Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

MONDAY, 2 NOVEMBER 1885

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LEGISLATIVE ASSEMBLY.

Monday, 2 *November*, 1885.

Formal Motion.—South Brisbane Gas and Light Company (Limited) Bill—third reading.—Sitting of Joint Committees during Recess.—Motion for Adjournment. — New Standing Orders — Attendance of Members.—Pacific Island Labourers Act of 1880 Amendment Bill—consideration in committee of Legislative Council's amendments.—Licensing Bill —consideration in committee of the Legislative Council's amendments.—Supply—resumption of committee.—Adjournment.

The SPEAKER took the chair at half-past 3 o'clock.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. FERGUSON—

That there be laid on the table of the House,—

1. Report of Chief Engineer to Commissioner for Railways, recommending extension of time to contractor, section 2, Clermont Railway, in July, 1883.

2. Report of recommendation of District Engineer to Chief Engineer, *re* state of works and future action of the Government on this section in September, 1883.

3. Report and recommendation of Chief Engineer to Commissioner, *re* cancellation of contract for this section in September, 1883.

SOUTH BRISBANE GAS AND LIGHT COMPANY (LIMITED) BILL—THIRD READING.

On the motion of Mr. SCOTT (for Mr. Chubb), this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council, by message in the usual form.

SITTING OF JOINT COMMITTEES DURING RECESS.

The PREMIER (Hon. S. W. Griffith) in moving—

1. That in the opinion of this House it is desirable that the gentlemen constituting respectively the Buildings Committee, the Refreshment Rooms Committee, and the Library Committee, should continue to control during the recess the several matters committed to their management as such committees during the session.

2. That the foregoing resolution be transmitted to the Legislative Council, for their concurrence, by message in the usual form.

—said: Mr. Speaker,—As hon. members are aware, during the session committees are appointed—joint committees of both Houses—to look after the Parliamentary Buildings, the Refreshment Rooms, and the Library. They being appointed for the session, of course their

functions cease at the prorogation, but the work, or a great deal of it, remains to be done during the whole year; and there is no reason that I know of why the joint committees of both Houses should not perform their functions during the recess. For two or three years this practice was adopted, and I understand it worked very well, particularly with respect to the Parliamentary Buildings Committee. With respect to the Refreshment Rooms, perhaps it is not of so much importance that the committee should continue to act, but with regard to the Library Committee the importance of selecting books continues during the whole year. Books are published all the year, and should be bought by the committee as opportunity offers. I do not know why this practice, which it is now proposed to revive, was discontinued, but it was not continued last year. I think the practice is a good one, and, with the view of reinstating it, I beg to move this motion.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—When this motion was passed two years ago it was purely experimental, and was agreed to in order that we might see how it would work. There was a good deal to be said for it, and I believe I supported it myself, though I am not quite sure. The objection to it was that if the majority of the members of the committees mentioned here—namely, the Buildings Committee, the Refreshment Rooms Committee, and the Library Committee—did not live in the city, they would be overruled by those resident in Brisbane. That was the objection, and the proposal was experimental for that reason. I do not know how it has worked. I believe that after the system was started an objection was raised against it on the ground that practically the whole of the work to be done by the Buildings Committee was handed over to the members resident in Brisbane. The point at issue is whether it is a proper thing to leave these matters in the hands of committees during the recess, or in the hands of the President of the Council and the Speaker of the Assembly. The practice hitherto has not been to continue the power of these committees, and unless the Premier can give the House some information why the contrary course to that which has prevailed should be adopted, I think we had better let matters stand as they are. Practically, the President of the Council and the Speaker of the Assembly have them in their hands at the present time.

The PREMIER said: Mr. Speaker,—It so happens, I think, that the majority of the members of these committees are resident in town. The Library Committee consists of the President, Mr. George King, and Mr. Murray-Prior for the Council; and the Speaker, Mr. Brookes, and Mr. Norton representing the Assembly. The majority of that committee can always be got when they are wanted. The Refreshment Rooms Committee consists of the President, Mr. W. Forrest, and Mr. Box, who represent the Council; and the Speaker, Mr. Aland, and Mr. Black, who represent the Assembly. Two members representing the Assembly on that committee do not live in town. The Parliamentary Buildings Committee consists of the President, Mr. W. Forrest, and Mr. A. C. Gregory, for the Council; and the Speaker, Mr. Mellor, and Mr. Ferguson, for the Assembly. The majority of those gentlemen are resident in town, and at least three or four members of each committee are always available. I understand that the system that has been in force of having no committees to look after these things during the recess has worked very badly. As a matter of fact, there is no one now who has any legal authority to deal with them during the recess. The President and the Speaker to some extent make recommendations, but they have no authority. All they can do is to make recommendations to the Minister for Works or to myself, and their suggestions may be carried out. It would be far more satisfactory, however, if there was some committee in existence who had authority to look after the several matters that are under the control of these committees during the session. I understood that it was the desire of the President and the Speaker that a motion of this kind should be made, so that if they should have to deal with any matter during the recess they should be exercising authority delegated to them by Parliament. I think it is certainly worth while to pass this motion. If after consideration the Council do not agree to it, of course it will not proceed any further. If it is agreed to, and the experiment is found not to work satisfactorily, it will not be repeated; but having been requested to move this motion I thought it my duty to submit it to the House.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—I think the hon. gentleman has shown good grounds why the motion should pass. It was merely experimental before, and I simply wished to know how it had worked.

Question put and passed.

MOTION FOR ADJOURNMENT.

Mr. GOVETT said: Mr. Speaker,—I rise to move the adjournment of the House, for the purpose of drawing the attention, not only of the members of the House, but particularly of the Minister for Lands and the Colonial Treasurer, to what is going on out west, in the Barcoo and Mitchell districts, with regard to the new roads and the water supply. I hold in my hand a telegram from the manager of Wellshot Station in which he tells me that a new road has been surveyed from Lagoon Creek to Forest Grove. I myself interviewed the Minister for Lands some twelve months ago, and asked him to get this road surveyed, as it was one that was very much required. The manager of the station now informs me that there is no water on it at all, and that the carriers travelling along the road are using no less than five of the Wellshot dams. The whole of that district a few years ago was totally dry, and an enormous sum of money has been laid out by the squatters who occupy the country, in constructing dams, and many of the stations are now well watered. Wellshot Station has a great number of very fine dams, some of which are now being used by carriers. I call the attention of the Minister for Lands to the circumstance, because the new Land Act will cause a vast number of new roads to be opened, and it is well that the travelling public should know whether they are to be allowed to use dams made by the squatters from whose run the new road is taken. It is well known, to anyone who has had any experience in connection with dams where sheep get water, that if horses or bullocks use those dams, in addition to drinking the water, they do an immense deal of damage by puddling the banks so that the sheep cannot get at the water. I hope the Minister for Lands and the Treasurer will consider this well during the recess, because there must be some provision made to protect the squatters with regard to their dams; and I also hope that the Treasurer will try to push on work so as not only to have good water for travelling stock and teams along this dry road that has been just surveyed, but also along the other roads that will be brought into use under the new Land Act.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Mr. Speaker,—The road to which the hon. gentleman refers has been surveyed a

straight as possible through what was at one time dry country. The road passes several dams made by station-owners, but how they are to be protected against the inroads of the travelling public I am not prepared to say. Many station-holders suffer in the same way from loss of natural water; but that is not so great a hardship as where they have provided water for themselves by means of dams. I admit the correctness of the complaint made by the hon. member, and I think that some provision should be made by the Government to protect station-holders, where they have erected dams, from the inroads of travelling stock and the public generally; but how it can be done I am not prepared to say at present. I do not know that there is so much damage done by bullock-teams and horse-teams; I think travelling cattle are the most objectionable things one can have near a waterhole, because a mob of cattle after being two or three days without water would almost destroy a dam. I promise the hon. gentleman that I will bring the matter before the Government during the recess, and see what can be done.

Mr. PALMER said: Mr. Speaker,—The question raised by the hon. member for Mitchell is this: New roads are being surveyed and going within a mile or half-a-mile of dams, which have cost perhaps thousands of pounds, and which are liable to be confiscated and used by the general travelling public without any recompense to the owners of stations or the persons who have laid out their money on those dams. It is well known that, although the Government have laid out large sums of money in the supposed conservation of water, many of the dams are useless, and I know that in many cases the public are using the water that has been conserved by station-owners. The Minister for Lands must be aware that on the Western roads the travelling public use the station dams where Government dams have not been formed, or where they have not been filled or not properly built; and if these new roads are going to take the dams from the stations and convert them to the public use it is a question that deserves serious consideration. A few mobs of travelling stock will almost perish a dam, and leave the station-owner in such a state that he will not care to lay out money in dams where travelling stock are likely to pass.

Mr. SCOTT said: Mr. Speaker,—I remember a similar case which happened in New South Wales, in the neighbourhood of Yass, some years ago. There was a dam not far from a public road, and when the public came to this dam the owner of the station fenced it in. The fence was broken down for a considerable time; but at length rain came and put an end to the dispute, or I do not know how it would have ended. By this time, however, I suppose the New South Wales Government have made arrangements for the protection of the owners of dams. There is no doubt that if travelling stock are allowed to go within half-a-mile of a road it will be impossible to prevent them from drinking out of dams, unless the dams are fenced; but I do not know whether the owners of dams are entitled to fence them. It seems very hard that people should go to an expenditure in that way and then be deprived of the benefit to which they are entitled.

The PREMIER said: Mr. Speaker,—On occasions like the present, when water is scarce, such a question as this becomes very serious. The law says that travelling stock may go off the road and enter any place within half-a-mile, though enclosed, for the purpose of depasturing, unless it is an enclosed garden or paddock or within a mile of a homestead or a head-station. That refers to travelling stock, but it does not appear to me that it covers the case of a dam fenced in, where stock cannot go inside the fence to eat grass, because, I apprehend, there is none there. The clause will not cover the right to go for water, though it covers the right to go for grass. There is no doubt that the matter requires serious consideration, but in the meantime the owners of dams can settle the difficulty themselves by fencing their dams. I suppose they would not be so churlish as to refuse travelling teamsters to give their cattle water at a reasonable rate of payment. On the other hand, they might be liable, when not reasonable, to have their fences broken down to let cattle get in. It seems to me that this is a matter which should be left to be arranged among the parties concerned; and in the meantime the proper way is to fence in the dams so as to prevent them from being rushed.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—The hon. member for Mitchell has brought forward what is and always has been a serious difficulty. It is that of a case in which the Government make a road through a dry country. They could have made it in a dozen different directions, but they have taken the most practicable route, and that goes right in the direction of private improvements, in the form of dams which the squatters have made for themselves. No man considering the equity of the subject thinks for a moment that the squatter should not be protected. If it is a necessity that a main road should go in the direction of a squatter's dams, and that the public should have the use of those dams, then some arrangement should undoubtedly be made between the Government and the squatter. The desirability of making a road in the direction of private improvements does not at all justify the Government in making a road through a private dam. I know one case of extreme hardship in which the Government went right beyond or outside of their just right in that respect. Whatever power they have under the Act, there is no question as to what Parliament intended in passing the Act. We fully intended to defend the pastoral lessee and all the permanent improvements he has made. And so it ought to be. The public have no right to the use of the water he has conserved for his own stock without payment. I know that if I were the squatter I would make them pay. This, of course, is a very wide subject, but it is a subject that points to one thing, which is, that the Government ought to use a great deal more care in making these roads than they have done in the past. The squatters have a right to be protected, and the public have not the slightest right to the use of their dams without payment. The success of our pastoral industry is due to the spending of capital on labour and improvements by the squatters.

Question put and negatived.

NEW STANDING ORDERS—ATTENDANCES OF MEMBERS.

On this Order of the Day being read, the House went into Committee for the consideration of proposed new Standing Orders, as follows:—

"27*a*. After Mr. Speaker has taken the chair, every member attending the sitting of the House shall be required to sign his name in a book, to be kept upon the table during each sitting of the House, for the purpose of a record of the attendances of members; and the signature of a member in such book shall, for the purpose of record, be the sole evidence of his attendance.

"27*b*. If, at the expiration of half-an-hour after the hour appointed for the meeting of the House, there be not a quorum present, the doors shall be locked; and those members who are then present in the House shall be entitled to sign the attendance book.

"27*c*. No member shall be allowed to sign the said book before Mr. Speaker has taken the chair, or after an adjournment of the House; or, in cases in which there is no quorum, unless he is present when the doors are locked as hereinbefore provided."

The PREMIER said that on the 8th July the Standing Orders Committee received instructions from the House to prepare Standing Orders for the purpose of keeping a record of the attendances of members at the sittings of the House. Having met and considered the matter, the Committee had recommended the adoption of those now submitted. The scheme proposed was to have an attendance book kept on the table during the sittings of the House. Each member would sign for himself, and his signature in the book would be the sole evidence of his attendance. In the event of there not being a quorum present half-an-hour after the hour of meeting, the members present would alone be able to sign. He thought the scheme was the most satisfactory that could be submitted. Hitherto the record of attendances had been left to the Clerk, but in that arrangement there were various difficulties to be contended against. When the House was old and the faces of members were all familiar to the officers, there was probably not so much difficulty, but in a new House the officers would be extremely liable to fall into errors. To the proposed scheme there could be no objection, as it would be attended by no difficulty or inconvenience. He therefore proposed that new Standing Order 27*a* be adopted.

The HON. SIR T. MCILWRAITH said that when the instruction was given to the Standing Orders Committee, on July 8th, to prepare the Standing Order, it was supposed that the Payment of Members Bill would pass; but it did not. Hon. members must remember that the Standing Order was drawn up for the purpose of making the Payment of Members Bill workable; it was for the purpose of supplying legal evidence that a member had actually given to the country the services for which the Government proposed to pay him. That Bill did not pass, and was not now the law of the land, nor could it be this session. Looking at the Standing Order in the abstract—that a member should sign his name in the book for any purpose whatever—he had no objection to it; he did not say it would not be a useful thing; but that members should sign the book as evidence that they were entitled to two guineas was, he thought, very absurd and very humiliating. The Government could easily find out whether members were present or not if they desired to pay them. A member was required to sign a voucher demanding the money for his attendance; it was not left to him to decide whether five minutes' attendance was sufficient to justify him in signing—by the Standing Order he was required to do it. Now, that was to be made the sole evidence of his attendance—for what purpose? For any purpose. That was simply ridiculous. It might be necessary at some time to certify that a man had been present in the House—not for payment, but for some other purpose: and by that Standing Order the only evidence that could be brought forward would be his signature in the book. If his name were not there, even though *Hansard* might show he had voted half-a-dozen times, he would be taken to have been absent. If it were intended only for carrying out the scheme of payment of members, why not say so?—why not say that a member's signature should be evidence that he was entitled to two guineas? There was nothing to prevent a member signing his name the next day—or a month afterwards for that matter. The Standing Order might have been a good appendage to the Payment of Members Bill; but that had not passed. Let the Government find out how the present system worked by the Clerk at the table taking the names of members present. The Standing Orders Committee asked members to humiliate themselves by actually asking for their pay. As he had said before, as an abstract question, he had no objection to sign his name any day that he was in attendance in the House; but he denied that if he did not sign it people were to take it for granted that he was not there. He objected to being submitted to the humiliation of signing a voucher for the payment of himself as a member of Parliament.

The PREMIER said he hardly followed the hon. gentleman. Where did the humiliation come in? The House directed the Standing Orders Committee to prepare Standing Orders for the purpose of ascertaining and recording the daily attendances of members of the House. The Standing Orders Committee were bound to carry out those instructions.

The HON. SIR T. MCILWRAITH: The Bill did not pass.

The PREMIER said the information might be required for purposes quite apart from the payment of members' expenses. It was sometimes necessary to know whether a member had been present, and it was always interesting. He thought it would be a very interesting and valuable thing for constituents to know how often their members attended Parliament. Again, it might happen that a session was a very short one, and it would be necessary to know whether a member had been present or not; because, if not, his seat might be declared vacant. That had happened in this colony before now. He thought it was certainly necessary that they should have some record, and the Standing Orders Committee had recommended what they conceived to be the best plan. Perhaps the hon. member could suggest a better plan.

The HON. SIR T. MCILWRAITH said he had no objection to sign a book when he came into the House, as a record that he had attended, and he admitted that it would possibly be a very useful thing. Hon. members, however, must not forget that the instructions were given to the Standing Orders Committee on the expectation that the Payment of Members Bill would pass; and the Standing Orders Committee had nothing else in their minds when they framed the Standing Orders. Their only object was to secure perfect proof whether a particular member was entitled to receive two guineas for the sitting or not. The Standing Order they were considering said that the signature of a member in the book should be, for the purpose of record, the sole evidence of his attendance. Even if they saw in *Hansard* that a certain member had voted that would be no evidence at all. The consequence might be very formidable some day; they might prove that a member had voted while he actually was not present.

The PREMIER: "For the purpose of record."

The HON. SIR T. MCILWRAITH said he maintained it was not simply for the purpose of record, and the hon. gentleman should have been more honest and stated plainly that what was wanted was to get a voucher from hon. members for the payment they would be entitled to by showing that they were in the House. If it was wanted merely for the purpose of a record the clause might stop at the first semicolon after the word "members," leaving out the last two lines. Owing to the interruption caused by the Minister for Works speaking to the Premier, he would have to say what he had said over again. The Minister for Works had made a good many unnecessary speeches in that Committee, and he would probably have an opportunity of making

some more. Two men could not talk together publicly in the Committee, and he (Sir T. McIlwraith) was talking just now. He said the last two lines would not be necessary if it was meant simply for the purpose of a record. If that were so they would secure everything by stopping at the first semicolon in the second last line.

The PREMIER said he did not think that would serve as a record for general purposes. If it was to serve merely as a record for the purpose of the payment of members' expenses, they could do without the last two lines. If that record of attendance was to be for general purposes—for ascertaining whether a member was present in case his seat was challenged—then the last two lines, he thought, would be required, and that was exactly why he wished to see them put in. For the purpose of the payment of members' expenses they would not be necessary. For the purpose of an official record of attendance on the part of members, the signature of an hon. member would be the sole evidence of his attendance. For any other purpose it would be of no use at all, as it would prove nothing more than that the member was present for some time during the sitting on a particular day. The signature in the book would only prove that a member was present at some time during a sitting, but not that he rose to speak or took part in a division. If a member's name did not appear in the book they would take it for granted that he was not there during any part of the sitting. It was rather negative than positive.

