Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 27 JULY 1886

LEGISLATIVE ASSEMBLY.

Tuesday, 27 *July*, 1886.

Message from the Administrator of the Government—Vote on Account.—Petitions.—Questions.—Knighthood of the Premier.—Formal Motions.—Personal Explanation.—Criminal Law Amendment Bill.—Refined Mineral Oils Act Amendment Bill.—Supply.—Ways and Means.—Appropriation Bill No. 1.—Local Authorities (Joint Action) Bill—second reading.—Pearl-shell and Bêche-de-mer Fishery Act Amendment Bill—committee.—Pacific Island Labourers Act Amendment Bill—second reading.—Adjournment.

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

MESSAGE FROM THE ADMINISTRATOR OF THE GOVERNMENT.

Vote on Account.

The SPEAKER announced the receipt of a message from His Excellency the Administrator of the Government, recommending that provision be made out of the Consolidated Revenue Fund for the sum of £250,000 towards defraying the expenses of the various departments for the year ending 30th June, 1887.

On the motion of the COLONIAL TREASURER (Hon. J. R. Dickson), the message was referred to the Committee of Supply.

PETITIONS.

Mr. DONALDSON presented a petition from the pastoral tenants in the Mitchell district who desired to bring their holdings under Part III. of the Crown Lands Act of 1884, asking that their rents should not be raised above the rates at present paid for the first three years of their new leases under that Act, and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. DONALDSON, the petition was received.

Mr. BLACK presented a petition from the committees of management of the Walkerston and Mackay Presbyterian Churches in favour of the repeal of the Contagious Diseases Act, and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. BLACK, the petition was received.

QUESTIONS.

Mr. CHUBB asked the Colonial Secretary—

What salary and allowances is Mr. Milman receiving for discharging the duties of Police Magistrate and Government Resident at Thursday Island in the absence of the Honourable John Douglas?

The PREMIER (Hon. Sir S. W. Griffith) replied—

Mr. Milman receives the full salary and allowances voted for the office. Mr. Douglas does not, while acting as Special Commissioner for the Protected Territory in New Guinea, draw any salary as Police Magistrate and Government Resident at Thursday Island, and does not draw any allowances while absent from that place.

Mr. ISAMBERT asked—

Does the Government intend to bring forward any measures to relieve the industrial depression of the colony of Queensland?

The PREMIER replied—

I am not quite sure that I apprehend the meaning of the hon. member's question. The Government hope that all the measures that they will bring forward will tend to advance the general prosperity and welfare of the colony, but they have no present intention of bringing forward any proposal to legislate for the special benefit of any particular section of the community.

KNIGHTHOOD OF THE PREMIER.

Mr. NORTON said: Mr. Speaker,—In consequence of a report which has been circulated in the newspapers, I hope the Premier will allow hon. members on this side of the House to express their gratification at the honour which has been done him in recognition of the services he has rendered to the public of Queensland and Australia. I do not know whether it is usual for gentlemen sitting on the Opposition side of the House to congratulate the leader of the Government when an honour has been conferred upon him, but I can assure the hon. gentleman that although we differ from him very much in politics, and on many matters brought before this House, I believe every member on this side of the House was truly pleased to hear the news which was published yesterday morning to the effect that the honour of knighthood had been conferred upon the leader of the Government. For my own part, although I have sometimes been rather hurt at the severe criticisms of the hon. gentleman, I have always felt that, whether we agree or not upon the matters brought forward here, the hon. gentleman deserves the greatest credit for the pains he has taken in regard to the measures brought before this House, and also for the action taken by him with respect to the initiation of the Federal Council, and for other matters in which the colony is greatly interested; and I therefore hope that on this occasion the hon. gentleman will permit me, on behalf of the members on this side of the House, to congratulate him most sincerely upon the honour which has been conferred upon him by Her Majesty.

The PREMIER said: Mr. Speaker,—I thank the leader of the Opposition most heartily for his kind congratulations, and I thank hon. members generally for the manner in which they have assented to them. It is satisfactory to know that one's labours are appreciated by gentlemen who are capable of appreciating them.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By the COLONIAL TREASURER—

That so much of the Standing Orders be suspended as will admit of the immediate constitution of the Committee of Ways and Means, and of reporting resolutions of the Committees of Supply and of Ways and Means on the same day on which they shall have passed in such committees; also of the passing of a Bill through all its stages in one day.

By the PREMIER—

That leave be given to introduce a Bill to amend the criminal law so far as regards the punishment of persons convicted of first offences.

By the ATTORNEY-GENERAL (Hon. A. Rutledge)—

That this House will to-morrow resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to amend the law relating to the incorporation and winding-up of gold-mining companies, and to amend the Companies Act, 1863, so far as relates to such companies.

By Mr. FOOTE—

That there be laid upon the table of this House, a return showing—

1. The quantity of wheat grown in this colony.
2. The quantity of wheat imported into this colony coastwise and across the border, also the amount of duty paid on the same.
3. The number of tons of flour imported into this colony.

These returns to be made from the 31st of December, 1880, to the 30th of June, 1886, respectively.

PERSONAL EXPLANATION.

Mr. NORTON said: Mr. Speaker,—Before the House proceeds to the consideration of the Orders of the Day, I have to ask permission to make a personal statement with regard to what took place here on the last evening we met, with regard to the charges of corruption made against my hon. friend the late Minister for Works, Mr. Macrossan, and, to some extent, with regard to statements made concerning myself. I may say that on that occasion I declined to answer the statement made by Mr. Hill. I decline to answer his statements now, but I think it is due to the House, and certainly to some hon. members of the House, that they should have some explanation from me concerning the circumstances then referred to. I may say, sir, that I arrived at this conclusion partly in consequence of a conversation I had with yourself on Friday morning, when you pointed out that some members of the House would like to hear from me something more than a bare denial of having been influenced by Mr. Macrossan in the decision of those claims of Mr. McSharry. Since that conversation a wish has been expressed by some friends of my own that I should say something further on that matter. It appears to me that it is due to Mr. Macrossan—and I care very little what is said about myself—it is due to him, I think, that I should, so far as I can, remove all suspicion of my having been influenced by him with regard to any decisions given concerning McSharry's or any other contract. I would therefore, in the first place, point out the reasons I had for taking the action I did in respect to those claims—that is to say, making allowances to the contractors after the Chief Engineer had made his final report. I think I can give the House good reasons for believing that Mr. Macrossan was most unlikely to have influenced me in the matter. In the first place, I have to refer to the excessive power which is given to the Engineer-in-Chief under the conditions of contract with which contractors for railway works have to comply. I believe those excessive powers—those inordinate powers—have the effect of making the Chief Engineer tyrannical under some circumstances. I do not mean to mention any particular case where I think tyranny has been exercised, but I do say that the very fact of holding that power, and the knowledge of the utter helplessness of the contractors, conduces to a system of tyranny, whether the engineer desires to exercise it or not. I may point out that in the first place the engineer may object to the employment of any of the employés of the contractor on the ground of improper conduct, or workmanship improperly effected, and he is himself to be the judge of what is improper conduct or workmanship improperly effected. Again, the contractor is bound to obey all the instructions, verbal or in writing, given him by the engineer or his agents. That alone places him in the hands of the engineer, who may forget the instructions he has given verbally. The engineer may withhold the contractor's monthly certificates at any time he thinks fit to do so, he alone being the judge of his conduct in that matter; and in spite of his power to withhold the certificates the contractor is still bound to pay his men their wages every month, whether the money has been paid to himself or not. Under the 12th clause, again, the engineer can do any mortal thing he likes. He can alter the line for which a contract has been given, he can increase or diminish the work to be done and fix the price which the contractors will be paid in every instance. If there is work to be done of a different character to any included in the schedules he has to agree to the price which shall be paid for that work with the contractor, and in the event of their not agreeing—and he need not agree unless he likes—he can appoint somebody to fix his own price for him. The contractor can have no claim whatever either in law or equity unless the engineer has first given his

certificate for the work for which he claims. The contractor may not assign his contract or sub-let any portion of it without the written consent of the commissioner. I believe, as a matter of fact, some sub-contracts are given, but the result of the commissioner not having given a written consent is that the contractor is liable for all debts incurred by the sub-contractor. Further, if there is any delay, whether by carelessness or any other reason, on the part of the commissioner or his officers—if any delay takes place and the contractor is put to any loss he has no claim whatever, except to an extension of time. That is to say, if a contractor has 500 men engaged in any particular work, and through the commissioner or his officers any delay takes place by which these men are forced to be idle for any time, the contractor has no claim whatever except to an extension of the time of his contract. If any works are injured during the course of a contract—if for instance a place has to be crossed where there is low and flooded land, and the Chief Engineer neglects to make sufficient allowance for the escape of the water—the contractor has to build up his banks according to the plans, and simply because insufficient provision is made for the escape of the water the whole of the banks may be carried away. It is not the Chief Engineer, but the contractor, who is responsible in that case for the injury to the works. He has to replace all those works, and must replace them on the order of the Chief Engineer, even though he knows they are liable to be carried away again by a flood before the completion of his contract. Then again, there is the 40th clause, and that is the most extraordinary of all. It says—

"Should any dispute arise as to the proper interpretation of the specification, or as to what shall be considered carrying on the work in a proper and workmanlike manner, or as to the quality of the work or materials used, or as to the expense of any additional work or deduction from that specified, or as to any alteration which may be more or less expensive than the work specified, or as to any payments or claims in respect of the work or as to the proper maintenance of the works, or any in respect of the alleged breach of these conditions or any of them, or as to any other claim, matter, or thing connected with or in any way rising out of this contract directly or indirectly, whether professional or otherwise, the same shall be referred to the chief engineer, whose decision shall be final and binding on all parties, anything in law or equity to the contrary notwithstanding."

Those are the conditions by which the contractor is bound, and the only case in which he can sue is where the Chief Engineer has given his certificate and the Commissioner fails to pay the money. Now, I think everyone will admit that though under the extremely harsh conditions a contractor may be treated with perfect fairness by the Chief Engineer to the Government, still there are always cases when a Minister is bound to consider whether the Chief Engineer has acted fairly or not. Now, with regard to this claim of McSharry's, I have no more particulars of it than are contained in the paper brought to the House the other night by the hon. member, Mr. Hill. I have not gone to the Works Office to find out more particularly what the claims were, and therefore I must speak almost entirely from memory. First of all, there was the deviation of the line—that was one of the points brought under my notice by McSharry. Now, the mere fact of a deviation being necessary is, to a certain extent, a condemnation of the Chief Engineer's own work; because the plans placed on the table of the House and approved of by the House are those which are supposed to be carried out by the contractor. The contractor, of course, is guided by them in making his tender; and if any deviation is made it shows that the engineering department has either not taken the trouble to fix what is afterwards found to be the proper line, or that something or other is wrong—there may be more explanations than one. At any rate, it shows that the line, as shown by the plans, is not the line which the Chief Engineer afterwards thinks it desirable should be carried out, and to that extent it shows that the Chief Engineer or his officers have not done their work as satisfactorily as it should have been done in the first instance. I would also point out, in connection with these particular claims, that Mr. Ballard in his report used figures which he was afterwards obliged to correct before me. I think that is sufficient to condemn him very severely. The first of these claims is claim A, £877 10s. Now, I do not remember the circumstances of that claim or the next particularly; but I believe that the first was in connection with a certain portion of the line taken over before the time specified in the agreement, and that the second referred to works which were pushed on in order that the Government might get control of the line at an earlier date than they would have done under the contract. I shall explain to the House the circumstances under which these claims were inquired into. The contractors, in the first place, sent in their claims, and a day was then appointed when they were to be in Brisbane and meet the Chief Engineer in the Works Office. When the day arrived they appeared before me, and the contractor went into his claims in detail, calling what witnesses he chose. The Chief Engineer was allowed to question him as he chose, and to give whatever explanation he liked. Every one of these claims was dealt with in the same manner; and when they had all been gone through the contractor left the room and the Chief Engineer remained with me. We discussed the claims together as we sat there alone, and I took his opinion with regard to every one of them before I came to a decision upon it. Now, the third claim, C, for £130 9s., arose, I believe, in connection with that clause which prevents a contractor from sub-letting his contract. If I remember the case aright—and I believe I do—the sub-contractor went off without paying his men, and the contractor was held responsible for the money, although it was shown that he had paid it to the sub-contractor. The wages due to the men were deducted from the money coming to him, but some of the men did not apply for the money, and, at the completion of the contract, the balance which had stood for a long time was paid by my authority to the contractor. Now, sir, there is this matter of the 12,000 sleepers. The document in connection with it, if taken alone, is one upon which it is very easy to found a charge of corruption, because a very bad interpretation may be put upon it. I remember all the circumstances. When section No. 5—that is, the previous contract on that line—was completed, these sleepers were left over and above what were required by the contractor, and the Government, by the Chief Engineer, agreed to give a fixed price for them. One condition in calling for tenders for the next contract was that the successful tenderer should take over these 12,000 sleepers at a fixed price. McSharry and O'Rourke were the successful tenderers, and were thus bound to take over the sleepers; but instead of the Government engineer delivering them as he was bound to do as soon as the contractors went on the line, he took no notice of them whatever. They were allowed to remain there unheeded, and were taken away, and when the claims came to be settled, of course it was suggested that the contractors had used them. There were other suggestions that others had used them. It was not even denied that the maintenance men in the Government employment had used some of them; and there was quite as

much reason for supposing that the whole of these sleepers had been used by others as that they had been used by the contractors who were bound by their contract to take them. I do not believe that they did use them. I did not believe it at the time ; and not believing it, I think that under the circumstances, as the contractors were bound to take them under the contract, and as they had never been delivered, the money should be refunded to them. The claim they made was very much higher than the claim that was allowed. These sleepers were somewhere up the line, but through losing them, and through timber being very scarce, the contractors had to bring other sleepers from near Westwood. The sleepers were, I think, at Emerald, and through losing them the contractors had to bring 12,000 more from near Westwood, thereby adding very much more to the cost of construction. Under those circumstances, I think any reasonable man will admit that I was quite justified in making the allowance to the contractors—not the charge which they wished to make for them, because they charged what it had cost to get them from Westwood, but I allowed the price the Government charged in the contract. There is a claim for £744 disallowed. I do not remember when that was. Then there is a claim for £2,484 2s. 6d. When that matter was brought forward the contractor and the Chief Engineer brought up the papers they had connected with it. They both showed the plans of the sections. The contractor showed his plan of the sections, with all measurements marked on it. I am almost certain they were marked by the Chief Engineer or the person who acted for him. The contractors showed that the amount of stuff they were paid for removing was removed. This, I may say, is the claim in which Mr. Ballard, in making his report, used figures which were incorrect, and there is the additional fact that the ex-Minister disagreed with Mr. Hannam that the allowance had been agreed upon with the contractors for a certain portion of the deviation, whereas the contractors claimed that the allowance was to be made for the whole. I do not recollect the circumstances under which Mr. Macrossan's name was brought up. I know that it was then allowed that he and Mr. Hannam were not in agreement, and knowing that that was the case, finding that Mr. Ballard was wreng in his own figures, finding that the work claimed for had been done by the contractors, and finding that it was admitted that the work was harder than the work to be done under the original contract, I felt bound to allow the claim which the contractors made. Sir, I never had any communication with Mr. Macrossan, and I am quite certain that the whole of the information which was put before me, both in respect to the claims there and in respect to the difference of opinion which Mr. Hannam and the late Minister had had as to the work which was to be allowed extra for, was submitted to me at that time. I quite admit that it is possible for anyone—particularly one who is not used to work of this kind—to make mistakes where he has to trust to his memory. In order to make sure of my statement, therefore, that I had no communication with Mr. Macrossan, I referred to documents which I keep in my own house. I keep an account of every letter I write and receive. In addition to that, every letter which I write on business of the slightest importance I keep a press copy of in another book. I also keep a diary in which I enter every matter that is likely to come up again, or which is of any consequence whatever. Now, I looked over all of these on Saturday, and I had no copy of any letter I had written to Mr. Macrossan since I accepted office. I wrote to him after accepting office, and received a reply shortly afterwards, and in my diary there was no reference to any communication which had taken place between us. The date of the minute which was brought forward in the House was the 5th November, and I find on reference to my diary that on the 31st October I was engaged the whole of the afternoon over these claims of McSharry with Mr. Ballard. On the 2nd November I had Mr. Ballard and the contractor together again for another hour, and that is all the dealings I had with them. The 2nd November was Friday, and the claims were settled on Saturday morning. I looked in the *Courier* file of that date to see whether Mr. Macrossan had arrived in Brisbane on that date, and I found he arrived by the "Quiraing" on Sunday evening the 4th November, at about 7 o'clock. The minute which was produced here was dated the 5th, and if any communication took place between Mr. Macrossan and myself it must have taken place on the 5th November, and the claims, I know, were settled before that. It is true the minute was dated the 5th, but that was a clean copy which was made out afterwards. On the 5th November, Monday morning, I was at the office at the usual hour—9 o'clock. There was a Cabinet meeting at 11, and after the Cabinet meeting I returned to the office and remained there until 6 o'clock. I know, of my own knowledge, a point which I recollect with certainty, that before that minute was written I took an hour and a-half or two hours to consider the claims in my office before deciding upon them. An interview could not have taken place on the Monday, as is shown by the mere fact of a Cabinet meeting having been held at 11 o'clock. But I am satisfied of it from my own knowledge, apart from that. I mention this for the satisfaction of hon. members sitting on the other side, for I can say without any hesitation that the claims were settled on the Saturday. I can say nothing more than that. If the House desires that I should make any fuller explanation on the subject, I shall be glad to do so. I have mentioned that there are circumstances connected with the winding-up of these claims that are fresh in my memory. I do not wish to mention them here, but if there is any particular desire on the part of the House that I should do so, I shall set aside what objection I have, and give further information with regard to them. I do not know that I need say more on the subject now. I have given the reasons why I think a Minister is bound to interfere in some cases where the engineer has given a final decision—that is, in cases where the engineer exceeds his powers and makes them a means of oppression. Unless the Minister interferes in cases of that sort the contractor has no redress of any kind whatever. That is my reason for taking the action I did here. Hon. gentlemen on the Treasury benches know that there are cases where it is desirable, after a work is completed and the Chief Engineer has given his final decision, that it should be reconsidered. There is no occasion to refer to any particular cases. Whether I adopted a right course or not, I was justified in taking some course to see that the contractors had redress. For the course I took, I take the full responsibility. I do not know even now that there was any other course which should be taken ; but, right or wrong, I take the full responsibility for it ; and I am quite satisfied that the House will accept my statement, that at no time whatever during the course of the inquiry into these claims did the hon. member, Mr. Macrossan, ever address one word on the subject to me.

