon. member cannot move an amendment; therefore there is nothing to speak about.

The HON. W. H. WALSH: This is a new version. I am not going to move an amendment, but I have something to speak about.

The PRESIDENT: The hon. member cannot speak unless there is a motion before the Chair.

The HON. W. H. WALSH: The motion is the third reading of the Bill. I want to speak to it.

The PRESIDENT: The hon. member cannot speak to it. He can veto it.

Question put and passed.

The POSTMASTER-GENERAL moved that the Bill do now pass.

The HON. W. H. WALSH: Can I speak now?

The PRESIDENT: No; you can veto it.

The HON. W. H. WALSH: I cannot speak?

The PRESIDENT: You cannot. You may veto the motion.

Question put and passed.

The HON. W. H. WALSH: Hon. gentlemen,—I really think this is a question of privilege, whether the President is able to override us in this manner. I do not want to obstruct or prevent the Bill from passing in any way; but I do want to see our President conduct himself properly. I do want to see members of this House maintain their rights and privileges. I will not sit in this House for one moment if I am to become the slave of the President, or if he is to tell me when I can and when I cannot address this Chamber. I have no object whatever in contesting the passage of this Bill; but I have a sacred duty to perform to this country and to this House, while I occupy a position here. That duty is in maintaining our prerogatives and our rights. The conduct of the President, I do not hesitate to say, is that—I do not like to use the words, but yet I cannot avoid doing so—his conduct extends beyond that of extreme arrogance.

The POSTMASTER-GENERAL: The hon. member is out of order.

The HON. W. H. WALSH: I admit that I am out of order; but what can I do?

The PRESIDENT: The President of this House is placed in a peculiar position. He is entirely in the hands of the House. If hon. members are going to allow interruptions and remarks of this kind to take place, the House will have to answer for it. I cannot; I have simply done my duty. The rule is as clear as possible, and what the object of the hon. member can be in speaking to the third reading of a Bill when he cannot amend it, without notice of motion, I cannot imagine. Rule 61 says —

"No amendment shall be made in any Bill on the third reading unless notice thereof has been previously given; but any amendment or addition to any clause, of which notice has been given, may be then moved."

The rule, as I have said, is as clear as possible.

The HON. W. H. WALSH: The hon. the President has assumed a position whichI did not gainsay at all. I had no idea of moving any amendment; but I claim my right, at the various stages of a Bill, to address this Chamber. The hon. gentleman said I have no right. The hon. gentleman—more than that—in an offensive;—of course the Postmaster-General interjects something—what it is I do not know;—but I simply say, hon. gentlemen, that I am standing up as your defender—as our defender. I say that I was not out of order in speaking to the question that was before the House during two stages of the Bill. I did not propose any amendment, but I rose to address the Chamber on the question then before the House. For what reason I cannot say, the hon. the President chooses, not only to try and check me, but, bear in mind, to give a misinterpretation of my conduct—of my proceedings. All I can say, hon. gentlemen, is that if we are to permit that—if our President is to get up and be allowed to misinterpret what an hon. member is going to say, and then to call upon the House to support him in his misjudgment—well, I shall submit; having entered previously, as I do now, my strong protest against it. I warn you, hon. gentlemen, to protect your rights; I warn you from being governed by anything like tyranny, whether that tyranny arise from ignorance or from design.

The POSTMASTER-GENERAL: I regret very much that the hon. gentleman has spoken in the manner in which he has done. If he has suffered injury, he has got a very simple mode of redress. If the President has given a wrong ruling we can decide for ourselves whether it shall be adhered to or not. I do not think the hon. gentleman should take advantage of this opportunity to cast the insinuations he has done on the conduct of the President. There was nothing in the President's manner, or decision, to justify the inferences the hon. gentleman has chosen to draw. We may differ from the President on his ruling on this point. For instance, I am inclined to think that although the President stated the question correctly—namely, that it is impossible to move an amendment on the third reading of a Bill—still, it is competent for hon. members to address the House in regard to that motion, in order that the House may affirm or dissent from it. It is to be regretted that the hon. gentleman did not put his views before the House in more temperate language.

The HON. T. L. MURRAY-PRIOR: I should be very sorry indeed to make any reflection on my hon. friend who is now in the chair; but I must say that, since I have been in this House, it is the first time I have ever heard such a ruling. I cannot bring to mind any special time when discussion on the third reading has been objected to. That the hon. the President has given a right interpretation to the rule he refers to is true; but that there is a question before the House I have not the slightest doubt. The third reading is a question, and my own opinion is that whenever there is a question before the House any hon. member can rise and speak to it. I merely wish to give my opinion on the question.

The HON. J. C. HEUSSLER: I do not quite agree with the language my hon. friend Mr. Walsh has used, but I agree with him in regard to the right of being able to speak on the third reading of a Bill. I certainly am of opinion that hon. members have that right, and only one remark will be convincing proof that such is the case. Any hon. member may raise a discussion on the question with the view of defeating the Bill on the third reading. I think, with respect to that, he has a perfect right to speak on the third reading and raise discussion.

The POSTMASTER-GENERAL: I beg to move that the title of the Bill be—"A Bill to enable the Trustees of the land described in deed of grant number 17,135, being the Racecourse Reserve, being the whole of the land described in the said deed, and situated in the parish of Maryborough and county of March, to sell certain portions thereof."

The HON. W. H. WALSH: May I be allowed to address the House again?

The PRESIDENT: Allow me to put the question, please!

Question put.

The HON. W. H. WALSH: Hon. gentlemen, I think we are getting into a fog in respect to the contention between myself and the hon. the President of the House—whether I can speak at all on the third reading of the Bill. The motion before the House is not the third reading of a Bill. We did not settle whether the Bill should be read a third time, and how we have floundered—by the advice or assistance of the hon. the Postmaster-General—into the consideration of another subject is to me quite inexplicable. The hon. the President ruled that I could not speak at all—in any way, as far as I made out—on the passage of the third reading of a Bill. I would like to ask what has become of the Bill. We certainly have not passed it. It has not gone through its various stages; and yet now we are called upon to discuss another subject altogether. Will hon. gentlemen tell the House how we have floundered into this position?

The POSTMASTER-GENERAL: We have not floundered into any position at all. The hon. the President has already declared, on the voice of the House, that the Bill shall be read a third time.

The HON. W. H. WALSH: No, no!

The POSTMASTER-GENERAL: It has been read a third time by the Clerk in consequence of our orders, and the House then affirmed that "the Bill do now pass." It was so declared on the voices——

The HON. W. H. WALSH: It was not.

The POSTMASTER-GENERAL: And the proper motion to make after that, according to our Standing Orders, is that the title of the Bill be so-and-so. It is quite competent for the House, if it does not consent to that title, to amend it. That is the question before the House. If the hon. gentleman wishes to address the House he can do it; but the hon. the President having declared on the voices that the Bill has been read a third time—that it has passed—we are now properly in order in discussing the title of the Bill. If the hon. gentleman felt inclined to take exception to the decision of the hon. the President with regard to the third reading, or the passing of the Bill, he should have done so then. The hon. member did not wind up with any motion, but raised a question of privilege. The House seemed to discuss the question as far as it wished, and I then went to the next stage of the Bill.

The HON. W. H. WALSH: Hon. gentlemen——

The POSTMASTER-GENERAL: You have already spoken.

The HON. W. H. WALSH: I have no doubt it is a question of privilege. I have no doubt the hon. Postmaster-General would like the House to say I have spoken; but while I am here I will be the protector of the rights and duties of this Chamber, notwithstanding the hon. the President or the Postmaster-General. But the thing appears to me monstrous for the Postmaster-General to be allowed by the hon. the President to state that we had passed through its various stages a Bill this afternoon. I say it was not so, and the hon. gentleman, in trying to prove that the passage of this Bill, by its third reading and by its subsequent stages, has fulfilled its ends here—I say the hon. gentleman in saying, that is, trying to—I cannot use the expression I should like to—but I will say that it is not correct. I appeal to the hon. the President to know if the Bill did pass this evening in this Chamber. We are considering now another measure.