The HON. SIR T. McILWRAITH said the hon. gentleman had said that it was rather more negative than positive. The hon. gentleman would find it was more positive than negative in the case he was going to put. It actually repealed the Constitution Act. The Constitution Act said that if a member of the Legislative Assembly was absent during a whole session he should forfeit his seat. A member, according to the Standing Orders, might prove he was present, say on the last sitting day, a quarter of an hour before the session ended, by signing the book; but if they passed the Standing Order as it stood they would repeal that part of the Constitution Act; and although twenty members might see an hon. member enter the House he could not afterwards prove that he was present unless he had actually signed his name in the book, because that was to be the sole evidence of his attendance. That was very positive evidence.

The PREMIER: Positive negative evidence.

The HON. SIR T. McILWRAITH said that the actual construction of the evidence repealed the Constitution Act, and that was what they had no right to do.

Mr. MOREHEAD asked if they were a lot of schoolboys that they should have to write their names down in an attendance book? That a deliberative committee of that deliberative Assembly should bring up such a report as that before them, unless for the special purpose mentioned by the leader of the Opposition, was something he could not understand. Were the officers of the House overworked? or had the system of record brought in, in consequence of the Payment of Members Bill—no matter what the Premier might say to the contrary—been so inefficiently worked that they were come to that? It did not matter to their constituents one straw whether they wrote their names in a book or not. What the constituents looked to was the record of their votes in *Hansard*. That was what they looked to, and they did not care whether they could read or write, so long as they did the best they could for them and for the colony. With regard to the first proposed new Standing Order, the last lines ran:—

"And the signature of a member in such book shall, for the purpose of record, be the sole evidence of his attendance."

The sole evidence of a member's attendance was to be his signature in a book; when they already had an efficient record dealing with the legislation of the evening, in the shape of the division list. As the leader of the Opposition had pointed out—according to the contention of the Premier, any member of the House, who from conscientious reasons did not desire to be paid, and refused to sign that book, would lose his seat, because the fact that he had not signed the book would be proof that he was absent during the session, although he might have been present every day and have voted in every division. The contention of the Premier was the most absurd one he had ever listened to in that Committee. He thought the question would be tested if the Standing Order was passed. There might be members of the House who would refuse to sign that book. He for one would most distinctly decline to sign it, so long as he had the honour of being a member of the House; and if the Premier could unseat him through the elections tribunal he was going to tell them about before the end of the session, the matter might be brought before a higher court even than that House. That the sole evidence of an hon. member's attendance should be his signature in that book appeared to him to be the height of absurdity.

The PREMIER said he saw that hon. members opposite had a strong objection to the last two lines of the Standing Order, and he thought it might be as well to omit them. The leader of the Opposition pointed out the case of a man who might forget to sign the book.

Mr. MOREHEAD: No; would not sign it.

The PREMIER said he had no sympathy with a member who would refuse to obey an order of the House.

The HON. J. M. MACROSSAN: You refused to obey an order of the House.

The PREMIER: I think not.

The HON. J. M. MACROSSAN: You remember John Douglas?

The PREMIER: No.

Mr. MOREHEAD: His memory is a blank.

The PREMIER said he did not remember it, though, if the circumstances were recalled to his mind, he might remember it. He had always humbly obeyed the orders of the House, though he was not prepared to say that in all cases he would do so; but he should be prepared to take the consequences of his action. As the Standing Order was introduced for many purposes he thought the last two lines might be open to objection, and he should move that all the words after the word "members"——

The HON. SIR T. McILWRAITH said that before that was put he wanted another amendment. He meant to resist the House asking him, or rather forcing him, to sign his name He would not sign his name. He did not care what orders the House passed. It was perfectly plain that that was intended to be an application for money that members were voted on the Estimates, and he did not himself desire that money. He could understand the Premier saying that he believed in payment of members, that he desired to be paid, and that he would make an application for payment. What he (Sir T. McIlwraith) said was that no matter

what law was passed he would not accept the money nor would he make an application for it. As he had said, he did not object to signing his name as a record of his attendance, but he certainly should not sign it—making a begging application for money. He objected to the Standing Order, even if it passed, being made compulsory. If it was passed in its present shape —"shall be required"—he for one would not sign, and he did not care what the result might be. Why should he sign a paper asking to be paid? He moved by way of amendment that the words "shall be required to," in the first Standing Order, be omitted, with the view of inserting the word "may."

The PREMIER said the object of the Standing Order was to ascertain and record the attendance of members of the House, and the Standing Order made it the duty of every hon. member to assist in making that record. Unless it was complete the record could serve no useful purpose whatever. The object of the hon. member seemed to be to make the record a useless record. Was it too much to ask hon. members, if the House thought it desirable that a record of their attendance should be kept, to sign their names in a book? It was not proposed that any penalty should be imposed for not signing their names; it was simply made a duty of hon. members to do it. If an hon. member failed to do his duty in that respect it rested with the hon. member himself.

The HON. SIR T. MCILWRAITH said that, as he remarked at starting, if the only object of the Government was to get a record of the attendance of hon. members, quite outside the Payment of Members Bill, there would be no objection to it. But the hon. member must see that in asking them to do that he was not only forcing payment of members on those who did not want it, but compelling them to go up and apply for the money. The hon. member saw that perfectly well.

The PREMIER: I do not see it at all.

The HON. SIR. T. MCILWRAITH said the hon. member saw it perfectly well. There was only one possible reason for referring the matter to the Standing Orders Committee, and that was in anticipation of the Payment of Members Bill passing. Here were the very words used by the hon. member on that occasion :—

"No valid objection can be offered to recording the attendance of members, even if there were no other object in view than to ascertain what members do attend, as is the practice in the other branch of the Legislature. But the particular reason why this motion is introduced is in connection with the Bill which has been to-day recommended by His Excellency the Governor. Hon. members will remember that last year a Bill was passed in this House by a large majority affirming the principle of payment of the expenses of members of this Chamber, to be calculated upon their daily attendance in Parliament, but it was rejected by the Legislative Council. The Bill that has been recommended by His Excellency to-day is in exactly the same words as that which was rejected by the Legislative Council last year; and in the event of a measure of that kind becoming law during the present session I think it desirable that a record of attendance should be kept, in order that when the measure comes into operation immediate effect could be given to it."

The record was wanted for that purpose, and not for any general purpose outside of it. But for that, the question would never have been referred to the Standing Orders Committee. The object of the Premier seemed to be to put them into this position: that not only would he have payment of members, but he would compel them to submit to the humiliation of asking for payment deliberately and publicly by their own handwriting.

Mr. MOREHEAD said that if the first Standing Order passed, as proposed to be amended by the Premier, it would be utterly worthless, because that amendment would remove the penalty. As the order stood, if a member refused to sign the book his existence as a member would cease. There would be no record of his attendance in the House, no matter in what other ways his attendance might be known. What, he should like to know, was the meaning of "shall be required to sign his name in a book"? Were hon. members to be seized by main force by the Sergeant-at-Arms, marched up to the table, and have a pen put into their hands and be forced to write?

The HON. SIR T. MCILWRAITH : It means that if you do not sign the book you will not get paid.

Mr. MOREHEAD said that that of course could be the only meaning of it; if it did not mean that it meant nothing. It would be very much better if the Premier would withdraw all the proposed new Standing Orders. It was never the intention of the House, when that question was relegated to the Standing Orders Committee, that any such Standing Orders as those should be brought up, as was abundantly shown in "Votes and Proceedings." The first record was :—

"Mr. Griffith moved, pursuant to notice, that it be an Order of the House, during the present session, that the Clerk shall, on each day on which the House is appointed to meet for the despatch of business, record the names of all such members as shall be present at the time so appointed, or at any time during which the House shall be sitting on that day."

And on that being passed—

"Mr. Griffith moved, pursuant to notice, that it be an instruction to the Standing Orders Committee to prepare Standing Orders for the purpose of ascertaining and recording the daily attendance of members of this House."

That also was passed. It was never the intention of any member of the House, excepting he Premier and members of the Government, that members of the House should be made their own recording instruments. It was intended that if the plan did not work well some other arrangement by which a record of the attendance of hon. members might be kept by the officers of the House should be suggested by the Standing Orders Committee. It was never intended that members should be their own recording angels or machines, to be compelled to go to the table and indicate their attendance—perhaps only for a few moments—by signing their names in a book. It was intended, he took it, and as a large number of members understood, that the Standing Orders Committee should devise some scheme by which the officers of the House should make a record which would be absolutely accurate; and an accurate record could very easily be made by those officers.

Mr. LUMLEY HILL asked if there was not some way in which the difficulty could be obviated? If the record was intended for payment of members, why not place the money on the table and let each member go up and take his two guineas, as long as there was an officer of the House present to supervise the business and see that no individual member took more than his two guineas? He thought there were sufficient officers in the House to make a record of the attendance of members, and that a member should not be compelled to sign his name as a claimant for the two guineas. As to the signature of a member being the sole evidence of his being present, and to his being liable to forfeit his seat if he did not do so for a session, the thing was perfectly absurd. A member might have been present and occupied columns of *Hansard*, and his name might appear half-a-dozen times in the division lists, and yet if his signature did not appear in the attendance book, to say he had

been present, he would be held to have been absent. That was something too absurd. They would be stultifying themselves altogether by passing such an order. He saw a member enter the House the other day at 3·30 p.m., and run away again at once to catch the 3·40 train. The Clerk, no doubt, saw him and recorded him as being present, and he would appear on that occasion as having done his two guineas' worth. He did not think that the mere fact of a member attending the House and just signing his name was sufficient to entitle him to two guineas. Members ought to give a fair amount of their time before they took the two guineas. He thought it would be a useful amendment to provide that the money should be placed on the table, and when members thought they had done two guineas' worth of work they could go and take it. He did not like the Standing Order at all.

The HON. J. M. MACROSSAN said the hon. member suggested that the money should be placed on the table, and that each member should take £2 2s. on signing his name.

Mr. LUMLEY HILL: No; I did not say sign his name.

The HON. J. M. MACROSSAN: That was really the meaning of the Standing Order. Although the money was not placed on the table the member would not get it unless he signed his name, so that practically it was the same thing. It was no use the Premier pretending that the Standing Order was made for any other purpose than the Payment of Members Bill. It was no use reading portions of the hon. member's speech, because hon. members knew perfectly well that if the Payment of Members Bill had not been passed in that House that Standing Order would never have been brought up at all. The fact that the Bill had not passed altogether was outside the question, because there was an item on the Estimates which was equal to its having passed—allowing that the Estimates passed the Upper House. Could the hon. the Premier find no other way of ascertaining the attendance than by compelling members, who might be conscientiously opposed to signing their names, to do so. Let the hon. gentleman look round at all the different legislative assemblies in the world! There were thirty-six State Assemblies in the United States of America, and Congress made thirty-seven, in all of which members were paid, and he was not aware of one of those bodies in which a member was asked to sign his name.

The PREMIER: In Canada they make a member swear he was present.

The HON. J. M. MACROSSAN: He was not talking of Canada, but of the United States.

The PREMIER: There it is a lump sum.

The HON. J. M. MACROSSAN: Look around Europe! There the majority of legislative assemblies also paid their members; and what was the mode of payment there?

The PREMIER: A lump sum.

The HON. J. M. MACROSSAN: How was the attendance of members there ascertained?

The PREMIER: It is not ascertained. They are paid a lump sum.

The HON. J. M. MACROSSAN said he thought the hon. gentleman was descending to a great absurdity. He knew very well that there were members of that Committee who were conscientiously opposed to the payment of members, and who would not sign the book for the purpose of getting payment.

The PREMIER: They are not very numerous.

The HON. J. M. MACROSSAN said he knew more than one who would not sign the book for that purpose. But even if there was only one, the hon. gentleman, dictator as he was, had no right to overbear the conscience of that one—although he might think, because he had a large majority at his back, he could do as he liked—he could not and should not overbear the conscience of that one member. The effect of not signing the book would be that a member would be held to have not been present during the whole session; he would be legally absent, although practically he had been present. It was all nonsense to talk about the constituencies looking at the signature of a member as being an indication of his presence. The proof that the constituencies looked to, was not in the signature-book, but in *Hansard*, which was a record of the House. They did not want any other proof than that of what a member did; and as had been instanced by the hon. member for Cook, Mr. Lumley Hill, a member might be present at the meeting of the House at 3·30 p.m., sign the book on the table, and then take a cab from the corner of the street to catch the train starting from the Brisbane station at 3·40; so that absolutely that member would only have been present about two minutes, and yet that would entitle him to get his payment for the day—that was the record of his attendance. He thought it was a very shabby record indeed, and if the hon. the Premier could not find some better means of ascertaining the attendance of members he was very deficient in invention. He (Hon. Mr. Macrossan) did not believe in the Standing Order, even one little bit. It was not fair to force it upon members, even although the Premier might have the power to do so; and he (Hon. Mr. Macrossan) hoped he would not exercise that power so far as that.

The PREMIER said it was absurd nonsense to talk about a man having conscientious scruples about signing his name! It was not a voucher he was asked to sign; he need not take the money unless he liked; if he did he would have to sign a receipt—give another signature altogether. No one wanted him to sign his name to a receipt—he need not take the money unless he liked. He (the Premier) did not think it was necessary to bring up the whole question of payment of members that afternoon. He understood that they had met for another purpose altogether—that was to see whether the scheme proposed was the most convenient way of recording the attendance of members.

The HON. J. M. MACROSSAN: We do not think it is.

The PREMIER: Then let hon. members vote against it by all means.

Mr. MOREHEAD said one could understand that there was a little in the contention of the Premier, only he had told them before that the session was to close last week, and now they were told that it would close in two or three days; and yet they were asked to pass a very important Standing Order which, even if carried, could be of very little avail, as far as members of that Committee were able to see. He thought the hon. gentleman had better first catch his hare. He had better get the money voted by the Upper House. He did not know whether it would be voted there or not, but he thought that, having caught his hare, he should show the process by which it was to be cooked in the next session of Parliament. There was no necessity for bringing in those Standing Orders at the tail-end of the session, and he thought perhaps it would be as well that the bell should be rung every hour when the Speaker was in the chair, and he could call out the names and tick off those who were present. When the

House was in committee, in order to see that hon. gentlemen were doing their duty and earning their money, the Speaker should be brought in every sixty minutes, and those who were absent at that time should have a certain reduction made in their pay. At any rate, that would ensure the attendance of a considerable number of members—those who were anxious to get their money's worth and give their money's worth. It might also be done in another way. Each day the Clerk of the House should have an envelope addressed to each member, stating the amount of emolument derivable by each gentleman if he attended his place in Parliament. Then the hon. gentleman who wished to receive his emolument would go up to the Clerk and sign a receipt for the amount, and be paid day by day. There were various ways of doing it, but the best thing was for the Premier, if he were anxious to go on with other business, to withdraw those Standing Orders. He did not think that he would get on with much other business if he persisted in trying to force those objectionable Standing Orders upon the Committee, a large number of the members of which would never assent to them.

The HON. SIR T. McILWRAITH said he would ask the hon. gentleman, in all common sense, to withdraw the amendment. He had got far enough with payment of members that session. All those difficulties had arisen, with regard to details, because the hon. gentleman did not face the question in the proper way, and call it "payment of members." He called it "payment of members' expenses," and put down a certain sum for the payment of members who lived here, although they might not attend, and he had entailed all those difficulties of finding out whether they were actually present or not. If he had carried the Payment of Members Bill he would have got over all those difficulties. Now they were in the middle of difficulties that were really absurd, through the action the Premier had taken. In bringing the matter forward the Premier stated, as plainly as possible, that to make payment of members, or rather payment of members' expenses, workable, it was necessary, according to the details of the Bill, to find out what number of members were present. In order to do that, he proposed that certain StandingOrders should be enacted. Those Standing Orders were brought down, and they were the Standing Orders by which the Bill was to be made workable. But the Bill never passed ; so where was the necessity for the Standing Orders ? The reason for bringing them forward had been taken away altogether. Now the Premier said it was a necessary thing and a good thing that a record of the attendance of hon. gentlemen should be made. He quite agreed with him, and if he brought it forward at another time he would support him, but not as an appendage to the Members' Expenses Bill. As an appendage of that kind it was a humiliation to every member of the House. The only argument of the hon. gentleman as to why they should fix a record, outside of the Members Expenses Bill, was that in the other Chamber a record was kept. The Premier could have it kept in the same way, or in any other way he liked. The record there was not kept by every member signing his name, but in the way it had been kept in the Assembly for the last three or four months. Why should they adopt a system that inflicted a humiliation on every member of the House? He would not sign a thing of that sort even if it were made compulsory. He had always obeyed the Standing Orders of the House ; but the proposed one he would resist, because he did not think the Government had any business to inflict such an order upon any member of the House. He admitted that the amendment he had moved—namely, to leave out the words "shall be required," and insert the word "may"—would destroy its value as a record. He did not wish to do that, but it was the only means the Premier had left. If the Premier would withdraw his amendment the colony would be quite as rich to-morrow morning in every respect. It would do no good to waste the time in the last week of the session.

Mr. SCOTT said he was one of those members who were on the Standing Orders Committee. He was called, in pursuance of an instruction that was given by the House to the Standing Orders Committee, to prepare Standing Orders for the purpose of ascertaining and recording the daily attendance of hon. members. He helped to pass those Standing Orders, and his reason for doing so was this : He asked how the present system was working—that was to say, for the Clerk to keep the record—and was told that it was not working well. There had been two or three disputes already, between the Clerk and the Sergeant-at-Arms and some hon. gentlemen, as to whether they had been present or not. The present idea of settling the matter was suggested, and he could think of no other, nor did he know of any better now ; and therefore he voted for it ; but if any hon. gentleman could suggest any better means, or any less offensive means of doing it, he should be very happy to agree with him. He had no idea of oppressing any man's conscience. The only difficulty he saw was that it would be a great inconvenience for fifty members to sign their names, and it would take up a great deal of time. He did not know of any better method at the time, nor had he thought of any better since. If any hon. gentleman could show a better method he would be glad to support him.

Mr. MOREHEAD : Where was the necessity ?

Mr. SCOTT : The necessity was the order of the House.

The HON. SIR T. McILWRAITH said that supposing any hon. gentleman declined to go up and give in his application to the Government for his two guineas, he would not get his money. He would have to put in a voucher before he received it. He did not know what the committee could have been about, and he thought it had done its work in an extremely bad way. He understood that the Premier had gone to the Committee with the scheme fully in his mind, and there had been very little discussion about it. The reason given by the hon. member for Leichhardt was one of the weakest he had ever heard — "Because there were difficulties." Why were there ; and would there not be now still greater difficulties ? He would never sign that book ; and he did not think he would change his mind. The difficulties were simply imaginary. The Standing Orders Committee had actually passed a Standing Order which had the effect of repealing the Constitution Act. It never seemed to have struck them in that light. They had passed a law that would render *Hansard* valueless. *Hansard* might credit a man with two or three yards of material ; but the effect of the law would be that that hon. gentleman had not been present, whether he spoke or did not speak in Parliament. The thing was altogether absurd, and they had simply been wasting time, because if the Standing Order was passed they would be no nearer accomplishing their object. If hon. members wanted to be satisfied how the present system had worked, let the Clerk be called to the bar of the House ; that would satisfy the consciences of them all.