The PREMIER said : Mr. Speaker,—The hon. member has just said that if there is

anything else on which explanation is desired he should be very willing to afford it. I am very anxious, as is everyone else, that this matter should be ended, and ended satisfactorily. I wish to call the hon. member's attention to the following passage in his own memorandum :—

"*Claim E*, £2,481 2s. 6d.—There is no doubt that a promise such as that claimed to have been made was given at the time. Mr. Hannam, with the Minister for Works, visited the place where deviations were made, and although Mr. Hannam limits the promise to a portion only of the extra work, his view is not borne out by the late Minister, Mr. Macrossan."

The hon. member has not made it quite clear how he got the information that Mr. Macrossan contradicted Mr. Hannam's statement. That is the only point, I think, and it would be very satisfactory to have it cleared up. The hon. gentleman rests his decision upon Mr. Macrossan's version of facts, as opposed to Mr. Hannam's ; but he has not shown us how he got Mr. Macrossan's version, which we should all be glad to know.

Mr. NORTON : I will explain that as far as I can. Mr. Hannam's report was before me, and it was stated—I am not sure by the contractor—that there was a doubt raised as to whether the whole of a certain deviation should be paid for or not. I do not recollect the whole of the circumstances, but it was shown that Mr. Macrossan had been under the impression that the whole of the deviation was to be paid for. That, I am quite satisfied, was brought forward when the inquiry was held, and it was admitted by the department that there was a difference of opinion between the two. That accounts for what I say in the portion of my memorandum quoted by the hon. gentleman.

The HON. J. M. MACROSSAN said : Mr. Speaker,—Perhaps I may be allowed to say a word on this subject. On hearing the memorandum read last Thursday evening, it struck me very forcibly that there must have been some communication between Mr. Norton and myself on the subject.

The PREMIER : It looks like it.

The HON. J. M. MACROSSAN : It would strike any person so, and I thought very seriously over the matter during the night, because I had no recollection of any such communication having passed between us. I remembered that I had been asked by McSharry to interfere in the matter of these claims, and he told me that Mr. Hannam had broken a promise made to his partner. The promise was this, as far as my recollection bears me out : When I went up to inspect the line with Mr. Hannam, who was acting as Chief Engineer in the absence of Mr. Ballard at home, the contractor (O'Rourke) pointed out to me that he was not making the line which he had contracted to make. The line he had contracted to make was a line contouring round the edge of the Drummond Range in such a way that the cutting would be nothing at the outside edge, but would increase in depth if it went further into the hill. This was altered, for engineering reasons, further into the hill, giving deep solid cuttings all the way. I said, when O'Rourke pointed it out to me, that it looked very unfair that he should be called upon to take out so many thousand yards more of hard rock than he had contracted for, and asked if I would represent the matter to Mr. Hannam. I did so—I forget whether Mr. O'Rourke was present at the time—and his answer to me was, as far as I remember, "I intend to make them," meaning the contractors, "an allowance for it." When McSharry asked me to interfere in the matter he told me that Mr. Hannam had repudiated, or was repudiating, the promise which was understood to have been given. I told him that I should not interfere in the matter, but that if the Minister for Works asked me I should give him my version of it. I was under the impression, when I heard that memorandum read the other night, and until I had communicated again with Mr. Norton, that I must have done so, and I told him on the following day that I thought he had probably made a mistake, or else that I had made a mistake in forgetting. He seemed positive, but said he would search his papers when he got home. He did so, and has found out that there was no communication between us on the subject at all. I left Brisbane on the 13th September, 1883, immediately after my own election for Townsville was over, and did not return till the 4th November ; and these claims, I understand, were settled during my absence. Unless the hon. gentleman asked me, I am certain that I gave him no information, and I refused to interfere. My answer to McSharry was distinctly—"I shall do nothing that in any way interferes with the Works Office ; if there is anything that requires to be done, I shall have to do it in my place in the House ;" and hon. members may remember that I did bring forward a matter respecting the Brisbane Valley line one session.

HONOURABLE MEMBERS : Hear, hear !

The HON. J. M. MACROSSAN : I think myself that Mr. McSharry probably placed my opinion, or my version of the matter, before the hon. member for Port Curtis, Mr. Norton.

Mr. LUMLEY HILL : Your *alter ego*.

The HON. J. M. MACROSSAN : I do not know any other way in which it could have been brought before that hon. gentleman. Of course Mr. McSharry would state his view of the case ; Mr. Hannam or Mr. Ballard would state his ; and then no doubt McSharry, acting on the information he had from me, would state it to the hon. gentleman (Mr. Norton). That is probably the way in which the hon. member got to know my opinion of the matter. Unless he asked me, I am certain that I did not give the information, and he is positive that he did not ask me.

Mr. LUMLEY HILL said : Mr. Speaker,—May I be permitted to say a few words as well in explanation ? As to whether——

Mr. STEVENSON : I think the adjournment of the House had better be moved.

Mr. LUMLEY HILL : Very well ; I will move the adjournment.

The SPEAKER : Do I understand that the hon. member will conclude with a motion?

Mr. LUMLEY HILL : Yes, Mr. Speaker. I have listened to these explanations, which we have had a good deal of trouble to drag out—that were denied to us—and the only part that I can say I sincerely believe is in the last words of the hon. member for Townsville, where he said he supposed the then Minister for Works listened to McSharry's explanation of Mr. Macrossan's views, and he was so thoroughly impressed with the fact that McSharry was Mr. Macrossan's *alter ego*, that he actually wrote it down in his memorandum as being Macrossan himself.

Mr. NORTON : I rise to a point of order, Mr. Speaker. I shall not sit here and listen to imputations of this kind being made any longer. I ask your ruling whether any member of this House is justified in making such imputations as the hon. member, Mr. Hill, is making ?

Mr. LUMLEY HILL : I have grounds for them.

The SPEAKER : I have mentioned to the House before, that on a motion for the adjournment of the House an hon. member may traverse any subject he thinks fit—that he may discuss

any subject—and I have no power to prevent him. I have already pointed out to the House, in accordance with what I thought to be my duty, the course that has been followed in the House of Commons when accusations have been brought against ex-Ministers of the Crown. I cannot do more than that. The course there laid down is very clear, and would, I think, very well apply here. I was this morning looking over several decisions by Mr. Speaker Brand in the House of Commons, in cases where imputations were made against members, and I found the course laid down by the House to be this: If a question of privilege be raised, the House deals with it as a matter of urgency; it suspends all other business, and a distinct motion is tabled, upon which the House pronounces a decision either in the affirmative or negative. The House, in fact, takes the matter into its own hands and decides what course shall be adopted. Under a motion for the adjournment of the House, the hon. member is perfectly in order in discharging what he may consider to be his duty by bringing forward any subject. It is entirely a question for the House to decide. If the hon. member desires to formulate a distinct motion upon which the House can express an opinion with respect to the charges he thinks he is able to prove against an ex-Minister of the Crown, he is at liberty to do so, and then the House can at once decide upon it. I wish to point out that a charge against an ex-Minister is very different from a charge against a private member of the House, because, in the event of the Ministry of the day being defeated, it is very probable that an ex-Minister may be sent for by His Excellency to form a Government; therefore the honour and integrity of those members is held as of equal importance to those of present Ministers. It is on that ground that the course adopted in the House of Commons is followed—that there is a distinct and definite motion formulated, the House expresses an opinion upon it, and there the matter ends. Here the subject might be brought up repeatedly under motion for adjournment, and the House might never hear the end of it. I cannot say more than I have already done. On the motion for the adjournment of the House, the hon. member is perfectly in order in referring to the matter.

The HON. J. M. MACROSSAN said: I believe, sir, that you are perfectly correct. I have no intention of traversing your ruling, but I would point out that, although an hon. member is perfectly in order in traversing the whole universe on a motion for adjournment, but by Standing Order 91 hon. members are protected. It says:—

"No member shall use offensive or unbecoming words in reference to any member of the House."

The question put by the hon. member for Port Curtis was simply whether the hon. member for Cook, Mr. Hill, was in order in making imputations against him. That is the question for your ruling.

Mr. LUMLEY HILL: It is the question of O'Rourke and McSharry.

The SPEAKER: On the point raised by the hon. member for Townsville the rule is very clear. An hon. member is not allowed to make use of any offensive language against another member of the House. On that the practice of the Imperial Parliament is very plain. Indeed, I would point out that words which this House has passed over as being very mild have been considered in the House of Commons to be very undesirable, and members have been obliged to retract them. So that, if the hon. member moves the adjournment of the House in order to speak upon the question that has been raised, of course he will have to guard against making use of any expressions which another member may consider offensive.

Mr. LUMLEY HILL: On the point of order, Mr. Speaker, I think that comes very badly from the hon. member for Townsville, who used language in this House on Thursday night which was very objectionable, but to which I did not call attention at the time because I knew he was suffering——

Mr. NORTON: Mr. Speaker, I ask for your ruling on the point that I have raised.

The SPEAKER: There is no point of order at present before the House. I have already given my ruling, and unless the hon. member wishes to dispute it no further discussion can take place upon it.

Mr. STEVENSON: I thought any hon. member could speak to a point of order.

The SPEAKER: I have just said that there is no point of order before the House, as I have already given my decision upon the point raised.

Mr. LUMLEY HILL: I will resume, Mr. Speaker, what I have to say on the motion for the adjournment of the House. I do not wonder at having been subjected to considerable interruptions from those hon. members opposite who do not wish to hear what I have to say, or to let that which can be said on the other side go forth to the country. I should be very glad myself if I could be proved to be wrong. The hon. member for Townsville himself brought forward this adjournment business in the interests of the honour and integrity of members of this House.

The HON. J. M. MACROSSAN: I beg to correct the hon. member; I moved no adjournment.

Mr. LUMLEY HILL: The hon. member made an explanation which was tantamount to moving the adjournment. I say the honour of the House is as dear to me as to anybody else, and in the interests of truth and justice I want to get to the bottom of this business. I want to get it thoroughly sifted, and I think there should be no objection from the other side of the House to that being done. I challenge the fairest and most equitable investigation that can be made in any way, and I wish to say this: that if the hon. member for Port Curtis, instead of beginning by pulling to pieces the usual conditions of contracts on the Queensland railways which have been in force for years and years, and which we all know contain stringent clauses for the protection of the public purse—if he, instead of doing that and passing strictures on the actions of the Chief Engineer in various cases, had undertaken, when he went into office, to revise those conditions and alter them before he deliberately broke them, just as he was going out of office, it would have been very much better. I believe that these conditions are perfectly fair; I believe it is necessary to be very guarded, and I believe that hardly any contractors doubt the integrity and honour of the superintending engineers unless they have been themselves corrupted, as was proved to be the case with the superintending engineer on the Central line. I maintain that when McSharry and O'Rourke claimed on the Central line £5,118 18s. 2d., when Mr. Ballard out of that allowed only £996, and the hon. member for Port Curtis (Mr. Norton) paid £3,819 11s. 6d.—I maintain that in paying that sum the hon. gentleman acted wholly illegally. He says he takes the whole of the responsibility; and I believe that if the Attorney-General were to do his duty he would enter an action against him for the recovery of that amount of the money of the people of this

country, which has been illegally taken from them and paid to McSharry and O'Rourke. I would draw particular attention to the fact that this memorandum, in the hon. gentleman's own handwriting, is dated the 5th, was lodged in the Works Office on the 5th, and that at that time the Government of the day knew they were in a minority, and would be beaten when Parliament met by eight or ten votes. The new Ministry did not come in till the 13th, but the old one went out on the 8th; and why this excessive hurry with regard to McSharry and O'Rourke's claim? Why not have left it as a disputed claim, as the report of Mr. Ballard was against it, as one to be settled by the incoming Ministry, especially when the member for Port Curtis was virtually out of office? Why make this last dive at the till on behalf of McSharry and O'Rourke? Did they exercise such zeal and make such a clean sweep with other business? No. McSharry and O'Rourke were exceptionally and specially favoured by the hon. member for Port Curtis; and the explanation was afforded to us in the last few words of the pitiful little explanation given by the hon. member for Townsville. The hon. member for Port Curtis accepted McSharry's representations as though they were Mr. Macrossan's. I would call your attention, Mr. Speaker, and that of the House, to its being a curious fact that simultaneously with this there is in New South Wales the prosecution of an ex-Minister for Works in a criminal court. The hon. member for Townsville, instead of complying with my demand for an explanation the other day, said he would sooner reply to a dog.

The HON. J. M. MACROSSAN: Or a dingo.

Mr. LUMLEY HILL: I wonder who looked more like a dog than I did! The hon. member squirming on his bench over there asked me to take him into a court of civil law. In my opinion, that is a different court from the one to which he ought to go—an entirely different court. I say that, from the hon. member's own letter to the Chief Justice which he sent to the *Courier*—I say that, by his own words in that letter, he convicts himself of being a man who certainly was not fit to be in the office of Minister for Works. He says:—

"I had two separate and distinct offers of partnership made me by McSharry—the first in relation to Queensland contracts, which I refused."

Now, fancy a man going to the Works Office and offering to take the Minister into partnership in regard to Queensland railways! And he admits that.

"the second, in relation to the contracts in New South Wales, which, after some consideration, I accepted, and for which I paid the sum mentioned in the deed of partnership, and not the amount which you assume to have been paid."