The POSTMASTER-GENERAL: No; the same thing.

The HON. W. H. WALSH: The Postmaster-General entirely misconstrues the thing. We are not doing anything of the kind, and that is where the Postmaster-General alone ignores him from the blunder he has arrived at. I maintain that our right, our duty—I say we have both to perform—and I am going to do it this afternoon, and the sophistications of the Postmaster-General will not divert me from it. We are not to be misled, and I ask the President at this moment whether, according to the explanation given by the Postmaster-General, we have proceeded so far with that Bill?

Question put.

The HON. W. H. WALSH: What has become of the previous question?

The PRESIDENT: It has been passed.

The HON. W. H. WALSH: When?

The PRESIDENT: I am really not here to be catechised by hon. members asking such questions. The records of the House will show whether I am correct or not. The title of the Bill is the question before the House.

The HON. W. H. WALSH: I rose to attempt to object to the passage of the Bill. Discussion ensued. What has become of the Bill?

The PRESIDENT: If the House will not protect itself, I am powerless.

The POSTMASTER-GENERAL: The hon. member is clearly out of order. As I pointed out before, if he objected to the passing of the Bill he should have objected at the time. The hon. the President declared that the House had agreed to the passing of the Bill, and no objection was taken; and of course the decision of the President stands.

The HON. W. H. WALSH: I took objection.

The POSTMASTER-GENERAL: The hon. gentleman did nothing of the sort. There is one way of recording an objection—by making a proposition that the House dissents from the decision of the President. That was not made, and consequently the decision stands; and in ordinary sequence I proposed the title of the Bill and that is the question before the House.

The HON. T. L. MURRAY-PRIOR: Hon. gentlemen, I regret very much that this should have occurred. The position, I take it, is this: Several hon. members dissented from the ruling of the President with regard to the right to speak on the motion for the third reading of a Bill. I therefore take it that the hon. the President will not at once give a decision on a matter, but that it is his intention at a future time—I am satisfied he will do so—to look up the subject and then give his decision. I may say that I, as one of the oldest members of the House—if the privileges were infringed—whoever the person was—I should be one to stand up for the privileges of this House. I have dissented from the hon. the President; and I feel satisfied from my knowledge of the hon. gentleman that he only looks for time to give his decision—whichever way it may be. If he does find that he is not right, I am sure that he will say so. In fact, on the third reading of a Bill, I will try the question, if it is necessary, because I think that hon. gentlemen have a perfect right to speak on a Bill then: but I am sure the hon. the President will give the House his opinion on the matter hereafter.

Question put and passed; and Bill ordered to be returned to the Legislative Assembly, with message in the usual form.

The PRESIDENT: With regard to the question of order before the House, I will again read the rule, which to my mind is settled upon the point:—

"No amendment shall be made in any Bill on the third reading, unless notice thereof has been previously given."

Hon. members have a perfect right to veto a Bill on the third reading, but they cannot move an amendment unless that amendment has been given notice of. They have a perfect right to veto; and what the object of any hon. member in taking objection to the third reading of a Bill, if he has no amendment to propose—which he can propose—can be, I cannot say. That is a question for the House to determine, but the opinion of one or two hon. members of the House is not the opinion of the House; and if the House are desirous that there shall be full liberty of speech on the third reading of a Bill, it is desirable that they should express that opinion by the voice of the majority, and that they should alter their Standing Order. That is quite within the powers of the House to do, and they can do it any time. I am guided entirely by the rules of the House before me—the present rules of the House.

The HON. W. GRAHAM: May I say a few words?

The PRESIDENT: Yes.

The HON. W. GRAHAM: Well, hon. gentlemen, I am still rather in a fog about the question. I should like to know whether it is a standing rule that there shall be no discussion—no speaking on the third reading of a Bill—unless in the way of amendment of which notice has been given. It seems to me rather anomalous. When the third reading is brought on, it is a motion before the House, and I certainly think it is open for discussion; and even if not to discussion, it is open to hon. members to express their sentiments. Although they may have no formal amendment to bring forward, yet what they may say in the case may have the effect of inducing other hon. members to veto the Bill. I can see by our Standing Orders—I think the 53rd and 61st—that it does not provide for this; and in those cases I believe we follow the practice of the English Parliament. I am not sufficiently well up in "May" to know whether he deals with that subject, but I think that during the long time the English Parliament has sat there must have been some precedent established. I should be very glad if any hon. member who is better up in "May" than I am would give us some information on the subject.

The HON. T. L. MURRAY-PRIOR: I should like to see the hon. Chairman of Committees rise in his place to give us his opinion, as he is absolutely the oldest member present; but I can say for one that during the time I have been in the House I have never known on any occasion any hon. member not have the right to speak on any motion. Every hon. member of this House has a perfect right to speak on the motion for the third reading of a Bill, and I think that before entering into a discussion, or dividing the House upon the matter, it would be well to postpone this question to a future time when hon. members will be better prepared—when they will will be better read up and better able to consider it. As far as precedent is concerned, I have no hesitation in saying that the custom of this House has been to speak on any motion before the House—whether the third reading of a Bill on any other motion. I trust, therefore, without going further into the matter, we may have time to look it up, and then give our opinions on it at a future time.

The POSTMASTER-GENERAL: As a question has been raised I think the House will expect that I should offer some observations upon it. I may state that I have no doubt that the views expressed by the last two speakers are correct. There was a proposal before the House that the Bill should be read a a third time, and the President has correctly quoted the Standing Order to the effect that no amendment shall be moved unless previous notice has been given. But the fact of a proposition being made indicates that the House shall express an opinion on it; and, according to the rules of debate in all deliberative assemblies, it is assumed that we cannot really arrive at a conclusion for affirming or disaffirming a proposition unless we have an opportunity to discuss the matter, which we can only do by enunciating our views. Although it is not expressly laid down in "May," his whole remarks would lead to the conclusion that it is competent for any hon. member to address the House on the proposition in the ordinary way. To quote from "May," he states:—

> "On the third reading the judgment of the House is expressed upon the entire Bill, as it stands after all the amendments introduced in Committee and at other stages. Every amendment may be proposed to the question for now reading the Bill a third time, which has already been described in reference to the second reading. Sometimes the question for the third reading has been negatived; but, as previously stated, such a vote is not fatal to the Bill. On the 18th April, 1853, the question for reading the Combination of Workmen Bill a third time was negatived; but on the 20th, another day was appointed for the third reading, and the Bill was subsequently read a third time, and passed. In the Lords new clauses may be added, and amendments made to the Bill at this stage. And the same practice formerly prevailed in the Commons; but by a Standing Order of the 21st July, 1856 'no amendments, not being merely verbal, shall be made to any Bill on the third reading'; and since that time the only amendments admitted have been strictly within the scope of that Order. If material amendments are required to be made, it is usual to discharge the Order for the third reading, to recommit the Bill, and introduce the amendments in Committee. In such cases it has been customary to consider the Bill as amended, and to read it a third time immediately."

The author then proceeds to discuss the question of passing a Bill, and points out that sometimes the motion is negatived, and, further, that the question of the title then comes on for consideration. In my experience of this Chamber I cannot recollect the policy of a Bill having been discussed on its third reading; but, as a spectator of discussions in other Assemblies founded on the same principle as our own, I have seen important discussions take place on the third reading of Bills. If I mistake not, such has been done in the Legislative Assembly, where the Standing Orders on the subject are similar to our own. There is no doubt in my mind as to the power of hon. members to discuss the question submitted to them, in order that they may arrive at a correct conclusion as to the affirmation or rejection of the third reading.