The PREMIER said he agreed that there had been a lot of absurd difficulties raised. The House

had directed that a record should be kept of the attendance of members, which was a proper thing and ought to be done. The proposition was made that the record should be kept in a particular way, but hon. members got up and said it was against their consciences to sign their names. That, of course, was all nonsense.

The HON. SIR T. MCILWRAITH: Who said that?

The PREMIER: The hon. member himself.

The HON. SIR T. MCILWRAITH: I said no such thing.

The PREMIER said the hon. member stated that he objected to signing his name, because if he did he might afterwards draw his money if he liked.

The HON. SIR T. MCILWRAITH said he had stated nothing of the kind. He said he declined to sign his name as an applicant for payment for his services. That was what was meant by the Standing Order.

The PREMIER said that was not what the Standing Order said. It was intended to provide for a record as to who was present. But any stick would do to beat a dog with. Anything would do to waste time; that had been plainly shown by hon. members opposite. However, some very important business remained to be dealt with, and he did not propose to give hon. members opposite any further opportunity of occupying time. He would therefore move that the Chairman leave the chair, report progress, and ask leave to sit again.

The HON. SIR T. MCILWRAITH said the hon. member might have made his ridiculous motion without insulting the Committee. It had been shown that the proposed Standing Order should be withdrawn, but the Premier could not withdraw it without talking his old ridiculous nonsense about wasting time. If the hon. gentleman knew how utterly weary hon. members were of him and his whole crew he would bring the business to a close as soon as possible. He would like to see the back of the hon. member, and he would not care if he did not see him again for ten months; but when obstruction did take place it came from the other side, and the most substantial obstruction he could offer to the Premier was to stay quietly at home and let the followers of the Government do the talking.

Mr. MOREHEAD said the hon. gentleman had told them that any stick would do to beat a dog with. He was glad the Premier had discovered that striking canine resemblance.

The HON. J. M. MACROSSAN said he did not want any stick to beat any dog with. When he wanted to injure a dog he would choke him with butter. The hon. member for Leichhardt had said that as a member of the Standing Orders Committee he had voted for the new Standing Orders because the Clerk or somebody else had found some difficulty in recording the names. He should like to know how any difficulty had arisen. What members had disputed with the Clerk, and what was the reason for the dispute? Had hon. members been drawing their salaries already? He thought the hon. member must be labouring under a delusion when he said that difficulties had arisen; and, besides that, he thought the Premier must have overlooked the last part of the Standing Order which he himself proposed to omit. If the last part of that clause had been allowed to stand, any member who refused to sign his name to the attendance book might be legally unseated. Did the hon. gentleman overlook that?

The PREMIER: It would not have any such effect.

The HON. J. M. MACROSSAN: That would be the distinct effect of it.

Mr. SCOTT: It did not strike me in that light.

The PREMIER: Or anybody else either.

The HON. J. M. MACROSSAN said the Standing Order provided that every member should sign his name in the record book, and the only way hon. members could get out of that was by remembering that the House had no power whatever to enforce its own Standing Orders.

Question put and passed.

The House resumed, the CHAIRMAN reported progress, and obtained leave to sit again tomorrow.

PACIFIC ISLAND LABOURERS ACT OF 1880 AMENDMENT BILL—CONSIDERATION IN COMMITTEE OF LEGISLATIVE COUNCIL'S AMENDMENTS.

On the motion of the PREMIER, the Speaker left the chair, and the House went into Committee to consider the amendments made by the Legislative Council in this Bill.

On the motion of the PREMIER, a verbal amendment in clause 8 was agreed to.

The PREMIER, in moving that the Council's amendment to strike out clause 11 be disagreed to, said the object of the clause was very fully discussed when the Bill went through committee, and it was very clear, from the discussion that took place, that the only alternative to taking out of the hands of magistrates the power of trying cases in which islanders were concerned was to resort to the more unpleasant expedient of removing from the list of magistrates those persons who would insist upon adjudicating on cases in which they were interested. The latter course very frequently caused a good deal of ill-feeling, and cast a slur upon the men who were removed from the Commission of the Peace. He thought it much preferable that the clause should remain as it originally stood in the Bill.

Mr. BLACK said since the clause was passed he had had an opportunity of making further inquiries, and he was more than ever of opinion that the Council acted judiciously in striking out the clause. There was no necessity at the time, he believed, for them to have that clause inserted, and the more he had inquired into the circumstances which had been referred to by the Premier the more convinced he was that it would be a disgrace to the Statute-book of the colony if that clause of the Bill was put upon it. When a deputation waited on the Premier a short time ago the hon. gentleman told the members of it that that clause was necessitated in consequence of the Mackay magistrates having deliberately packed the bench; and, five days afterwards, when he (Mr. Black) challenged him on that subject in that House the hon. gentleman stated that he had been misreported, and that it was the Bundaberg magistrates to whom he referred. He (Mr Black) considered it was not at all a proper thing for the Premier of the colony to allow the statement, that that clause was rendered necessary in consequence of the Mackay magistrates packing the bench, to go forth all over the colony and be published in the local Press, as well as in the Press of the other colonies. He (Mr. Black) knew at the time that it was not the case, and since then he had made inquiries and had found that if anything of the kind took place at Bundaberg it was caused first of all by the friends of the Premier. Some planters,

seeing that the bench was being packed by those who were opposed to them, adopted a similar course, and real justice had been done in that case. But he maintained that, even assuming that magistrates were so venal as to give decisions contrary to the oath they took when they became magistrates, it was the duty of the Premier to strike those magistrates off the Commission of the Peace. That would be the proper remedy—not the provision contained in the 11th clause of that Bill. The hon. gentleman might just as well say that no magistrate who was an employer of labour should take any part in adjudicating on a case under the Masters and Servants Act. He hoped the Committee would uphold the decision of the Council and erase that very objectionable clause from the Pacific Island Labourers Act Amendment Bill.

The HON. SIR T. MCILWRAITH said that when the Bill passed through committee he was pretty well satisfied that the Ministry had inserted that clause for the purpose of insulting the planters in the Bundaberg district. What took place there was just what the hon. member for Mackay had described. A case came before the bench in which the planters were interested. No planter had any wish or desire to adjudicate on the case. The planters were not in town. There were, however, four friends of the Premier, strong friends and strong in party politics on the Pacific Island labour question, who went and sat on the bench. The planters then, on learning that the case was going to be adjudicated on by those four men who actually boasted outside what they were going to do, went and sat on the bench.

The PREMIER : They were all ready waiting.

The HON. SIR T. MCILWRAITH said they were not all ready waiting, because it came out that they were surprised. There were only two planters in town at the time, but by judicious efforts they managed to get a majority. They did not pack the bench, but prevented the Premier and his friends from packing the bench. With regard to that clause, he (Sir T. McIlwraith), when the Bill passed, did not consider it a matter of very great importance. He was perfectly satisfied to leave the adjudication of those cases entirely to police magistrates. He had not much objection to that. The Premier was simply insulting his friends by passing such a clause. But now the matter had come before hon. members in another phase. The Upper House had expressed the opinion that that clause should be eliminated, and he quite agreed with them ; the members of the other Chamber were very good judges in a matter of that sort. A better case than the Bundaberg case should be brought forward before they came to the general conclusion which the Premier had come to in inserting that clause in the Bill. It was not a matter worth fighting over, but he thought the hon. gentleman should accept the amendment of the Council. He (Sir T. McIlwraith) was quite satisfied, but there were men who took the matter more to heart than he did, and for that reason he would advise the Premier to accept the amendment. At all events only one case of a bench being packed had been brought before them, and that was a case in which the bench had been packed by the Premier's friends.

The PREMIER said the case at Bundaberg would not have been affected by that clause at all, nor did he ever say that that case had anything to do with that clause, although he should be very glad if it did touch such a case. The case at Bundaberg was one under the Enclosed Land Act. The hon. member for Mulgrave said the bench was packed by him (the Premier). Of course that was absurd, and he did not intend to contradict it—it was not worth the trouble of contradicting. It was a strange thing that, when there were four magistrates supposed to be hostile to the planters in court, there were six planters ready to go on the bench immediately and overrule them and the police magistrate too.

The HON. SIR T. MCILWRAITH : That is not the case.

The PREMIER : It is the case.

The HON. SIR T. MCILWRAITH : I know it is not.

The PREMIER said that was how it was reported to him. He did not read the newspaper reports but the documents in the case. On hearing of the matter he immediately sent for the depositions, and the moment he read them he advised His Excellency the Governor to remit the penalty. In his (the Premier's) opinion not only was the bench packed but the decision was monstrously unjust, and was arrived at for the purpose of locking up the defendant out of the way in order that he might not appear in another case which was to come on for hearing subsequently. It was a most monstrous and unjust decision. That clause, as he had said before, would not touch that case, as it was under the Enclosed Land Act; but the clause would touch cases under the Pacific Island Labourers Act. He stated when the Bill was going through the House that the 11th clause was introduced in consequence of a report which reached him from Mackay that it was impossible to procure a conviction there of any offence under the Pacific Island Labourers Act, no matter how clear the case might be. He told the House that, not the deputation. When he got that report he framed the clause to which objection was taken by the Council.

The HON. J. M. MACROSSAN said that on the former occasion the Premier had left hon. members under the impression that he referred to Mackay. It was a very extraordinary thing that his memory had failed him so much, especially as he had read the papers on the matter.

The PREMIER : My memory is not failing me.

The HON. J. M. MACROSSAN said the hon. gentleman's memory was generally a very good one, but it failed him in that case when he wanted to throw mud at the Mackay planters. But what he wished to point out to the hon. gentleman was this : that on the second reading of the Bill he (Hon. Mr. Macrossan) objected to that clause—and he would vote against it that afternoon if it came to a division—because it was no more right to prevent magistrates sitting on cases in which Polynesian labourers were concerned than it was to prevent magistrates from sitting on cases in which squatters were concerned, or general employers of labour from sitting on a case in which masters and servants were concerned. It was no more right in the one case than in the other, and whatever legislation was introduced on that subject was introduced purely to insult and annoy the planters. Probably in eighteen months or two years the clause would not have the effect intended. The Premier must be aware that there was a large amount of plantation work which was not done by Polynesians, but by Chinamen ; that some was done by Cingalese, and some by Malays, and that a large number of Javanese were likely to be introduced ; so that the majority of the work on plantations in two years would be done by Chinamen, Cingalese, Javanese, and Malays. How would the clause apply then? It would not prevent a single planter from sitting on the bench ; and unless it was made to apply to all labourers on plantations it would fail in its object. In the meantime it would

simply be the means of annoying and insulting men who acted as honestly on the bench as any other class of employers.

Mr. CHUBB said the Premier had told the Committee that the clause was introduced because it was represented to him that it was almost impossible to get a conviction against an employer at Mackay; but he did not say whether it was because of planters sitting on the bench or whether it was attributable to the police magistrate. The clause provided that, though justices might receive informations and grant summonses in such cases, they were to be debarred from sitting on the bench.

The PREMIER: Why not?

Mr. CHUBB said it was, to a certain extent, taking away the privileges of a magistrate to say that he might issue a summons but must not hear the case. He would not mention names, but he knew a case where a magistrate appointed by the Premier some years ago actually tried to act as mediator between two parties in a criminal case, and, when he could not succeed, sat on the bench and tried to have the case dismissed. The clause would not deal with a case of that kind; it would not interfere with the corruption of individual justices, and he could not see any reason why it should not be left out.

Mr. LUMLEY HILL said he opposed the clause when the Bill was under consideration, and he felt bound to support the amendment of the Legislative Council. He did not look on it as a direct insult to the Bundaberg bench, but as a tacit admission that bad appointments had been made to the magistracy. He really believed that bad appointments had been made by the ruling powers on both sides, but the provision contained in the clause was a roundabout way of remedying the evil. If such a clause were passed he thought the whole of the magistrates of the colony should be deprived of their powers, for he did not see why the planters should be the only sufferers. The fact was pretty well recognised that appointments to the Commission of the Peace had been made by both sides in recognition of political services, and the sooner that system was done away with the better. But so long as it was done by one side, the other side must fight with the same weapons. He thought the best way to remedy the evil would be to exercise a more direct supervision over the magistracy, and whenever abuses were proved to strike the offending magistrates off the roll. He was sure the Premier would receive abundant support in expunging the names of such magistrates and purging the Commission of the Peace whenever such cases were proved.

Mr. SCOTT said the clause was intended to operate against magistrates who were supposed to be interested against kanakas, and the inference was that the police magistrate would be interested in deciding the opposite way—whether right or wrong. The clause was not a good one, and should not stand in the Bill. It might be fair enough to say that all planters should be prevented from sitting on cases in which planters were interested, but it was not right that the whole of the magistrates of the colony should be debarred from sitting in such cases.

The HON. SIR T. MCILWRAITH said he would now ask, what about the constitutional claim made by the Assembly? The Bill was clearly a money Bill, because clauses 5 and 6 dealt with additional taxation. Clause 7 was of the same character. Clause 8 provided for the disposal of certain funds. In view, then, of the contention over the Local Government Act Amendment Bill, he would ask how they could agree to the striking out by the other Chamber of a clause in the Pacific Islanders Act Amendment Bill, which, like the other, was purely a money Bill? When the amendments of the Council on the Local Government Act Amendment Bill were under consideration, the Speaker read a ruling, prepared evidently after due deliberation, in which he said:—

"It is quite clear that if the Legislative Council possesses co-ordinate powers with the Legislative Assembly in the amendment of all Bills—whether involving taxation, expenditure, or general legislation—then the functions of this House, as a representative body, responsible to those by whom its members have been elected, may be said to be virtually extinguished, because for centuries past the Commons of England have insisted that 'all aids and supplies and aids to His Majesty in Parliament are the sole gift of the Commons, and it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.' This constitutional principle, it has been well observed by one of the best writers on parliamentary government, is admitted in all self-governing British colonies. Were it otherwise the entire policy of the Government of the day might be set aside, and the principles of representative government, as embodied in this House, might be entirely neutralised."

Here then was a power claimed for the Assembly to deal exclusively with all kinds of money Bills, and the Pacific Islanders Bill was purely a Bill of that character. The Council having struck out one of the clauses of that measure, in what position did the Assembly now stand constitutionally?

The PREMIER said he would read a passage from "May," in reply to the hon. member. He did not remember if it had been quoted before or not, but it contained a well-known rule, and was as follows:—

"In cases where amendments have affected charges upon the people incidentally only, and have not been made with that object, they have been agreed to. So also where a whole clause, or series of clauses, has been omitted by the Lords, which, though relating to a change, and not admitting of amendment, yet concerned a subject separable from the general objects of the Bill. On the 30th July, 1867, it was very clearly put, by Earl Grey and Viscount Eversley, that the right of the Lords to omit a clause which they were unable to amend, relating to a separate subject, was equivalent to their right to reject a Bill which they could not amend without an infraction of the privileges of the Commons."

The clause omitted by the Council was separable from the rest of the Bill, and the striking of it out was within the functions of the other Chamber.

Mr. PALMER said the Premier had used the following words: "That it was impossible to obtain a conviction at Mackay under the Polynesian Act." If there were any grounds for making that accusation against the gentlemen on the Commission of the Peace at Mackay, the Premier would have been justified in making a revision of the Commission; but he had no justification for casting a reflection on the magistrates throughout the colony. From the clause which had been rejected by the Council an inference might be drawn that all the magistrates of the colony were incompetent to decide cases in which their class might be interested. It would be almost impossible to frame a case in which magistrates did not belong to the classes interested, but he (Mr. Palmer) could not conceive of any magistrate making a tool of himself or allowing himself to be made a tool of for any sinister purpose whatever in connection with the administration of justice, whether under the Polynesian, Masters and Servants, or any other Act. The Premier might have better knowledge on the subject, but he (Mr. Palmer) certainly did understand the statement

that it would be impossible to get a conviction at Mackay. Justice could be got there as well as anywhere else. Why should planters be made an exception of?

The PREMIER said there were several reasons why the clause should be passed. In England justices of the peace were not allowed to adjudicate on poaching cases. That had been the law there for a long time. The justices of the peace there might or might not think that that disability was an insult to them, but the law still remained. In all countries where coloured labour was employed there were regulations preventing the employers from sitting on the bench in cases affecting their coloured servants. In New South Wales, too, in Sydney, nobody but stipendiary magistrates were allowed to sit on the bench. All that was done simply because it was desirable, in the interests of justice, that the justices should not be suspected.

Mr. BLACK said the Premier shifted about like a weathercock. When first called on to explain his charge against the magistrates he distinctly stated in the House that it was the Bundaberg bench to which he referred. He had since said that the magistrates he referred to were those of Mackay.

The PREMIER said he did not say anything of the kind.

Mr. BLACK asked what the hon. gentleman did say?

The PREMIER: Why did you not listen?

Mr. BLACK said he did listen; but the Premier forgot his own statements. First of all it was reported in the Press that he had made an accusation against the Mackay bench. Five days later he (Mr. Black) challenged him to substantiate the charge. The Premier then said it was the Bundaberg bench he had referred to. He now harked back and said that after all it was the Mackay bench to which he had alluded He (Mr. Black) now asked him to state a case at Mackay in which a conviction was not got when it ought to have been obtained. No doubt the hon. gentleman would wish that in every case which his own informer brought before the bench a conviction should be obtained; but it did not follow that because in all cases convictions were not obtained, the integrity of the bench should be suspected. Further, the clause would apply to Polynesians only, although there were other coloured men in the district.

The PREMIER said the Bill itself only applied to Polynesians. As to the other matter referred to by the last speaker, the hon. member would persist in misunderstanding him. The facts were that he (the Premier) was waited upon by a deputation, and when in conversation with them he referred to the Bundaberg case, the circumstances of which differed from any he had ever heard of. The circumstances of the case were so stated that they could not refer to any other than the Bundaberg case. He had said, not then, but in this House, that the reason of the introduction of the clause was that it had been reported to him from Mackay that it was useless to bring cases before the bench there as they were all dismissed.

Mr. BLACK: Who reported it?

The PREMIER said he had answered that question before. He did not remember the particular officer, but it was reported officially.

