

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 18 AUGUST 1886

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LEGISLATIVE COUNCIL.*Wednesday, 18 August, 1886.*

Justices Bill.—Elections Act of 1884 Amendment Bill.—Mineral Oils Bill.—Local Authorities (Joint Action) Bill.—Elections Tribunal Bill.—Offenders Probation Bill.—Seats of Absent Members.—Patents, Designs, and Trade Marks (Amendment) Bill—third reading.—Labourers from British India Acts Repeal Bill—third reading.—Pacific Island Labourers Bill—committee.—Pearl-shell and Bêche-de-mer Fishery Act Amendment Bill—committee.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

JUSTICES BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to consolidate and amend the laws relating to justices of the peace and their powers and authorities.

On the motion of the Hon. W. H. WILSON, the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

ELECTIONS ACT OF 1885 AMENDMENT BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to amend the Elections Act of 1885.

On the motion of the HON. W. H. WILSON, the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

MINERAL OILS BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to amend the law relating to refined mineral oils.

On the motion of the HON. W. H. WILSON, the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

LOCAL AUTHORITIES (JOINT ACTION) BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to make better provision for the joint action of local authorities in matters relating to the common interests of the districts in which they have jurisdiction.

On the motion of the HON. W. H. WILSON, the Bill was read a first time, and the second reading made an Order of the Day for tomorrow.

ELECTIONS TRIBUNAL BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to constitute a tribunal for the trial of elections petitions.

On the motion of the HON. W. H. WILSON, the Bill was read a first time, and the second reading made an Order of the Day for tomorrow.

OFFENDERS PROBATION BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to amend the criminal law so far as regards the punishment of persons convicted of first offences.

On the motion of the HON. W. H. WILSON, the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

SEATS OF ABSENT MEMBERS.

The HON. W. H. WILSON moved—

That the report of the Select Committee on the legality of the seats of the Honourable Charles Sydney Dick Melbourne and the Honourable Gordon Sandeman be now adopted.

Question put and passed.

The HON. W. H. WILSON moved—

1. That this House do now determine that the seats of the Honourable Charles Sydney Dick Melbourne and the Honourable Gordon Sandeman have become vacant.
2. That an address be presented to His Excellency the Administrator of the Government embodying the foregoing resolution.

Question put and passed,
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PATENTS, DESIGNS, AND TRADE MARKS (AMENDMENT) BILL—THIRD READING.

On the motion of the HON. W. H. WILSON, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

LABOURERS FROM BRITISH INDIA ACTS REPEAL BILL—THIRD READING.

On the motion of the HON. W. H. WILSON, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

PACIFIC ISLAND LABOURERS BILL—COMMITTEE.

On the motion of the HON. W. H. WILSON, the Presiding Chairman left the chair, and the House resolved itself into Committee of the Whole to consider this Bill.

Preamble postponed.

Clauses 1 to 3 passed as printed.

On clause 4, as follows:—

“The provisions of the twenty-fourth section of the Pacific Island Labourers Act of 1890 shall apply to islanders who are registered as exempt from the provisions of the third, fourth, and tenth sections of the Pacific Island Labourers Act of 1880 Amendment Act of 1884, as well as to other islanders.”

The HON. W. G. POWER said he would like to ask the representative of the Government whether, in case an islander had funds of his own, his medical expenses would be deducted from those funds; and whether it was only in the case of his being a pauper that his employer would have to provide medical attendance?

The HON. W. H. WILSON said the employer in all cases would have to provide medical attendance.

The HON. W. G. POWER said that seemed to him a singular thing. In other respects the islander who had served three years was the same as a white man, and had all the privileges of a white man.

The HON. W. H. WILSON said that employers ought to provide medical attendance, and one of the objects of the Bill was to make provision for it.

The HON. W. G. POWER said that the men for whom the employers were already bound to supply medical attendance were those brought here by ships under contract for three years; but the people now about to be provided for were free men in the country. Suppose an employer engaged one of them who was about the town—took him for a week—then, under the Bill, he would be liable for medical attendance. That would not be fair. The labourer would be better treated than a white man; and it was not fair that he should have more privileges than a white man. He (Hon. Mr. Power) wished to explain that he was not an employer of black labour, and did not intend to become one. He thought it was a hardship to the labourers themselves to make such a provision, because people would be afraid to employ them.