I did not infer, of course, that there was any deed of partnership intended to be registered about any partnership in Queensland; it was not likely that such a partnership would be recorded in the annals of our courts here; but I say this: that the whole business is fraught with suspicion, and the matter wants far more thoroughly sifting than I or any individual member of this House can give it. I now refer hon. members to the speech of the hon. member for Townsville on the Brisbane Valley Railway, to which reference has been made. The whole of the speech is worth reading, but I will quote only a portion, as I do not wish to take up the time of the House unnecessarily. After speaking about certain matters, he goes on to say:—

"That was another instance of the engineer's blundering. And all those things were laid on the contractors; they had to bear the brunt of it, and they must submit to it. According to the 40th clause of the conditions they could not go to law—they could not appeal to arbitration. The Chief Engineer was the final judge of the whole case, and at the same time he himself was responsible for all the blundering."

That is where the sympathy of the hon. member for Townsville comes in for the railway contractors one of whom is his partner in another colony. What should induce him to lay all the blame on the engineers, who are thoroughly trustworthy, most highly paid officials, and, I believe, loyal in the discharge of their duty both with regard to their employers and their employés? That is what we expect of them at any rate; and when we find they are not that, they have to go, and they probably leave the colony. But such is not the case with regard to a member of this House at present. He can retain his seat; has a chance of going back into office; and I imagine that, his sympathies being so strong with McSharry and O'Rourke, he is anxiously biding his time and waiting till either he himself can get back into office or some other public man whom he can work. I have been making further inquiries at the Works Office, more especially about McSharry and O'Rourke's business, and I find that, soon after that furious onslaught by the member for Townsville upon Mr. Stanley, condemning him in connection with the Brisbane Valley line, a claim was put in by McSharry and O'Rourke on the 19th December, 1884, on account of the 2nd section of the Bundaberg line, for £38,351. The Chief Engineer advised that the amount for which the department was liable was £3,439. That was on the 14th March, 1885, and the money has not been drawn yet—it is waiting for a change of Ministry. The original contract, I may as well mention, at this time for the Bundaberg Railway, section No. 2, 21 miles 51 chains, was £112,502 0s. 10d. They claimed, roughly speaking, 30 per cent. additional. But subsequently to that, on the 5th September, 1885, a claim was put in by O'Rourke and McSharry for the Bundaberg Valley line, amounting to £56,878. The certificate, which the Chief Engineer recommends as being the sum which was due to them, was for £802 14s. 6d., utterly ignoring and wiping out the £56,000 at one blow. And I say this: that it is generally understood that the money has not been drawn. They have not appealed, nothing is doing, the claim is in abeyance, and the money is lying in the Treasury—as much as the engineer will award or sanction. A change of Ministry is wanted before the award is either accepted or appealed against. I claim, sir, that it is the duty of this House to see that some precautions are taken to prevent the possibility of this House becoming the prey of political adventurers and professional politicians. I heard an hon. gentleman the other night allude to the advisability of appointing a commission to manage the railways—an irresponsible board. I really believe that something of that kind may be done, because it is perfectly obvious to me that the country is at the mercy of parties, and of any unscrupulous or corrupt Ministers who may get into power. The hon. member for Port Curtis pointed out that, disregarding the precautions of the Chief Engineer of the Central line, and discrediting the measurements of the second in command there, with one stroke of his pen he gave this amount—nearly the whole sum demanded—two days before he left office. The whole grounds of the case are fraught with suspicion, and demand much more than the miserable and pitiful sort of explanation that has been dragged out by the sheer force of shame and, I believe, at the dictates of their party. They think they can afford to treat the matter with contempt.

HONOURABLE MEMBERS of the Opposition: Hear, hear!

Mr. LUMLEY HILL : I have been in this colony for twenty-two or twenty-three years, and I have never had a charge so much as levelled at me affecting my good name in any way. Can the hon. member for Townsville tell us why it was, when his good name was impeached in the Supreme Court, that he cleared off to Townsville? If my partner had been indicted, and my name had been dragged up in evidence, I should have presented myself there at once, and demanded to have been put into the witness-box, and to subject myself to the severest cross-examinations that could possibly have been brought to bear upon me. The hon. member for Townsville was off on the separation movement then, and if he does separate himself I am sure the South will not miss him. I shall grieve for the North if they accept him as Minister for Works again. I know, Mr. Speaker, that there is a mode of dealing with these cases, and that is by moving for a select committee to inquire into the whole business. I do not like to do so, because it would involve my being one of the committee myself, and I am so deeply prejudiced that I could not act in that unbiased way in which, I believe, every member of a committee ought to act—in an honest way, as the hon. member himself said. I admit that I am prejudiced from the evidence that has already come before me in the papers in the Works Office. There is a mass of papers there—a mass of stuff that badly wants sifting. The honour and integrity, not only of a member but of an ex-Minister, have been assailed, and I say this : that I am perfectly willing, if such a committee be appointed, to abide by any decision that is come to. One thing is certain—that either I am not, or the hon. member for Townsville is not, a fit member for this House. One of us should go—there is no doubt of that; and I say that I am perfectly ready to go, and send in my resignation, if I am proved by any committee or by any court of inquiry to be such as the hon. member for Townsville described me. I would not soil my lips or the ears of the House by repeating his language. But if it were proved, I would walk out of the House without a single regret, and never come into it again. I move the adjournment of the House.

Mr. NORTON said : Mr. Speaker,—There is one matter to which I wish to call the attention of the House. The hon. gentleman who has just sat down professes, in the interests of purity and honesty, to bring forward the statement he has made to-day, and which he has brought forward on other occasions. I will point to the fact that the hon. member was sworn in in this House on the 24th September, 1885, according to No. 35 of the papers of last session. There were sixty-seven sittings in all, leaving thirty-three sittings at which the hon. gentleman could have attended after he was sworn in. I call the attention of the House to the Auditor-General's report of that hon. gentleman's claim for members' expenses. It is stated here that he received £114. I ask, how could a member of this House usually resident in Brisbane claim £114 for thirty-three sittings, according to the conditions under which that payment was made? A member resident in Brisbane, or usually resident in Brisbane when he is in Queensland, is entitled to two guineas a day for each day the House sits. How the hon. gentleman could claim £114 requires explanation. He was too honest to charge travelling expenses ; but he told the House the other day that—

"He did not know whether he was playing a trick or not, as the only dwelling-place he happened to have as his own at that time was at Roscbrook, about 100 miles south of Winton, and where he once resided for a fortnight. He had accordingly said that was his place of residence. He represented one of the most distant electorates of the colony, and usually resided in Brisbane, because he happened to be a member of the House. That necessitated his residing in Brisbane, and it was no great disadvantage, he presumed, to Brisbane that he was compelled to reside there."

Now, sir, this hon. gentleman, who is so anxious that the Parliament of this colony should be pure and free from anything like dishonesty, and who brings forward gross statements against members on this side of the House, has the extraordinary assurance, because he has a station some hundreds of miles from Brisbane, and he once resided there for a fortnight, to claim expenses as though that was his usual place of residence, and at the same time to tell this House that his usual place of residence is Brisbane. My usual place of residence is in Brisbane, but I have also a dwelling some hundreds of miles from here, and if I put the interpretation upon the Act which the hon. member has done—namely, that, because I have a dwelling somewhere else, that is my usual place of residence—I should be entitled to £200. I do not know how the hon. member fits in the charges he has made against other hon. members with his own acts, and I cannot understand how a member of this House can, under any circumstances, claim expenses he knows he is not entitled to. I think that, before an hon. member brings forward a charge against others, the first thing he should do is to see that he has a clean sheet himself. The hon. gentleman has not that. By misrepresentation—I say it distinctly—he was able to defraud the Treasury of the balance between what his actual expenses were and the sum he received. That is the conduct of the hon. member who now brings forward accusations against others.

The HON. J. M. MACROSSAN said : Mr. Speaker,—I would like to say a few words upon this matter, which the hon. member for Cook (Mr. Lumley Hill) has now brought before the House for the third time ; not, as I told him just now, that I care about replying to him, but because I think it is necessary to say something when he has made such wholesale charges of corruption without the slightest foundation. The hon. member asked why I did not go into court and challenge the statements of the judge, and why I went away to Townsville? My answer is, that I had no right to go into the court and challenge the statements of the judge. The evidence and argument in the case had already been concluded, and the matter was only awaiting the decision of the judge. If I had gone into court then, the judge would probably have told me what Mr. Justice Harding told someone else on one occasion—namely, that he would give me "forty years" for contempt of court. No, I did not do that ; but I challenge the hon. member to go into any court in Brisbane, and I will prove that he is what I said he was the other night. But he has not the courage to do that. He has the courage here under privilege, and nowhere else, to come forward and make these statements. He dare not make them outside the House to any person who could prove them in evidence. He dare not put them in print, except in *Hansard*, where he knows he can publish them with impunity. I think the man who would do that is a coward. I have never done such a thing I have never yet made a charge inside this House which I would not make outside. I have challenged the policy proposed by the Ministry, but have never made any charge of personal corruption against any member of the Government. Let the hon. member go into the witness-box in court, and he will there undergo an examination he will not care about. I can assure him of that. He says that no charges were ever made against him. Does he not know that there have been charges made against him?

Mr. NORTON: I made a charge against him just now.

The HON. J. M. MACROSSAN: Yes, the hon. member for Port Curtis made a charge against the hon. member just now—a charge of obtaining money under false pretences. I was sorry to hear an hon. member say that that was a very small matter. Is it a small thing to improperly draw £30 or £40 from the Treasury? But other charges have been made against the hon. gentleman. Does he not know that he has been charged with defrauding his partner?

Mr. LUMLEY HILL: No.

The HON. J. M. MACROSSAN: The hon. member was, and charged to his face outside—not inside this House, but outside where he could have his remedy, but he refused to take that remedy.

Mr. LUMLEY HILL: No such thing.

The HON. J. M. MACROSSAN: I know it was done, and I say the hon. gentleman has no right to come forward and say he has a clean sheet—that there is no charge against him. But I could make other charges against him more disgraceful than that. Now, as to the injury which contractors frequently receive at the hands of chief engineers in consequence of their doing works which the engineers refuse to compensate them for, I will just mention one or two with regard to another contractor. My name has never been mentioned in connection with that contractor, but I have been obliged to interfere and protect him from the Chief Engineer. I refer now to Mr. Bashford. His certificates were once refused by the Chief Engineer at a time when Mr. Bashford was in difficulties—great difficulties, in fact—for he had to obtain money to pay his men by borrowing it from outside sources. I had to send for the Chief Engineer and actually entreat him to give Bashford his certificate, which was refused for very paltry reasons. On another occasion, when Bashford was building the line from Dalby to Roma, there was an embankment on the last section going into Roma which was washed away—a thing which would not have occurred had it been properly engineered at first. The damage had to be repaired at a cost of £11,000 or £13,000. I insisted that the engineer should not put that expense upon Mr. Bashford. Perhaps that was an act of corruption also. I say a Minister is perfectly justified in protecting contractors from the Chief Engineer. I have contended that engineers should make the conditions as easy as possible if they want cheap railways, and that, if they make them stringent, prices for the work will always be in proportion to the stringency of the conditions. Is it not a fact that the hon. gentlemen now in office have found the conditions too stringent? Did they not override the decision of one chief engineer, and send to another colony for a chief engineer to take evidence and give his decision upon the matter? I do not blame the Government for what they did in that matter. On the contrary, I think they did what was fair and just. Although it was contrary to the law, I have always held that they were justified in doing it.

The PREMIER: It was not contrary to the law.

The HON. J. M. MACROSSAN: I have just been reminded, by my hon. friend the hon. member for Port Curtis, that the court had already decided against the contractors. I can assure you, sir, that during the time I was Minister for Works I had not the slightest idea that the 40th clause of the conditions could be enforced in the way it was, and I never believed that in contracting Government contractors were the only persons in the colony placed outside the law. I was always under the impression that the contractor, under certain circumstances, would have the option of taking the Government into a court of justice, and I say it is wrong that he has not that option. Now, the hon. member for Cook (Mr. Lumley Hill) says he was not present when I made my explanation on the Thursday in the first week, when this House sat, immediately after the Address in Reply to the Governor's Speech was adopted. He says himself that he was not present, and I will read his words so that I shall not make any mistake, as I do not wish to make mistakes—

"I rise to refer to what took place in this House on Thursday night last, when I was unfortunately unable to be in attendance."

That is not true. The hon. member was in this House when I made my statement, and he actually left his place in the House when I was making my statement. He sneaked away like the dingo. Further, another hon. member on this side of the House actually challenged him to remain, and he would not. He walked away and would not listen to the statement. He came back on the following sitting day, after reading, I presume, what appeared in *Hansard*, and after reading the statement made by the Premier to the effect that no one could suggest that I was in any way mixed up in Queensland contracts; and yet the whole gist of the hon. member's attacks upon me is that I was mixed up with Queensland contracts. If he reads the evidence taken in that case in court it will show him that it is utterly absurd to say that I have been mixed up in Queensland contracts. Although he himself says there was no registration of partnership in Queensland, that is not likely; but let him read the examination of the two men who were opponents to each other—Messrs. McSharry and O'Rourke—and he will see in the evidence given by these men that they were debating whether they would take me into partnership or not, in October, 1882. Is it at all likely that men would debate about taking another man into partnership with them if he was already in partnership with them? Is it not a thing so utterly absurd that any child can see it? That was the time the Chief Justice made the mistake about the partnership being kept dangling from October to January. I do not know what took place between those men. At all events, they swore that they were talking about taking me into partnership, and Mr. O'Rourke said he would not have me in the partnership. I know personally that Mr. O'Rourke always considered that I was too severe upon him in the matter of contracts, and, at all events, he said he would not take me into the partnership. If I was in the partnership already, I ask how could a conversation like that have taken place? I say nothing of the absurdity of supposing that I was in partnership in Queensland contracts for years, as the hon. member suggests, and then when the New South Wales contract was taken I resigned my position and went into the partnership openly. That suggestion is an absurdity, and the other is contrary to evidence. I further challenge the hon. member, or anyone else, to get the slightest scintilla of evidence from anyone in Queensland that I had the slightest interest in McSharry's contracts. I am not afraid, at the instance of you, sir, or at the instance of the head of the Government, to lay the whole of my private affairs in Queensland open to inspection—the whole of them anywhere in Queensland—and you will see that I have never received any source of income from any contract, nor, for the matter of that, have I received any from my share in the New South Wales contract yet. All my business can be examined, and it would not take more than three or four hours for an officer from the Audit Office

to do it. An officer from the Audit Office could do it very simply, and satisfy—I do not say the hon. member who represents Cook—but it would satisfy every fair-minded man in the House. I give the hon. member for Cook fair warning that if he does not stop his attacks upon me in this way—if he does not take the proper method of bringing it before this House or of going into court, and making his attacks there—I shall take other means unpleasant to himself and to myself to make him, and protect myself.

Mr. LUMLEY HILL: Dynamite?

The HON. J. M. MACROSSAN: What is that remark? I also wish that the hon. gentleman at the head of the Government would take some steps to protect this House and the members of it against the unseemly charges made by the hon. gentleman. I think it is quite time. If I chose to make charges against that gentleman I could make them. His career in this House and out of it is well known. So far I have not done so, but if I am attacked again I shall not only make charges, but I shall take means to protect myself in a way that he will not like.

Mr. STEVENSON said: Mr. Speaker,—This debate has taken a most extraordinary turn, and I hope sincerely it will be the last we shall hear of it. I may say that I have no sympathy with the hon. junior member for Cook in the way he has brought forward accusations against the leader of the Opposition and the hon. member for Townsville. I have told the hon. member myself that I have no sympathy with him in this matter, and I very strongly deprecated his bringing forward the name of a late hon. member of this House who is not here to answer for himself. I do not so much mind his making accusations against the leader of the Opposition and the hon. member for Townsville, because they are here to meet them. At the same time I think that this discussion might have been over long ago had it not been for the action taken by the hon. member who leads the Opposition, and the hon. member for Townsville, in regard to it. The junior member for Cook, as he mentioned when he brought forward the subject, was not present in the House, though the hon. member for Townsville said just now that he was present.