The HON. SIR T. MCILWRAITH said he did not think it was very much to the credit of the Premier that he should bring in a clause reflecting on a large number of magistrates of the colony, in consequence of a report received he could not tell from whom. He believed the Premier was right in his first statement, that he had brought forward the clause in consequence of the action of the Bundaberg bench.

The PREMIER: I never made such a statement.

The HON. SIR T. MCILWRAITH said he had made the statement at any rate, and the hon. member acquiesced in it. The bench was certainly packed on that occasion, and that very properly received the animadversion of the Premier; but it came out afterwards that the bench was packed by the hon. member's own friends, and then he shifted the venue to Mackay.

The PREMIER: That is not so.

The HON. SIR T. MCILWRAITH: Now the hon. member said he was asked by someone in Mackay to bring forward the clause because they were in the habit——

The PREMIER: I did not say anything of the sort.

The HON. SIR T. MCILWRAITH: At all events, the hon. member was told something which induced him to bring forward a clause to prevent planters from sitting on the bench. That was the worst reason the hon. member had given yet. If the hon. member had any respect for his own Bill, he should allow the very proper amendment of the Council to go without further debate.

Mr. MACFARLANE said he hoped the Committee would do nothing of the sort. He supported the clause when the Bill was before the House, and he had heard nothing to change his opinion since. As for the argument that it was an insult to the magistrates, he could not see that there was anything in that. If they simply prevented planters from sitting, and allowed other justices to sit, there might be some force in the argument; but when they prevented all alike from sitting, that ought to be satisfactory to both the planters and general public. He could see no hardship, or injustice, or insult offered to the magistrates by that clause.

The HON. SIR T. MCILWRAITH asked if he correctly understood that, in the opinion of the Premier, the omission of the clause by the other Chamber did not infringe the constitutional rights of the Assembly to deal with money Bills?

The PREMIER said that was his opinion. He thought the case was clearly within the rule laid down by Lord Grey and also by Viscount Eversley, who was ex-Speaker of the House of Commons.

Mr. BLACK asked if the clause would affect exempted islanders?

The PREMIER said it related entirely to offences against the Polynesian Labourers Act, and nothing else.

The HON. SIR T. MCILWRAITH said the islanders were all under the Act.

The PREMIER: To some extent.

The HON. SIR T. MCILWRAITH said he would like to be clear on the point. So far as he understood, the Premier said the clause did not apply to islanders who had served their time with their first employer and had tickets of exemption; but he believed it applied to all the Polynesians in the colony. They could not be here unless they were under an agreement of some kind, either under the Polynesian Labourers Act or the amendment carried last year.

The PREMIER said the several Acts prohibited various things; they imposed certain duties on employers and imposed penalties for breaches of those duties. To any complaint of breach of those provisions that clause applied.

Some of those provisions applied to exempted labourers; for instance, the provision that they were not to be supplied with drink was one that occurred to him.

Mr. BLACK asked if there was any appeal against the decision of the police magistrate?

The PREMIER said there was the right to apply for a prohibition to the Supreme Court.

Question—That the Legislative Council's amendment, omitting clause 11, be disagreed to—put, and the Committee divided:—

AYES, 23.

Messrs. Rutledge, Miles, Griffith, Dickson, Dutton, Moreton, Sheridan, Groom, Brookes, Bulcock, Isambert, White, Campbell, Smyth, Annear, Bailey, Aland, Beattie, Macfarlane, Salkeld, Midgley, Higson, and Horwitz.

NOES, 15.

Sir T. McIlwraith, Messrs. Archer, Norton, Chubb, Hamilton, Black, Nelson, Morehead, Macrossan, Lissner, Govett, Scott, Palmer, Ferguson, and Lumley Hill.

Question resolved in the affirmative.

On the motion of the PREMIER, the House resumed, and the CHAIRMAN reported that the Committee had agreed to one amendment of the Legislative Council and disagreed to another.

The report was adopted.

The PREMIER said: I beg to move that the Bill be returned to the Legislative Council, with a message intimating that the Legislative Assembly have agreed to one amendment of the Legislative Council and disagreed to the amendment omitting clause 11, on the following grounds:—

Because it has very frequently happened that employers of Polynesian labourers, being justices of the peace, have taken part in hearing and deciding complaints of breaches of the provisions of the Pacific Island Labourers Acts made against other employers, and confidence in the administration of justice has in consequence of their decisions in such cases been much impaired. And it is consequently desirable that all unofficial magistrates should be relieved of the function of deciding such cases, and that the power to decide them should be confined to police magistrates.

Question put.

The HON. SIR T. McILWRAITH said: Mr. Speaker,—The hon. gentleman has carried, by a majority in committee, that this clause should stand; but I think myself that the reason proposed to be given to the other House for the clause standing is an insult to the magistrates of the colony. The reason given cannot be true, because it is not founded on fact. It is that magistrates of the colony connected with sugar-planting have sat on cases in which they were personally interested and have given wrong decisions, and that they should therefore, for the future, be excluded from sitting in cases of that kind. We certainly came to no such decision in committee. The only reason given in committee why a clause of this sort should be carried was that on general principles it was a good clause and might very well be allowed to stand. No specific reason of the kind set forth in this message was given, nor could it be truly given, because there has not been a single case where the bench has been packed by planters and a wrong decision given. I know quite well that the Premier can coach up his friend, the hon. junior member for North Brisbane, and get him to make statements which he is ashamed to make himself. I know we shall have a ranting little speech from the junior member for North Brisbane upon the black labour question, and entirely outside of this question altogether. He makes statements which nobody else can or dare make in this House, to appeal to the prejudices of a certain class of the population. The Premier dare not use arguments of that kind himself, and so he coaches up his friend behind him, and, no doubt, we shall now hear some strong reasons why a clause of this kind should be passed. Why this message we have heard should be given to the Upper House as a reason why they should acquiesce in our clause I do not understand, except it is that there is a desire on the part of the Government that the other House should throw out this Bill. No doubt if that is their idea they may succeed.

Mr. BLACK said: Mr. Speaker,—Although the Committee assented by a division to the amending of the Council's amendment, we were not at that time in possession of the reasons which have since been given as reasons for returning this Bill to the Upper House; and I regret very much that the reasons given are such as I do not think could reasonably have been anticipated from the remarks of the Premier during the debate on the subject. One of the reasons for the retention of the clause is stated by the Premier to be this:—

"Because it has very frequently happened that employers of Polynesian labourers, being justices of the peace, have taken part in hearing and deciding complaints of breaches of the provisions of the Pacific Island Labourers Acts made against other employers, and confidence in the administration of justice has in consequence of their decision in such cases been much impaired."

I maintain, sir, that this has not in any way been proved, and I maintain that, were it the case—as the Premier asserts—he has neglected, in the most disgraceful manner, to carry out the high duties imposed upon him. If, as he says, it frequently happens that employers, being justices of the peace, do so fail to regard their oath, I maintain it is the duty of the Premier of this colony to strike them off the Commission of the Peace. But it has never been proved. We have asked the Premier to give us some instances, to quote some cases, to name some magistrates, and he has declined to do so. This evening he stated he could not remember who it was. Now, I have no hesitation in saying that this clause is entirely aimed at the magistrates of Mackay, and no others; and I merely endorse the views held by the magistrates there when I say that they would be perfectly prepared to resign their positions to-morrow rather than be under the miserable system of espionage and vindictiveness they have been subjected to during the last two years under the Premier. I shall read what actually took place when the deputation from the Maryborough planters interviewed the Premier, on the 19th October, as reported in the Brisbane *Observer* of that date. Mr. O'Kelly said:—

"The next point is the objectionable 12th clause of the Bill."

I may mention that the 12th clause was a clause which the Premier wished to introduce enabling spies and informers to go unmolested on to any property—not necessarily a plantation—but on to any property throughout the colony. Mr. O'Kelly goes on to say:—

"I do not like to express how I feel about that clause. It encourages informers to go about our places like spies. Of course it is only the very worst class of men who will undertake such duties. Men, especially of my nationality, do not like to have such a system of spying upon them as that established."

This is what the Premier replied to that, which must also be taken as connected with the next clause prohibiting justices of the peace from sitting in any case under the Polynesian Act:—

"You know how the planters of Mackay deliberately packed the bench, and endeavoured to pervert justice, and if the law continued to allow any man who gave information as to a breach of the Pacific Islanders Act, to be given in charge for being illegally on lands, it would act very unfairly. If planters deliberately set themselves to defy the law I will support the other people; but I have no wish to do anything to annoy the

planters. The clause referred to was introduced by the Government mainly for the purpose of calling public attention to the matter, and to show the planters that it is not good for them to set themselves deliberately and band themselves together to break the law, and to put themselves in antagonism to the rest of the community. Such a course, too, alienates from them the sympathy of the public, and they have now much less sympathy from the public generally than they would have had had they desired to work with the rest of the community and not to secure particular advantages for themselves. As for myself, I do not care about the clause, and the Government do not propose to press it. I hope it will not be necessary to introduce a similar clause in future."

I maintain that that is a very serious charge, not only against the planters, but against the magistrates; and I repeat that it was the duty of the Premier, if he considered that such a vile state of affairs existed in that district, to have instituted a searching inquiry, and, if proved, to have removed the magistrates from the Commission of the Peace. Had the hon. gentleman done that he would have been entitled to the thanks of every well-thinking man in the community. This charge thus deliberately made against the Mackay bench was telegraphed throughout the length and breadth of the land, and never received any contradiction from the Premier until five days afterwards, when I challenged him upon it. This, according to *Hansard*, is what happened then:—

"On clause 13, as follows:—

"'Every complaint of a breach of the provisions of the Pacific Island Labourers Act of 1880-1885 shall be heard and determined by a police magistrate, and no other justice shall hear or determine or take part in hearing or determining any such complaint.'

"Mr. BLACK said that after what had been said on the second reading of the Bill the Premier might negative that clause as well as the last. That clause cast a great reflection upon the bench of magistrates, and placed the police magistrate in a very invidious position indeed. If the clause were passed, there would be no reason why any employer of labour should not be debarred from taking a seat on the bench upon any case under the Masters and Servants Act. *Apropos* of the clause, he would ask the Premier a question in reference to the deputation that waited upon him yesterday. The hon. gentleman was reported in the *Courier* as having said that the Mackay planters deliberately packed the bench in one of the Polynesian cases. Was that the case?"

Mark what the Premier replied to that:—

"The PREMIER said a strange mistake occurred in both reports. He referred to Bundaberg and the notorious case which occurred there."

But the damage had been done then; it had gone through the length and breadth of Queensland that those things had occurred at Mackay. To-night, however, the hon. gentleman has gone back to the statement he made on that occasion, and says he meant Mackay after all.

The PREMIER: I said nothing of the kind

Mr. BLACK: I appeal to hon. gentlemen who were present if the Premier did not say that the remarks referred to Mackay? I asked him to name some of the cases about which he had been informed, and he declined to do so. On the occasion just referred to, the Premier went on to say:—

"At the same time, though he had not said so before he had had reported to him from Mackay numerous cases in which the Mackay planters had packed the bench there. It had been reported to him that it was useless to take objection to the working of the Act, because the bench would be packed and the police magistrate would be overridden.

"Mr. DONALDSON: Is that an official report?

"The PREMIER said it was not from the police magistrate. He was speaking from memory; but his impression was that the reports were from officials—in fact, he was sure of it."

I maintain, if the information is in the hon. gentleman's possession, his duty was to have caused an inquiry to be held into the matter. We have had select committees of the House appointed on very much more frivolous pretexts than that. This is a most important question—a question involving the honour and integrity of every magisterial bench in Queensland—not merely that of Mackay. Naturally enough the bench of magistrates at Mackay were extremely indignant when they heard of the accusation that had been made against them. The Premier's repudiation, or rather correction, to the effect that his remarks referred to Bundaberg and not to Mackay, appeared also, in course of time, in the Mackay newspapers. But in the meantime the magistrates there held a meeting for the purpose of protesting against the gross slander that was cast upon them by the Premier; and I received this letter, dated the 26th October, from the Mackay Planters' and Farmers' Association:—

"Mackay Planters' and Farmers' Association, Mackay,
"26th October, 1885

"M. Hume Black, Esq., M.L.A. Brisbane.

"SIR,—I have the honour to inform you that a special meeting of the members of the above association was held to-day for the purpose of considering what steps should be taken in the face of Mr. Griffith's reported assertion, that the planters of Mackay had 'deliberately packed the bench' in cases recently tried under the Polynesian Act.

"From the Parliamentary reports it was observed that, upon being directly questioned by yourself as to what he had stated to the deputation from Maryborough, the Premier denied having referred to the planters of Mackay.

"This contradiction was duly considered at the meeting, and, although the position was so far modified as to preclude the necessity for addressing a direct protest, it was nevertheless resolved to forward to you a copy of the letter intended to be addressed to the Premier, for you to make use of should necessity arise.

"A copy of the letter I enclose herewith by direction.

"A circular (copy enclosed) has been sent to the magistrates who have sat upon Polynesian cases.

"I have the honour to be, sir,
"Your obedient servant,
"L. WAKEFIELD,
"Secretary."

Now, this is the protest from the magistrates who acted in those cases—in all the cases which came before the bench at Mackay—and which, I imagine, in course of time will reach the Premier:—

"[COPY.]

"We, the undersigned, magistrates, who adjudicated at Mackay in certain cases lately brought before the bench, under the Polynesian Labourers Act Amendment Act of 1884, hereby testify that we decided these cases upon the evidence brought before us, according to the oath administered to each of us when we were sworn in as magistrates of the colony of Queensland; and we further testify that our verdict was in no case previously solicited by any person or persons."

And this is the letter to the Premier, accompanying it.

The PREMIER: Intended to be sent.

Mr. BLACK: You will get it yet.

"[COPY.]

"The Hon. S. W. Griffith,
"Brisbane.

"SIR,

"In the account of the reception by you of a deputation from Maryborough, on October 19th, 1885, *re* the proposed amendments in the Polynesian Act, published in the *Courier*, you are reported to have said that the Mackay planters deliberately packed the bench in the cases under the Polynesian Act recently tried at Mackay. As this accusation is absolutely untrue, we have the honour to call upon you for an explanation, and beg that you will either substantiate the charge, or publicly apologise for having made such an unwarrantable statement.

"We remain, sir,
"Your obedient servants,
"THE MACKAY PLANTERS' AND FARMERS' ASSOCIATION."

I have no doubt, Mr. Speaker, that the Mackay magistrates will not rest under the very serious imputation brought against them by the Premier. Had opportunity permitted this session, I should

have moved myself for a select committee to inquire into all those cases, but it is utterly impossible to do it now; and on behalf of the Mackay planters I hurl back upon the Premier the foul slander cast upon them with all the indignation it deserves.

Mr. BROOKES said: Mr. Speaker,—I shall not detain the House more than a few moments. I rise to express my wonder that the hon. member for Mackay can expect that the least weight can attach to such a speech as that he has just made. He is under the disadvantage of having thought over only one side of the question; and that disability I share to some extent on the other side. I know that; but still, sir, there is an ostrich-like weakness about these planters which is a peculiarity of planters all the world over. Everything they do is, in their opinion, right. Looking at the matter moderately, as it well may be, it is not to be supposed that all the magistrates who are planters are equally concerned. I am not prepared to blacken all the magistrates who are planters; but this I say, and the hon. member for Mackay cannot contradict it, that the whole history of planters shows that their inevitable unconquerable tendency is—I do not believe they fight against it very much—to sit on the bench and adjudicate on cases in which they are personally interested. So much was that the case in Jamaica that all the private magistrates were struck off and the whole administration of justice was placed in the hands of stipendiary magistrates, who received remarkably strict instructions to have as little as possible to do with the planters; because planters are a very hospitable race of gentlemen, sir, and it was known that with pine-apple rum and blandishments they could get over even stipendiary magistrates. I only mention that to show that planters are a suspected race all the world over. I am not slandering them now. I think they have been slandered by the extravagant terms used by the hon. member for Mackay. He talks about the doubt which has been cast upon the integrity of a few planters at Bundaberg as a foul slander upon all the magistrates of the colony; but that is absurd—simply absurd—because we know that the charge will not touch any other magistrates than those planters; and so far from regarding what has been done as a wrong done to the planters who are magistrates, I think it is in their own interests. Shortly before or after I was at Bundaberg—I forget which—cases occurred in court there which were really very discreditable. There was only one magistrate—if my memory serves me correctly—who could be understood to be capable of giving an impartial hearing of a case of that kind, and of course he was outvoted on all occasions. The bench was regularly packed in Bundaberg—as regularly as the court sat—whenever there was a Polynesian case to come before it. There is nothing new in that, and the hon. member for Mackay need not stand upon his dignity, or the dignity of the planters. I do not consider that the planters have much dignity to stand on. A more selfish lot of people this colony has never seen; they only look after their own interests; and it becomes the bounden and high duty of the Premier above all men—looking at the fact that these people are engaged in a kind of allowed conspiracy against the Constitution and the welfare of the whole colony—I say it becomes his duty to look very sharply after them. And, sir, those planters who really can say that the charge of slander attaches to them can easily get out of it by never going on the bench again. But still, Mr. Speaker, we have had all these strong remarks against the Premier as though he were incapable of truth and justice.

Mr. BLACK: Hear, hear!

Mr. BROOKES: When people read in *Hansard* to-morrow what has been said by the hon. member for Mackay they will just look to see who made the speech—if they read it, which is not very likely after seeing the name at the head of it—but supposing they do read it, it will just dribble away from their memories as though they never had done so, because they know that there is no value to be attached to it—that it was made simply in the interest of party. And more than that, sir—for that is a venial fault—I say it was made in the interest of a select clique; not in the interests of justice, not in the interests of the general body of magistrates of the colony, but just in the interest of some half-dozen people in Mackay who fancy they are somebody—when, in fact, they are only the little dog under the carriage.

Mr. HAMILTON said: Mr. Speaker,—The Premier evidently—from the manner in which he received the protest of the magistrates in Mackay, through their representative, regarding the foul slander he had perpetrated upon them—appears to be unable to realise what the feelings of an honourable man must be when his character and honour are attacked. He deliberately charged the Mackay planters with having packed the bench. Now, if the Premier believes the statement he has made, then he, as Colonial Secretary and Premier of this colony, is remiss in his duty in allowing those men, whom he stated he believes to have been guilty of such scandalous conduct, to still hold the position of magistrates of this colony. If he does not believe it he is the man who ought to apologise, instead of receiving with laughter the protest made by the magistrates, which was read by the hon member just now.

