Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 2 SEPTEMBER 1886

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LEGISLATIVE COUNCIL.

Thursday, 2 *September*, 1886.

Messages from the Legislative Assembly—Customs Duties Bill—Succession Duties Bill—Elections Act of 1885 Amendment Bill—third reading.—Immigration Act Amendment Bill — second reading. — Elections Tribunal Bill—consideration of the Message of Legislative Assembly.—Members Expenses Bill—committee.—Mineral Oils Bill — committee.—Message from the Legislative Assembly—Elections Act of 1885 Amendment Bill.—Justices Bill—committee.

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

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

CUSTOMS DUTIES BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding for the concurrence of the Council a Bill for granting to Her Majesty certain increased duties of Customs.

On the motion of the POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson), the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

SUCCESSION DUTIES BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding for the concurrence of the Council a Bill to impose duties in respect of estates transmitted upon death.

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

ELECTIONS ACT OF 1885 AMENDMENT BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

IMMIGRATION ACT AMENDMENT BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I beg to move the second reading of this Bill, the provisions of which may shortly be stated as enabling the Governor in Council to suspend or restrict the provisions embodied in sections 9 and 12 of the principal Act. It is only, I think, requisite to intimate to this Chamber that serious abuses have occurred under the sections of the principal Act in question, and the object of the Bill is to give the Governor in Council the same powers in respect to nominated immigration as at present subsist with respect to free and assisted immigration. It is not necessary to dilate on the subject beyond stating that it is considered desirable that action should be taken promptly to regulate the abuses which have crept in under the system of nominated immigration, which it is obviously desirable to place under the control of the Government of the day.

The HON. A. J. THYNNE said: Hon. gentlemen,—I think we should have had a little more explanation of the abuses said to exist under the principal Act before being asked to pass the second reading of this Bill. When it is proposed to make an alteration in an Act dealing with the important subject of immigration, we should have received some more information. The Postmaster-General is probably so well aware of the abuses that he assumes everybody else is aware of them, but I have not that full information which the hon. gentleman possesses, and would therefore like to know the nature of the abuses said to exist. I think the regulations to be made under this Bill may possibly be made of such a nature as to interfere with the introduction of a large number of immigrants into the colony, and before we take a step which may be to a certain extent a retrograde step we should have some information as to the real evils this Bill is intended to meet. At the present moment I am to a great extent in darkness as to the reason why the Bill has been introduced.

The HON. F. T. GREGORY said: Hon. gentlemen,—Whilst I quite agree with the Hon. Mr. Thynne that this House should be in possession of the defects found in working the system, at the same time I think those who have watched the course of immigration during the last year or two must be very well aware that serious abuses have crept in, which the Act itself is clearly not sufficient to provide for without the Executive having the power to vary and amend by Orders in Council the regulations under which immigration is permitted to this country. Under these circumstances I shall not now raise any objection to the passage of the Bill, but when we go into committee the Postmaster-General should be in a position to give us a general statement as to the course proposed to be pursued when the Bill becomes law.

The HON. W. G. POWER said: Hon. gentlemen,—I think it would be desirable for the clauses mentioned to be repealed altogether. An instance occurred to me some time ago when a person in Brisbane with whom I am acquainted came to me for advice as to how some friends of his in Victoria could get their relatives out here in order that they might reach that colony. I advised him to have nothing to do with the matter. I believe it is quite common for people in Victoria and New South Wales to get their friends out at our expense, and I think it would be better to repeal the clauses altogether.

The HON. J. C. HEUSSLER said: Hon. gentlemen,—I was present in another place when the second reading of the Bill was moved, and I was quite convinced of the abuses which have taken place under the system of nominated immigration. In my opinion, people, settlers in the other colonies, bring out their relatives at the expense of this colony, and I think some power should be given to the Government to regulate the system. At the same time, I am of opinion that the Government will not interfere in cases where there is no suspicion—where the immigrants brought out intend to settle in this colony. In most cases, I believe, the nominated immigrants become settlers in the colony, and very valuable settlers too, but there is no doubt that the Government should have power to regulate the system of nominated immigrants.