The HON. J. C. HEUSSLER said: Though I am one of the oldest members of the House, and though I cannot say that we are in the habit of wasting time in discussing the third reading of Bills, yet it is within my recollection that we have sometimes thrown out Bills on the third reading. But before that has happened, arguments have been used by hon. gentlemen for or against such a course. Consequently, I consider we have a right to discuss the question when a Bill is read a third time.

APPROPRIATION BILL No. 2—COMMITTEE.

The POSTMASTER-GENERAL moved that the President leave the chair, and the House resolve itself into a Committee of the Whole to consider this Bill.

The HON. W. H. WALSH said: I wish it to be clearly understood that as far as the majority of voices go, we can discuss the motion that a Bill be read a third time. The President chose this afternoon to assume that I was going to move an amendment, but I know too much of parliamentary practice for him to tell me that I cannot move an amendment to a motion for the third reading without notice. What I did was to assert our right—on behalf of ourselves and those we represent throughout the length and breadth of the colony—to express our opinions on the passage of a Bill at any stage. The President wanted to prevent that; and I wish it now to be clearly understood that we have the right during the third passage of a Bill, if I may use such a term, to give our reasons for assenting to or dissenting from the motion.

Question put.

The HON. W. H. WALSH: This is a question of privilege, and I maintain that we have a right to express an opinion on the subject.

The PRESIDENT: Unless the House will insist on order being kept it is impossible for me to do so. The hon. member has spoken already.

The HON. W. H. WALSH rose to speak.

The PRESIDENT: The hon. member is completely out of order.

The HON. W. H. WALSH: In what? I am going to oppose the motion that you do now leave the chair. The question I have raised is one of privilege, and is of far more importance than hon. gentlemen seem to think.

The POSTMASTER-GENERAL: I rise to a point of order. The Hon. Mr. Walsh is not in order in speaking a second time on the question before the House. As was pointed out by the Hon. Mr. Murray-Prior, there will be a better opportunity of testing the question on a future occasion when a motion is made for the third reading of some other Bill; when some hon. member can get up and offer to address himself to the question. Then, if the President adhere to the ruling he gave to-day, it will be competent to test the question by a deliberate vote. Several opinions have been expressed on the subject, and no doubt the President will weigh those expressions of opinion when called upon—if he ever should be called upon—to decide the question. Meanwhile, let us proceed to business in an orderly manner.

The PRESIDENT: I may say that if the House will not support me in a case of disorder, I shall feel obliged to leave the chair without putting the motion.

Question put and passed.

Preamble postponed.

Clause 1—"Appropriation"—passed as printed.

On clause 2—"Treasurer to pay moneys as directed by warrant"—

The HON. W. H. WALSH asked when they were to have the Auditor-General's report? At present they were groping in the dark. Had the Auditor-General seen the Estimates extending to the present period, and had he given the Government his sanction for the payment of the money? If not, they would be acting illegally and unconstitutionally in passing the clause. If the representatives of the people chose to accede to the measure without having received the information to which he had alluded, there was no reason why hon. members of that Chamber should do so.

The POSTMASTER-GENERAL said he could assure the hon. gentleman that the Auditor-General had not been consulted on the matter. No Government would humiliate themselves so far as to go through such a form, and he could not understand the reason for such a preposterous and ridiculous question. The Auditor-General's functions were of quite a different character from what they were supposed to be by the Hon. Mr. Walsh. His duty was to see that the Executive did not go beyond the authority conferred on them by Act of Parliament; and by the Bill before the Committee they were asking the Legislature to authorise the Government to make certain payments. It was a Bill which was rendered necessary by the fact of the Estimates for the year—three months of which had already elapsed—not yet having been passed. It was a vote on account to enable the Government to pay the public creditors and the Civil servants. He could assure the hon. gentleman also that the Auditor-General had not been consulted in regard to the Estimates for the current year. As to that gentleman's report, he intimated some time ago that the Auditor-General was not compelled, until the expiration of the month of December, to send in his annual report, but that he would send it in as soon after that time as was practicable. A preliminary report would, he believed, be in the hands of hon. gentlemen in a few days.

The HON. W. H. WALSH said it was a great blessing to get so much information. The Postmaster-General said that the Auditor-General had nothing to do with supplying that information to Parliament.

The POSTMASTER-GENERAL: No.

The HON. W. H. WALSH said the hon. gentleman said the Auditor-General had no authority to supply that Chamber with information.

The POSTMASTER-GENERAL: You misunderstood me.

The HON. W. H. WALSH said it seemed to be a case of general misunderstanding. What were the duties of the Auditor-General to the country and to Parliament, he would ask? That officer was supposed to be the servant of Parliament, and his duty was to provide members with information which would enable them to see what they were doing when dealing with a measure like that before the Committee. They could get no information from the Government, especially if their mouthpiece was the present Postmaster-General; and yet they were told that the Auditor-General had no right, except at the end of the year, or when the spirit moved him, to give the information to Parliament. It was a matter of indifference to him whether the Government wasted hundreds, thousands, or millions of pounds; but while he held a position in that Chamber he should never be one to abrogate his privileges or neglect his duties, and he considered it his duty to require from the Auditor-General, who was an officer of Parliament, full information regarding the public expenditure.

The HON. J. C. HEUSSLER said he was afraid the hon. gentleman was in a fog. If he wished to raise a discussion he should do so after the Estimates were passed. On such an occasion he should be glad to hear a little discussion as to the way in which the public money was spent. By the Bill the Government were only empowered to take sufficient for the service of a month and a-half. All they had to do was to see that the public servants were not left without funds, and surely they need not have a discussion upon such a thing as that. If the Hon. Mr. Walsh wished to raise a discussion he ought not to do so upon fictitious grounds, because he (Hon. Mr. Heussler) considered that it was a useless waste of time for hon. members to speak when there was nothing to speak about.

Clause put and passed.

The remaining portions of the Bill having been agreed to,

The House resumed; the CHAIRMAN reported the Bill without amendment. The report was adopted, and the third reading made an Order of the Day for to-morrow.

IMMIGRATION ACT OF 1882 AMENDMENT BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the House was put into Committee of the Whole for the purpose of considering this Bill in detail.

Clause 1—"Act to be read with 46 Vic., No. 7"—put and passed.

On clause 2, as follows:—

"The Governor in Council may direct that persons of any specified age shall not be eligible to be nominated for a passage warrant under the provisions of the 9th section of the principal Act; and any such direction shall be published in the *Gazette*, and shall have the force of law."

The HON. T. L. MURRAY-PRIOR said: This Bill seemed to him, like many other measures that had been brought in this session, of very little use. It appeared that with the

exception of one clause, to which he would refer by-and-by, the whole of its provisions could be very well carried out under clause 9 of the present Immigration Act; and he really could not see why the Bill had been brought forward at all. The only difference was in the amount of money to be paid by persons bringing out indented immigrants. There was no doubt that the Government could make regulations under the Bill by which they could do just as they liked; and he could only conceive that that was the reason why the Bill had been brought in—in order that they might have an opportunity of making such regulations.