Question put, and the House divided:—

AYES, 28.

Messrs. Rutledge, Miles, Griffith, Dutton, Moreton, Brookes, Aland, Bulcock, Isambert, Jordan, Buckland, White, Mellor, McMaster, Campbell, Sheridan, Annear, Macfarlane, Midgley, Higson, Grimes, Horwitz, Salkeld, Bailey, Smyth, Dickson, Fraser, and Foxton.

NOES, 14.

Sir T. McIlwraith, Messrs. Archer, Norton, Lumley Hill, Macrossan, Hamilton, Black, Nelson, Donaldson, Govett, Stevenson, Palmer, Ferguson, and Chubb.

Question resolved in the affirmative.

LICENSING BILL—CONSIDERATION IN COMMITTEE OF THE LEGISLATIVE COUNCIL'S AMENDMENTS.

On the motion of the PREMIER, the Speaker left the chair, and the House went into Committee to consider amendments made by the Legislative Council in this Bill.

The PREMIER said in clause 7 the Legislative Council proposed to amend subsection (*b*), and their intention evidently was to provide that the owner or mortgagee of the lease, or of the furniture used in a licensed house, should not sit on the licensing board. The idea was a good one, but the amendment was not very happily worded. They ought, he thought, to accept the amendment in spirit, but amend it so as to give effect to what was intended. To assist hon. members he had had printed the draft message which he proposed to send to the Legislative Council, showing what it was intended to do with the amendments they had made. He moved that after the word "or" on the 16th line the words "owner or mortgagee" be inserted.

Amendment agreed to.

On the motion of the PREMIER, the amendment was further amended by omitting the word "thereof," and inserting the words "of any such house."

Amendment, as amended, agreed to.

The PREMIER said the next amendment was in subsection (*f*), and he proposed to make similar amendments in it. The words which had been inserted were in the wrong places, and therefore would have to be transposed when amended. He moved that after the word "of" the words "being the mortgagees" be inserted.

The HON. SIR T. McILWRAITH said that could not be done. The only thing to do was to strike out the amendment, and put it in at the end of the clause. The Premier proposed to violate the principle that underlaid amendments, as they were dealt with by that House.

The PREMIER said it was proposed to transpose the whole amendment. The question was, whether the amendments should precede the transposition or the transposition precede the amendments. It would be very funny if two Houses of Parliament could not correct an amendment of that sort, and put words in their proper place.

Amendment agreed to.

On the motion of the PREMIER, the amendment was further amended by omitting the word "thereof" and inserting the words "of any such house."

The PREMIER moved, as a further amendment, that the amendment, as amended, be transposed to the end of the subsection.

The HON. SIR T. McILWRAITH said that was where the hon. member violated the principle on which amendments were moved in that Committee. When they affirmed a Bill up to a certain point they could not possibly go back beyond that point in amending the Bill. In that case they had affirmed the clause to the end of subsection (*f*), and now the Premier proposed to make an amendment before that.

The PREMIER said they were dealing with the amendment proposed by the Legislative Council. They had amended the amendment but had not agreed to it. They now proposed to agree to it on condition that it should be put in the place where it was evidently intended it should be. The rules of the House were not intended to prevent the correction of a clerical error.

The HON. SIR T. McILWRAITH said they were not, but they provided that the business should be done in a proper way. One rule was that after affirming a clause to a certain point they could not, in amending it, go before that point, and that was just what the hon. gentleman proposed to do.

The PREMIER said the hon. gentleman seemed to forget that the Bill was still the original Bill which was sent to the Legislative Council. For the convenience of the Committee it was printed as it would be if the amendments proposed by the Legislative Council were agreed to. What hon. members really had before them now was not the Bill as now printed, which was only circulated for convenience, but the schedule of amendments, which would be found in "Votes and Proceedings" for last Friday. On looking at that schedule hon. members would find that the Council proposed to insert the words "or of the lease or furniture thereof," after the word "bagatelle," in subsection (*f*). The Committee had amended that so that instead of "or of the lease or furniture thereof" it should read "or being mortgagees of the lease or furniture of any such house." The Council proposed to insert the amendment after the word "bagatelle." He proposed to insert it after the word "Act," and that was the motion before the Committee.

The HON. SIR T. McILWRAITH said he perfectly understood the motion made by the Premier, but he contended that it violated the principle of making all motions in committee. The hon. gentleman was quite wrong in saying that what they had before them was really the amendment proposed by the other Chamber. What they had before them was clause 7 as amended.

The PREMIER: No; the amendments of the Legislative Council.

The HON. SIR T. McILWRAITH said it was clause 7, and the hon. gentleman proposed to transpose a portion of clause 7 which had been already dealt with.

The PREMIER said he did not propose to transpose anything. He was dealing with the amendment of the Legislative Council, which he proposed to insert after the word "Act."

The HON. SIR T. McILWRAITH: You do not mean to transpose?

The PREMIER: That amounted to a transposition—and the hon. gentleman could call it a transposition—but practically they were accepting the amendment of the Legislative Council, but accepted it after the word "Act" instead of after the word "bagatelle."

The HON. SIR T. McILWRAITH said that was establishing a precedent which would lead to a great many abuses in dealing with Bills. There had never been one single case in which that had been done before in that Committee. The motion was against all the principles and practices of that Chamber.

Question put and passed; and amendment, as amended, agreed to.

On clause 11—"Jurisdiction of licensing authority"—in which the Legislative Council proposed to add at the end of the clause a new paragraph as follows:—"A complaint for an offence against this Act may be laid before any justice, whether a licensing justice or not"—

The PREMIER moved that the amendment be agreed to.

Question put and passed.

On clause 32—"Removal of license"—in which the Council proposed to add at the end of subsection 2 the words "or unless the licensing authority shall be of opinion that the site of such premises is not suitable for licensed premises"—

The PREMIER said the amendment was a good one. If the premises of a licensed victualler were not suitable for licensed premises, that was very good ground for the transfer of the license to another place. He moved that the amendment be amended by the omission of the words "shall be," with a view of inserting the word "is," as the present tense was used all through the Bill.

Question put and passed; and amendment, as amended, agreed to.

On clause 36—"Booth or stand license"—in which the Council proposed to omit the words "it shall not, unless specially authorised by the Minister, be given for any place more than five miles distant from the premises in respect of which the license held by the applicant is granted"—

The PREMIER moved that the amendment be agreed to.

Question put and passed.

On clause 40—"Objections to license"—in which the Council proposed to insert at the end of subsection (*b*) "or any freeholder, leaseholder, or householder within such respective distances," and also at the end of the clause to add the following new subsection: "The signatures to every such petition shall be verified by oath of some one or more of the petitioners"—

The PREMIER moved that the amendments be agreed to.

Question put and passed.

On clause 41—"Objections that may be taken to the granting of a licensed victualler's, or wine-seller's, or publican's license"—in which the Council proposed to substitute the words "two or more offences" for the words "an offence" in subsection 4, and to insert "residents in or travellers through" in subsection 5 after the words "requirements of"—

The PREMIER said there was no objection to either of those amendments. It would certainly be hard that a conviction for one offence against the Act should be an objection to granting a license. The amendment in subsection 5, he thought, did not make any difference. As the clause originally stood it provided that an objection might be taken to the granting of a license on the ground "that the reasonable requirements of the neighbourhood do not justify the granting of the license applied for," and the amendment made it read "the reasonable requirements of residents in or travellers through the neighbourhood." He moved that the amendments be agreed to.

Question put and passed.

On clause 48—"Grounds of refusal to be stated publicly"—to which the Council added the words "and shall cause the same to be entered on the records of the court"—

The PREMIER moved that the amendment of the Legislative Council be agreed to.

Question put and passed.

On clause 59—"Annual list of licenses and licensees to be published"—which the Council amended by omitting all the words in lines 43, 44, 45, and 46, as follows—"And the Registrar-General or other person charged with compiling the statistics of the colony shall take notice of such list in the statistical return for each year, as to the number and description of licenses granted in each district throughout the year."

The PREMIER moved that the amendment of the Legislative Council be agreed to.

Question put and passed.

On clause 70—"Liquor not to be supplied to any specially prohibited person"—

The PREMIER said the Council had made several amendments in clause 70. The first provided that a person who did an injury "in consequence of" the excessive use of liquor—in addition to "by" the excessive use of liquor—should be the subject of a prohibition order, and probably the additional words were an improvement. Another amendment provided that the clause should apply to any person who "injures or endangers the health of any other person." That was good too, because very often the wife and family were the ones who suffered most from a man's drinking habits. Then the clause was enlarged by a provision forbidding any person in the district to supply the object of a prohibition order with liquor. The consequence would be the same whether the liquor was supplied by a licensed person or by any other person. Though the amendments made the clause rather more severe, he thought they were an improvement; he therefore moved that the amendments of the Legislative Council in clause 70 be agreed to.

Question put and passed.

On clause 107—"Penalty for wine-seller selling liquor other than wine"—which the Council amended by substituting the words "liquors other than wines" for the words "wines and other liquors"—

The PREMIER said he was not sure that the amendment was an improvement. It provided that the wine-seller who sold liquors other than wines should forfeit all the liquors other than wines on his premises; but the clause as it stood before provided that he should forfeit all the wines and other liquors found on his premises. He did not propose to disagree to the amendment, however; and he moved that the Legislative Council's amendment be agreed to.

Question put and passed.

On clause 115—"Poll may be demanded upon certain resolutions"—

The PREMIER said the first amendment made by the Council in the clause was to provide that one-fourth of the whole number of ratepayers must be required to sign the requisition praying the local authority to take a poll. He thought one-fourth too large a number to be required to initiate the proceedings, and he therefore moved that the amendment of the Legislative Council in line 11 be disagreed to, for the following reasons:—

Because the proportion of ratepayers whose preliminary concurrence is required in order to put the provisions of the sixth part of the Act in operation should not be so large as to impose undue difficulties in the way of taking a poll of all the ratepayers;

Because, having regard to the fact that in many parts of the colony a very large number of ratepayers are not resident in the district, the proposed proportion of one-fourth would be practically prohibitive—a result which, it is conceived, is not desired by the Legislative Council;

Because, the condition that the applicants for a poll must deposit the sum of ten pounds with the returning officer is a sufficient guarantee of *bona fides*.

The HON. SIR T. MCILWRAITH said it would be better to accept the amendment. When the Bill was passing through the Assembly it was pointed out that, in countries where local option was in vogue, one-fifth was the number required to sign the petition, in order to show the *bona fides* of the district; and they could not do better than follow the precedent set by Canada and those States which had local option, especially in such a vital matter as taking a poll.

The PREMIER said he thought one-fourth was too large a number, and he did not think it practicable for that House to suggest a compromise. They might have another opportunity of considering the matter, but he thought they had better disagree to the amendment.

Mr. BAILEY said he hoped the amendment of the Legislative Council would be agreed to. A quarter of the ratepayers was a small enough number to be entrusted with the power of putting their municipality or division to the expense of a poll. It was possible that a quarter of the ratepayers would only form one-twentieth of the inhabitants, and it therefore seemed unfair that even they should have the power of preventing thousands from obtaining reasonable and necessary accomodation. The city of Brisbane, for instance, might be divided into a number of small areas, each containing only 200 or 300 ratepayers. And yet a tenth of those 200 or 300 persons could, as the Bill originally stood, demand a poll, the expenses of which would have to be borne by the whole municipality. Brisbane was a city in which a large number of visitors required hotel accommodation. Its population was by no means represented by its resident ratepayers. The amendment of the Council was, in his opinion, of a very moderate character. If the clause as it originally stood was adhered to, he would not be surprised if the publicans themselves got one-tenth of the ratepayers to call for a poll just for the excitement of the thing.

Mr. SALKELD said he was surprised to hear the hon. member for Wide Bay say that he suspected his friends the publicans might get up a requisition for a poll just for the sake of a little excitement. He trusted the Committee would adhere to the clause as it

originally stood, requiring only one-tenth to sign for a poll. When they remembered that a number of the ratepayers might not be resident in the colony, they would see that it would be very difficult to get a quarter of them to sign. It would indeed be more difficult to get a quarter of them to sign than to secure the necessary majority to carry an election. He was informed that at the most recent election the successful candidate, although he had a good majority, did not poll more than a quarter of the number on the rolls. Again, the hon. member for Wide Bay was labouring under a misapprehension when he said that a tenth of the ratepayers could take licenses away. All they could do was simply to ask for a ballot on the subject.

Mr. BAILEY said the hon. member for Ipswich seemed to forget that clause 126 provided that the expenses of taking a poll should be defrayed out of the municipal or divisional fund. Brisbane might be divided into twenty small areas, with not more than 200 ratepayers in each. Under the Government proposal twenty of those ratepayers could demand a poll, and the whole of the municipality would have to pay the expenses. The probability was that, under such a provision, the municipalities would be in a perpetual state of turmoil. There might be some sense in giving local option a trial with the "one-fourth" proposition, but the "one-tenth" principle was absurd.

Mr. SALKELD said that provision was made for the depositing of £10 by those who signed a requisition. That deposit would be a sufficient guarantee, as people were not very fond of paying £10 for nothing.

Mr. BAILEY: They are very fond of elections, though.

The HON. SIR T. McILWRAITH said the hon. member for Ipswich (Mr. Salkeld) had illustrated the weakness of the local option principle. The hon. member said that there would be a great deal more difficulty in getting one-fourth of the ratepayers to join in a petition for a poll than it would be to obtain at the poll a two-thirds majority. That was an important fact, and showed the great weakness of the position taken up. The Premier, in the reasons he proposed to give to the other Chamber for declining to accept their amendments, said:—

"Because, having regard to the fact that in many parts of the colony a very large number of ratepayers are not resident in the district, the proposed proportion of one-fourth would be practically prohibitive—a result which, it is conceived, is not desired by the Legislative Council."

He (Sir T. McIlwraith) had always understood that the Premier declined to give much weight to the opinion of people who wished to legislate for districts in which they did not reside.

The PREMIER said the hon. member was right.

The HON. SIR T. McILWRAITH said the reason he had read pointed out that, there being so many absentees, it was necessary to have a smaller number of requisitionists than was proposed by the Council. He (Sir T. McIlwraith) believed they were going on a wrong principle altogether. The principle he proposed was that the whole of the residents should have a voice in the matter, whether they were ratepayers or not.

Mr. SALKELD said his remarks had been misunderstood by the leader of the Opposition. He had not meant that it would be always very difficult to get one-fourth of the ratepayers to sign, but that in some cases it would be more difficult than to get a majority at the poll.

Question put and passed.

The PREMIER said the second amendment of the Legislative Council provided that the number of licenses might be reduced to a certain number specified in the notice, not being less than two-thirds of the existing number. That, he thought, was very inconvenient. Suppose there were five houses in an area, the number could only be reduced one at a time, since two would be more than one-third of five. The ratepayers might reduce the number to four the first year, two years afterwards to three, three years afterwards to two; but they could never reduce it to less than two. He thought it would be a fair thing to put one-half instead of two-thirds, and he would propose to amend the Council's amendment in that way.

The HON. SIR T. McILWRAITH said the reason the hon. member gave was ridiculous. Did he contemplate making the divisions so small that five public-houses would be a usual number in an area? Did he not see that one half of five was as ridiculous as two-thirds of five? They had to consider what was applicable to a big district with a large number of houses. If the amendment was right at all, it certainly was not improved by making it one-half.

The PREMIER said that if there were ten houses in a district they could not take more than three at a time, though it might be thought that five or six were plenty.

The HON. SIR T. McILWRAITH said the amendment was destroying the whole principle of local option, which was that the voters should say how many houses there should be in a district. The Premier, in accepting the amendment, decided that Parliament should put a restriction on the power of the applicants to say how many houses should be put to the vote. That was violating the principle of local option altogether. That point was argued very fully when the Bill was before the House, and the Premier then put his foot down very decidedly. Why not leave it to the ratepayers to say how many houses they wanted?

The PREMIER said he thought that was the proper way. He did not like the amendment, but he wanted to get the Bill through. He thought they were more likely to get it through that way than by rejecting the amendment altogether.

The HON. J. M. MACROSSAN asked why the Premier did not adopt that course in the last case? He said then he did not think it was open to the Assembly to compromise; why was he compromising now?

The PREMIER said it was a purely technical point.

The HON. SIR T. McILWRAITH said that the Victorian Bill enunciated one principle very clearly—that while giving the various localities the right to say how many public-houses there should be, it limited them to a certain number according to the number of inhabitants. Here that principle was thrown aside, and it was determined to leave it to the petitioners to say how many public-houses they required. That was the true principle of local option. He did not see why the Premier should depart from it simply because he thought it would please the Council. If that was the only argument, they might have used it with regard to the previous amendment, because no principle was violated in that case.

Mr. SALKELD said he believed the two-thirds arrangement would not work well at all. He knew a division where there was not a single licensed public-house at the present time. Suppose there were two licensed houses in a division, and the inhabitants wished to do away with

one, if the two-thirds amendment stood they could not do it at all. In the other case, they could reduce the number to one, and if they wished to reduce it any more they would have to pass the prohibitory clause.

Mr. MOREHEAD said that local option, from beginning to end, seemed to be turning over completely the whole principle of the government of the colony. The Legislature was governed by the opinion of the majority, but here they were actually giving the minority—it might be a very active and very offensive minority—the power to interfere with the majority of the ratepayers of the district. He was sorry not to have been in the Chamber when objection was taken to the substitution of one-fourth for one-tenth; he thought they would be giving quite sufficient power to the minority, and more than sufficient, if they accepted the amendments as they came from another place. He had hoped the Committee would adopt that second amendment; unless, indeed, the Premier was anxious to disagree with the other Chamber in order to prevent the Bill being passed at all. It almost looked as if that were the case; because, if the other Chamber persevered, as he hoped they would, in their amendments, which were based on common sense and common reason, there was no doubt the Licensing Bill would not become law this session.

Mr. MACFARLANE said the hon. member was perfectly correct when he said they were giving the minority power to overturn the majority, but they were simply giving power to a small number to initiate a certain system. With reference to the two-thirds amendment of the Council, he agreed with what his hon. colleague and the Premier had said. He did not think it would work satisfactorily; and he thought, on the whole, the one-half proposed by the Premier could not well be objected to. The people had three resolutions upon which they could work, and they might choose either or all three. Those districts which were not prepared for total prohibition might be prepared to reduce the number of hotels by one-half. They could not alter that for two years, but at the end of that time they might reduce the number again until they were prepared to go in for entire prohibition. He thought the proposed amendment upon the Council's amendment well adapted for the whole colony. He believed that at first very few would go in for the first resolution at all. He was afraid it would not be carried in Brisbane at all, or indeed in any of the large towns. It would take a long time to work up the Bill, and he thought the compromise of one-half a fair compromise and one that the Committee would do well to accept.