The HON. W. F. TAYLOR said: Hon. gentlemen,—I have had some practical experience of the working of the Act, having been surgeon-superintendent on three steamships, and I can safely say that a great many abuses have crept into the working of the Act. One of the abuses in particular is that on certain steamers, so-called bounty immigrants are brought out, that is to say, they pay a certain proportion of their passage money—£7, I think—and the Government pay the balance. There is very little supervision over this class of immigrants; the steamship proprietors endeavour to get as many of these people as they can. The immigration office in England has very little control over the people; all that they have to do is to see that they are fit to go to the colony. Another abuse of a more serious nature is that a number of people pay the steamship companies—say £20—for second-class passages, and they are then brought as second-class passengers, with all the privileges of second-class passengers, and are allowed to go ashore at various ports, and the surgeon-superintendent has very little control over them; in fact, so little control has he that they are not subjected to medical inspection in England. For these the Government pay £10 per head, and a great number are introduced into the colony who are not at all fit persons as immigrants. I know that under this system a great many people have been introduced into the colony who ought not to have been introduced. I therefore think that some further regulations are very necessary.

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

Committal of the Bill made an Order of the Day for Wednesday next.

ELECTIONS TRIBUNAL BILL.

CONSIDERATION OF THE MESSAGE OF THE LEGISLATIVE ASSEMBLY.

On the motion of the POSTMASTER-GENERAL the Presiding Chairman left the chair, and the House went into Committee to consider the message of the Legislative Assembly of 31st August.

The POSTMASTER-GENERAL moved that the Committee do not insist upon their amendments in clause 7.

The HON. F. T. GREGORY said that while he still thought that the period of twelve months was too long, yet as the matter had been brought before the other Chamber twice, and they did

not think fit to accept the amendment, and as the matter was one which appertained to the other Chamber specially, he would not raise any objection to the motion.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee agree to the amendments of the Legislative Assembly on the amendments of the Legislative Council in clause 9.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair and reported to the House "that the Committee do not insist on their amendments in clause 7, and agree to the amendment on their amendment in clause 9."

MEMBERS EXPENSES BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the Presiding Chairman left the chair, and the House went into committee to consider this Bill.

Preamble postponed.

Clauses 1, 2, and 3 passed as printed.

On clause 4, as follows :—

"This Act shall be styled and may be cited as the Members Expenses Act of 1886, and shall commence and take effect on and from the first day of July, one thousand eight hundred and eighty-six"—

The HON. A. J. THYNNE said he thought that was a proper occasion finally to test the feeling of the Committee on a matter connected with the Bill. The clause that they had now under consideration contained more than the short title, because it prescribed the date from which the Bill was to take effect—the 1st July, 1886. Now, he proposed to move an amendment that the Bill shall commence and take effect on the commencement of the first session of the next Parliament. He moved that amendment for the purpose of adding a further affirmation of the views which he held very strongly upon the Bill, and to give hon. members a complete opportunity of expressing their views on the subject by their votes. He believed, after the long debate of last night, there would not be much said upon the subject, but he could only repeat what he said then that it was improper, in the opinion of many people, for members of Parliament to vote funds into their own pockets ; it was a breach of duty, and it was an act which the Legislative Council should not countenance. He hoped he should receive support to the amendment, which was not given to the motion for the second reading of the Bill yesterday. He begged to move that the words "first day of July, one thousand eight hundred and eighty-six" be omitted, with the view of inserting the words "commencement of the first session of the next ensuing Parliament."

The POSTMASTER-GENERAL said the first thing he said to himself, upon hearing the hon. gentleman move his amendment, was—"Is the hon. gentleman serious ?"

The HON. A. J. THYNNE : Perfectly serious. I am not in the habit of speaking in this House without being serious.