The HON. J. M. MACROSSAN: He was present.

Mr. STEVENSON: When the hon. gentleman commenced his personal explanation in regard to this matter, the hon. member for Cook might have been present, but he was not able to be present, at any rate that evening, to reply to it. I know, notwithstanding the statement of the hon. member for Townsville that what the hon. member for Cook said was not true, that he had another engagement and could not be here.

The HON. J. M. MACROSSAN: So had the Premier, but he waited.

Mr. STEVENSON: The hon. the Premier had time to say what he said, and keep his appointment. If the hon. the leader of the Opposition and the hon. member for Townsville, instead of meeting the accusations and charges made by the hon. member for Cook as they did the other night, had then done as they have done now, it would have been much better. The hon. member for Cook, I admit, brought his charges forward in a most intemperate manner, and, no doubt, annoyed those gentlemen very much; at the same time, if he were not satisfied with the explanation given by the late Minister for Works, the hon. member for Townsville, he had a perfect right to call for a further explanation, and should not have been met in the way he was met by the hon. member for Townsville, who said he would rather give an explanation to a dog.

The HON. J. M. MACROSSAN: I say so now.

Mr. STEVENSON: The hon. gentleman says, "I say so now," and I think, Mr. Speaker, that you have as much right to call the hon. member for Townsville to order as the hon. member for Cook. The leader of the Opposition, too, I think, was very much to blame in saying he would treat the hon. member for Cook with contempt, and in talking about making an explanation to "that man." No hon. member, whatever position he occupies in this House, has any right to speak of another hon. member in that way. The leader of the Opposition repudiated the idea of having the hon. member for Cook as a friend. Why, there are several members of this House who have known the hon. member for Cook twice—aye, three times—as long as the hon. the leader of the Opposition has known him, and who would receive him as a friend anywhere. The hon. member has no right to treat the hon. member for Cook as if any hon. member in the House should be ashamed to have him as a friend. I have known the hon. member for twenty-two years, and I have never been ashamed of his friendship. As to the hon. gentleman's utterances being treated with contempt, I have never heard him make a speech in this House when there was not something in it. I am sure the debate we have heard this evening has shown that, and the leader of the Opposition and the hon. member for Townsville have had to eat their words and make an explanation, which was asked for and refused the other night. Why, sir, I quite agree with them. I am perfectly satisfied with their explanation. I believe both of them are incapable of doing wrong. I do not believe the hon. member for Townsville profited one shilling by or had a shilling interest in any contract that McSharry and O'Rourke ever had in this colony; and I believe that the hon. leader of the Opposition is quite incapable of giving an unfair or unjust decision as far as his lights go. At the same time I entirely disagree with the way they met the hon. member for Cook. It is evident that some further explanation was necessary than was given in the first instance, for notwithstanding that the Premier agreed with the hon. member for Townsville, he himself this afternoon wanted some further explanation; so I think the hon. member for Cook has shown every member in this House that he was perfectly justified in bringing the matter forward again. The hon. member for Townsville does not make his case any better by bringing forward charges against the hon. member for Cook. He charges the hon. member for Cook with dishonesty to his partner. Well, sir, I can give a reply to that, and I am sure several other hon. members who are sitting behind me can give a similar reply. We have known all the hon. member's transactions with his partners, and if the hon. member for Townsville were to come to my office—the office of B. D. Morehead and Co.—I could show him, if I liked to take the trouble, that we have kept all the accounts of the hon. member for Cook with his partners for years. I have never known him to be accused of dishonesty, and those who do know him know he is incapable of dishonesty. Another charge of dishonesty was made in regard to his expenses. Now, I was the first to bring that matter up, but I never had any idea of accusing the hon. member of dishonesty. I believe he did it more as a joke than anything else to show the absurdity of the Bill. He profited nothing by it; he gave every shilling of it to his constituents.

Mr. HAMILTON: Electioneering?

Mr. STEVENSON: The hon. member knows all about that himself. I have no sympathy with the intemperate way in which the

hon. member for Cook asked for an explanation, but I do not think he should be treated as if he were not worthy to be replied to. I hope we shall never have any more of it in this House.

The HON. J. M. MACROSSAN: One more word in explanation, Mr. Speaker. What I said about the hon. member's partner was true enough. I did not make any charges. I said the hon. member was charged to his face with dishonesty——

Mr. STEVENSON: It was a false charge.

The HON. J. M. MACROSSAN: And he took no steps to refute it. I did not make the charge.

The PREMIER said: Mr. Speaker,—I hope this matter will now drop. It has been brought up too many times already. I refrained from interfering before, because sometimes it is quite evident that things must be ventilated before they can come to an end. I thought the hon. member, the leader of the Opposition, was in error in not making some further explanation than he did. The only point which, to my mind, required further explanation, I suggested at an earlier period this afternoon, with the hope which I most sincerely repeat, that this may be the end of it. I am sorry the hon. members attacked the hon. member for Cook personally, because recrimination is the worst of arguments. I hope the hon. member for Cook will drop this matter now.

Mr. ISAMBERT said: Mr. Speaker,—I am very glad that the hon. the Premier has taken notice of this matter and intends to have it sifted. It is very painful to listen to these accusations in the House. If we do not make an end of these proceedings we shall soon drift into the same state that they have got into in New South Wales. The charges which have been made, particularly by the late Ministers for Works, are very serious, affecting not only members of this House but also gentlemen outside the House who cannot defend themselves—I mean their statements condemning the chief engineers. The hon. leader of the Opposition read the conditions of contracts which no sensible man in charge of the department would allow for one moment to exist. They condemn these conditions as being a temptation for the Chief Engineer, and yet neither they nor the present Minister for Works have taken any steps to alter them. It was the knowledge of this fact, before the discussion arose, that induced me to mention in the House the advisability of appointing a competent engineer, and putting him in a similar position with regard to the works of the colony as the Auditor-General has with regard to our accounts. The discussions which have taken place since fully bear out that I was right in making the suggestion. The words of the late Ministers for Works are the severest condemnation of the conditions of the contracts, and show that they are either intended to lead the engineers into temptation, or are drawn up with the view of harassing contractors.

The PREMIER: They were altered long ago.

Mr. ISAMBERT: If the Premier will not make a motion to have the matter inquired into, I intend to move that a commission be appointed to inquire into the whole working of the department.

Mr. LUMLEY HILL said: I am sorry, Mr. Speaker, that the criticism I brought to bear on this matter should have been accepted in the tone it has been by the leader of the Opposition and the member for Townsville. Malice was imputed to the Chief Justice, and malice is imputed to me. I am sure no one can think it is a pleasant or agreeable task for me to have to urge these criticisms and cause these inquiries. It is simply the earnest desire I have to do my duty in protecting the interests of the public. I must refer to what the hon. member for Townsville said about my being present when he began his speech of explanation in this House the other night and sneaking off afterwards. I can assure him he has been misinformed; he is utterly wrong. I was not in the House when he began, and I never heard a word he said. I can refer for corroboration to the Chief Secretary, who told me about 7 o'clock that the hon. member was coming forward with an explanation. I said, "I wish you would ask him to defer it till I am here because I am particularly anxious to hear it." I would have attended if I possibly could, but I had a prior engagement. Let me tell the hon. member, once for all, that no threats which he may make use as to what may happen to me outside or inside this House will deter me in the discharge of what I conceive to be my duty. It is a painful and unpleasant duty to have to rake up all this sort of refuse. It is a duty that members, I am only sorry to think, shirk, and will not properly go into themselves. I had hoped to have heard something on this subject from the Minister for Works, who must, now that he has access to the papers, have seen a great deal. He must have had a good insight into the thing, and I am disappointed that he has not enlightened us. I hope, furthermore, that the Works Office will not be left to be the lever of political parties. I cannot say, and I am sorry to have to acknowledge it, that I am satisfied with the explanation that has been given, and I still am of opinion that McSharry and O'Rourke have not done much good for the country. I trust, after the warning that I have given, more care will be taken in the future—more supervision exercised over the Works Office, and that members will interest themselves a little and look behind the scenes. Some reference has been made to my having access to papers which I did not call for or ask to be laid on the table of the House. In reply to that, I can only say that, ever since I have been a member of Parliament, I have never been refused access to any papers by any under secretary, on any business that was completed, and I think it right that members should be in that position. It saves trouble to the department and expense to the country. It does away with the necessity of calling for papers which, when they are produced, are often found not to contain what is wanted. I beg to withdraw the motion.

Motion, by leave, withdrawn.

CRIMINAL LAW AMENDMENT BILL.

The PREMIER presented a Bill to amend the criminal law, and moved that it be read a first time.

Question put and passed.

On the motion of the PREMIER, the Bill was ordered to be printed, and the second reading made an Order of the Day for Tuesday next.

REFINED MINERAL OILS ACT AMENDMENT BILL.

On the motion of the COLONIAL TREASURER, the House in Committee of the Whole affirmed the desirableness of introducing a Bill to amend the Refined Mineral Oils Act.

The resolution was adopted by the House.

The COLONIAL TREASURER presented the Bill, and moved that it be read a first time.

Question put and passed.

On the motion of the COLONIAL TREASURER, the Bill was ordered to be printed, and the second reading made an Order of the Day for to-morrow.

SUPPLY.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into Committee of Supply.

The COLONIAL TREASURER moved—

That there be granted to Her Majesty, for the service of the year 1886-7, a sum not exceeding £250,000, towards defraying the expenses of the various departments of the service of the colony.

Mr. NORTON asked the Colonial Treasurer if he could inform the Committee when he would be prepared to make his Financial Statement, and whether the expenditure of the £250,000 now asked for would be carried on at the same rate as that of last year, especially having in view that part of the Governor's Speech which referred to the necessity of exercising the most rigid economy in expenditure?

The COLONIAL TREASURER replied that he hoped to lay the Estimates on the table by the end of next week, and to make the Financial Statement a week or ten days thereafter. As to the expenditure of the sum now asked for, it would be based upon the appropriation of last year—nothing would be spent in excess except for such services as were already authorised.

Mr. NORTON said that in the event of reductions having been made, or being in contemplation, in the salaries of Civil servants, it would not be fair to pay them on last year's appropriation. They should be paid on a reduced scale. That was the point on which he specially wished for information.

The COLONIAL TREASURER said he had never yet made any admission to the Committee or to the House that it was the intention of the Government to reduce salaries, and he could not understand whence the hon. gentleman had derived his inspiration. He could only say that in no case would the vote now asked for be spent in excess of the amount appropriated for the same purpose last year.

Question put and passed.

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair, and reported the resolutions to the House. The report was adopted, and the Committee obtained leave to sit again to-morrow.

WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into a Committee of Ways and Means.

The COLONIAL TREASURER moved—

That towards making good the Supply granted to Her Majesty for the service of the year 1886-7, a sum not exceeding £250,000 be granted out of the Consolidated Revenue Fund of Queensland.

Question put and passed.

On the motion of the COLONIAL TREASURER, the Chairman left the chair, and reported the resolution to the House. The report was adopted, and the Committee obtained leave to sit again to-morrow.

APPROPRIATION BILL No. 1.

On the motion of the COLONIAL TREASURER, a Bill to give effect to the foregoing resolution was introduced, passed through all its stages, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

LOCAL AUTHORITIES (JOINT ACTION) BILL—SECOND READING.

The PREMIER said: Mr. Speaker,—The joint action of different local authorities in conjunction with one another is at present provided for, partly by the United Municipalities Act of 1881 and partly by some of the provisions of the Divisional Boards Act Amendment Act of 1882. The importance of providing for the joint action of different local authorities has been continually becoming more manifest since the Local Government Acts have been in operation. In 1881, when the United Municipalities Act was passed, the subject was not nearly as familiar as it has since become; indeed that Act was admittedly of a tentative character only. In 1882 the question had become a little better known, and certain clauses were added to the Act of that year on my own motion in committee. Clauses 41, 42, 43, and 44 were inserted, providing for the cases of roads forming the boundary between two divisions, and bridges over water-courses forming the boundary between two divisions. They have, I believe, proved very useful, because, although it has not been often that the compulsory powers conferred on the Minister have had to be used, yet the existence of this power has led the local authorities, who under the law might be made, to take the joint control of these roads to do their duty without being compelled to do so. With respect to the United Municipalities Act of 1881, I am sorry to say that that Act has proved to be almost a total failure. There have been only two united municipalities constituted—one in Brisbane, the City and United Municipality, which was formed only for the purpose of regulating the traffic, and the other in Maryborough, for controlling a ferry over the river. That Act required first of all, that a certain number of the different local authorities should concur before a joint board could be constituted. It also contained machinery which, in working, has been found almost impracticable. Nothing could be done when the joint board was constituted until all the local authorities agreed to act; and the by-laws of the existing municipalities absolutely ceased as soon as the united municipality was formed, and a very considerable time necessarily elapsed before anything could be done to make new ones. These difficulties have been got over in one way or another, but the provisions of the Act are really quite unworkable. This subject, of course, is only one branch of the general question of local government. We have, as hon. members know, promised to deal with the whole question of local government so far as it relates to divisional boards, and I hope to be able to bring forward the Bill dealing with that subject this day week. But whether the local authorities are constituted under the present system or not, the question of their joint action is a separate subject, which, I think, can be dealt with by itself; and being simpler, and not requiring so much detail, I think it desirable to deal with it first. In this Bill the intention has been to make the scheme as flexible as possible, and I think it will be found that it is not only flexible but quite workable, and that there will be no difficulty in uniting two or three contiguous local authorities so as to form a joint board for any purpose for which it may be useful to unite them. The objects contemplated when the Act of 1881 was passed were principally the maintenance of boundary roads, main roads, bridges, and ferries, and incidentally the question of traffic; but it was only provided that two or more local authorities could join together, and there were rigid rules as to the constitution of the joint local authorities, and rigid rules also as to the boundaries of their district. I do not profess to call attention in detail to the changes made in that system. Though

this Bill may be said in some respects to proceed on the same lines, it is more accurate to say that it is founded upon the same idea. The lines are almost totally different. The idea of this Bill is that, as the districts of local authorities, divisions, and municipalities are arbitrary divisions—no doubt very useful for the purpose for which they are specially constituted—there shall be no arbitrary rule laid down here as to adopting the same boundaries, but that any larger local authorities may be constituted for the purpose of dealing with subjects of more general importance than those dealt with exclusively in any particular locality over which its local authority has jurisdiction. It does not by any means follow that because there are interests common to two authorities therefore the whole of each district is concerned in those common interests. It might be that the south ward of the municipality of Brisbane and one subdivision of the division of Woollongabba have joint interests, which may be dealt with separately from the separate interests of the municipality of Brisbane or those of the division of Woollongabba. I do not know of any particular point to which this illustration will apply, but I know that there are such cases in the colony. It may be that parts of two or three contiguous municipalities are jointly interested in a boundary road, or that parts of three and the whole of a fourth are interested, and so on. I do not see any reason why there should be any rigid definition of boundaries in this measure, and this Bill is framed to make the scheme as flexible as possible. The general idea is that several local authorities may work together for common interests. That is a good idea, and one in which all will agree. The rest is detail as to how this idea should be worked out, and I will proceed, as briefly as I may, to explain the way in which it is proposed to be done. With respect to boundary roads and boundary bridges, we have attempted to define what they are. They are things in which more than one local authority is interested. A boundary road is defined to be "a road which, or one side of which, forms the boundary between the districts of two local authorities." There can be no question as to what roads are included in that definition. A main road is defined as "a road which, being a main thoroughfare, passes through the districts of two or more local authorities, or is a boundary road abutting upon the districts of more than two local authorities, or fulfils both these conditions." It may easily happen that a long road for part of its course forms the boundary between two divisions, one on each side; further on, a division may include both sides; further again, there may be a division on each side. This definition will include all cases of that kind. A boundary bridge is defined to be "a bridge over a river, creek, or other watercourse which, or one side of which, forms the boundary between the districts of two local authorities, or a bridge over any such river, creek, or watercourse situated at a point where the districts of two or more local authorities, not being all on the same side of such river, creek, or watercourse, are conterminous." There may be a road running between the divisions of two local authorities to a creek, then a bridge over the creek, and on the other side a road running through the district of another local authority; then these three—the one on the other side of the creek through whose district the road runs, and the two on this side of the creek between whose districts the road runs—are all equally interested in a bridge of that kind; and the definition will, I think, include all cases of the sort. Then follow the provisions for carrying on the existing "united municipalities," as they are called. The 7th section contains the provisions under which joint local authorities may be constituted. It says:—

"Subject to the provisions hereinafter contained, the Governor in Council may, from time to time, by Order in Council—

(1) Constitute any two or more local authorities, whose districts are conterminous, a joint local authority;
(2) Join, for the purposes of this Act, the whole of the district of one local authority, or a subdivision or other part of such district, to the whole or a subdivision or other part of the district or districts of another local authority or other local authorities;
(3) Constitute a joint local authority for the management or control of any district consisting of districts or parts of districts so joined;
(4) Determine and alter, subject to the provisions of this Act, the constitution of any joint local authority;
(5) Alter or vary the area of a district under the management or control of a joint local authority;
(6) Rescind, alter, or vary any such Order in Council;
(7) Settle and adjust any rights, liabilities, or matters which in consequence of the exercise of any of the foregoing powers require to be adjusted."