The HON. SIR T. MCILWRAITH said that some extraordinary arguments were used in discussing the Bill. Here was an amendment proposed by the Upper House, which actually violated the principle of local option. The principle of local option said that, on a certain petition signed by a certain number of ratepayers fixed by Parliament being presented to the authorities, a poll should be taken on one or the other of three resolutions—a two-thirds majority being required to carry the resolution in one case and a bare majority being sufficient in the others. It was put before them now by the amendment of the Legislative Council that they should limit the power of the petitioners in fixing upon the number of public-houses there should be in a certain district, and say that the number should not be reduced by more than two-thirds. That was a violation of the principle of local option, and it was defended by the Premier's proposition that the limit should be one-half, because, under the circumstances, that would be more likely to be accepted by the Legislative Council than the rejection of their amendment. The hon. member for Ipswich, Mr. Salkeld, commenced by citing the case of a district in which there were only two public-houses, and he proposed that the whole of the machinery of the local option clauses should be put into effect for the purpose of reducing the number to one. The hon. member cited the case to show that the proposition for two-thirds would not apply. Why could not the hon. member as well contemplate a district in which there was only one public-house? In that case, the amendment proposing one-half would not apply, because they could not suppress half a public-house. Had it come to this—that they were reduced to bring forward a district in which there were only two public-houses to show that they were to do so much good? It was all ridiculous nonsense. They were violating the principles of the Bill simply for the purpose of getting a ridiculous measure passed. All those clauses were ridiculous. Had the amendment upon the 115th clause been adopted they would have had some chance of getting the Bill passed; but, as the hon. member for Ipswich said, that would not have suited them at all, because the effect of it would have been that it would have proved to the people of the colony that one-fourth of the ratepayers in a particular place was a great deal more difficult to get to petition than a two-thirds majority of the whole of the ratepayers to carry the resolution.

Mr. SALKELD: No; you misquote me.

The HON. SIR T. MCILWRAITH said that was what they did not want. The hon. member said "No," and said that he had misquoted him. What the hon. member said was that it would be a great deal more difficult to get one-fourth of the ratepayers of a district to petition, even with all the advantages they had of petitioning by writing—say sending a petition from Melbourne to be applied in Ipswich. The hon. member said that, notwithstanding all those advantages, it would be a great deal more difficult to get one-fourth of the ratepayers to petition than to get a two-thirds majority of the whole to carry the resolution.

Mr. SALKELD said he rose to make an explanation. He did not say what the hon. member had said at all; and he thought the hon. member ought to have accepted his explanation when he told him that he did not apply his remarks to the resolutions of the two-thirds majority at all. He had not used the words "a great deal more difficult." What he said was that there would be greater difficulty in getting one-fourth of the ratepayers to petition than they would have in getting an actual majority of the whole. He had explained that before, and the hon. member ought to have accepted his explanation.

The HON. SIR T. MCILWRAITH said that he accepted the hon. gentleman's explanation; but his argument applied equally well where only a simple majority was required, because what the hon. member had stated was an admission on the part of that class of people, that one-fourth of the ratepayers were going to be such a majority as could carry the local option clauses in any district.

Mr. SALKELD: No; not in any district.

The HON. SIR T. MCILWRAITH said the hon. member said that it would be more difficult to get a petition signed by one-fourth of the ratepayers, than to get an actual majority, in the cases of the second and third resolutions. That was a certain admission that one-fourth of

the ratepayers could really carry the local option clauses; and the argument was strengthened when it was applied to the case of the two-thirds majority required for the first resolution. The hon. member disclaimed that the argument he used applied to that resolution: he had not understood that at first, and he accepted the hon. member's explanation.

Question—That the words proposed to be omitted stand part of the amendment—put and negatived.

Question—That the words proposed to be inserted be so inserted—put and passed.

Amendment, as amended, agreed to.

On clause 116, which the Legislative Council had amended by the omission of the words "the principal door of the chief places of worship and," the PREMIER moved that the Legislative Council's amendment be agreed to.

Mr. MOREHEAD said he thought the Premier should give some reasons for agreeing to the amendment.

The PREMIER said the reason given in the other House for the amendment was that it might be difficult to distinguish which were the chief places of worship; and, also, that it was not in accordance with modern practices to affix such notices on places of worship. He thought those reasons—which were, he believed, urged by the President of the Council—were good reasons, and he therefore proposed to accept them.

Mr. MOREHEAD asked whether the same reasons did not exist when the Government introduced the measure? A more offensive clause was never before inserted in a Bill introduced into that House. The phrase, "the principal door of the chief places of worship," was nonsense. After having decided which was the chief place of worship in a town they had next to find out which was the principal door. Was it to be the front door, the back door, or the middle door? He was glad the hon. member had seen his way to accept the Council's amendment in that instance, and to admit that he himself was, for once, wrong.

The HON. SIR T. MCILWRAITH said he should like to see a local optionist putting up a notice of that kind on the principal or any other door of a church with which he was connected. What business had they to interfere with other people's property? The clause was ridiculous when it passed through the House, and it was, perhaps, just as well that the Premier had not assigned any reason for agreeing to the Legislative Council's amendment.

The PREMIER said he did not pretend to be infallible. Valuable amendments were sometimes made by the Legislative Council which the Assembly were glad to accept.

Mr. MOREHEAD said he could scarcely believe his ears. Was it true that the hon. gentleman had just said that he was not quite infallible? It was the first time he had ever admitted as much. That side had often said so; but at last the hon. gentleman himself admitted that he was not infallible. They had long known that he had a face of brass, but was it true, after all, that the idol had got feet of clay? The tumble was coming sooner than they expected.

Question put and passed.

The PREMIER moved that the Legislative Council's amendment in clause 119, omitting the words "and every ratepayer entitled to vote shall have one vote," be disagreed to, on the ground that the omission of the words would not have the effect of altering the meaning of the clause, but might give rise to doubts as to its construction, and to consequent litigation.

The HON. SIR T. MCILWRAITH said the hon. gentleman was evading the difficulty, not meeting it. The meaning of the Council's amendment was quite clear. The ratepayers having been made to constitute the electorate for the purposes of local option, and having voting power in accordance with their property, up to a certain limit in ordinary municipal or divisional affairs, the Legislative Council wished to affirm that they should exercise their power of voting in a similar way on questions of local option. The ratepayers were the only people recognised in the Bill, and such being the case no change ought to be made in their power or right of voting in accordance with their property qualifications. Either way the result would no doubt be the same; but as the ratepayers were the only electors it seemed only right that they should vote in the manner usual in municipal and divisional elections.

Mr. MOREHEAD said the question was very fully discussed on a former occasion, and it was decided that the ratepayer was to be the power to put the machinery of the Bill into motion; and the Premier insisted that each ratepayer, no matter what amount of property he held in a district, should have but one vote. But the other Chamber had stepped in, and, in consonance, doubtless, with the wishes of the majority of hon. members, had so altered the clause as to give to each ratepayer the number of votes to which he was entitled as a municipal or divisional elector. He agreed with the principle of giving a single vote to an elector, but he could not agree to depriving the ratepayer of the votes to which he was legally entitled as such in a question which was almost purely municipal and domestic. He hoped the Premier would see his way to accept the amendment made by the Upper House. With regard to doubts, there were none; and of consequent litigation there was not very much danger.

Mr. PALMER said he thought the Council's amendment made the clause very clear. It simply declared that ratepayers who had two, three, or more votes for municipal or divisional elections, should have two, three, or more votes in elections taking place under the local option clauses of the Bill. There was not the slightest doubt as to what the Legislative Council meant. It made the clause very clear:—

> "On any such poll all ratepayers rated in respect of property within the area shall be entitled to vote for, or against, each resolution upon which a poll is taken."

The rolls that they had accepted for the exercise of the local option principle were the same that they had under the Divisional Boards Act. That was only common justice.

Mr. MOREHEAD said if hon. members would look at clause 117 it would be seen that the cumulative vote was clearly intended by the Bill as it left that House. It said:—

> "The ratepayers' roll, or rate-book, as the case may be, of the municipality or division of which the area forms part, or a certified copy thereof, shall be conclusive evidence that the persons therein named, as rated in respect of property within the area, are entitled to vote."

The words "as rated in respect of property within the area" showed beyond a doubt that it was a cumulative vote. He thought there could be no getting beyond the fact that the intention was that the ratepayers of the colony, who were the electors, and had to deal with that matter, should in no way be deprived of any of the privileges they held as ratepayers. Otherwise the course was clear that the electoral roll of the district should be the basis on which dealings in that direction should take place.

Question put and passed.

On the motion of the PREMIER, the Legislative Council's amendments in clause 128 and the schedules were agreed to.

On the motion of the PREMIER, the CHAIRMAN left the chair and reported to the House that the Committee had agreed to some of the amendments of the Legislative Council, disagreed to others, and agreed to some amendments with amendments.

The report was adopted.

The PREMIER moved that the Bill be transmitted to the Legislative Council with the following message :—

Mr. PRESIDENT: The Legislative Assembly having had under consideration the Legislative Council's amendments in the Licensing Bill—

Agree to the amendments in clause 7, subsection (*b*), with the following amendments:—Before "of" insert "the owner or mortgagee"; omit "thereof" and insert "of any such house";

Agree to the amendments in subsection (*f*) of the same clause, but propose to transpose the amendment to the end of the subsection, and to amend it as follows:—

Before "of" insert "being the mortgagee"; omit thereof" and insert "of any such house":

In which amendments and proposed transposition they invite the concurrence of the Legislative Council.

Agree to the amendment in clause 32, with the following amendment:—

Omit "shall be" and insert "is":

In which amendment they invite the concurrence of the Legislative Council.

Disagree to the amendment in clause 115, line 11—

Because the proportion of ratepayers whose preliminary concurrence is required in order to put the provisions of the sixth part of the Act in operation should not be so large as to impose undue difficulties in the way of taking a poll of all the ratepayers:

Because, having regard to the fact that in many parts of the colony a very large number of ratepayers are not resident in the district, the proposed proportion of one-fourth would be practically prohibitive—a result which, it is conceived, is not desired by the Legislative Council:

Because the condition that the applicants for a poll must deposit the sum of ten pounds with the returning officer is a sufficient guarantee of *bona fides*.

Agree to the amendment in subsection (2) with the following amendment: omit "two-thirds" and insert "one-half":

In which amendment they invite the concurrence of the Legislative Council;

Disagree to the amendment in clause 119—

Because the omission of the words proposed to be omitted will not have the effect of altering the meaning of the clause, but may give rise to doubts as to its construction and to consequent litigation.

And agree to the other amendments of the Legislative Council.

Question put and passed,

SUPPLY — RESUMPTION OF COMMITTEE.

On the motion of the COLONIAL TREASURER (Hon. J. R. Dickson), the House resolved itself into Committee of Supply, further to consider the Supply to be granted to Her Majesty.

The COLONIAL SECRETARY, in moving that the sum of £3,887 be voted out of Loan Fund for the Agent-General, said there was an increase of £25 in the salary of the accountant, which had been promised by his predecessor, and an increase to one of the clerks from £156 to £170. The latter was not distinctly promised; but the officer was led to understand that he would receive it. With respect to the item, "Lecturer for United Kingdom, £375 (nine months)," there was a mistake in compiling the Estimates, and he did not know how it escaped his notice. In last year's Estimates the amount was put down for nine months, because the lecturer was not appointed until October; but the additional amount would be placed on the Supplementary Estimates. Mr. Randall was doing good work, and the Government did not intend to recall him. With regard to the emigration agents for the Continent, only one had been appointed, Mr. Pietzcker, who had been doing work in Germany, and had been as far as Copenhagen. He expected to receive some information concerning his work from the Agent-General, as to what he was doing, and what it was intended he should do. He did not get that information so soon as he expected, so he telegraphed to the Agent-General. He regretted, however, that he had had no reply; but he telegraphed again last Saturday, and would probably receive an answer to-morrow. The special object for which Mr. Pietzcker had been appointed had not been brought about, and unless the Agent-General thought he would be of special use in supervising emigration under the Immigration Act he would be immediately recalled. He (the Colonial Secretary) was only waiting for information which he was sure he would receive to-morrow.

The HON. SIR T. McILWRAITH said when they asked for information about the vote for an emigration agent for the Continent they were told that Mr. Pietzcker had gone home for the purpose of taking measures to supply the planters of the colony with a cheap labour—to put into operation the Act which had been passed by the present Government as a remedy for black labour. It turned out, however, that the German Government would not let those men come out, and in the next place it turned out that, with the extensive knowledge of law that the Premier had, it was very difficult to believe that he did not know that before the Act was passed at all. Now, it came out that Mr. Pietzcker had done nothing whatever for the colony. A billet had been created under that Act, and the Government had no satisfaction, except that they had spent a large sum of money in that jobbery. They had had a promise that if the Agent-General found that Mr. Pietzcker's services could not be used he would knock him off. Did the Premier think that the colony would stand that kind of thing much longer—getting bogus Acts passed that had no effect but that of foisting the friends of the Ministry into billets for which they were perfectly unfit? He would like to know what good Mr. Pietzcker had done for the colony? He had simply gone home and enjoyed himself at the Government expense. Other people had come out to the colony and had done well, as he had no doubt Mr. Pietzcker had, and had had to go home at their own expense. But Mr. Pietzcker, being a friend of the Minister's, had kept his money in his pocket, and gone home under a bogus Act for the purpose nominally of doing good to the country, but actually for the purpose of doing good to himself. The Premier had admitted Mr. Pietzcker had done no good; but the whole colony knew at the time he would do no good. In what possible way was he wanted in Germany? The fact of the matter was that he had had no information from Mr. Pietzcker at all. Even the information which had just come before them officially—that Bismarck would not allow Germans to come—did not come through Mr. Pietzcker. The whole thing was a piece of most disgraceful jobbery on the part of the Ministry. They had simply made use of an Act to foist some friends into Government billets, and asked that they should vote the money, adding that if the Agent-General found he was of no use he would dismiss him. The Agent-General was the last man to dismiss anybody; he never took any action unless he was forced to. He would not dismiss himself, and he had the best possible reason for it. They knew what kind of man he was, and when the Premier said the Agent-General would dismiss Mr. Pietzcker unless he was particularly wanted——

The PREMIER: I did not say so.

The HON. SIR T. McILWRAITH said he misunderstood the hon. gentleman, who somehow was

always being misunderstood on the Opposition side of the Committee. But the misunderstanding arose a great deal from the evident desire of the hon. gentleman to make them misunderstand him. They would like to understand what Mr. Pietzcker was going to do for the good of the country for that £400 for six months. He was getting more than that; he was paid all his expenses. How long was he to be in his position and how much did he get? They were not satisfied with leaving it all to the Agent-General at home.

The PREMIER said he did not say anything about leaving it to Mr. Garrick. He said he had asked Mr. Garrick for information which he was promised some time ago, and which he expected to arrive by the mail before last. He received a private letter from Mr. Garrick about a week ago which did not contain that information, so he immediately telegraphed to him asking for further information. Not having received a reply to that, he telegraphed again on Saturday, asking for an immediate answer, and telling him that the purpose for which Mr. Peitzcker had been appointed having come to an end it was proposed to recall him, unless the Agent-General had a special desire that he should supervise Continental emigration under the old system. He had received no answer to that telegram, but it was not at all likely that Mr. Pietzcker would be wanted, unless he could save the colony a considerable expenditure in supervising the shipment of emigrants from Germany or Scandinavia. With respect to the charge of disgraceful jobbery, all accusations of that kind fell lightly upon him, when they had no foundation whatever. The hon. gentleman knew the history of the business very well; but the Opposition had been trying for eighteen months to misrepresent the Government about that Act. They had tried every time it came before the House, and ever since, to misrepresent them. They began by talking about Coolie Germans and insulting the Germans in every possible way, and endeavoured to raise an illfeeling among the Germans in the colony. Then the planters took it up, and began by abusing the Government in every way—saying the Government were acting with a view of deceiving them. They accused the Government of breaking faith with them in every way; they said the Government never intended to give them any facilities for engaging Continental labourers, which they professed to desire. Hon. gentlemen would not have forgotten the terms of the agreements they wished to enter into with those Continental emigrants. They actually brought their case before the House; they brought it before the public; they brought it before him, and he said at once that the Government would be no party to introducing men on such terms, because it would be a wrong — a wrong to humanity. Then the planters said the Government were trying to deceive them. They apologised for that afterwards—at least some of the better sort did; and he was free to admit that there was a better sort of planters, as there was a baser sort. Some of the better sort apologised for the baser fellows of their class.

An HONOURABLE MEMBER: Oh!

The PREMIER: Yes; that was an apt expression as applied to some of the planters. Their bitter hatred to the Government apparently overrode all other considerations. They then proceeded to get circulated throughout the Continent pamphlets upon Queensland—fouling as it were their own nest—and describing the work that Germans would have to do as being work fit only for slaves. He had been accused of having said the planters had done all that. He had, however, never said it up to the present time, but he did now say so. He was not speaking of the better class of planters. That was a class for whom he had the utmost sympathy. For the agricultural class of planters he had great sympathy, but for the political planters, who had met every effort of the Government to assist them with treachery and vilification, he had no sympathy whatever. That they might have obtained Continental labour if they had desired there was no manner of doubt. They begged the Government to give them facilities for introducing German immigrants; their entreaties were answered, and in order to keep faith with them it was absolutely necessary that somebody should be appointed to be on the spot on behalf of the Government; somebody who could speak the language of the intending emigrants, and who would see that the men sent out understood the nature of their agreements and were willing to come. That appointment was made, and the officer had left for Germany, he thought, in January or perhaps a little later. He thought the Government had kept their word. They had given the planters every facility; but they, instead of taking advantage of the opportunity they asked for, had entirely failed to do so, and the Government did not think it necessary any longer to give them those facilities. The Government did not propose to go out of their way any further to assist them in that respect. As to the statement that a disgraceful job had been committed, they could afford to laugh at that. Accusations without foundation were like curses; they came home to roost.