The POSTMASTER-GENERAL said he still repeated the interrogation that first rose to his mind—Is the hon. gentleman serious ?—because if he was he (the Postmaster-General) could only come to the conclusion that he was not abreast of the information, common not only to the whole of the people in Queensland but to the whole of the world, that that House had no power whatever to deal with a money Bill. He was favourable himself to a joke occurring in the House now and again ; he thought it was a great relief to the tediousness of debate, and otherwise was a tonic to some, if not all, of their minds occasionally. If the motion of the hon. gentleman could not be called a joke, at any rate it savoured very much of one. Speaking on behalf of the Government and on behalf of those who were in favour of the Bill, he declined to discuss the question involved in the amendment. That was settled. As the hon. gentleman had said, his motion would give a complete opportunity ; it would indeed. That was an opportunity that might be availed of by those who chose to avail themselves of it, but it was so complete an opportunity that they were not likely to avail themselves of it and discuss what was comprised in the amendment suggested by the Hon. Mr. Thynne.

The HON. A. H. WILSON said it seemed to him very curious that the Bill should come before the House at all if they were not able to speak upon it. If the Bill was merely brought before that Chamber for the purpose of being passed then there was no use in wasting time in discussing it, but he could not help thinking that if there was anything they should express an opinion about it was the Bill for the payment of members' expenses. Of course, what the Postmaster-General had said decided the question, and they had no right to discuss the Bill.

The HON. J. C. HEUSSLER said he thought, if the amendment was carried, it would bring their Chamber into collision with the other Chamber, and in his humble opinion that was a very inexpedient thing to do. He, therefore, took the liberty of advising the hon. the mover of the amendment to withdraw it. He thought it would be much more expedient, at that stage of their relations with the other House, that they should not raise the question as to the right of the Council to amend money Bills ; other opportunities would arise when they might discuss the question more properly. He, for one, should be sorry if any difficulty now arose between the two Houses of Parliament.

The HON. F. T. GREGORY said the whole matter had been so recently before the House that it would be simple waste of time for any hon. member to get up and discuss it in detail, but he must say that he could not comprehend or grasp what the Postmaster-General had just said in relation to the motion made by the Hon. Mr. Thynne. He assumed that what the Postmaster-General meant was what had been pointed out by the Hon. Mr. Wilson, that the Bill was simply brought forward to be passed, that Chamber having no right to amend it. However, he was one of those who totally dissented from that idea. He totally dissented from the Postmaster-General when he said that the Legislative Council had no power to amend money Bills ; in fact, the whole of his (Mr. Gregory's) argument yesterday was that the question was now in such a condition that they could adopt any interpretation they thought fit of the ruling which had been given by the Privy Council. He had no intention of detaining the Committee ; there was a considerable majority on the Government benches, and they would do as they thought fit ; but he himself entered his protest against the supposition that they had not a right to amend any Bill that came before them in any way they thought fit.

The HON. A. J. THYNNE said before the House went to a division he wished to say a few words as to the peculiar position that had been taken up upon that important question. They had had some extraordinary doctrines laid down as to how far really members of the Assembly might go without infringing the limits of propriety and decency, but even those who had put them forward would, when they had had time for full consideration, scarcely give such

ideas the same support as they gave them now. He was quite sure the ideas of those persons were such as, if applied to matters of private concern, the propounders of them would at once reject them as being improper ideas for an honest man to entertain. He did not think it was one's duty to hesitate in expressing, in as clear and distinct a manner as it was possible for him to do, his condemnation of anything which, in relation to public affairs, lead towards a laxity of principle. That was his reason for again taking the only advantage which would be afforded him of, in the most emphatic way, recording his protest against the measure and against the principle upon which it was based. He also wished to draw attention to the fact that a Bill of that kind was being forced upon the country, and upon the very same day they had two Bills sent to them from the other House of Parliament for increasing the duties upon succession to property and increasing Customs duties. The two circumstances taken together constituted such a state of things as was probably unique in the history of representative Government — circumstances which probably would not be seen again by any of those present, or at least which he hoped would never again come under the notice of members of that Chamber.