So that there will be just as much freedom in constituting the district of a joint local authority as there is at present in constituting a division. We have omitted all the provisions about petitions from the local authorities; but having regard to the experience we have had during the past eight years of the working of local authorities, it has been found that, except in the first inception of divisional boards, nothing has been done against the general wishes of the people concerned. Provision has been made that regard is to be had to the wishes of the local authorities, but the Governor in Council is not to be bound to wait for any expression of them, or to comply with them. The 10th section is a transcript, with verbal alterations, of the 1st clause of the Act passed in 1884, when it was found that the provisions of the United Municipalities Act were so rigid that they could not form any "united municipality" at all under its provisions. There are some words in italics in this clause which are contained in the existing law, and they are so printed in order to call special attention to them. I will, however, say nothing more about that now. It is proposed that the chairman shall not necessarily be a representative; but the representatives of each local authority are to be elected by it. There is no provision in this clause for the retirement from office of the representatives. I do not know that there is any reason why the appointment should be annual. It would be very inconvenient in many cases that it should be so, because the election of the representative to the joint local authority may take place, and very often would, two months or three months after the annual election; and if it were provided that he should retain office for twelve months, before the expiration of that term he would have ceased to be a member of the local authority who appointed him. As the provision stands, the appointment of a representative to the joint local authority would continue in operation until the authority which appointed him removes him, which is as convenient a way as any other. That is not provided especially in the clause, but the Acts Shortening Act, which covers all our legislation, provides that an authority which may appoint may also remove. That is a matter of detail upon which something may be said upon the other side. The 11th section of the Bill is entirely new, and is intended to apply specially to such a case as we have seen in the first experiment tried under the United Munici-

palities Act. The City and Suburban United Municipality of Brisbane was formed as a traffic board, which contains five representatives of the municipality of Brisbane, and one each from, I think, six other local authorities. I believe I am right in the figures. That is undoubtedly much too large a body for any such purely administrative purpose. I cannot see any reason why, in cases of that sort, smaller boards should not be constituted, but still being elective. In cases of that sort what they have to deal with is not any question of taxation, but merely of administration, and a smaller board might be formed that should hold the same relative proportions to the different local authorities composing it. That is merely an illustration. I do not see why it would not be a proper thing that the municipality of Brisbane should elect two members, and the divisions of Woollongabba, Bulimba, and Yeerongpilly elect one between them, and the shire of Toowong and the divisions of Ithaca and Indooroopilly elect one between them; and the divisions of Toombul and Booroodabin elect one also. That is merely an illustration. It would make a much more workable board than the present one, and it would be equally representative. It would be convenient to have a power of that sort, and the 11th section will be found to carry that out. The 12th section provides that—

"Notwithstanding anything hereinbefore contained two or more joint local authorities may be constituted having jurisdiction over the same district or part of the same district."

I think this is a good provision. There is a certainty of a joint local authority for the purpose of regulating traffic in the metropolis, and I have no doubt in other places besides the metropolis. That is a special purpose. As the law stands at present any united municipality comprising any part of surrounding districts must comprise them all. Under this Bill it may comprise part of them only. You may draw a ring round a convenient distance from the centre of the city, and a joint board may be constituted for traffic purposes within that line. But within parts of that area there might also be other joint local authorities for the purpose of maintaining roads, bridges, or drainage works. You may join the south ward of the municipality with the division of Woollongabba for the purpose of drainage. That would be a joint local authority for that purpose. You may join Booroodabin with part of the municipality of Brisbane for another purpose, and there would be no conflict whatever. They would be joint boards for different purposes. Joint local authorities should be formed for the purpose of managing matters of common local interest. The 13th and following provisions are very much the same as under the present Act. The next part deals with the powers of local authorities, and provides that they shall have such powers as may be conferred upon them by Orders in Council. It is not proposed to give them greater powers than the powers of the local authorities which will be defined by the Bills relating to local government; but in each case the Act under which the powers are to be exercised by the joint local authorities will be specified. Then the 19th section provides that upon the constitution of the joint local authority all the by-laws shall not, as at present, cease to exist, but be carried on till new ones are made. With respect to the expenses of joint boards, the same principle that is found in the present Act is adopted with variations. The mode of recovering money is substantially the same as at present, with the same limitation as to the amount of rates. The 27th section is a very useful one, I think, and provides for the expenditure of loan money. It is proposed that the joint local authorities shall not have power to borrow, but they may be trusted with the expenditure of money borrowed; but for that purpose the several local authorities who would be responsible for the repayment of the money must first concur in borrowing it, and having borrowed it, it will be placed at the disposal of the joint board for the purpose of expenditure. Part V. of the Bill contains the provisions of the Divisional Boards Act of 1882 to which I previously referred. These provisions have been very carefully revised, and to a considerable extent recast. The clauses were, as I said before, drawn by myself in 1882, and although they were tolerably well drawn—though I say it myself, Mr. Speaker—they have been very considerably revised. They are now made of general application to all local authorities. They were previously limited to divisions, and, as will be remembered, last year it was found that they did not apply to such places, for instance, as North and South Rockhampton. It is proposed, therefore, to amend the present law in that respect. I will not point out in detail the alterations which have been made; I think they are clear and intelligible. In passing, I will just refer to an amusing article I saw in a newspaper to-day suggesting that, in consequence of the careless drafting of this Bill, a comma has been misplaced somewhere, which I regret I have not been able to find. It is also said that there is in one place a careless misuse of the future tense instead of the present tense. That will be found, I think, on further consideration to be not careless but careful, and if hon. members will take the trouble to look at the clauses they will find that the use of the future tense avoids an unnecessary and inelegant repetition of several words. The modern usage is to use the present tense as much as possible, but where there are two nominatives, one in the singular and the other in the plural, connected by a disjunctive, and you have to use two or three verbs after them, it becomes extremely inconvenient to use the present tense—in that case, I think, uniformity should be sacrificed to elegance and perspicuity. But, this by the way; I think the Bill will be found to be useful, and that it will facilitate the general working of joint local authorities. The present Act has not been put in force properly, because it is not workable. The provisions of the Act of 1882 as to joint liability with respect to boundary bridges and boundary roads have been found useful, because the local authorities have admitted their liability and acted upon it. I move that the Bill be now read a second time.

Mr. NORTON said: Mr. Speaker,—I have read this Bill very carefully through, and I believe it is a decided improvement upon the present law. It is, of course, convenient to have all the different enactments which bear on a particular subject combined in one Bill. And in this measure we have, in addition, all the advantage and experience which has been gained by the working, or the failure in the working, of the existing law, so that, as far as the principle of the Bill is concerned, there can be no objection whatever to it. I fail, however, to perceive the distinction which the hon. gentleman has drawn between a Bill drafted on the same lines, and a Bill following the same idea but drafted on different lines. This Bill is so like the present Act that I recognise a good deal of the old friend about it. It appears to me very much the same in the principle, and that the object in both cases is the same. But I would point out one matter which I think might be improved. I refer to the definition of main roads. All the attempts that have hitherto been made to define a main road have failed to a certain extent, and I do not think the hon. gentleman's definition fully meets the case.

Take a case in point. Would the road from Brisbane to the Toowong cemetery be called a main road? I do not think the definition includes that.

The PREMIER: That is a local road.

Mr. NORTON: Of course it is a local road, but a main road can also be a local road. The shire council of Toowong have a great objection to the road I refer to not being made a main road. It is a road which is used a great deal, not by the people of Toowong but by the traffic from Brisbane and from the other side of Brisbane. I think the Toowong Shire Council should not be bound to keep that road at their own expense. The complaints that have been made lately with regard to the new formation of roads in the shire of Toowoong have been very numerous. A great number of roads there during the wet weather were in a wretched condition; I never saw roads anywhere worse than some of them were. About the neighbourhood of the Rosalie portion of the shire, for instance, complaints were very loud. The Toowoong Shire Council say that it costs so much to keep up the roads along the river, on account of the traffic which there is, that the greater portion of the funds have been spent for that purpose, whilst it is really a road which, so far as the Toowong people themselves are concerned, is very little used—indeed, not more than some of the back roads in the shire. I think that is a case which the hon. gentleman ought to have taken into consideration in drafting this Bill, because it is one in which the local authority is just as much entitled to some assistance from other districts as other local authorities would be in respect to any road running right through the shire or division, and which is a main road according to the definition laid down in this Bill. With regard to the provision giving the Government the power to compel the local authorities to come under the provisions of this Bill, I think that is a very desirable clause, and that the power is one which ought to be vested in the Government. I am of opinion that if the Government had had that power in the past it would not have been abused—on the contrary, it might have led to great good. I am quite certain that the absence of this power has been one of the principal difficulties in preventing the present Act from being brought into working order. The 6th section of the Bill makes provision for the constitution of joint local authorities for certain purposes. That is all very well, but I think another addition is required here, which will enable the Government not only to join together two local authorities in any case where it is required so to do, but also to sever portions of one from the other. With respect to the election of members of joint local authorities, I think it would be desirable to fix some term. Probably one year is too short; but they might be elected for a period, say of three years, with the condition, of course, that should they cease to be members of the local authority by which they had been elected they should cease to hold office in the joint local authority. Then in section 11 there is a provision that—

"When two or more local authorities, so directed to concur in electing a member or members, shall fail to do so for one month after the constitution of the joint local authority, the Governor in Council may appoint some ratepayer or ratepayers of one of the municipalities or divisions of such local authorities to act as such member or members."

I do not see why the Government should not have that power in a case where one local authority failed to concur in the election of a member.

The PREMIER: They have that power by he previous section.

Mr. NORTON: I beg the hon. gentleman's pardon; I see that is provided for. Then in regard to two authorities acting in the same district. I can quite understand the object the Premier is desirous of carrying out, and I believe it is a good object, and I do not see why there should not be a traffic board acting independently of the ordinary board in the same district. But I think that in the 12th clause it should be expressed that, where two authorities have existence in one district, one should be an administrative authority only. That is not at present expressed in that clause, and before passing it, I think it would be better to so amend it as to expressly state that where there are two local authorities one shall be administrative only. There are several other formal amendments which it may be necessary to bring forward in committee. One occurs in the 34th clause in the 3rd paragraph, where it is provided—

"No proceedings shall be taken under this section to compel a contribution towards the maintenance of a bridge which does not lie between the district of the local authority which is so requested and a town or centre of population."

Under that I take it that if the local authority on the other side of the Breakfast Creek Bridge required the Booroodabin Board to contribute towards the maintenance of the bridge no proceedings could be taken to compel them to do it.

The PREMIER: No.

Mr. NORTON: That is one case, and I think they should be liable to be compelled to contribute. There are many other cases like that, whereas if this clause were passed as it stands one local authority could not compel the other to assist in the maintenance of a bridge.

The COLONIAL TREASURER: Read the 33rd section.

Mr. NORTON: It may be provided for in the 33rd section, and I may have overlooked it; but it does not appear in the 34th section, and if it is intended that both local authorities should be liable to be compelled to contribute, it should be expressed in that section as well as in the other. I have no objection to offer to the Bill, and do not intend to take up the time of the House further in discussing it. I can agree with almost all the Premier said referring to it. No doubt when we have done with it any defects that appear in it will have been pointed out and dealt with. Both town and country districts are interested in it. Up to the present, as the Premier said, united action has been taken only in one or two places. The object is to induce those in the country districts to avail themselves of the opportunity afforded to derive the greatest possible benefit by working together with the local authorities of adjacent districts. I am very glad the Bill has been introduced.

Mr. CHUBB said: Mr. Speaker,—I do not propose to offer any lengthy criticism upon this Bill, which is a good Bill, and one which I think will be found to work fairly. There are one or two things, however, which I should like to refer to, and which appear to me, so far as I have read the Bill, to have escaped consideration. The first one is a point of substance, and that is whether the existence of the boards has been considered. The scheme of the Bill is to make them perpetual. The 13th section makes them bodies corporate with perpetual succession, but I see amongst the purposes for which an authority can be constituted is that for the carrying out of some particular work. For instance, in subsection 3 of clause 6 a joint local authority may be constituted for the purpose of carrying out any public work. When

that public work is finished, there may be no longer any reason for the joint authority being in existence, and there are no means provided in the Bill for dissolving the board when it has performed its functions. There are many cases in which it would be perpetual where, having constructed some public work, it would have to maintain it, but cases will occur to the Premier where boards constituted for the carrying out of a particular work would have no reason for existence when it was finished, and should be dissolved. Clause 12 provides for the constitution of two joint local authorities having jurisdiction over the same district. The effect of that will be to give them power to double the rates. The maximum rate under the divisional boards is fixed at 1s.; but I find that by the 23rd section each local authority has power to levy a rate of 6d. in the £1. If both local authorities exercise their power and levy the full amount of rate, they will really be doubling the rates, and that might work harshly upon the ratepayers. We know that the tendency of divisional boards is to get as high a rate as possible, so that they may secure as large an endowment from the Government as possible, in order that they may carry out valuable public works. I would like to point out, therefore, that under this Bill the rates may be increased by another shilling in the £1, and that is a matter of considerable importance. I agree with the leader of the Opposition that representatives should cease to hold office in the joint local authority when they cease to be members of the local authority. Of course there might be cases in which it would it be beneficial that some representative who had mastered all the details of the particular work should not be removed from the joint local authority because he happened not to be re-elected to the local authority; but I think on the balance of convenience it is better that he should then cease to hold office, because he would be practically irresponsible, representing nobody except himself. I do not call to mind any other matters of substance which it is necessary to refer to. Possibly there are some details which may strike one when the Bill is going through committee, which I shall then have an opportunity of pointing out.

Mr. BLACK said: Mr. Speaker,—There is no doubt that this is a very useful Bill, and I think the whole debate in committee, or a great part of it, will turn on the definitions of "main road," "boundary bridge," and "road"—which is to include a bridge or culvert upon a road. I think those are likely to give rise to a great difference of opinion. I would suggest before this Bill goes into committee that the Minister for Works should lay on the table of the House a statement showing what has become of the £100,000 with which he was entrusted out of the £10,000,000 loan. At the time the Divisional Boards Act was passed, there was a large sum of money—£15,000—set aside for the initiation of the system; and that sum was afterwards equally divided amongst the divisional boards in the colony. It created a great deal of dissatisfaction at the time, for the money was not apportioned on any principle of equity in proportion to the rates the boards were collecting; it was equally divided. Now, this Bill, I take it, is to supersede the responsibility of the Minister for Works and prevent him from being so incessantly annoyed by deputations waiting to get a portion of this £100,000. I think it would be far more satisfactory for the House to understand before this Bill gets into committee how that money is to be apportioned. It cannot lapse, because it is a loan vote. Is it intended to endow the different municipalities, as an inducement to them to start as soon as possible, and give practical effect to this Bill? There is no doubt that the Bill means the additional rating power of joint boards to the extent of 6d. in the £1, in addition to the shilling they are now allowed by the Act to impose. It is, as a matter of fact, imposing additional taxation on the divisions of the colony. I hope the Minister for Works will see his way to lay that return on the table of the House, showing what portion of the £100,000 has already been spent, and what the Government propose to do with the balance.