The POSTMASTER-GENERAL said he would confine his observations to this particular clause of the Bill, which dealt with section 9 of the Act of 1882. Under that section any person resident in the colony, desiring to introduce a friend could do so by nominating him and paying certain fees prescribed in the schedule. There was no restriction in the present Act as to age, the only restriction being as to the amount to be paid by the person who nominated a relation or friend. The amount varied between £2 and £10, according to the age of the person nominated. The result of the operation of the Act had been that a large number of decrepid persons, relatives of people living in the colony, had been introduced at the expense of the State; and they were absolutely useless as colonists. It was considered desirable by the present Government to put a stop to that state of things and to allow only such immigrants to be introduced as were likely to be of value to the colony. The idea was that to bring out persons possessing a certain amount of vigour was beneficial to the State, and, therefore, it would pay the State to contribute towards their passage money. So far they had got a number of persons brought out here of very little use to the colony, simply to suit the convenience of their friends, and hence the necessity for the 2nd clause of the Bill, which provided that the Governor in Council might limit the persons who would be allowed to come out as nominated passengers. If hon. gentlemen would refer to clause 9 of the principal Act, they would observe that upon a person being nominated by a relative, and the money required under the schedule being paid, he was absolutely entitled to a passage; the words being:—

"Any natural born or naturalised subject of Her Majesty residing in Queensland, desiring to provide a passage to the colony for any friend or relative in Europe, may apply, in the form of Schedule C hereto, to the Immigration Agent in Brisbane, or to any of the clerks of petty sessions throughout the colony, such clerks of petty sessions being for the purposes of this Act *ex officio* sub-immigration agents; and on payment by the applicant of such sums as are in accordance with the scale contained in Schedule D hereto, a passage-warrant, available for twelve months, shall be issued by the Immigration Agent."

According to the schedule, males and females between the age of one and twelve years were to be paid for at the rate of £1; between twelve and forty, £2 for males and £1 for females; above forty and under fifty-five, both sexes, £4; and above fifty-five, £10. Under the Bill the Government proposed a restriction as to the age—that in the case of persons above the age of forty-five years, they could be brought out on the payment of the full amount of the passage-money.

The HON. W. H. WALSH said there were two or three things in the Bill which he thought required serious consideration. The first was as to the cost that would probably be incurred in the operation of the Bill. They had no information whatever from the hon. the Postmaster-General upon that point. They had hardly been allowed to discuss the Bill on the second reading because it had been passed rapidly through, and no information whatever had been given as to what it would probably cost the taxpayers of the country if it became the law of the land. That was a very important question. His opinion was that the Bill, if it were put into improper hands to manipulate—not the present Government, but some other Government that he could imagine—it would be a most costly measure, and probably entail an expense upon the people of £300,000, or £400,000 a year. He maintained that, before they agreed to a measure of that kind, the very first thing they should do, as a mercantile, practical people, was to ascertain what the cost of it would be. The hon. the Postmaster-General had not told them a word upon that subject — whether it was to cost £200,000, £300,000, or half-a-million a year. There appeared to be no limit whatever. The whole thing seemed to be wrapt up in mystery—suitable, probably, to the Government of the day, but not such as should induce hon. gentlemen to believe that it was a measure that they should approve of. Before he gave his consent to it, he should require to know what was going to be the cost, and whether that cost would be justifiable. At the present moment, unless his eyes deceived him, and his judgment was wrong, there was a larger number of people going out of the colony than were brought into it; and they should pause before they passed a measure which would tend towards keeping up that state of things. That was another serious matter; but hon. gentlemen in passing the Bill did not seem to take it into consideration at all. The Bill had been introduced by the Government, and because it had been so introduced, and had been stamped with the excellent recommendation of the hon. the Postmaster-General they seemed prepared to pass it as a matter of course. He maintained that they should not pass a measure of the kind without making further examination into it. He agreed that the quality of immigrants who were now being brought out was such that they were not worth the money that was being paid for them. Again, they did not remain in the colony; and he believed the effect of the Bill would be to lead to a reduction of labourers' wages. They were now called upon to accede to a Bill, the necessity for which had not been shown; they had no idea given of what cost it would entail upon the country; and no surety whatever that it would conduce to the prosperty of the colony. If he could direct the immigration system, he would do away with the proposed class of immigration altogether, and bring them out simply as immigrants or not at all. The principle of introducing immigrants on the bounty system seemed to be the great desire of each Government, but to him it appeared pregnant with wrong and with mischief. What was the use of those people paying one or two pounds towards their passages? It would be far better to bring them out as paupers—as immigrants—instead of bringing them out under the bounty system. He would again point out that they were asked to pass this Bill with the glaring and inexorable fact staring them in the face that there was a large efflux of people from the colony as against the number who were coming into it.

The POSTMASTER-GENERAL said he would point out to the hon. gentleman that it was not a Bill to provide for the raising of moneys to be expended in immigration. All it provided was that moneys which Parliament should vote for immigration purposes should be expended in a particular way. The clause they were discussing, instead of increasing the burdens of the people, was intended to

diminish their burdens by preventing the country being saddled with the cost of bringing out unsuitable immigrants who could be brought out by the provisions of the existing law. Therefore the hon. gentleman could have no possible objection to the clause on that ground. With regard to the other clause, although it would be more convenient to discuss it when they arrived at that stage, he would point out that its tendency also was to diminish the expenditure which had hitherto proved unnecessary in the introduction of immigrants. There was a distinction made in the principal Act in regard to the class of immigrants—labourers and mechanics. Labourers were those who should devote their energies to the cultivation and utilisation of the land, mechanics being artisans, and workmen of that description. Under the original statute those mechanics, as well as labourers, could be indented at specified rates. Experience had shown that mechanics could not be absorbed readily; that they had been imported here at a greater rate than there was a demand for them. The Government therefore proposed that the practice of indenting immigrants of that description should cease. They made another provision for the indenting of mechanics, but they provided on a different scale for the introduction of labourers who should devote their energies to the cultivation and utilisation of the soil. The original statute was also defective in making no provision for the introduction of families of indented labourers, which this Bill did provide for. With regard to the question of expenditure, he was not in a position to say how much would be required from year to year upon immigration. That was a matter that had not been distinctly settled by the Government yet; but it would come up for discussion when the Loan Estimates were submitted to the Legislature. In the meantime, if the money was not voted, hon. gentlemen could rest contented that the Bill, if passed, could not be put into operation. The Government could only apply the money voted by Parliament for the purposes of the statute; and as the great tendency of it was to prevent the introduction of unutilisable people at the expense of the State, and to facilitate the introduction of those for whom there was a great demand, he could see no possible objection to the clause.

The HON. J. C. HEUSSLER said he would not say much on this question, and only wished to point out that his hon. friend Mr. Walsh had not made a correct statement when he said that a great many immigrants went away from the colony every year. At the end of the year the balance was generally in favour of the colony. He saw from the last statistics that 10,672 persons had come from New South Wales to this colony, and that 8,976 persons went from here to New South Wales. Therefore, the balance was in our favour, and although some might go away, a good many more came from the other colonies to Queensland than went away from it.

The HON. A. RAFF said there was a great deal in the statement made by the hon. the Postmaster-General that a number of people were brought out who were of no use to the colony. As a member of the Relief Board for the last eighteen or twenty years, he could say that they had had several cases brought under their notice of immigrants unfit for work on account of age, who, though they had not been more than a month in the colony, were brought to the board for relief; and in several instances the board had had to assist in sending home some of those people, who had been brought out at the expense of the country.

The HON. W. G. POWER said there was no doubt that there were a great many of such labouring people of both sexes who had been introduced into the colony. They could see on their streets a number of women who had come out as immigrants. From his acquaintance with police court business, he had also seen men who had been here for only a month or two brought up for various offences. In one case, of stealing property from a fellow-lodger, the immigrant told the magistrate that he had come out here for the benefit of his health. He (Hon. Mr. Power) believed the man was lame; at any rate he carried a crutch; and he was sent to gaol, and was now living there at the expense of the country. Then, he thought, they should not introduce immigrants in hot weather—from October to February. During those months last year they had a great deal of fever here, which there was reason to believe originated with those people. As to the number of people that were leaving the colony, there was no doubt the number of departures was very much against them. He noticed that, on some occasions, according to the statistics given in the newspapers, they lost one hundred and sometimes perhaps only fifty, but the balance had been generally against them for a long time.