The HON. J. D. MACANSH said he quite agreed with the amendment which had been proposed by the Hon. Mr. Thynne. It would be in very much better taste if the Assembly, instead of voting money for themselves, had made the Bill take effect from the commencement of the next Parliament, but at the same time his opinion was that the Committee had no right to make amendments in money Bills. They were simply a nominated House, and it never was intended that they should meddle with money Bills, although they might reject them altogether. That being his opinion he should not vote on the question at all.

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

CONTENTS, 12.

The Hons. T. Macdonald-Paterson, W. H. Wilson, H. C. Wood, G. King, W. F. Taylor, W. Pettigrew, F. H. Holberton, J. Cowlishaw, J. C. Foote, J. S. Turner, J. C. Heussler, and F. T. Brentnall.

NON-CONTENTS, 7.

The Hons. F. T. Gregory, A. C. Gregory, A. H. Wilson, J. Taylor, A. J. Thynne, W. G. Power, and F. H. Hart.

Question resolved in the affirmative.

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

The schedule and the preamble were agreed to, and the Bill reported to the House without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for Wednesday next.

MINERAL OILS BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the Presiding Chairman left the chair, and the House went into committee to consider the Bill in detail.

Preamble postponed.

Clauses 1 and 2 passed as printed.

On clause 3, as follows :—

"From and after the passing of this Act, all refined mineral oils which give off an inflammable vapour at a temperature of less than one hundred and ten degrees of Fahrenheit's thermometer under the test prescribed in the First Schedule to this Act, and at a temperature of less than eighty-three degrees of Fahrenheit's thermometer under the test prescribed in the Second Schedule to this Act, shall be deemed to be goods absolutely prohibited to be imported into Queensland within the meaning of the forty-first section of the Customs Act of 1873, and to be included in the table of prohibition in that section contained, and if any such oils are imported they shall be forfeited and destroyed, or exported, as the Colonial Treasurer may direct."

The HON. A. C. GREGORY said there was no provision in the clause for oil under the standard being dealt with except by being destroyed or exported, and he thought it desirable that some provision should be made for permitting such oils to be rectified in the colony. One reason was that the standard test in Queensland was higher than that in the other colonies, and if it should happen at any time that there was little or no oil in the Queensland market there would probably be no opportunity of importing a supply from the other colonies. It would, therefore, be very convenient if oil a little below the standard were allowed to come into the colony where it could be rectified and raised to the standard before going into consumption. With the view of making the necessary provision for what he considered desirable, he moved that after the word "destroyed" the words "or placed in bond for rectification to the standard fixed by the Act" be inserted. The amendment would not compel the Government to make provision for the oil being bonded or rectified unless they were prepared to do so and thought it necessary; but the Government would have power to take such action as the exigencies of the occasion might demand. He might point out that the rectification of the oil was not a difficult matter. The cases would be opened in the usual way, the tins placed in a tank of water at a moderate heat, and when the oil had been subjected to a moderate temperature for a short time it would be raised to the required standard. At the risk of being considered tedious, he would give the Committee a little information regarding mineral oils. Petroleum was obtained chiefly from wells or shale, and was put into stills to be refined. The first part that came over went under various names, such as benzine, gasoline, and a variety of designations, and when a certain point was reached—according to the market to which the oil was to be sent—kerosine was obtained. Other oils were drawn from the same still until the point was reached at which heavy oils, suitable for lubrication, began to come over. So that it was simply a question of gradation from the highly inflammable oils, such as naphtha, to the heavy lubricating oils that would not burn more readily than tallow or whale oil; and it was a very simple matter to evaporate a small proportion of the more volatile oil in order to bring kerosine up to the standard test. He agreed that the standard test in Queensland should be higher than in the other colonies. At the same time, power should be given to the Government to issue such regulations as would allow of oils which were a little below the standard being rectified and brought up to the proper standard.

The HON. G. KING asked whether such rectification could be carried on in the ordinary bonds within the city ?