The HON. W. H. WILSON said all he could say was that if a person chose to employ labour of that description he must, according to the Bill, provide medical attendance.

The HON. W. G. POWER said it would be almost compelling the labourers to starvation, because no one would be willing to take them

under such a provision as that. They were in the country and could not now be sent out of it, and he thought it was very wrong to deal with them in that way.

Clause put and passed.

On clause 5, as follows :—

“The cost of burial of any islander dying while under engagement shall be paid by his employer; and if such cost is defrayed in the first instance by an officer of police or any other person, an inspector may, on his behalf, sue for and recover the same from the employer in a summary way before any two justices”—

The HON. F. T. GREGORY said it would appear that that clause provided that the employer should pay, either directly or indirectly, the cost of the burial of any islander dying under engagement. Now, it struck him very forcibly that as there was a sum of money deposited in the first instance by the employer of labourers to cover the expenses of their return to their own country after their term had expired, and as in some instances there was a balance of wages due to the islanders, it was hardly fair to make the whole of the cost of burial fall upon the employer. As he casually remarked the other day, there was no fear that the employers of Pacific Island labour would treat their people any better or worse whether they paid the expense of burying them or not, and he thought the clause unfairly and unduly handicapped the employers by compelling them to pay those expenses, so long as the expenses were not to be borne by the country. If such expenses had been a burden on the revenue of the country it would be a very reasonable charge to be made upon those who had had the benefit and advantage of the employment of Polynesian labour; but the employers had already paid so much to make provision for the islanders' return that he could not see why they should be compelled to pay unless there was no fund from whence to pay the expenses. He would like the representative of the Government to explain the matter if he was wrong in any of his premises. He was quite aware of one thing, that there had always been a great desire on the part of those who looked at the subject fairly as regarded the native races of Polynesia that if the labourers employed here died their relatives should have the benefit of any surplus that was coming to them out of the wages due, but the cost of burial was a very fair first charge upon those wages.

The HON. W. H. WILSON said the object of the clause was simply to make employers pay for the burial of their islanders, and the reason of that was that they had in many instances endeavoured to evade payment. It was with the object of insisting upon payment that the clause had been introduced.

The HON. F. H. HART said he would like to point out to the hon. gentleman that in the case of exempt islanders, of whom there were a great many knocking about the colony, they had in some instances considerable sums of money at their credit in the Savings Bank. If hon. members would look at the table published by the Curator of Intestate Estates they would see numbers of instances where islanders had died with money to their credit in the bank. What became of that? As far as he understood, it went into the consolidated revenue, because the islanders had no relations to prove their right to it. He thought so long as islanders had money in the bank, or in cases where employers had paid money to the Government to secure the return passage of their labourers, then those moneys should be appropriated to the expense of the funerals. Of course, if that amount was not enough he saw no objection to the employer being called upon to pay the balance,

The HON. W. H. WILSON said in a case of that kind he thought it was reasonable that the money should be expended in the first instance upon the funerals of islanders.

The HON. F. T. GREGORY moved that after the word “engagement,” in line 2, the following words be inserted—“shall be paid out of the personal property, if any, of such islander, and in the case of the property of such islander being insufficient to defray such cost, then the balance, if any.”

Amendment agreed to.

The HON. F. T. GREGORY moved, as a further consequential amendment to the clause, that in line 5, after the word “same,” the following words be inserted—“or the balance aforesaid.”

Amendment agreed to; and clause, as amended, put and passed.

Clause 6 and preamble passed as printed.

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

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

On the motion of the HON. W. H. WILSON, the Presiding Chairman left the chair, and the House went into Committee to consider this Bill.

Preamble postponed.

Clauses 1 to 14, schedule, and preamble, passed as printed.

On the motion of the HON. W. H. WILSON, the House resumed, and the CHAIRMAN reported the Bill without amendments.

The report was adopted, and the third reading made an Order of the Day for to-morrow.

The House adjourned at three minutes past 5 o'clock.