Question put and passed.

Clause 3—"Scale of payment for indented labourers"—passed as printed.

On clause 4, as follows:—

"Every agreement for the employment of a labourer or servant, made under the provisions of the thirteenth section of the principal Act, shall contain a stipulation that the employer shall provide sufficient and proper accommodation for such labourer or servant and his family, during the term of the agreement."

The HON. T. L. MURRAY-PRIOR said he should like to ask the Postmaster-General how the clause would act. He could not see the necessity for the clause, which he thought would act very harshly upon the employer. He wished the Postmaster-General to inform the Council as to what would be considered sufficient and proper accommodation, because every labourer might have a different idea as to what was proper accommodation. For instance, the huts provided in a place might, to the idea of the labourers, be little better than pigsties. They knew that those persons often who had had the greatest hardships at home, when they came out here grumbled the most. The clause not only said that proper accommodation should be provided for the labourer but also for his family during the term of the agreement. The practice here was that if an employer made an agreement with a labourer they were both bound by that agreement, and if it was not carried out, or if the labourer had any cause of complaint, he could go before a justice and have the matter of dispute decided between them. He thought the clause would very much hamper the Bill and that it would be better omitted. He should not at present propose the omission of the clause. He wished to hear more about it, and to hear what amendments the Council would agree to take.

The POSTMASTER-GENERAL said the clause was intended to apply to the case of persons who were engaged at home by indenture to serve a person who wished to engage them in the colony. They were not engaged by officers of the Government at all, but by the employer in the colony or his authorised agent. If the hon. gentleman would turn to the 13th section of the principal Act he would see that, before a person embarked for the colony, the employer or his agent was to enter into an agreement with him with regard to the wages and so forth he should receive. Again, if the hon. gentleman would turn to the Polynesian Labourers Act, he would find there almost precisely the same provision as that before them. He was quite aware that the Polynesian Labourers Act ha

nothing whatever to do with the Bill, but he wished to point out that the clause was in accordance with the spirit of legislation in regard to other labourers imported at the public expense—whether directly or indirectly. Under the Polynesian Labourers Act it was part of the agreement that every contemplated employer of Polynesian labour entered into, through the person who engaged the islander at the South Seas, that he should give proper accommodation to the man when he came to the colony. Questions might arise—he was not sure that they had not arisen—where labourers were engaged at home to serve for a number of years, in the full belief that they would be provided with accommodation, and the master might say, "That is not in the contract to provide you with accommodation; you must look after yourself." The immigrants would not be prepared for that state of things, and hence the necessity and desirability of inserting a provision in the Act that the persons engaged for the benefit of an individual, through himself or an authorised agent, should have this protection—that sufficient accommodation should be provided for him. If that accommodation was in accordance with the usual practice of the place—was the same as that used by persons in the same class of life, then it would be sufficient within the meaning of the statute; and if there was any doubt as to its sufficiency there was a competent tribunal to decide the question. In regard to providing accommodation for the labourer's family, the Hon. Mr. Gregory and the Hon. Mr. Prior must remember that it was the employer's lookout whether he engaged a man with a family or not. If a man did not want a labourer with a family, he would instruct his agent not to engage one; but if he authorised him to engage a man with a family it would be contrary to public policy when this man arrived here—to a very large extent at the public expense—that the employer should not have some part of the burden thrown on him of providing suitable accommodation for the members of that individual's household. Otherwise the servant would be dissatisfied with the state of affairs, and would not be contented to have to pay for the housing of his family.

The HON. W. H. WALSH said it seemed that if the Government of the day chose to consider that a man had too large a family, the heads of which were employed, they could call upon the employer to support or find accommodation for that family. Why did not the clause express what it meant? If it was intended, as had been asked by an hon. member, that every employer of labourers should be compelled to find support and accommodation for the families of those labourers, why did the clause not express so then and there? They ought to say clearly what they were passing. The Postmaster-General had said that if the Government saw certain immigrants arrive here possessing a larger family than could be employed, then the Government or its agent could call upon the employer to support and find house-room for those people. He said such a thing had never been the practice hitherto, and he thought the question deserved their serious consideration. Another argument was used by the Postmaster-General which he really thought was outside the question. It was in connection with kanakas—a question with which this Bill had nothing whatever to do. He thought the Postmaster-General was wrong in trying to mislead the Committee by such an argument. This Bill was directly in connection with the employment of immigrants for whom the country would have to pay unquestionably. The question was whether, having first indented the immigrants—paid for their passages and those of their children—the employers of those persons were to be, on the subsequent idea of the Government—not entered at all in the agreement—were to be called upon to find house-room and food for the younger members of the family. It was to be left to the Government to determine whether it should be so.

The HON. T. L. MURRAY-PRIOR said he thought the allusion of the Postmaster-General to kanakas was quite outside this clause. The Government had taken the kanakas under their paternal care, and had made regulations for them; but the hon. gentleman did not say that those kanakas got very low wages—£6 a year—and that anyone employing them knew by the Act the manner in which he was to employ them. It had no reference to the question which was asked the Postmaster-General except this—that on any Bills in which regulations could be framed, or which were not certain, they must look with very great suspicion. The Government had not altogether apparently done away with the service of kanakas, but he could not help taking that opportunity of saying that from the action which the Government had taken in many cases—the tyrannous actions which they had taken, especially in the case which was now going on—no one with a proper feeling for himself would ever attempt to be a Government agent or captain of one of those ships. With regard to accommodation, he would ask whether, if an indented labourer died before the termination of his agreement, the employer would have to keep the wife and family for the remainder of the term?

The POSTMASTER-GENERAL: No.

The HON. T. L. MURRAY-PRIOR said there was nothing in the clause to make him do so, but where was the employer who would turn out a woman on the death of her husband?

The POSTMASTER-GENERAL said he hoped hon. gentlemen would not negative the clause. Each person who wished to indent immigrants had his protection in his own hands. If he did not want a man with a family, he could instruct his agent accordingly; but if he did get a man with a family it should be understood that the family would be housed as long as the man carried out his engagement. In the event of the death of the labourer the agreement would terminate, and the employer would be freed from its conditions. He did not propose to answer the objections of the Hon. Mr. Walsh, because that hon. gentleman did not comprehend the nature of the clause, but seemed to have an idea that it would enable the Government to say to an employer "You shall do this or that for the benefit of your servant or his family." He hoped hon. gentlemen would refer back to the principal Act, in connection with which the Bill before the Committee was to be read. He would again quote from that Act in order that there might be no misapprehension on the subject. The 13th section said:—

"The employer or his duly authorised agent in Europe shall pay to the Immigration Agent in Brisbane, or to the Agent-General or to the agent on the continent of Europe, as the case may be, such amount as is in accordance with the scale contained in Schedule D hereto for the passage of such mechanic, labourer, or servant to be so engaged; and such employer, or the duly authorised agent of such employer, shall sign an agreement with such mechanic, labourer, or servant, whereby such mechanic, labourer, or servant shall agree to serve such employer as aforesaid, for any term not less than twelve calendar months, at such rate of wages as may be agreed upon, and every such agreement shall be delivered to the Agent-General, or the agent on the continent of Europe, as the case may be."