Mr. WHITE said: Mr. Speaker,—I hope that in committee there will be amendments introduced into this Bill, giving the boards extraordinary powers for the extirpation of noxious weeds. They now have no power to go into private property, or public property either—reserves or such like——

The PREMIER: You will see that in the Divisional Boards Bill when it comes in.

Mr. WHITE: Then, sir, another amendment required most urgently for the working of the Act is, not only to tax the timber waggons, but to set some limit to the width of tire according to the weight they carry.

The PREMIER: You will find that there, too.

The MINISTER FOR WORKS: You have the wrong Bill.

Mr. WHITE: I have no fault to find with the present Bill, as far as I see it now.

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

Committal of the Bill made an Order of the Day for to-morrow.

PEARL-SHELL AND BECHE-DE-MER FISHERY ACT AMENDMENT BILL—COMMITTEE.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House went into Committee to consider this Bill.

The COLONIAL TREASURER, in moving that clause 1—Short title or construction—stand part of the Bill, said he would mention, in connection with the Bill, that since its second reading a list of amendments which he proposed to ask the Committee to allow him to introduce had been circulated. He wished to inform hon. gentlemen that those amendments did not introduce any new feature. They arose in this manner: When the Act of 1881 was passed, regulations under that Act were subsequently issued and published in the *Gazette*, and those regulations in an amended form represented the amendments which were now submitted to hon. members. They had been amended so as to lighten the charges upon the industry; but perhaps it would be more convenient to explain wherein they were amended when he came to move their insertion. He took that opportunity of explaining that the amendments were not new matter sought to be introduced into the Bill. No new charges were sought to be imposed upon the pearl-shellers, but it was simply proposed to put into the Bill what was now the law under regulations, as it was deemed advisable that the amended Act should fully represent the existing charges upon those who were engaged in the pearl-shell industry.

Clause put and passed.

The COLONIAL TREASURER, in moving that clause 2, as follows, stand part of the Bill :—

"Instead of the fees prescribed by the fourth section of the principal Act, there shall be payable for every license granted under that section a fee in accordance with the following scale, that is to say—

For every ship of ten tons burden or less the sum of three pounds;

For every ship exceeding ten tons burden the sum of three pounds for the first ten tons, and the sum of ten shillings for every ton or part of a ton above ten tons, but not exceeding in all twenty pounds;

For every boat the sum of ten shillings."

—said he thought he explained to hon. members on the second reading the principle of the clause. At the present time the minimum charge was £3 for vessels of ten tons, and when a vessel exceeded ten tons she was charged 10s. per ton, so that if she were a vessel of eleven tons she would have to pay £5 10s. instead of paying 10s. per ton in excess of ten tons. It was to relieve the shipowners of that overcharge, which crept into the original Bill through mistake, that the clause was now introduced.

Mr. NORTON said, so far as he could see, the change was an equitable one. He did not know how the reduction would affect the Treasury, but it could not make a great deal of difference. He believed the proposed charges would be more equitable than those now in force.

Clause put and passed.

On clause 3, as follows :—

"The Colonial Treasurer shall assign to every port at which licenses are granted under the principal Act a letter, and such letter shall be painted upon every ship or boat licensed under the principal Act, so that such letter shall immediately precede the number of the ship or boat painted as prescribed by the eighth section of that Act, and shall be painted in the manner and of the size therein prescribed. And the said section shall be deemed to be amended accordingly."

The COLONIAL TREASURER said the clause was inserted principally for the convenience of administering the Act. It was convenient that a letter should be assigned to each port.

Clause put and passed.

On clause 4, as follows :—

"There shall be payable, in respect of any license granted under the 10th section of the principal Act, after the 30th day of June in any year, one-half of the fee therein prescribed.

"Any license granted under that section shall continue in force until the 31st day of December following."

The COLONIAL TREASURER said that that clause was also for the purpose of lightening the burden of charges upon those who had licenses granted to them for a certain portion of the year. Under the principal Act a whole year's license fee had to be paid, no matter what portion of the year had elapsed. It was now proposed to charge only half the fee when the license was taken out after the 30th day of June.

Mr. BLACK said the Colonial Treasurer had told them that the license fees mentioned in the amendments were nothing new. Did he understand that up to the present time divers had been paying those license fees?

The COLONIAL TREASURER : Yes; since 1882.

Mr. BLACK : Under the regulations, but not under the Act.

The COLONIAL TREASURER : Quite so.

Mr. BLACK said he thought it a very irregular thing that the Government should have power to impose taxation of that sort without the knowledge or sanction of Parliament.

The COLONIAL TREASURER : That is the reason we seek to introduce the provision.

Mr. BLACK said he was not aware that the tax had ever been collected.

The PREMIER : Nor was I.

Mr. BLACK said that was a most extraordinary statement. The Premier himself admitted that a tax had been imposed on a section of the community in the North of which he was not aware. He (Mr. Black) admitted that he was not aware of it.

The PREMIER : We were not the Government then.

Mr. BLACK said that was a thing which should cause hon. members to suspect the action of any Government. He assumed that the new clauses would come in at the end of the Bill.

The COLONIAL TREASURER : After clause 5.

Mr. BLACK said he regretted that the Treasurer had paid no attention to the remarks which were made on the second reading of the Bill. He referred especially to the necessity for some action being taken to protect the fishery owners in some way against the great abuse of pearl-pilfering. The hon. gentleman had brought in a number of new clauses very nearly, if not quite, as long as the original Bill; and he might certainly have taken some steps to give redress in that direction. It might have been done in the shape of a license to pearl-sellers. Hon. members who had not been to Thursday Island could form no idea of the rascality that was carried on there in the direction to which he referred. It was not too late for the hon. gentleman to amend the Bill in that way now, or, if not, he should give some reason for leaving those contributors to the revenue without the protection to which they were certainly entitled.

The PREMIER said the subject had not escaped the attention of the Government when the Bill was being framed, but it was a much more difficult one than the hon. gentleman seemed to think. He admitted that it was desirable that proper precautions should be taken against the pilfering of pearls, but a law of that nature should be made to include also gold specimens, the pilfering of which, he believed, was much more grievous. But the whole subject was one that required a great deal of consideration, and the Government had not had time to give it that consideration and bring in a measure dealing with it during the present session. But that was no reason why they should not deal with the subjects mentioned in the Bill, which was intended to relieve a pressing and very present grievance, as he had been informed by persons on the spot and by hon. members conversant with the matter. That was all they could deal with satisfactorily just now; the other was not a subject that could be dealt with at a moment's notice.

The HON. J. M. MACROSSAN said that on the South African diamond fields, where the difficulties in the way were far greater than at Thursday Island, a statute had been passed to prevent the pilfering of diamonds which had been very effectual. It had, to a very great extent, prevented the stealing of diamonds. The reason given by the Premier was not, in his opinion, a sufficient one. He gave the hon. gentleman the credit of knowing the difficulty of framing a law; but the thing had been done in South Africa; and diamonds were as small as pearls, and just as easily stolen. With regard to gold specimens, he did not think they were very often stolen. Gold specimens seldom disappeared, the owners generally taking too much care of them. Gympie was the only field where gold specimens were found, and as the owners of them were always careful to bank them immediately,

there was not much chance of pilfering being carried on. Charters Towers and the other places were not specimen fields.

The COLONIAL TREASURER said he could assure the hon. gentleman that the question was carefully considered by the Government before the Bill was introduced, and again since it had passed its second reading. It would be unwise to delay the passage of the Bill, which would be a great boon to the community of Thursday Island and the Torres Straits. The subject would not be lost sight of, but it was a matter of importance that the pearl-shellers should be relieved in their present necessities, leaving the other question to be dealt with in a future session.

Mr. BLACK said he did not regard the Premier's explanation as satisfactory. The hon. gentleman had not done himself justice in stating the difficulties that were in the way. If there was a difficulty the Premier was the man to deal with it, and he had never before heard him admit that any question of legislation was too difficult for his gigantic intellect. He believed it would be a source of great dissatisfaction to those engaged in the industry, when they found that the somewhat lengthy Bill had been passed without sufficiently recognising one of their greatest grievances. They had learnt how some Colonial Treasurer, without the consent of the House, had imposed upon those men additional taxation in the shape of licenses, and they all knew the state the Treasury was in at the present time. There was a tax which might be imposed, which would not only give some solid addition to the Treasury, but which would be cheerfully paid by those engaged in the industry. He should advocate putting a sufficiently high license fee on dealers in pearls, who should keep a record of all transactions entered into by them, such record to be open to the inspection of a proper officer. At present, gentlemen going to Thursday Island were met by a number of coloured men, elegantly dressed, coming off in their canoes, and presenting, for the inspection of those who expressed a wish to buy, bags of pearls, the majority of which, he believed, were stolen. That was done in the most barefaced manner, and anybody wishing to buy pearls in a legitimate manner could not do so. The legitimate dealers would tell the inquiring visitor that if he wanted pearls he must go to some of the divers, or those who were bringing the industry into disrepute—namely, the sly grog-sellers of Thursday Island. It was a public scandal up there. The pearls thus illegally taken belonged to those who had devoted considerable capital to the development of the industry—an industry, the expense of which, he was informed, could be paid by the stolen pearls. That industry which they now found, from the report of the Government Resident, the Hon. John Douglas, was languishing—was in need of some protection—would be placed on a more satisfactory footing if the Government would devise some scheme to secure to the legitimate owners the fruit of their enterprise.

Mr. PALMER said this was a case in which custom seemed to have overriden the common law or common honesty. It appeared that the divers imagined, from the custom being so ancient, that they had a perfect right to the pearls they found, although they were the absolute property of their employers. Many of them appropriated pearls thinking them part of their perquisites, and if it were declared in the amendment that such abstraction would be illegal, and open to the action of the law, it would at all events be the first step towards a recognition of the claims of the employers of the divers to the pearls. At present the employers looked upon the matter as hopeless, and really allowed themselves to be robbed of what was actually their property. The 5th clause provided:—

"It shall not be lawful for any master or other person to engage any seaman or other person in the pearl-shell or bêche-de-mer fishery unless under a written agreement recorded in the custom-house or shipping office nearest to the place where it is intended to employ such seaman or other person, or to discharge any such seaman or other person except in the presence of an officer of Customs or shipping-master."

Would the hon. the Treasurer inform the Committee whether, if those seamen or other persons were discharged at Port Darwin or any other port in Western Australia, they were to come back to Thursday Island——

The COLONIAL TREASURER: I intend to amend that clause.

Mr. PATTISON said he thought that there was a great deal of power in the hands of the employers of this class of labour. He was surprised to hear that such heavy losses as had been described by the hon. member for Mackay took place. No doubt it was difficult to get honest men in that class of labour, but still if the employers made it a condition of engagement that they should be searched—as was done in the early days on the Victorian goldfields, when it was nothing unusual for men coming up from a mine to be searched on reaching the top—if that were done he believed it would have a very good effect. If he were engaged in the traffic that was a regulation he should make.

An HONOURABLE MEMBER: The men swallow the pearls.

Mr. PATTISON: Then he would give them an emetic and get them at one end or the other. He thought even that difficulty might be met. If the employers would surround themselves with protections of that kind it would assist legislation very materially. When they had to deal with a lawless set of men they had to do so in the best way they could. The Government had given very good reasons why they had not introduced a measure dealing with that phase of the question, and until the Government were prepared to do so, let the employers take the remedy in their own hands in the way he had suggested.

The PREMIER said he would point out the difficulty. It was all very well for hon. members to say nothing was easier than to pass a law. There was nothing so difficult as to pass a criminal law, dealing with offences of that sort, that would not break down the very first time it was put into operation. What they wanted was to prevent people stealing pearls. Of course the law did not allow men to steal pearls, but the difficulty was to catch them and then to prove them guilty. In the first place, sales of pearls which formed the subject of theft were made, as mentioned by the hon. member for Mackay, to casual passers-by in steamers to or from England or the Gulf, and in a few hours the persons to whom they were sold were gone—all the witnesses were gone. It was no use making a law against selling pearls, because they could never get witnesses to prove the offence, unless they were kept three or four days and lost their steamer. So that would not do. The next thing that occurred to one's mind was to make it unlawful for a man to have pearls in his possession without a license. That would be very stringent—to make it unlawful for a man who went to Thursday Island casually, to have pearls in his possession. Then, was that law to apply to Thursday Island alone, or to other places? If it applied to Thursday Island alone, the obvious thing to do would be to send the

pearls away to other places where the law was not in force. All those things occurred to one in attempting to deal with the matter practically. What they would really have to do was to provide the most stringent measures for searching any person suspected of having pearls in his possession, and to surround such provisions with all sorts of safeguards; otherwise it would be monstrously unjust. He did not see his way to solve all those difficulties, and under the circumstances the Government thought it would be better to deal with the matters they could remedy, and allow those which required further consideration to be dealt with in the future.

Mr. SMYTH said he was of the same opinion as the hon. member for Blackall. He thought a great deal towards remedying the evil rested with the owners of the pearl-shelling boats. He knew that on the Gympie Gold Field every precaution was taken to prevent specimens from being stolen. They had large changing-rooms where the men changed their clothes in the presence of a person appointed for the purpose; but notwithstanding all those precautions, on one of the richest mines a short time ago a large quantity of specimens were found in the garden of a boarding-house. All the watchfulness they could exercise would not prevent those things from occurring; but it went a good way in that direction. If the owners of the pearl-shelling boats would take the same precautions he believed it would have a very great effect in stopping the evil. Honest men did not object to being searched—some men on those boats might, but honest men would not. He noticed when he was up at Thursday Island very lately, that the stations around Goode Island and Prince of Wales Island all belonged to persons in New South Wales, Brisbane, or up north, who had from three to twenty boats employed. Could not they, when the boats came in, have the men searched? If they were honest men they would not object to that; and then could not the boats and everything in them be handed over by the owner of the station to whom they belonged? He had noticed also that they usually had one white man in a boat, the rest being coloured men; and surely they could get a trustworthy man to take charge of the boat. No doubt pearls, which were more precious than gold in comparison with their size, would be more easily stolen than gold; but still he agreed with the hon. member for Blackall that the remedy, to a large extent, lay in the hands of the owners of the stations themselves.

Mr. SHERIDAN said he could speak from experience in this matter also. When he was at Thursday Island a short time ago he was offered pearls for sale by several coloured men. They were very good pearls too, and those men seemed to understand their value very fairly. He thought that some measure should be introduced on behalf of the owners of pearl-shelling boats to protect them against the pilfering habits of their boats' crews. He did not suppose there would be much difficulty in doing so, and he hoped that before the Bill passed into law some provision of the kind would be made in it.

The HON. J. M. MACROSSAN said that a strongly deterrent effect would be produced upon the divers if a law were passed making it illegal for anyone but licensed pearl-dealers to buy or sell pearls at Thursday Island. It might be difficult, as was pointed out by the Premier, to get witnesses, but the very men who offered pearls for sale would do so in such a stealthy way, if not licensed, that even the passengers on vessels calling at Thursday Island who did not know the law would think there was something wrong. As to searching the divers, they knew very well that it was a very easy matter to swallow a few pearls, and how, then, were the men to be searched? Another thing, divers were not so numerous that employers could afford to have them searched. On a gold-field miners were plentiful, but pearl-shellers might find it very difficult to engage men under a regulation providing that they should be searched.

Mr. BLACK said he understood the hon. member for Gympie to say that each boat was in charge of a European, but such was not the case. The diver was in charge of the boat, and he engaged his own crew. He had made inquiries, and had been informed that if the owners attempted to exercise any control over the divers they would get no shell at all. The crews would go out for ten days or a fortnight, and if they suspected anyone on board, European or anyone else, of acting as a check on their criminal propensities, they would return without anything.

Mr. SMYTH: They get £40 a ton for all the shell they bring in.