The HON. J. M. MACROSSAN said he thought it was a pity that the gentleman who represented this country as head of the Government should lose his temper in the disgraceful way he had done. It was a most unfortunate thing that, during the last few days, whenever the hon. gentleman had spoken he had lost his temper, and used language such as he used to use when sitting in opposition, and abusing the then Government. The hon. gentleman was not satisfied with sitting on the Government benches, but he must continue his abuse from that side, after having reached office by means of abuse. The hon. gentleman had told them some things which they did not know, and a good many things which they did know. Now, in the first place, about that Mr. Pietzcker, and what the hon. member for Mulgrave had called a disgraceful job. Well, he (Hon. Mr. Macrossan) called it a disgraceful job too, and the hon. gentleman knew it when he passed his Immigration Act. He was warned, at least by him, and if he looked at *Hansard* he would find it on record that he told him he had Prince Bismarck to deal with in bringing Germans out to work on sugar plantations—it was not only the Opposition he had to deal with; so that the hon. gentleman did know what he was doing, and in passing a Bill of that kind, pretending to find labour for the sugar-planters, he was doing a job—a job by which he foisted some of his German friends into good fat billets. Now, the hon. gentleman had told them that they (the Opposition, had insulted the Germans, but he (Hon. Mr. Macrossan) said they had done no such thing, and if anyone had insulted them it was the hon. gentleman and his party; and the Germans of the colony had done what he considered to be their duty, by letting their countrymen know what they were coming here to do, and not have the *fiasco* of the Brazilian immigration over again. He was not going to talk about the planters, because he did not know whether they had done what the hon. gentleman said or not, and therefore he should leave them alone; but there was no necessity

for the planters to take any action in Germany, because the Germans — the honest, faithful Germans of the colony of Queensland—were quite able to give their countrymen all the information which they required in respect to the work they would have to do in Queensland. Now, the hon. gentleman said that Mr. Pietzcker had done a good deal of work, but he had not told them what that work consisted of. What was the work he had done? The hon. gentleman had no information from Mr. Pietzcker; he had never heard from him; and it was not from him that he got the information that the laws of Germany would not permit the kind of immigration which the hon. gentleman proposed to initiate. Well, how did he get that information? Was it from the private letters of the Agent-General? He (Hon. Mr. Macrossan) always understood that the correspondence between the Agent-General and the Premier was public and not private property; but what had the Premier told the Committee—what work had Mr. Pietzcker done? The first assertion he made was that Mr. Pietzcker had done a great deal of work. Now, what had he done besides drawing the salary, and what had the agents done whom he had appointed?

The PREMIER: What agents?

The HON. J. M. MACROSSAN said he did not know, but there was a sum of £400 down on the Estimates for assistant immigration agents on the Continent. The word "agents" surely did not apply to Mr. Pietzcker alone, and there must be other people employed, or that word would not be employed. What had that agent done? The hon. gentleman told them that probably Mr. Pietzcker might be required to superintend ordinary emigration from the Continent, but he (Hon. Mr. Macrossan) thought that it was intended that Mr. Pietzcker should have a fat billet, whether the Germans came here or not. Now, he did not think the Committee were in a mood to allow that £400 to pass; he hoped not; at least he hoped it would be struck off the Estimates. At the same time, the Premier need not think that he was going to abuse the Opposition or mislead the country by saying that the Germans had been abused by members of the Opposition. They had done nothing of the kind, and, if anything, they should be applauded for defending the Germans—warning them that they would have to do work which Polynesians had been doing—the lowest kind of agricultural labour. He was certain he would not like to see his countrymen doing that kind of work, for which they would not get half the ordinary rates paid to other labourers in the colony, and he was certain that honest Germans of the colony of Queensland would not like to see their countrymen working in the sugar-fields unless they wished to employ them themselves. Certainly they would not like to see their German countrymen working for the planters of Mackay, who were not Germans, but Englishmen and Scotchmen. He hoped the hon. member for Mackay would have something to say in defence of the planters who were said to have maligned Queensland all through Germany—that baser sort of political planter. He (Hon. Mr. Macrossan) really did not know what a political planter was. He always understood that those gentlemen were sugar-planters, but it appeared now that the planters were politicians. All he could say was that if there were any political planters in the colony of Queensland the hon. gentleman at the head of the Government had made them political planters. Previously they were sugar-planters, but the hon. gentlemen had made them political planters. They might have some reason to vituperate the hon. gentleman, but he ought not to vituperate them, as it showed a bad example, which his weak and modest followers behind him were very likely to imitate.

The PREMIER said the hon. gentleman had said something about other agents. The first thing he (the Premier) stated, in proposing the vote, was that there were no other agents—that the word "agents" was a clerical error inserted in the office, and that the amount was intended to be put down for one agent.

The HON. J. M. MACROSSAN: I did not hear that.

The PREMIER said there was no other agent appointed. Mr. Pietzcker was appointed in pursuance of a promise he gave to the planters when they begged him to appoint someone as emigration agent on the Continent. They first complained of the delay in making the appointment. Mr. Pietzcker was there now ready to do the work the planters wished to have done, and his not having anything to do was not the fault of the Government. If no appointment had been made then the planters might have had just cause of complaint against the Government. As to the question with regard to what Mr. Pietzcker had done, he had supervised the emigration from Germany, the nominated emigrants leaving for Queensland. That was the work he had done up to the present time.

Mr. MOREHEAD said he would not delay the Committee long, because he knew the hon. member for Mackay was ready to despatch the wounded Premier who had already been severely handled by the hon. member for Townsville. With regard to sending Mr. Pietzcker to Germany, even if he was the best man for the purpose, it might have been as well for the Government to have obtained the information they had now before sending home an agent, instead of sending the agent first and obtaining the information afterwards. He did not altogether agree with the hon. member for Townsville, who seemed to think that the Premier had forgotten the warning, given him by the member for Townsville, that in bringing out a cheap low class of labour from Germany he would have to measure swords with Bismarck. He (Mr. Morehead) had no doubt that the hon. gentleman did remember the warning, but that he was determined in the matter and thought he would get the better of Bismarck. But the result showed that he was not quite as astute a statesman or as great a man as Bismarck. It had been quite a disappointment to him (Mr. Morehead) and no doubt to other hon. members, that the hon. gentleman who was called "the people's Sam" had been altogether worsted in the encounter. And the Premier had been disappointed because his attempt to flood the colony with cheap Continental labour had failed. That was what the hon. gentleman intended, as nobody who read the records of the House could deny; but fortunately he was prevented from doing it. The hon. gentleman had found that he was not able to deceive the unsuspecting foreigner, and he had been checkmated by the genius who presided over Germany at the present time. He sincerely hoped that the hon. member for Townsville would push his opposition to the utmost and he would promise to assist him. They had heard from the Premier that he could say nothing as to how the matter stood, although he had to admit that the endeavour to introduce cheap foreign labour was a failure. The hon. gentleman had informed the Committee that he had received some private letters from the Agent-General, but the contents of them he did not disclose to the Committee. He stated that he hoped to-morrow, or the next day, after that estimate was passed, to be able to give some information to hon. members. He (Mr.

Morehead) thought that if they did nothing else that evening they might postpone that vote until they got the information. It was very important to know how the matter of the introduction of labour from foreign States into this colony was working. They were told by the Premier that if Mr. Pietzcker could not get foreign labour in Germany he might go to Scandinavia. The hon. gentleman might give the Committee some information as to what portion of Scandinavia Mr. Pietzcker would go to, and what relations the Teutonic people bore to the Scandinavian race. He (Mr. Morehead) distinctly objected to that vote, holding, as he did, that the colony was for British people first and other nations afterwards. He maintained that until they had exhausted immigration from the mother-country—that was, Great Britain and Ireland—they had no right to spend one shilling, either directly or indirectly, in bringing immigrants from other parts of the world. When they had exhausted the mother-country they might go to their cousins by blood—so to speak—Germans and Scandinavians; but he contended that that Committee, as representing an English-speaking community, had no right to spend the money raised by the people of the colony in bringing out immigrants other than their own flesh and blood. He was not afraid to stand in that position. He cared nothing for what was called the German vote, which was made a factor by the hon. gentleman at the head of the Government, who had made it a political engine. He (Mr. Morehead) spoke as an Englishman—as a member of a great English-speaking nation; and the opinion he now gave utterance to had been expressed by him over and over again. Holding those views, therefore, he objected to the vote for introducing foreigners of any nationality except their own, at the public expense. The colony had lost a large portion of New Guinea through the action of the British Government. Let the Germans go there or to the Caroline Islands, or any other spot on the earth they were inclined to annex. They had been seized with a grasping spirit of annexation of late, and he wanted them to keep away from here unless they came at their own expense. As a citizen of the great English Empire he objected to the importation of any foreigners, be they Germans or of any other nationality.

The HON. SIR T. MCILWRAITH said he asked for some information about Mr. Pietzcker, and expected to have received a more satisfactory answer. It was satisfactory in so far that it was an admission that the whole immigration policy of the Government in regard to substituting Germans for South Sea Islanders was a failure; but the rest of the speech was very injudicious, the hon. gentleman's retreat being covered by abuse of the planters. The Premier had no right to do that, because the failure was not brought about by the planters, but through the hon. gentleman having violated the principles of white government in the colony when he proposed to bring out cheap Continental labourers. During the elections held in 1883, the hon. gentleman was worked up to enthusiasm, and he acted on his supporters, and they raised the cry "Down with the sugar-planters! Down with black labour! Let them go if they can't do without black labour." Being placed in the position of Premier, with a majority against black labour, the duty devolved upon him—and he responded to it at once—of providing a substitute for black labour; but the substitute he proposed was cheap German immigration. To make that cheap labour available it required additional funds. Englishmen had to pay £2 each for their passage, but the Germans were to be brought out on much more favourable terms—those who were too poor to pay their passage money were to be provided with passages. When the Act was under discussion it was pointed out—and the argument was unanswerable — that the planters provided their own black labour and that it cost the country nothing; whilst the Act provided that the Germans should be brought out at the expense of the country. Then the Premier saw that he had made a great mistake. But he made a greater mistake when he said that, from what he had read and from what he had been told, he believed that the Germans would take the place of kanakas where Englishmen, Irishmen, and Scotchmen would not. That was where the Premier insulted the Germans. The Opposition complimented the Germans by saying that they were not fit to do the work of kanakas. But their great objection to the Act was, that the working men of the colony would not stand being taxed to bring out men who would inevitably compete with them in their own work. Immediately after the Premier forced the Act through the House he saw it would be a failure —that he might fulfil his promise to the planters, but that if he did his influence over the electors would be gone. He defied any man to look at the action of the Premier and not come to the conclusion that, from the day the Act passed, he deliberately set himself to work to block any action being taken under the Act. The first thing the planters wanted to know was how to get the men, and they were blocked there. They set down their idea of the terms they should offer, but the Premier, instead of saying they were not good enough, brought the agreement before Parliament and simply abused the planters. If the terms were not good enough it was his duty to say what terms he thought would be sanctioned by the Government; but he never got so far as that. Whenever the planters took one step to find out how the Government could assist them the Premier, either by abusing them in Queensland or in other places, or thwarting them in every possible way, prevented any action being taken. It was thought that the hon. gentleman had got into his head a hatred of the planters, caused by the controversies he had with them, but at that time he believed the hon. member had no pronounced antipathy to them. The Premier saw the planters were determined that the Act should come into operation, and that they would try to get some benefit from it, but he thwarted them constantly. Every man in the colony saw that no action would ever be taken under that Act—that Germans would not be brought to the colony—not because the planters were not willing to get them, but because the Government would not stand twelve months if they attempted the thing; therefore it was hopeless to expect the substitute the Premier had promised for black labour. What had really been done? The Act having proved a failure—not from the fault of the planters—the Premier found that he had to provide billets for some of his German friends to whom he was under obligations. When the Act was known to be a failure—admitted to be so by the Premier, other members of the Ministry, and the whole country—the Premier got up an agency in Germany for the purpose of working up a failure there, the same as he had done in the colony. What stopped Mr. Pietzcker's efforts in Germany? Was it the determination of Prince Bismarck that the Germans should not make agreements to come to the colony for a certain time? That was the law of the land in Germany, when he was there in 1872, and had been the law ever since. That fact was put before the Premier when the Act passed, and he knew very well that no agreement on the part of Germans to work for a

term in Queensland would be sanctioned by the German Government; but the Premier must provide billets for his friends, and send them on what he was told would be useless work. He had no hesitation in calling the appointment a job. It was a job to provide a man with ostensible work for the Government which he would never have to perform but which he would be paid for by the Government. That was a job, and it was as clear a job as was ever perpetrated, in the case of Mr. Pietzcker. The hon. member said he did not propose to leave Mr. Pietzcker entirely in the hands of the Agent-General, but his explanation did not make matters much more satisfactory. He said that if Mr. Pietzcker was not wanted in connection with general immigration the Agent-General was authorised to dispense with his services. What could Mr. Pietzcker do in regard to general German immigration? He would be perfectly useless. The system had been in the hands of men of business hitherto, and he would go as a stranger, without authority from the Agent-General, and, with the exception of suggesting any arrangement by which he could help himself and his friends, nothing would come from the circumstance of his visiting Germany. He would repeat that the Premier had disgracefully abused the planters simply to cover his own retreat from a course which reflected the greatest discredit on him for having proposed it as a remedy for the destruction of the labour traffic on which the sugar industry depended.

The PREMIER said that anyone who really knew the facts of the matter must have listened with profound astonishment to the statement the leader of the Opposition had just made. It almost looked as if the hon. gentleman knew nothing at all about the case himself. At all events he had some very strange views if he imagined that his statement was anywhere near the real facts of what was done. Did the hon. member really believe that it had been the policy of the Government to encourage immigration from the Continent on more favourable terms than from Great Britain? Nothing of the kind. If the hon. member would look at the Immigration Act of last year he would see that it allowed immigrants to be indented on equrl terms from all parts of Europe.

The HON. SIR T. MCILWRAITH asked how it provided a substitute for black labour?

The PREMIER said the hon. gentleman was in the habit of putting words in his (the Premier's) mouth. The hon. member was accustomed to utter those things session after session. First he said them in one session, and then in the next session he affirmed that it was he (the Premier) who said them. That was how the hon. gentleman had become unreliable in his historical stories. The next part of the hon. member's narrative related to how the Government had endeavoured to deceive the planters. The Government, he said, never intended to get any men for them at all. The facts were that the Government said they would assist the planters in getting indented labour from Europe. Then the planters wrote an extraordinary pamphlet as to the wages they intended to offer, and the food they would give, and so on. The pamphlet was sent to the Government officially. The hon. member said that the Government brought that scheme before the House, exposed it, and denounced the planters. He (the Premier) thought hon. members knew how much accuracy there was in that statement. He had heard some doubts whether that pamphlet was written *bonâ fide*, but on the whole he believed the planters must have employed a man to write it, and that they did not act in good faith. When the pamphlet was brought before the House the monstrous nature of the terms was pointed out, and he (the Premier) said at once that he would be no party to any immigrants being introduced on such terms. But the leader of the Opposition said that it was the planters who had been all along deceived by the Government. The hon. member had tried for twelve months to mislead the public and his friends on that subject. The real facts of the case were these: The Government said it was no business of theirs to make agreements between the planters and their servants, but what they would insist on would be that persons intending to come to the colony should be told exactly what sort of a country it was, what sort of accommodation and food they would get, what kind of work they would have to do, and what the current wages of the country were; and then, having told them those things, they would allow them to make their own bargain. That had been the position of the Government from the first, and what the Government did right through and with perfect consistency. From the beginning to the end they had said, "We will have officers to see that intending emigrants know exactly what they are doing." An officer was accordingly appointed for the work, but the planters did nothing more. But then the leader of the Opposition went on to say that the Government, having found that the proposal to get labour from the Continent would be a total failure, appointed Mr. Pietzcker merely for the purpose of providing that gentleman with a billet. The hon. gentleman, however, was again all wrong in his facts. The vote for Continental agents was passed by the House last year. The Government did not appoint any gentleman at once, because no applications were coming in, but as soon as they were assured that applications were about to be made, they sent Mr. Pietzcker to Germany, and they went so far as to enter into preliminary negotiations, at the request of the planters, for the laying on of ships from Hamburg and Copenhagen direct, and, in short, showed their *bona fides* in every possible way. What, then, of the statement just made by the leader of the Opposition? Was it surprising if the most patient of men got tired when their persistent efforts to assist others were rewarded in such a manner? That was all he wished to say on the subject. In saying it he had not lost his temper in the slightest degree. He had calmly explained the conduct of the Government towards the planters. If the planters thought that they had acted towards the Government as honourable men they were welcome to hold that opinion. As for himself, he was compelled to come to the conclusion that there were persons among the planters with whom he could have no dealings—men by whom one might expect to be tripped and tricked at every turn he took. In conclusion, he might say the Government did not intend to offer them any further special assistance to get labour from Europe. They must go their way, and the Government would go theirs. So much, then, for the historical statement of the leader of the Opposition.

The HON. SIR T. MCILWRAITH said he believed the Premier was right in stating that he had said as much as he wanted to say, but he (Sir T. McIlwraith) would like him to go a little farther and explain to the Committee how it was that the wonderful measure passed last session for the immigration of labourers had been such a failure. Did the Premier, in cold blood, say that because a few planters thwarted him and put him out of temper he had come to the conclusion that the Act should be inoperative? Was that, his great remedy for black labour, to be inoperative simply because the Premier had had a quarrel with a small section

of the planters? How many were there of those offending planters? Were the balance of righteous planters as many as would have saved Sodom and Gomorrah in the old days? Why was the whole thing to be thrown aside, and made a miserable fiasco? The thing was inoperative; the Premier told them that it would never have the effect of bringing cheap Germans to the plantations. Why was that so? Because if the Premier could have put it in operation he would have been afraid to do so. He knew it was against the public opinion of the colony—that it was against all right and justice; and he knew that as soon as the Act was passed. He (Sir T. McIlwraith) was sure he was right in the opinion he had come to, that the Premier had deliberately set himself—for his own safety—to prevent that Act from coming into operation.

The PREMIER said it was really amusing to listen to a statement like that—that he had deliberately set himself to prevent an Act coming into operation. What were the facts? The Government appointed an agent to assist anyone who wanted to procure indented labour, and they made preliminary arrangements for bringthat labour out. What more could the Government do? What did the hon. member mean by saying the Government had deliberately set themselves to prevent the Act coming into operation? There was nothing the Government could have done to facilitate it that they had not done. The hon. member used words in a strange sense sometimes. The hon. member repeated every year the statement that the Government proposed to substitute German labour for black labour. The hon. member knew exactly how much truth there was in that. What the Government maintained was, that it was not desirable that this colony should be populated by black people, but by Europeans. They did desire to substitute European civilisation for the Asiatic civilisation the hon. gentleman desired to see here. In that sense the statement was true.

The HON. SIR T. MCILWRAITH: Accept the differentiation if it will suit.