It was a specific agreement between the employer and the employed, and the reason for the clause was, that if a person engaged a man with a family, and arranged for their being brought out at the public expense, it was only reasonable that

they should have house-room as long as the engagement lasted. In the absence of an agreement to do so there would be no obligation on the part of the employer to find house-room for those he engaged, and if he repented of his bargain there would be nothing easier than for him to say that he did not contract to supply house-room, but that he had a place which he would let at so much a week. He could name a price that no labourer would be able to pay, and the latter would have to shift for himself. Hence the necessity for the clause, which would be a protection both to the master and to the individual employed. The master would make a specific arrangement with the servant as to the accommodation to be given to the individual and his family, and he would take that into consideration when arranging with the servant as to the price of his labour.

The HON. T. L. MURRAY-PRIOR said the speech of the hon. gentleman was a complete answer to his question. The hon. gentleman had referred to the 13th section of the principal Act, which provided that there should be a specific agreement between the employer and the employed. But in regard to house-room the agent at home could not by any means know what accommodation would be given to a servant in the bush. Certain accommodation was always provided for the families of those who were employed—sometimes better and sometimes worse—and he had never known an employer who would charge an extortionate rate for house-room if he did not wish to fulfil his bargain. It would not pay anyone to do so even if he were so inclined. It would be better to leave it so that the agent at home would tell people that they would receive the usual accommodation of the country, and then people would not come out under great expectations, which might not be realised. The great objection to indenting servants was that the employer had to indent them at a rate below the usual wages of the country to recoup him for the moneys expended by him, and when the labourers arrived in the colony they were discontented because they found other persons obtaining higher wages. He should vote against the clause.

The POSTMASTER-GENERAL said he might retort on the hon. gentleman by saying that he had answered himself. The hon. gentleman said that it was the practice of employers to supply accommodation; and, if that were so, what objection could there be to putting it into the agreement? The clause only asked that the rule which already governed employers, should apply to the agreements they made with indented labourers, in order that they might know that they would get the accommodation usually given in the country.

The HON. J. C. HEUSSLER said he would not only insist on the agreement containing a stipulation for house-room, but also that the families of labourers should be provided with the usual rations. Employers should be compelled to instruct their agents in the old country——

The HON. W. H. WALSH: What do you mean by the old country?

The HON. J. C. HEUSSLER: Nonsense! Why did the hon. gentleman interrupt in that way? What he wished to say was that employers who wished to indent labourers with their families, should not only provide house accommodation, but should be obliged to find the usual rations for those families. Those labourers at home had no idea of the state of things existing in the colonies, and they were entitled to know that their families would not be in want when they came out. As to the question of wages, that would be a matter between the agent at home and the people employed.

The HON. W. FORREST said that the more the clause was discussed the more he was convinced of its danger. The Postmaster-General said that, as a matter of public policy, it was not advisable to allow indented labourers with families to be brought out at the public expense, unless the person indenting them engaged to provide accomodation for the families. If that were the case, why was it a matter of sound policy to bring out nominated labourers without any such provision? It had been very well pointed out by the Hon. Mr. Murray-Prior, who gave very good reasons, that a certain amount of dissatisfaction always existed among indented labourers; and a clause such as that under discussion would keep employer and employed in a continual state of ferment. When the Act relating to Polynesian labour was being passed, it was pointed out that the islanders were like children, and that they required protection. Now, however, they were passing a Bill relating to labourers who were their own countrymen; and he would ask whether they also were incapable of looking after themselves? It might be asked—what was meant by proper accommodation? whether it meant house, or house and food, or house and clothing; and there would be no end to the trouble that would arise unless the clause were amended.

The POSTMASTER-GENERAL said the hon. gentleman had shown that he did not know anything of the principal Act. The State had nothing to do with nominated passengers after they reached the colony. They were brought out by their friends, and they had to look after themselves like ordinary passengers; but indented labourers were on a different footing. If the hon. gentleman thought it necessary to define "accommodation," he should be happy to consider any definition that might be suggested; but it was a colloquial expression which everybody understood. And the same might be said with regard to the word "proper."

The HON. W. FORREST said he knew enough of the principal Act to understand the difference between nominated and indented labourers; and he might say that the reply of the Postmaster-General did not meet his objection at all. The hon. gentleman had said that it was not advisable, as a matter of public policy, to allow indented labourers to come to the colony with their families, without compelling employers to provide proper accommodation; and he (Hon. Mr. Forrest) asked why it was a matter of sound policy to allow nominated immigrants to come without such a stipulation. Those who were nominated were just as much entitled to accommodation as those who were indented, and if such accommodation were not provided by the employers, or those who nominated the labourers, they had to fall back on the State. He would also point out that there was no clause of the kind in any other Immigration Act. The hon. the Postmaster-General had stated that there was a similar clause in the Polynesian Labourers Act. In regard to that it had been repeatedly asserted in another place, and also in the leading journals of the colony, that the primary object of the Bill was to flood the labour market of the colony with inferior European labour; and the inference he drew from the Postmaster-General's reference to the Polynesian Labourers Act bore out that statement. He understood from that that the intention of the Government was to introduce a class of labour as nearly as possible of the same mental and physical calibre as the Polynesians, and hence the necessity for the clause. If they intended to bring out sensible, intelligent countrymen of their own, there would be no necessity for the proposed protection, or

attempted protection, and for that reason alone —because it was intended to bring out a class of labour that required that kind of legislation—he should vote against it.

The HON. W. GRAHAM said with regard to the Hon. Mr. Forrest's earlier remarks he thought that hon. gentleman had got a perfectly intelligible explanation from the hon. the Postmaster-General, which he did not seem to accept; that was to say, that the Postmaster-General pointed out the difference between the proposed indented labour and assisted labour. They took it for granted that assisted labour was labour sent for by people resident here, who found the colony a fitting sphere for their work, and who, having been moderately successful, wished that their friends or relations should come out. In the case of persons who came out in that way, they might work for their friends for a time, but they were entirely free people, who made their own agreements, and, if the accommodation they got was not sufficient, they had the whole country before them to choose from. In the case of the class of people provided for by the Bill —which he must honestly confess he did not like, because to a certain extent it very much resembled slavery—and as had been pointed out by the Hon. Mr. Gregory, all attempts to bring out indented labour had proved a failure. They could not keep indented labour. Persons who were brought out as indented passengers would probably come from places where they had a cold climate, and, it would be very difficult to define what was sufficient accommodation for them. In fact it would be as great a cause of discord between employers and employed as anything that could be put into the Bill. If those people came out in winter time, when it was tolerably cold, and it was proposed to put them into a bark humpy—which every bushman knew was as comfortable a house as they could live in—it would be an excellent plea for them, especially when they heard of higher wages being paid elsewhere, to say that they did not consider it sufficient accommodation. That those cases would occur he had not the slightest doubt. He imagined that the check upon that would be that where a labourer threw up his engagement he would be brought before the court, and the bench would decide whether the accommodation was according to the custom of the country, or was equal to the usual accommodation provided for labourers in the colony. He should like to see good accommodation for all labourers; but any man who had had experience of the colony and knew how badly housed the owners and overseers of stations were, and how willing selectors were to live in very poor houses while they were making their way, would understand that those people must not expect too much. He was satisfied that the clause would be a great cause of disputes. He was thoroughly in favour of the Government interfering to the extent of seeing that the accommodation provided was consistent with decency and morality; but beyond that he thought they had no right to go, and he doubted that they could frame any clause that would meet the case. He thoroughly disapproved of indenting an inferior class of labourers, and he knew so well what the result would be that he could only look upon the clause as a fresh element of discord between employer and employed. If, therefore, the Hon. Mr. Murray Prior proposed that the clause should be eliminated, he should certainly support him.