Mr. BLACK: The hon. gentleman referred to miners. Of course, miners could be searched, but it was totally different with those employed on the pearl-shellers' boats. They did not return every night, but went away for a fortnight at a time, and camped on different islands during the time they were out, so that nothing was easier than to make away with the pearls they found. Exceptional legislation on the subject was required, for it was useless to attempt to stop pearl-stealing so long as there were facilities for disposing of them. The moment a check was put on disposing of the pearls, the motive for stealing them would be removed, and that object would be attained by licensing dealers in pearls. He admitted many of the difficulties pointed out by the Premier, but there could be no doubt that they should endeavour to improve legislation where it had been proved to be defective.

The MINISTER FOR LANDS said the proposition of the hon. member who last spoke would have the effect of inducing a certain class of men to carry on a trade in stolen pearls. They would receive them from the men who stole them at a reduced rate and make a large profit. The evil would then be worse than it was now, because those men could put the divers up to all sorts of dodges in order to gain their ends. He could not see why any particular class of employers should be protected by special legislation against the dishonesty of their employés. Why should they not provide against the dishonesty of those whom they employed just as a gold-miner or a jeweller did? A man of business who traded in articles of small size and great value had to take precautions against theft, and this was a case in which the law had no right to interfere between employer and employé. If the pearl-sheller made a judicious selection of his men he could protect himself.

Mr. BLACK said he never heard anything so extraordinary. The principle laid down by the hon. member was that everyone should protect himself. If such was the case, where was the necessity for the police; and why was taxation raised for the general government of the country if they were to be relieved from the responsibility? If a thief stole a hat or a pair of boots from a shop in Queen street, had the owner no right to call up the police to protect him?

Mr. SHERIDAN said that pearl-divers had very little opportunity of stealing pearls. They merely brought the pearl-shells to the surface, where they were attended to by the cleaners, and those were the men who appropriated the pearls. If there was to be legislation on the subject, it

should apply to everyone employed in the boats. He agreed with the hon. Minister for Lands, that the employer should look after his own affairs, and that there should be no special legislation to prevent the appropriation of pearls.

Mr. NORTON said it would no doubt be very difficult to provide against stealing pearls, but the evil would increase if men were allowed openly to sell pearls without any check. If a man stole pearls, there were no police to take him in charge; but if it were known that only persons who were licensed were allowed to sell pearls, that would act as a check upon pearl-stealing, though it would not stop it altogether. The value of the pearl to the thief would be much reduced, and the inducement being lessened he would not be so much tempted to steal. He (Mr. Norton) thought that any amendment which would tend to produce that effect would be of advantage.

The COLONIAL TREASURER said he did not think that they had arrived at any nearer approach to a perfect manner of dealing with the subject since the commencement of the debate. He believed that the protection that would accrue from the licensing of vendors was more imaginary than real. The people who bought the pearls were generally passengers on board the steamers visiting Thursday Island, and it was a matter of indifference to them from whom they purchased pearls. They were "birds of passage," and did not remain in the locality to pursue the matter or give any evidence, and they would buy from anyone who offered them on board the ship, whether he held a license or not. It seemed to him, therefore, to be a waste of time to pursue the matter further at present. The obstacles mentioned were quite iusuperable to give any practical effect to the desire of hon. members. The Government would not lose sight of the matter, and if they could deal with the subject in such a manner as to carry out some practical benefit they would do so. In the meantime, he would ask hon. gentlemen to accept the Bill, with the amendments he had formulated to give immediate relief.

Mr. NORTON said he did not know what evils were crying out for relief, because there was no such immense advantage in the Bill to have it represented in that way. It could not be such a serious matter as the hon. gentleman represented. He said that pearls were sold on board ships by men who had them for sale to passengers. He thought a license would very easily obviate that. Why not license the places in which pearls were to be sold? Why not license pearl-dealers to sell pearls in a particular place? That would meet the case. Selling outside that place should be illegal. That would be an advance in the right direction.

Mr. PALMER said he held in his hand a copy of a letter forwarded to the Colonial Treasurer last year with regard to the grievances of pearl-shellers. It was very well known that pearl-divers had no right to the pearls. The mere fact of owning them was almost proof positve that they had stolen them. They had no share whatever in the possession of the pearls. The Premier said that could not be interfered with now, so they must leave it. There was another grievance that the pearl-shellers laboured under, and that was the duty they had to pay upon pumping-gear necessary for the carrying on of their business. At that time the tax on machinery had not been passed, but now the matter was equalised all over the colony. But they objected to be taxed, when they had to send home to England machinery for repairs that could not be effected here, a second time. He doubted the legality of that. They had called the attention of the Colonial Treasurer to that grievance, and he had not noticed it in any manner in his amendments. There was another grievance still, and that was the manner in which the islands were infested with boarding-house keepers, and they demanded that such should be licensed. A great deal of trouble arose in the islands from the manner in which the boarding-house men tampered with the labour obtained for the fisheries. There were over a dozen boarding-houses on the islands, whereas three or four would be sufficient for the purpose.

The COLONIAL TREASURER said the hon. member for Burke was pointing out a matter of administration. The Customs had been instructed to charge duty on the declared value of the repairs. The articles to which the hon. gentleman referred did not pay duty when they re-entered the ports of the colony, but the value of the repairs was charged *ad valorem*.

Clause put and passed.

On clause 5—

"It shall not be lawful for any master or other person to engage any seaman or other person in the pearl-shell or bêche-de-mer fishery unless under the written agreement recorded in the custom-house or shipping office nearest to the place where it is intended to employ such seaman or other person, or to discharge any such seaman or other person except in the presence of an officer of Customs or shipping-master.

"Any master or other person who employs any seaman or other person in the pearl-shell or bêche-de-mer fishery, or discharges any person so employed, otherwise than as herein prescribed, or who fails to produce the agreement when required to do so by a justice, officer of Customs, or officer of police, shall be liable to a penalty not exceeding ten pounds."

The COLONIAL TREASURER moved that the word "a" be substituted for the word "the" in the 3rd line.

Question put and passed.

The COLONIAL TREASURER moved that all the words after the word "office" in the 4th line, down to and including the word "person" in the 5th line, be omitted.

Mr. NORTON said that was a matter in which those who had any connection with the industry were greatly interested — namely, compelling masters to return men to some custom-house to discharge them. He would cite a case in point. A vessel might go out for a cruise, and one or two men might refuse to work. Had the vessel to be taken right back to Thursday Island to go through the form of discharging those men?

The COLONIAL TREASURER: To the nearest custom-house.

Mr. NORTON: Where was there a custom-house nearer? The vessel must either go to Thursday Island or come down the coast, yet the master might be in a position to get rid of those seamen by transferring them to some other boat employed in the industry. But by the proposed clause, in order to get rid of them, he must keep them and pay them their wages until he came back to some custom-house. It was said that there was a similar provision in the law with regard to merchant seamen, and that was so; but it should be remembered that merchant seamen went from port to port, and were not stationed in out-of-the-way places in the same way as those engaged in pearl-shelling. The clause would prove a real hardship in many cases.

The COLONIAL TREASURER said it had been thought that there should be some supervision over those men, and he did not see that the provision would occasion any great hardship. The same law was in the Merchant Shipping Act. He thought it was highly desirable that there should be some supervision over the manner in which the men employed in the industry were engaged, and he might say that the clause had not been intro-

duced without very great consideration or without the entire approval of the Customs officers in Torres Straits who were concerned in the matter; nor did he see any great difficulty in carrying out the provisions. Hon. members were aware that its new application was extended in this clause to Europeans. Aboriginal labourers were already subject to a similar law, and there had been no difficulty in carrying out the provision in their case. He would strongly recommend that the clause should be passed in its present shape.

Mr. NORTON said he brought the matter under the notice of the Committee because he believed that some employers of labour engaged in the pearl-shelling business would have a great objection to the clause, for the simple reason that the white men who were employed were very well able to take care of themselves, and that there was consequently no necessity for them to incur the loss of time and money which would be caused by a return to the nearest custom-house for the express purpose of discharging before a shipping master some men who might be engaged by another ship. He was quite aware that the intention was to make the provision similar to that in the mercantile law; but, as he had already pointed out, the circumstances in which the men were engaged were very different—in the one case the men going from one port to another, while in the other they were stationed at some distance from a custom-house. He believed the clause would operate harshly in many cases.

The COLONIAL TREASURER said the masters and crews of vessels employed in the pearl-shell and bêche-de-mer industry would have additional conveniences now, as they would be visited periodically by a steamer—the "Albatross"—which had just sailed for Torres Straits. There would be an officer on board that steamer to make periodical inspections of the fisheries and see that order was maintained, and that officer would be authorised to deal with such matters as those under discussion. He would grant discharges and transfers, so that the objection as to the distance of a custom-house or shipping office would be obviated. He thought the Committee might very well pass the clause as it stood, which had received the approval of those engaged in the industry.

Mr. NORTON said if the hon. gentleman had stated before that an officer authorised to grant discharges and transfers would visit the vessels periodically he would not have raised his objection.

Mr. BLACK said the hon. gentleman had stated that the Bill was approved by those engaged in the industry. It was only introduced on the 12th of the present month, and the great objection to it was that hon. members had not had an opportunity of getting the opinion of persons interested.

Question—That the words proposed to be omitted stand part of the clause—put and negatived, and the clause as amended agreed to.

The COLONIAL TREASURER, in moving the insertion of the following new clause after clause 5—

> Every person in charge of a ship engaged in the pearl-shell and bêche-de-mer fishery, who is not required to hold a certificate of competency under the Navigation Act of 1876, and every person employed in the said fishery as a diver, and using a diving apparatus, must hold a license permitting him to be so employed; and every such person who is found in charge of a ship so engaged, or employed as a diver and using diving apparatus, without being so licensed, shall be liable to a penalty not exceeding ten pounds.
>
> A license may authorise the person named in it to be employed in both capacities.

—said he agreed with the opinion which had been expressed by the hon. member for Mackay that it was very undesirable that charges of that sort should be levied under regulations; but such, however, was the case at the present time, and those regulations had been in existence since 1882. They were to the effect that every person in charge of a vessel, whatever the tonnage might be, whether of ship, or boat, or vessel of large tonnage, had to pay a license fee of £1, and every diver had to pay a license fee of £1. Under the proposed clause it was intended to exempt all men in charge of small boats. The clause, as hon. members would see, referred only to ships. It was for some time felt to be a grievance that men in charge of small boats and dingies, and who did nothing more than carry provisions or messages between different vessels, should have to pay a license fee of £1. The clause proposed to relieve them of that charge, and continue the charge only to divers and persons in charge of vessels of large tonnage engaged in the industry.

Mr. NORTON said he thought it very much better that the provisions with regard to the license fees should be included in the Bill. He did not believe in putting such provisions in regulations unless they were provided for in the Bill. The clause now proposed gave more relief to those engaged in the fisheries than anything in the Bill. With regard to licenses being imposed under regulations, the hon. member was always glad to make a point against the late Government, but that was not so objectionable as the regulations made by the present Government, and under which men were requested to pay a royalty upon timber they cut. Those regulations caused very great complaint, and the hon. member had nothing to crow about in that matter. He gave the hon. gentleman credit for having, even at the last moment, discovered some way of benefiting those engaged in the pearl-shell industry by introducing the proposed new clauses. They would really form the best part of the Bill, though they were evidently not thought of at the time the Bill was framed.

The COLONIAL TREASURER said he denied that he was in any way exulting in the superiority of the present over the late Government, or accusing the late Government of irregularities. He knew of the existence of the regulations perfectly well.

The HON. J. M. MACROSSAN: Are they not legal?

The COLONIAL TREASURER said the legal members of the Government were of opinion that they were *ultra vires* of the principal Act, and as the Auditor-General made a surcharge if he was not satisfied of the charges being collected, it was thought advisable to introduce them in the Bill.

Mr. PALMER said he supposed the Colonial Treasurer would make a refund of the fees illegally collected, as he admitted the regulations imposing them were illegal.

The COLONIAL TREASURER: No; I make no admissions.

Mr. PALMER said nothing came back from the Treasury. He could hardly understand the statements made by the Premier and Treasurer when they said they had given the Bill their serious consideration, and referred it to the people of Thursday Island for improvement, and then came down with an amendment containing greater improvements than the whole of the Bill itself. An interpretation clause, he thought, was wanted with the amendment, to define the terms "diver" and "diving apparatus." What constituted a "diver" or "diving appa-

ratus"? A man groping about upon the rocks for sea-slugs might be considered a "diver." Was the whole of the apparatus for diving, including steam-pumping machinery, included in the term "diving apparatus?" The Colonial Treasurer should, he thought, introduce an interpretation clause with the amendments.

The HON. J. M. MACROSSAN said he was very doubtful about the statement made by the Colonial Treasurer that the regulations were *ultra vires* of the principal Act, because power was given under the Act to make regulations, and such regulations, on being published in the *Gazette*, were to have the force of law.

The COLONIAL TREASURER: No power was given to impose fees.

The HON. J. M. MACROSSAN said the principal Act contained the following provision:—

"It shall be lawful for the Governor in Council to make and promulgate regulations, not being contrary to the provisions of this Act, for the due and effectual execution of this Act, and the objects thereof, and respecting any matters or things necessary to give effect to such objects and such regulations from time to time to revoke or alter.

"All such regulations shall be published in the *Gazette*, and when so published shall have the force of law."

He was rather doubtful about their illegality, and the Colonial Treasurer need not trouble his conscience about refunding the money. It was probably too much the practice of all Governments to make regulations under the provisions of Acts passed in the House, and it had often been objected to give Governments such power. He remembered many Acts passed in the House—particularly Land Acts—which gave the Government tremendous power in the way of making regulations, and he thought they should be avoided. As to divers having to pay a license, it was not because they were obliged to pay £1 as a license fee under the regulations that they should be included in the amendment. He did not see the necessity for imposing the tax.

The COLONIAL TREASURER said there had been no complaint on that score from the divers.

The HON. J. M. MACROSSAN said they must be very accommodating people. He did not see why the diver should be charged £1 when the master of the boat was charged £1. That should be quite sufficient.

Mr. HAMILTON said that when he was in the North he had heard complaints from the divers, who considered the tax very unjust when compared with that the miner had to pay—10s. a year. The miner was free to roam all over the country and turn up the ground; whereas the divers, who were at far greater expense, were charged twice as much for their licenses. He heard the divers, during his short stay at Cooktown, very strongly objecting to it.

The COLONIAL TREASURER said that if the man in charge of the ship was a diver he only paid one license, but if there were two persons, one being the master, they each paid. There had been no complaint on that score. The real cause of complaint had been that a person in charge of a small boat, not engaged in actual diving, had to pay. The Bill was intended to give relief to such men as that. Of course, for Treasury reasons, he was not disposed to decrease the revenue further.

Mr. BLACK said that the divers must be very easy-going if they did not object to the tax. He did not suppose any section of the community were more heavily taxed and got less protection. There was a 10s. tax on the boat, 5 per cent. on the diving apparatus, 10s. on the diver, 10s. on the man in charge of the boat; the only exemptions were the few coloured men employed in the crew. He was surprised that the hon. Premier, with all his ingenuity, had not seen his way to tax the crew. There had been no time to get the opinions of the men concerned, as the Bill had only been introduced on the 15th of the month. He felt sure they would feel excessively dissatisfied.

Mr. NORTON said it was quite possible that the men engaged did not complain; but they took other steps to relieve themselves from the unfair position in which they were placed by going to the coast of Western Australia.

The COLONIAL TREASURER: They are not driven away by taxation.

Mr. NORTON said he did not say they were, but the object of the Government should be to keep them here He believed that when they went to Western Australia they had no license or duties to pay. It would be better policy to offer them inducements to stay, rather than drive them away by imposing unnecessary licenses. He did not believe in the diving licenses at all. Let the man in charge of the vessel be licensed, but they ought not to charge the diver as well. As a matter of fact the diver only nominally paid the fees; they really fell on those engaged in the business.

The COLONIAL TREASURER said he was sure taxation had nothing to do with the divers going to Western Australia. They went there because they were going to "fresh fields and pastures new."