The PREMIER: The hon. gentleman could see no difference between the two, but he thought it was scarcely necessary to point out the difference. Everyone else saw that it was not merely the colour of the skin of a man working on a plantation that it meant—it meant a great deal more than that. It meant the future history and welfare of this colony, and of many other parts of Australia.

The HON. SIR T. MCILWRAITH: It means black *versus* white. What is the use of talking about it?

The PREMIER: It was that in more than one sense. The people of this colony intended it to be a European country, and the hon. member did not. As long as the hon. member set himself to turn this country into an Asiatic country he would remain where he was.

The HON. J. M. MACROSSAN said it was very amusing to listen to the hon. member. He asked very boldly what more the Government could have done, and told them at the same time that the people of the colony intended this to be a European country and that the labour was to be European. Admitting that, was it necessary to pass an exceptional Immigration Act? They had the ordinary Immigration Act, which served the country for years, and on the lines of which as many as 24,000 Englishmen, Irishmen, and Scotchmen were brought to the colony in one year—was that not sufficient for keeping up a supply of Europeans? No; the hon. member passed a special Act for a special purpose; and the purpose—let the hon. member deny it as he liked—was to supply the place of the kanakas who were to be driven out. It was no use denying a fact of that kind, and saying it was not true history. The hon. gentleman asked very boldly what more the Government could have done than appoint the agent. He would tell the hon. member what more the Government could have done had they not been—even taking him on his own word—so densely ignorant. Having passed that Act which in his ignorance the hon. member did pass, he should not have appointed an agent until he knew there was work in Germany for that agent to do. But the hon. member was so self-satisfied that, as the hon. member for Balonne pointed out, he thought he was a match for Prince Bismarck. He not only appointed the agent, but actually entered into negotiations to send ships from Germany and Denmark before he had ascertained whether he could get the people to fill those ships. The hon. member had been acting in the most shameful manner, taking him on the strength of his own admissions. The head of a Government should know much better than the hon. member did. No Government acting as he had acted was fit to conduct the immigration. A special Act was passed for a special purpose; that was the first step in the blunder. The next was making arrangements for ships and for agents when there were no people to come. The Government of the country from which those people were to come had said years ago that they would not allow their people to leave unless under certain conditions which were almost prohibitive. The hon. gentleman at the head of the Government should have made it his business to find that out, if he did not know it. That was what the Government should have done, and they had not done it. The Premier tried to keep up the delusion of having found a substitute for black labour, as he pointed out at Cooktown three years ago. He said then that the man who could solve the labour question would deserve well of the country. He was pretending all along that he had solved the labour question; but he had only demonstrated to the people of this country his ignorance of the laws of Germany.

Mr. HAMILTON said the leader of the Opposition characterised the appointment of Mr. Pietzcker as a disgraceful job; but he hardly saw what other course the Premier could have taken. Mr. Pietzcker, he believed, was insolvent not very long since; and insolvency had been stated by the Premier, on more than one occasion, to be a disqualification for holding any official position. But that happened when the unfortunate individual was a supporter of the Opposition side of the House. Mr. Pietzcker was well known to have been a strong supporter of the Premier in the last election. It was necessary he should be rewarded; it was inconvenient for the Premier to reward him out of his private purse, and consequently he did it at the expense of the State. They all knew very well that he was not the only individual who had been so rewarded. He had not such a poor opinion of the common sense of the Premier as to believe that he was ignorant of the existence of a law in Germany which prevented indented labourers coming to this colony. It was absurd to suppose that if he intended introducing those indented Germans he would not have taken some steps in the first instance to ascertain if there was a law in Germany which would bear upon the introduction of those immigrants. It did not suit the hon. gentleman to inform the public that such a law existed. He had to devise some solution for the labour question, and that was the most convenient solution at the time. If he had informed the public that it was perfectly impossible to introduce the Germans, his scheme would have fallen to the ground. It was most amusing

now to see the Premier attempting to put the onus on the planters, and actually charging them with having, through their action in spreading reports throughout Germany, prevented the fructification of his scheme. The hon. member, by his own admission, stated that the reason Germans could not be introduced was that a law existed, which they all knew existed before the Premier ever sat in that House. It was very fortunate for the hon. member that that scheme did fall to the ground. Had the Germans been introduced under the terms the hon. member proposed to introduce them he would have had little chance of returning to that House had he gone to the country. What would have been the effect of the introduction of large numbers of Germans on those terms into the northern portions of the colony? The proposition was that the planters were to have cheap German labour introduced at the expense principally of the working men of the colony, in order that they might compete with those working men. After five or six months they would have acquired a smattering of English, and when they learned that, while they were getting 10s. or 15s. a week, miners in various centres in the North were getting from £3 10s. to £4 10s. a week, it would be an absolute absurdity to expect they would be satisfied with the wages they were getting. The advent of 200 or 300 Germans into a mining centre would be quite sufficient to lower the wages, and when they had been working for from 10s. to 15s. a week they would consider half the wages which were being earned by the miners princely wages, and they knew what the effect of such a reduction as that would be on the popularity of the present Government. It was very easy to make charges, as the Premier had done all night; and while there was no individual more ready to make charges, there was none who winced more readily when charges were made against himself. The hon. gentleman appeared to be absorbed with an all-consuming hatred of the planters. On every occasion, private and public, he expressed himself in most bitter terms with regard to the planters. The probability was that he did so because he knew he had treated them most unjustly. The hon. gentleman now told them that Mr. Pietzcker was going to Scandinavia. They knew the antipathy which existed generally between Scandinavians and Germans, and a German should have been the last person sent as an immigration agent to Scandinavia, unless he had exceptional qualities for the work. He agreed with the leader of the Opposition when he referred to the appointment of that individual as a "disgraceful job." They ought certainly to get some further information on the subject before they passed the vote.

Mr. BLACK said he would like to ask the Premier how it was that Mr. Pietzcker had not sent out the information that the German Government would not allow their subjects to be indented for labour in Queensland? He understood that the Premier had received the information from the Agent-General two months ago. It would also be a matter of interest for them to know what Mr. Pietzcker was really doing, and whether he really was in Germany at all or not.

The PREMIER said the hon. gentleman wished to know why Mr. Pietzcker had not told the Government. Well, he had not said that Mr. Pietzcker had not told the Government. The communication came to him from the Agent-General, and he could not say whether Mr. Pietzcker had or had not communicated with the Agent-General first. The hon. gentleman said the information came here two months ago. He was quite certain it was not two months ago since he first heard of it, with respect to Germany, though he had heard of it with respect to Denmark, from an unofficial source, about six weeks ago.

Mr. BLACK said that at all events it appeared that the Premier knew of the determination of Germany, and had information which was not known in the colony. The hon. gentleman knew of it at the time he brought in the amended Polynesian Act. One of the very significant remarks the hon. gentleman made was that before five years had elapsed the labour question would settle itself. In what direction did the Premier suppose it was going to settle itself? The hon. member had information when he brought in the amendment of the Polynesian Act which was not in the possession of the country generally, and he was actually misleading the country—leading the people of the colony to believe that the fault of not getting Continental labourers rested with the planters, when he knew that Prince Bismarck and the King of Denmark prohibited their men from coming. He confessed that he (Mr. Black) did not know that until recently, and he mentioned that to show the extreme insincerity of the Premier. They had again heard the hon. gentleman's abuse of the planters. He referred to a baser sort of planters, and to what he called "political planters." He would be obliged to the hon. gentleman, as the planters had spread from one end of the coast to the other, if he would inform him where the "political planter" existed.

The PREMIER: Principally at Mackay, if you do want to know.

Mr. BLACK said he was glad to hear the Premier say so. He had been looking for that information for some time.

The PREMIER: The others are very decent fellows indeed.

Mr. BLACK said he was glad to hear that also, because it gave him an opportunity of saying what he deduced from the statements of the Premier, and it was this: That because a very small section of the planters at Mackay happened to assert their political rights owing to their being more concentrated than planters in other portions of the colony—that because they chose to assert their undoubted political rights, and would not bow down to the Premier's ideas on that subject, maintaining that they understood their own industry a great deal better than the Premier did—that because they refused to bow to the dictum of the Premier, he exercised his revenge upon the whole colony.

The PREMIER: Where is the revenge?

Mr. BLACK: In every action the hon. gentleman has taken upon that question.

The PREMIER: What have I done to show revenge?

Mr. BLACK said it was not what the Premier had done, but what he might have done but did not do. The hon. gentlemen had promised a good deal, but all his promises had ended in utter failure.

The PREMIER: Mention one of the promises.

Mr. BLACK said the hon. gentleman had utterly failed to solve one of the most important questions before the colony. Nothing had given him greater satisfaction than to hear the Premier state that he intended to let those political planters alone. The hon. member could do nothing better. The planters would solve the question for themselves. They distrusted the Premier quite as much as he distrusted them, and they had good ground for their distrust. It was not necessary that he should go into a history of the facts. One thing he was glad to observe,

and that was that the Premier had stated that whatever he had said that night he had said with due deliberation, and when he was calm, cool, and collected, and in no way hasty. So that they could believe the hon. gentleman would not be misreported that night, and whatever they saw attributed to the hon. gentleman in *Hansard* in the morning they could accept as the real utterances of the Premier, and that was something they could hardly ever do before. They were always told, when the utterances of the hon. gentleman did not suit the political creed he was supposed to hold for the moment, that he had been misreported. They were told that night, however, that he was not likely to be misreported, that he had said what he meant calmly and deliberately. He hoped the hon. gentleman would take the opportunity of seeing *Hansard* before it was published, so that they could rely upon what he had said. One thing he said out of which he tried to get some political capital, was about the pamphlet which he said the planters had dragged into the House. A more untrue statement was never made.

The PREMIER : That is not what I said. I said that the leader of the Opposition had said that I had dragged it into the House, and that it was not so.

Mr. BLACK said he could not agree with the hon. gentleman. Perhaps he would be misreported again.

The PREMIER : Misrepresented ; not misreported.

Mr. BLACK said the pamphlet was dragged into the House, if not by the Premier, by one of his supporters — he was not certain, but he believed by the hon. member for Toowoomba. All he knew was that a copy of that pamphlet was sent, in all honesty, to the Premier, to ask his opinion about it. It was never intended for discussion in the Committee, and it was one of the grossest breaches of trust he had ever heard of, when the Premier handed that pamphlet to one of his followers and had it dragged into the Committee.

The PREMIER : It was published in a newspaper at Mackay.

Mr. BLACK : It was sent to the hon. gentleman for his revision, and to elicit his opinion upon it.

The PREMIER : It was published as a supplement to a Mackay newspaper, and was never sent to me at all. You are imagining things.

Mr. BROOKES : It was a very disgraceful pamphlet.

Mr. BLACK said he did not think the hon. member was much of a judge on that point. He could not conclude without making a few remarks on the subject of indented labour, and he affirmed unhesitatingly that the planters had done their very best to see if they could get suitable Continental labour.

Mr. BROOKES : For nothing?

Mr. BLACK said the planters saw that the supply of Polynesian labour was running short, and as they had given up all idea of coolies, they had in every possible way endeavoured to make use of the Immigration Act passed by the Premier in order to obtain a supply of Continental labour.

The PREMIER : Four applications have been received.

Mr. BLACK said the hon. gentleman must not suppose that all the applications were necessarily sent into Brisbane ; they might be sent to the Agent-General in London. They might secure the labour at home, and then have it approved by the Agent-General. The Premier had assured the Committee that for the future he intended to treat the political planters with contempt. Well, perhaps the political section of the planters returned the compliment ; and he dared say the planting industry in the colony would survive long after the hon. gentleman was dead and gone.

The PREMIER said he hoped it would, and that it would prosper on a sure basis. He rose now simply to protest against hon. members continually saying that he (the Premier) was always complaining about being misreported. He did not complain of being misreported. He spoke a great deal, and occasionally a mistake was made —perhaps twice a year. Because on one or two occasions he had had to correct an obvious error, hon. members had not only gone about saying that he was always complaining about being misreported, but some persons had actually put it into official documents.

The HON. J. M. MACROSSAN : Where?

The PREMIER said the hon. gentleman would find it seriously stated in the extremely amusing correspondence on the subject of separation. It was about time that accusations of that kind were discontinued, for there was no foundation for them.

Mr. BLACK : Did not the hon. gentleman complain of being misreported in his remarks to the Maryborough deputation about the packing of the Mackay bench?

The PREMIER said he did not suppose that reporters were infallible, and that was a mistake of the reporter. It was well known to everybody that the facts to which he referred on that occasion took place at Bundaberg.

Mr. PALMER said he was surprised to hear the Premier say that he had never advocated, when the Bill was before the House last year, the introduction of Germans and other labour of that kind.

The PREMIER : When did I say that?

Mr. PALMER : In the political epitome which the hon. gentleman had just now given. He had since referred to the hon. gentleman's speeches last year, and found that he had specially recommended that kind of labour.

The PREMIER : Of course I did.

The HON. J. M. MACROSSAN asked what the Premier meant to do with regard to the item of £400 for the German Immigration Agent?

The PREMIER said the agent must be paid, for the half-year at any rate. He forgot the exact terms on which Mr. Pietzcker was appointed, but he thought it was for a year certain. But unless he received very different information from Mr. Garrick, to-morrow or next day, from what he anticipated, he intended to recall Mr. Pietzcker, by telegraph, at once. He would inform the House as soon as he got the information.

The HON. J. M. MACROSSAN said that was all very well ; but Mr. Pietzcker was appointed to do certain work, and the work was not there for him to do. The hon. gentleman wanted to give him some other kind of work for the Agent-General. Was he wanted for that work? If not, it was simply playing with the appointment.

The PREMIER said what he stated was that he did not think Mr. Pietzcker's services would be required. If there was any work to do in connection with German immigration for which

his services would be valuable they would be retained; if not, they would be dispensed with. He had not received any definite information on the subject, and thought it worth while to ask before suddenly recalling him.

The HON. J. M. MACROSSAN said he would like to know in what way Mr. Pietzcker was likely to make his services valuable unless in connection with German immigration. Surely he would not be required to superintend English, Irish, or Scotch immigration!

The PREMIER: No.

The HON. J. M. MACROSSAN said the only excuse for employing Mr. Pietzcker was in connection with German immigration, as he would be of very little use so far as Scandinavians were concerned; and he (Hon. Mr. Macrossan) could not conceive any work he could possibly be employed on that was not at present done by somebody else in Germany.

The PREMIER said there was the work of despatching officer in Germany; somebody had to do that kind of work, and if Mr. Pietzcker could do it better and cheaper than anyone else it would be well to continue his services. The reason why he could not come to an absolute conclusion at once was that the Agent-General went to Copenhagen last month to see what prospects there were with regard to emigration from there, and Mr. Pietzcker had to meet him there; and knowing nothing as to the result of that, he thought it desirable to get further information before taking action.

The HON. J. M. MACROSSAN said they all knew the Agent-General pretty well, and he should be sorry to leave the employment of Mr. Pietzcker to him, because if there was anything that he could possibly avoid doing he would employ Mr. Pietzcker to do it for him.

Mr. MOREHEAD said surely the vote could be postponed until they got the information which the Premier had promised from Mr. Garrick. He did not know whether that gentleman had gone to Copenhagen on account of the Czar or other distinguished potentates being there. Perhaps he intended to consult the Czar about sending Russians to the colony. As the Premier expected that he would get definite official information from the Agent-General within the next day or two, he thought it would be better to postpone the vote.

The HON. J. M. MACROSSAN said he would like the Premier either to postpone the vote or withdraw the sum to which he had referred, because, if Mr. Pietzcker's services were actually wanted the money could be got to pay him; but as the Premier said he was hardly likely to be wanted, he (Hon. Mr. Macrossan) thought he should not ask the Committee to vote the money.

The PREMIER said the vote was for six months only. It was a mistake in the Estimates that it was put down for only six months, and the amount for that period would certainly be wanted.

The HON. J. M. MACROSSAN: Was the amount on the Estimates for the six months just passed?

The PREMIER: For the current six months.

Mr. MOREHEAD: Has it been paid?

The PREMIER: Of course the salary must be paid.

The HON. J. M. MACROSSAN: Is this officer paid £800 a year?

The PREMIER; No; £400 a year. The amount on the Estimates was correct, but the time was wrongly stated. It is one officer for twelve months at £400. He had no objection to the item being reduced by £200; and would move an amendment to that effect.

Question—That the amount be reduced by £200—put and passed.

The PREMIER said of course, if it was necessary to keep Mr. Pietzcker on, he would have to ask the House for his salary for the next six months, the vote having been brought on in the way it had been. He should inform the House as soon as the Government had come to a conclusion on the matter. Under the circumstances it would be necessary, and would have been necessary, if Mr. Pietzcker's services were continued, to ask the House for a further sum for his salary.

Question—That £3,687 be granted for the Agent-General's Department—put and passed.

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again tomorrow.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn. We propose taking first the Legislative Council's amendments in the Federal Council (Adopting) Bill, to which I hope hon. members will give careful consideration before the matter comes on for discussion. We shall then proceed with Supply, in which, I trust, we shall make considerable progress.

The HON. SIR T. MCILWRAITH: Will the Premier tell us what action he intends to take in reference to the amendments in the Federal Council Bill?

The PREMIER said: Mr. Speaker,—I may as well state now why those amendments were introduced. The Federal Council Bill has passed the Legislative Assembly of Victoria, and there is every probability that it will pass the Legislative Council. About South Australia I am not so sanguine, and I have no information about Tasmania. A Federal Council would be of no use unless there were three constitutional colonies, at least, in it; it would not otherwise have that prestige it ought to have. I am, therefore, disposed to think that our going in should be contingent upon South Australia and Victoria going in. Then there would be three—Western Australia is already in—and when Tasmania comes in it will include the whole of Australia except New South Wales. I am disposed to think that by adopting the amendments of the Legislative Council we might tend to bring about that result; at least, that is how it strikes me, and I call attention to it particularly because it is a serious matter. I hope hon. gentlemen will give it consideration from that point of view before to-morrow. The proposed amendments were in the Bill as I first drafted it; but I omitted them, on the suggestion of the Premier of Victoria. However, seeing we are now first, and the matter is dragging in South Australia—I do not know what has become of it there—it is better to revert to the original draft.

The HON. SIR T. MCILWRAITH: What is the latest information the Premier has with regard to South Australia? When do they consider the matter will be decided?

The PREMIER: The latest information I have had from South Australia is a telegram in answer to one I sent. The Premier is of opinion it will go through; but somehow it drags very curiously. They are confident that it will pass in Victoria, and we shall be on the safe side if we adopt the amendment, because we will not go in unless those two others go in also.

The House adjourned at twenty-seven minutes to 11 o'clock.