The HON. A. C. GREGORY said the clause, as it stood, appeared to him to contain either too much or far too little, and would undoubtedly only lead to complications, as several speakers had pointed out. This was a case that might possibly arise: A man might have several grown-up sons. He was indented at home, and when he arrived in the colony his employer would be suddenly called upon to provide accommodation for half-a-dozen young fellows — sufficient and proper accommodation—on the ground that they were members of the family of the indented labourer. Those fellows could loll about the place, go elsewhere, and return whenever it pleased them, and be a source of very great trouble to their employer. In fact, the clause was not sufficiently clear to express what was intended, and he thought that if it were amended so as to read "proper house accommodation," and that the accommodation should be limited to members of the family who were under twelve years of age, it would be better. If any members of the family were over that age, they ought to be indented, and they ought not to be provided with house accommodation unless they were indented. He thought it was evident that those who had framed the clause had had no practical experience of indented labour at all. In fact, he did not think that any part of the Bill was thoroughly understood by them; unless it was intended as a covert way of introducing a large number of persons as indented labourers who would refuse to fulfil their engagements and thereby saddle their importers—and, to some extent, the public funds—with the expense of their introduction. He should hardly be inclined to impute such a course as that, but yet the Bill was so framed that it would admit of it, and was therefore objectionable. He thought it would be very much better to define the exact terms upon which labourers should be employed than that the matter should be left in its present crude form. However, they had been a long time at the clause, and the sooner they got to actual work the better. If, therefore, the Hon. Mr. Murray-Prior had an amendment to move, which would precede those he had indicated—inserting "house," and limiting the age of members of the family for whom accommodation should be provided to twelve years—he would wait until he saw what the effect of it would be, and then, if necessary, he could move his own amendments.

The HON. T. L. MURRAY-PRIOR said that the more he saw of the clause the more he thought it ought to be eliminated. His object in amending this clause was to prevent that discord which he was sure would result from it. With regard to what the Hon. J. C. Heussler had said, his hon. friend must be very well aware that some years ago he took an active part in hiring Germans to be settlers, which, in the scarcity of labour in that time, did a great deal of good, and he trusted also did that hon. gentleman some benefit. Those servants were German vignerons who were engaged at £20 a year; still his hon. friend would allow that they were all invariably well treated and well satisfied with their terms, so far as rations and accommodation were concerned. They were dissatisfied, it was true, at receiving £20 a year instead of receiving £40 or £50, which were the common wages at that time in the country. Those immigrants forgot that a considerable sum of money was paid for their passages; and of course that was the reason why their wages were lower than the current wages. The same thing would happen here. Less wages would naturally be paid, and in these times people would be much more likely to be dissatisfied and try to void their agreement than they would in the time of which he had spoken. He believed himself that the Masters and Servants Act, and the common custom of the country, sufficiently provided for the accommodation of these people; and under these circumstances—as he was not

asking for the omission of this agreement—he would move that all the words after the word "agreement," in the 1st line of the clause, be omitted, with the view that if it was not carried some other amendment might be made.

The POSTMASTER-GENERAL: What do you propose to insert?

The HON. T. L. MURRAY-PRIOR: I propose to insert nothing.

The POSTMASTER-GENERAL: The question cannot be put, then. It amounts to an absurdity.

The HON. T. L. MURRAY-PRIOR said it could be put. The Postmaster-General might say it would amount to an absurdity, but he denied it. He was quite entitled to omit any words in the clause after the word "agreement," and he trusted that—the words being omitted when the question "that the clause as read stand part of the Bill" was put—the clause would be negatived.

The POSTMASTER-GENERAL: Then negative the clause.

The HON. T. L. MURRAY-PRIOR said it did not suit the purpose he had in view to do so. If he could put the motion that the clause be omitted it would answer his purpose; but that he could not do, and therefore he took this mode of procedure, and he believed he was correct in doing so. He moved the omission of all the words in the clause after the word "agreement" in the 1st clause.

The POSTMASTER-GENERAL said the hon. gentleman did not seem to understand that his proposition for the omission of the clause would practically be gained if he negatived it. The hon. gentleman surely understood that by doing so they affirmed the desirability of omitting it, and this proposition was inadmissible because it amounted to an absurdity, It meant nothing. If the hon. gentleman proposed to omit those words with the view of inserting others to make sense, then of course it would be intelligible and capable of being put, but as the hon. member did not, it was undesirable that the time of the Committee should be taken up in that consideration. With regard to the amendment suggested by the Hon. A. C. Gregory—although he was in favour of it—he would prefer the clause as it stood; yet, if the Committee thought there should be a reconstruction in regard to the number of the family, he thought that suggestion would meet the objections of some hon. members, by providing that the employer should be bound to provide accommodation only for those members of the immigrant servant's family who were under the age of fifteen. In the schedule a difference was made between the members of a family under and above the age of fifteen years. With regard to the objection raised by the Hon. W. Forrest, he was really surprised that the hon. gentleman did not see the inappropriateness of his remarks. The hon. gentleman talked about the Government wanting to flood the country with cheap labour. The Government would have nothing to do with the indented labourers. They simply provided the means by which a person wishing to have a labourer brought out to the colony could do so. The Government did not select the labourers. The agents of the Government did not select them; but the persons who were being imported were engaged at home by the agents of those who wanted to engage them. With the possibility of wearying the hon. gentleman, he must refer back to the original Act, so that there might be no misapprehension on this subject. The 12th section of that statute provided:—

"Any employer in the colony wishing to engage and secure the services of any mechanic, labourer, or servant in Europe, and to bring such mechanic, labourer, or servant to the colony, may apply to the Immigration Agent in Brisbane, or to the Agent-General, or to the Agent on the continent of Europe, as the case may be, in the form of Schedule E hereto, or to the like effect; and on the conditions hereinafter mentioned being complied with, a passage to the colony shall be provided for such mechanic, labourer, or servant who is approved by the Agent-General."

The Government officials, therefore, must be put in motion by the person who wished to secure the services of a person in England. Let them refer to Schedule E, which was incorporated with this section. It provided the form of application intended for an employer to make. An application was made for the passages of certain mechanics to be engaged for him by his agent, who was named, and he undertook to receive them on arrival here. The schedule was as followed:—

"I, of hereby make application for the passages of certain mechanics, labourers, or servants, of the undermentioned description, to be engaged for me in by my agent , and I hereby undertake to receive them immediately on arrival in the colony, and to find them in employment for such period as may be agreed upon; and I herewith deposit the sum of £ to be applied towards the cost of their passage, as required by the Immigration Act of 1882. And I hereby authorise to enter into and sign agreements on my behalf, in accordance with this application, which agreements shall be binding in the colony under the Masters and Servants Act of 1861."

It also set forth the number of persons required, their sex, their age, their occupation, whether they were married or single, the rate of wages, and any other special stipulation that required to be made. Those were matters which the employer himself had to insert in the instructions for the guidance of his agent in employing labourers on his behalf. The agent was not an officer of the Government at all, being entirely in the employment of the individual; and all the Government did was to bind them as they did by statute. Essentially, the Bill was passed to bring out persons engaged by the agent, on the authority of the individual, according to the rules specified in the schedule. If the labourers who came out were an inferior class of men, that would be the fault, not of the Government, but of the employer. There was this protection, that the Government could say they objected to the class of labour the employers wished to engage. The Government had got that power, and would exercise it undoubtedly in the interests of the country if improper persons were being imported. Their object was to facilitate the introduction of persons who wished to labour, suitable to the requirements of the colony; but whether the Bill was successful or not would depend entirely on the persons who required the labour. They must first put the Government in motion, and employ their agents; and if the persons were found suitable, the Government would bring them out at this modified rate of passage money.

The HON. W. FORREST said he rose, not so much to reply to the observations of the Postmaster-General, as to make a suggestion. Supposing the clause were negatived, and the Govern- had got the power to make regulations stipulating that any contract made under this Bill was to be made subject to the confirmation of the Agent-General or any person appointed by him.