Mr. NORTON: No, they did not.

The COLONIAL TREASURER said they went there because they thought shell was there more plentiful. The industry was comparatively new in Western Australia; doubtless, as soon as it was established, taxation would be imposed there possibly heavier than that imposed here. Whether the Bill was passed or not, it would not deter those engaged in the trade from exploring the remoter parts of the Australian coast.

Mr. NORTON said, to test the question, he would propose the omission of the words "and every person employed in the said fishery as a diver, and using a diving apparatus." He did not think it was necessary to charge those people; they rather deserved encouragement. They ran a very great risk, and certainly were not making anything like the profits they made at first.

The COLONIAL TREASURER said, before the amendment was put, he would like to point out its effect. Under the present regulations, any person in charge of a ship engaged in the pearl-shell fishery, who was not required to hold a certificate under the Navigation Act, must hold a license. Now, if he held the certificate of competency—that is, if under the Navigation Act he could take charge of a ship exceeding fifteen tons burden, he would, under the hon. member's amendment, neither pay a license as master of the ship nor as a diver. He thought that was unfair. The country was being put to considerable expense; a police boat had been sent up to the straits to inspect and regulate the fisheries; and the State had a right to some return in the shape of revenue. He would again urge that there had been no objection whatever on the part of the divers to paying the license fees; and under the amendment the diver was also in charge of the vessel—he only paid the one license. In cases where a master of a vessel held a certificate of competency under the Navigation Act of 1876, he paid no license fee whatever, and

if the hon. gentleman's amendment was carried he would neither pay a license as a master nor a diver.

Mr. NORTON said he thought the hon. gentleman was wrong. The object was to free those engaged in the business from unnecessary taxation. He did not believe the tax was very heavy, but at the same time the hon. gentleman introduced the Bill for the purpose of abolishing some of the unnecessary taxation, which was now necessary under the by-laws, and he thought that was an item where a reduction might be made. He thought it was objectionable to tax the use of any kind of machinery, and believed that diving apparatus ought not to be taxed.

The PREMIER said the hon. gentleman's action struck him as rather curious. The Government of which he was a member imposed a fee, and the present Government, thinking there was some doubt on the subject, proposed to put the matter on a lawful footing, at the same time reducing the taxation. Then the hon. gentleman, for no apparent reason, said "Let us amend this," and proposed to leave out something which no one ever complained of. No argument had been used against it, but the hon. gentleman simply said "Strike it out." The Government were proposing to reduce taxation in a direction where considerable hardships existed under the present law, and the hon. gentleman said, "Let us reduce it some more." That was all his argument amounted to.

Mr. NORTON said the hon. gentleman was mistaken; he was not a member of the Government who imposed the fee. He knew nothing about it. The Colonial Treasurer said those fees were imposed in 1882, and certainly he (Mr. Norton) knew nothing about them until that night. Even the Premier had told them that he did not know of the existence of some of the fees. He (Mr. Norton) did not think, therefore, that the hon. gentleman could charge him with inconsistency in opposing the imposition of those fees. He really thought that diving apparatus ought to be exempted from taxation—that is to say, the men who used it ought to be exempted from paying the license fee.

Question—That the words proposed to be omitted stand part of the clause—put and passed.

Clause, as printed, agreed to.

The COLONIAL TREASURER moved the following new clause, to follow the last clause as passed :—

> Every such person in charge of a ship engaged in the fishery, and every person employed as a diver as aforesaid, who fails to show his license when called upon to do so by any officer of police or Customs, or other authorised person, shall be liable to a penalty not exceeding five pounds.

Clause put and passed.

The COLONIAL TREASURER moved that the following new clause stand part of the Bill :—

> The principal officer of Customs at any port may grant any such license, which shall be in the form in the schedule to this Act, and for every such license there shall be paid the sum of £1, which shall be paid into the consolidated revenue.

Mr. PALMER asked whether there was any given period named for the expiration of the license.

The COLONIAL TREASURER: It is a permanent license.

Mr. PALMER: That is new.

The HON. J. M. MACROSSAN: Is it not an annual charge?

The PREMIER: No.

Mr. BLACK said he was glad to hear that explanation. The hon. the Colonial Treasurer did not correct him a few minutes ago when he spoke of excessive taxation. He pointed out then that there was 10s. a ton on the boat, and he wanted to know now whether that was annual or permanent.

The COLONIAL TREASURER: It is a permanent tax.

Mr. BLACK asked if the one payment did for ever?

The PREMIER: It is an annual tax, from the 1st January to the 31st December.

Mr. BLACK said it was quite evident that the amendment should have been circulated to hon. members, as, to all appearance, the Ministry themselves were not certain what they meant. It now appeared there was an annual tax on the boat of 10s., a machinery tax of 5 per cent., and a permanent license fee, paid by the diver, of 20s. Having taken out that license fee he was exempt from all other payment. Was that so? He would like to be certain whether the diver and the master in charge, having obtained a certificate or license for 20s., made no further payment.

The PREMIER: Yes, that is so.

Mr. BLACK said clause 5 of the principal Act provided—

> "All licenses issued under this Act shall be in force from the 1st day of January to the 31st day of December in the same year, when it may be renewed by the principal officer of Customs at any port in the colony by endorsement on the original license."

He only wished it to be understood whether that clause was to be repealed. It stated that all licenses should be annual licenses; now the Government informed them that it was not to be an annual license, but to be a registration fee. The man in charge, having paid a license, was to be exempt for ever after from any license fee.

The COLONIAL TREASURER said he was under the impression that the fee should be an annual one.

The HON. J. M. MACROSSAN said he was very much inclined to let the question of the fee go when told by the Colonial Treasurer that it was a permanent charge. Now, comparing it with the license fee paid by the oyster-fishers, he thought it was rather too much. There was no comparison between the profits made by the oyster-men and the pearl-fishers; and yet the license fee paid by the oyster-fishers was only 10s., or only half as much as that paid by the pearl-fishers. It did not matter whether the late Government were responsible for imposing the fee or not; if it was excessive it ought to be altered, and he thought it was excessive.

The COLONIAL TREASURER said hon. gentlemen seemed to close their eyes to the fact that the Bill gave substantial relief to those engaged in the industry. The vessels referred to as being compelled to hold licenses were what were known as depôt ships, vessels of considerable tonnage to which were attached a flotilla of small boats. Under the existing regulations, those small boats had each to pay a license fee of £1, and that had given rise to many complaints. It was to give that substantial relief that the present clause was proposed, and he was surprised at hon. members saying that the charge would be oppressive. It would, on the contrary, be regarded as a great boon by all those engaged in the industry. As to the individual charges, they would not be considered oppressive in the least.

Mr. NORTON said it was very evident that the Colonial Treasurer himself did not know what his own amendment proposed to do. One

Minister had told the Committee that it was to be merely a registration fee, and then it was discovered by another Minister that it was to be an annual fee, the same as at present. The amendments had been put into the hands of hon. members since tea-time, and they were asked to take them for granted, when even Ministers did not know what the effect of them would be. It was unreasonable to ask the Committee to do anything of the kind. Would it not be better to postpone the further consideration of the Bill in order that those members who understood the pearl-shelling industry—he did not profess to know much about the details of it himself—might have an opportunity of forming and expressing an opinion with regard to it?

The HON. J. M. MACROSSAN said he should be glad if the Colonial Treasurer would give any substantial reason why the master of a boat in the Northern pearl-shell fishery should pay a license fee of £1 a year while the master of a boat in the Southern oyster fishery only paid a fee of 10s. Some very good and substantial reason ought to be given for that.

The PREMIER said that when a Bill was introduced by the Government to reduce taxation it was not usual—although it was of course quite open to hon. members to do so—to insist that there should be no taxation at all. Because it was proposed to make a concession it was not usual to insist that the tax should be abolished altogether. As to the profits of the two industries mentioned by the last speaker, the pearl-shell fishery was a great deal more profitable than the oyster fishery. For many reasons the registration of those men was desirable. Great irregularities went on, and all sorts of orgies were carried on with liquor taken out in the boats. It was extremely desirable, therefore, that it should be known who were in charge of those boats, and that could be best done by a license.

The HON. J. M. MACROSSAN: Make it 5s.

The PREMIER said it was proposed to remedy certain grievances that had been complained of, and hon. members wanted to go into the whole question of the principles of taxation. The hon. member might ask why should there be any license fee for boats at all? Because it was convenient; because revenue must be derived from various sources. The Government of the country could not be carried on without money, and he failed to see any reason why a reduction should be made larger than that proposed by the Government.

Mr. NORTON said they had better get back to the more important question as to whether they went on with the Bill at present, seeing that the Government themselves did not know the effect of the amendments they were proposing. Already two different Ministerial opinions had been expressed upon the one now before them.

The PREMIER: A slip was made in answer to a question.

Mr. NORTON said it was no slip, for it was repeated by two Ministers, and it was not until a member on that side called attention to a clause in the principal Act that the Government found they were making a mistake. It was exceedingly undesirable that they should go on passing new clauses, the meaning of which even the Government had not mastered. In the difficulty the Committee were in it would be better to postpone the further consideration of the Bill.

The COLONIAL TREASURER: What is the difficulty?

Mr. NORTON: That nobody knows the meaning of the amendment proposed.

The PREMIER: If the hon. member is incapable of understanding it, it is not our fault.

Mr. NORTON said it was of no use trying to evade the question. It was all very well to say these things were slips, but they ought not to have been made, and only showed that the matter could not have been fully considered. That was the position he took up. Was it a fair thing that they should be called upon to deal with amendments which they had not had time to consider?

The PREMIER said the amendments had received full consideration from the Government, and it was merely owing to an accident in the Government Printing Office that they had not been circulated yesterday morning in accordance with the instructions given. Of course, if hon. members opposite assured the Government that they did not understand the amendments, they might fairly ask for an adjournment.

Mr. BLACK said he candidly admitted that he did not understand the amendments, and it was evident that the Government themselves did not understand them, although they had held a Cabinet meeting at which the Bill, and he presumed the amendments, were discussed. It might be all very well for the Government to take credit for rushing a large number of Bills through the House, but it was the duty of that comparatively small section of the House—the Opposition—to criticise all the Bills that the Government wished to place on the Statute-book; and he maintained that the introduction of amendments of so much importance was a surprise to hon. members on his side of the Committee who desired to take part in the legislation of the colony. On those grounds he hoped the hon. the leader of the Opposition would accept the suggestion of the Premier, and defer the further consideration of the Bill until hon. members had had more time to consider it. One thing he would point out was that it appeared that now persons in charge of boats over fifteen tons were to be exempt from the proposed objectionable tax. He did not see why that should be. Why should a small man be taxed £1 a year for the diver or man in charge, while all other people had to do to escape the tax was to get boats over fifteen tons?

The Hon. J. M. MACROSSAN said he had not read the amendments until the Bill was under discussion. He had seen them about an hour previously, but was then otherwise engaged, and only began to read them when the Bill was under discussion. He would certainly like to give the matter more consideration, and thought they might postpone further discussion of the Bill and proceed with other business.

Mr. NORTON said he wished the Government to understand that he did not desire to prevent business being proceeded with, but he certainly thought they should have time to consider the amendments, which really affected the question very largely. It had already been shown that in one instance the question was not understood.

The COLONIAL TREASURER said he did not think hon. gentlemen opposite could say with anything like justification that they did not understand the amendments, because they were not new matter.

Mr. NORTON: They are strange to me.

The COLONIAL TREASURER said they appeared in the *Government Gazette* four years ago, and emanated from the hon. member's own Government, and surely he must be posted up in what his own Government had done! However, he was bound to accept the hon. gentleman's word, and if hon. members opposite were not prepared to go on, it was no use pressing the

matter. He would therefore move that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

The House resumed, the CHAIRMAN reported the resolution, and the Committee obtained leave to sit again to-morrow.

PACIFIC ISLAND LABOURERS ACT AMENDMENT BILL — SECOND READING.

The PREMIER said: Mr. Speaker,—The object of this Bill is practically explained in the preamble, with the exception of one or two minor provisions. The Pacific Island Labourers Act of 1880 declares that "Pacific Islander" or "islander" shall mean "a native, not of European extraction, of any island in the Pacific Ocean which is not in Her Majesty's dominions, nor within the jurisdiction of any civilised power." Since that time, as the preamble recites, the recent acquisition of territory in the Pacific Ocean by civilised powers has rendered it necessary that that definition should be amended, because there are a number of persons now in the colony who when they came here were "Pacific Islanders," but who, in consequence of the acquisition of these islands by foreign powers, are no longer within the protection of the Act. It is, therefore, necessary that the definition should be altered, and it is proposed to declare that "Pacific Islander" or "islander" shall mean, and shall, so far as regards islanders already in Queensland, be deemed to have always meant and included, "a native, not of European extraction, of any island in the Pacific Ocean, which was not on the 18th November, 1880, within Her Majesty's dominion, or within the jurisdiction of any civilised powers." That means simply that the meaning of the term "islander" shall be exactly the same as was intended by the principal Act, which was passed on the 18th November, 1880. I am not prepared to say what islands in the Pacific Ocean are or are not now within the jurisdiction of any civilised power. A map will shortly be laid upon the table showing an imaginary line across the Pacific, all the islands to the northern end of which are understood to belong to Germany. But I cannot at present say exactly what islands are under the jurisdiction of any civilised power. I do not know what belong to Germany or to France, or may shortly belong to France. What is intended is that the labourers from these islands should come within the protection of the law, and I think that anything done upon paper at Berlin or Paris should make no difference in that respect. There are two other minor matters dealt with by the Bill which have cropped up lately. The 24th section of the Pacific Island Labourers Act of 1880 requires every employer to provide his labourers with proper medicine and medical attendance, but it has recently happened, since the issue of what are called exemption tickets, that a few persons employing these men have refused to provide that medical attendance, or, if they did, made large deductions as fees for medical attendance from their wages; and the 4th clause is intended to provide against cases of that kind. Monstrous cases have come under my notice; in one an attempt was made to deduct five or six guineas from the wages of one poor man. The employers of islanders, whether they have exemption tickets or not, ought to provide medical attendance for them, and that is the meaning of the 4th section of the Bill. With regard to the burial of islanders, until the last month or two I never heard of a case where the liability was shirked; but now I find that some employers have endeavoured to shirk the payment, and tried to throw the responsibility on the Pacific Island Labourers' Fund, which is already sufficiently burdened. These two abuses ought to be stopped. That is all there is in the Bill, sir; and I move that it be now read a second time.

Mr. BLACK said: Mr. Speaker,—I do not think there is any harm in this Bill, and I think there will be no objection made to it. I have no objections to urge against any provision in this Bill. I would point out this, however: that with regard to clause 4, which provides that employers of islanders holding exemption tickets are liable for their medical attendance, I was always under the impression that there was never any question raised as to their liability.

The PREMIER: Two or three times it has occurred within the last three or four months.

Mr. BLACK: The hon. member has informed us that injustice has been done, and that labourers have been charged excessive fees. If they have it is most unjust. I have always maintained that these labourers should be confined as far as possible to certain employments, and that the employers should be responsible for their medical attendance, and everything which is necessary for the protection of the islanders. It is quite evident that, if they have been charged excessive fees, advantage has been taken of their ignorance, and the Government is quite right in bringing forward these amendments. With regard to clause 5, I have nothing to say, except that when any islander died I was always under the impression that the employer was liable for the burial expenses. However, the Premier has stated that doubts have arisen as to the legality of charging the cost of medical attendance against employers, and I am quite sure there will be no objection to it passing this House. I think that on the whole it is a very harmless piece of legislation, and it will add one to the number of Bills which the Government take credit for having passed.

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

Committal of the Bill made an Order of the Day for to-morrow.

ADJOURNMENT.

The PREMIER said: I move that this House do now adjourn. The business for to-morrow will be the consideration in committee of the Pearl-shell and Bêche-de-mer Fishery Act Amendment Bill, the Pacific Island Labourers Bill, and the Justices Bill.

Question put and passed.

The House adjourned at five minutes to 10 o'clock.