The POSTMASTER-GENERAL: You cannot make a regulation like that. There is no power.

The HON. W. FORREST: They might take that power in the Bill. The clause as it stood was most ambiguous, and it was just the sort of clause—as had been pointed out—to lead to no end of trouble between employer and employed. The employed would harass their employers. If there were a proper agreement

between the man who indented the labourer under the Bill—if it were made subject to the confirmation of the proper officer appointed to examine the thing—it could be so elaborated that it would be clearly defined what it was proposed to give the family; and if it were not sufficiently clear the Agent-General need not confirm the agreement.

The HON. W. GRAHAM said he could not agree with the remarks of the Hon. W. Forrest. He thought the fewer regulations that were attached to a Bill the better. The great thing in his opinion was to get the Bill without regulations. No regulations were necessary. Of course, in many Bills regulations were necessary; but the fewer of them the better. He wished to allude to some remarks which the Hon. A. C. Gregory made with reference to providing rations for these people. He thought that question also might be very well left to the agents at home who would arrange for the coming out of these people. There was a very well-known scale of rations here in Australia which, he supposed, would be adhered to in the event of families coming out. It would be a mere matter of the amount of wages, whether it was to be taken out in extra rations and less wage, or whether it would be a high rate of wages and fewer rations. He would like to ask the Postmaster-General in reference to the age at which they were not bound to provide accommodation, whether that would also apply to a girl of the same age. He could imagine a large family where a grown-up girl might be very useful in nursing the younger children, and her friends might not care about her going out to service.

The POSTMASTER-GENERAL said that no distinction was made between the sexes. The one age would cover both males and females.

The HON. W. GRAHAM: I wish to know whether it will be worth while to make that distinction?

The POSTMASTER-GENERAL said he thought that most hon. gentlemen who made objections to the clause were really fighting the air. The instructions pointed out the authority which agents were to get, and specified the class and number of persons the employer intended to import. If he wished to get a family — whether the man was to be married or single—the agent could not go outside his authority; and a person out here might very well be entrusted to look after his own interests in stating to his agent whether he wanted a married man or not. If he wanted a single man, or one without a family, he would only indent an unmarried man — or woman, as the case might be — and he would not go to the expense of indenting this man if he did not wish to employ him. The real object was to allow the employer, and particularly the persons at home, to understand the essential terms of their engagement. The hon. gentleman (Hon. Mr. Gregory) objected to the clause because it did not define the terms on which the employer and the employed were to carry on their contract; but he could see nothing indefinite about it. The Hon. Mr. Murray-Prior said that the custom of the country would regulate the matter; but he might tell that hon. gentleman, as a lawyer, that the custom of the country would not interfere in a matter of that description. Where it was a matter of written agreement the contract had to be reduced to writing, and no custom outside that agreement would affect the question at all.

The HON. W. FORREST asked whether, supposing an agreement were made with a married couple and family, and there was no reference made to housing them—would that override the clause?

The POSTMASER-GENERAL said that if any special contract were made between them they would be bound by it.

The HON. W. FORREST asked whether they could make a contract outside the law?

The POSTMASTER-GENERAL said the clause would confer on the person engaged a particular privilege. If a man deliberately in writing wished to forego that privilege he could do so—there was no doubt about that.

The HON. W. G. POWER said it appeared to him that the clause was necessary. He presumed it was meant to provide labour for the sugar-planters; and it would be decidedly wrong to bring out the labourers without giving them accommodation. If they came out to the colony they could not get accommodation in the towns, and would all go into the bush, so that it would be decidedly wrong to leave out the clause. Moreover, he thought the clause did not go far enough, as it did not provide for the supply of rations.

The HON. T. L. MURRAY-PRIOR said he had done his best, as far as his experience went, to prevent discord and future altercation and annoyance, and he was therefore surprised when the Hon. Mr. Power said the clause was meant entirely for the sugar-planters. If that were so, it struck him that it was very much like class legislation; but why others should not take advantage of the opportunity of getting indented labour as well as the sugar-planters he failed to see. It was also strange that the gentlemen who held that idea were those who had employed labour in the bush, whereas those who seemed to differ were those who employed labour only near the towns, in which they could easily settle their disputes, and where there were better means of giving accommodation, or of getting rid of the people if they wished, without difficulty. If labourers were engaged to go into the interior it would be a difficult matter indeed to settle disputes—difficult for the employer and difficult for the labourer. However, if he could not get a whole loaf he would be content to take half; and under the circumstances he would withdraw his amendment, with a view of supporting some other which might be moved.

Amendment, by leave, withdrawn.

The HON. A. C. GREGORY said he had to move some amendments which he had previously shadowed forth; and he would first read the clause with those amendments.

"Every agreement for the employment of a labourer or servant made under the provisions of the 13th section of the principal Act shall contain a stipulation that the employer shall provide sufficient and proper house accommodation for such labourer or servant and all the members of his family under the age of fifteen years, during the term of the agreement."

He would commence by moving the insertion of the word "house" after the word "proper."

Amendment put and passed.

The HON. A. C. GREGORY moved the insertion of the words "all members of" after the word "and."

Question—That the words proposed to be inserted be so inserted—put; and the Committee divided as follows:—

CONTENTS, 6.

The Hons. W. Graham, T. L. Murray-Prior, W. Forrest, A. C. Gregory, P. Macpherson, and W. H. Walsh.

NON-CONTENTS, 7.

The Hons. C. S. Mein, J. C. Heussler, J. C. Smyth, W. G. Power, W. Pettigrew, J. Swan, and A. Raff.

Question resolved in the negative.

The HON. A. C. GREGORY said that as the first part of the amendment had been negatived it would be useless to detain the Committee by moving the second part.

Clause, as amended, put and passed.

Clause 5—"Short title"—passed as printed.

The schedule and the preamble were put and passed.

The House resumed, and the CHAIRMAN reported the Bill with amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

NATIVE LABOURERS PROTECTION BILL.

The PRESIDENT read the following message from the Legislative Assembly :—

"The Legislative Assembly having had under consideration the Legislative Council's amendments in the Native Labourers Protection Bill,—

"Disagree to the amendment in clause 7, because the object of the Bill being to prevent the improper abduction from their homes of native labourers, it is essentially necessary that their engagement and discharge should be regularly and formally made before an officer of the Government, and that, in order to secure the performance of this duty, a substantial penalty should be imposed for a breach of it. The penalty of £10 is likely to prove inadeqqate for that purpose.

"Disagree to the amendment omitting clause 8, because unless the burden is cast upon the vessel of showing what has become of a native labourer who is not brought back to port, the provisions of the Bill will be inoperative, it being impossible for the Government to produce affirmative proof in such cases. The abuses which the Bill is intended to suppress would, therefore, be allowed to continue.

"Disagree to the amendment in clause 9, it being a consequential amendment upon that omitting clause 8.

"Agree to the other amendments of the Legislative Council."

On the motion of the POSTMASTER-GENERAL, the consideration of the message was made an Order of the Day for to-morrow.

HEALTH BILL.

The PRESIDENT read the following message from the Legislative Assembly :—

"The Legislative Assembly having had under consideration the Legislative Council's amendments in the Health Bill, agree to the amendment in clause 23 with amendments, to which they invite the concurrence of the Legislative Council; disagree to the amendment of the Legislative Council in clause 68, because the proposed definition would include lodging-houses of all classes, to many of which the provisions of the Bill relating to common lodging-houses are not applicable, and because the term 'common lodging-houses,' as used in analogous statutes of the Imperial Parliament, has for many years had a well known and recognised meaning; and agree to the other amendments of the Legislative Council."

On the motion of the POSTMASTER-GENERAL, the consideration of the message was made an Order of the Day for to-morrow.

The House adjourned at 8 o'clock.