The HON. A. C. GREGORY said it could be carried on there, but that it would be undesirable. Indeed it was considered undesirable to allow kerosine to be stored in the ordinary bond. A great deal of the kerosine imported into the colony was placed in special bonds, as it was considered scarcely prudent to store large quantities inside the town. Kerosine was not like spirits. If spirits took fire and ran down to the water the fire was at once extinguished, but mineral oils floated on the water and kept on burning. A notable case of that kind occurred ten years ago in

France. The petroleum in one of the barges caught fire, and the barge took fire also. Many of the casks burst, and the burning petroleum spread and set fire to half-a-dozen other barges. They were three miles below the town, being placed there in order that the city might not be exposed to danger. The oil flowed over the river, and the tide, which was going up, swept it as far as the town, and all the shipping and wharves were burned. Kerosine could be rectified wherever it was stored, and he was of opinion that it should be stored away from the town, in some place where there was a natural hollow in the ground, and that there should be a trench round the works. The proper mode of dealing with the rectification of such oil would be to place the tins in a large tank of water, leaving a space of one inch between them. The circular cap should then be unsealed with a soldering iron, and steam from a boiler should be turned on to heat the water in the tank. When the temperature rose to 200 degrees in ten or twelve minutes the very volatile oil would be evaporated, and the oil remaining in the cans, with the loss of about 1 per cent., would be raised as many degrees as necessary. He had by that process, in order to ascertain that the thing was practicable, raised the oil from 90 degrees test to 160 degrees test. The force required—a boiler to generate the heat—could be at a distance, and the steam could be brought down a pipe 100 yards long, if it was thought desirable. If the amendment were adopted it would not be prohibitory, and would prove a great relief to importers. It was better to allow oil to be rectified in the colony than to put importers to the extra charge of sending the oil out of the colony again.

The POSTMASTER-GENERAL said the information just afforded to the Committee by the Hon. Mr. Gregory was undoubtedly very interesting, and there was no gentleman in the colony more intimately acquainted with the subject; but he must intimate, on behalf of the Government, that he was unable to accept the amendment, the object of which was to enable oils introduced into the colony which were under the statutory standard to be rectified in the colony, and thus enabled to enter into consumption. The object of the Bill was specifically to regulate the importation of oils, and the last clause defined that the Act should apply only to those used for lighting purposes. One of the primary objects of the Bill was to provide that no oil should be permitted to be imported which was under the standard provided by the schedule. The Bill also provided an additional test—namely, the close-cup test, which was considered more reliable than the open-cup test. Those were the two principal points in the measure, and the Government were not prepared to accept any amendments which went outside the intention of the Bill. They were not prepared to deal in that Bill with oils below the standard. The matter involved in the amendment had been considered, and it was held that it could be very much better treated in a separate measure. As the hon. gentleman had well pointed out, there would be certain details in the work of rectification which would be essential, and there was scarcely time now, nor was it desirable, to introduce into the measure anything connected with that subject. He therefore hoped the hon. gentleman would not press his amendment, as it was desirable that the Bill should become law as early as convenient. While the Government had full sympathy with the views of the hon. gentleman on the question, at the same time they were not prepared to allow the amendment to be introducod into the Bill.

The HON. A. C. GREGORY said that one very important point had been overlooked by the Postmaster-General, who said that the object of the Bill was to prevent the importation of oils under a certain standard. The object of the Bill was to provide for the public safety. Mineral oils, known as kerosine oils, had been introduced of too low a standard for the public safety, and the Government stepped in, in order than an article of consumption which went so largely into every household, more particularly into those of people unable to bear any special risk of accident—namely, the working population—the Government stepped in to provide a measure for their protection, and not merely to carry out any idea as to what was good to import into the colony. The law had been in force for some time, and, he believed, with great advantage; but the particular test used was found not to be reliable, and it was desired to introduce an improved test. Therefore it was proposed to repeal the existing law and re-enact it with an additional test. Another question which would arise shortly would be that in respect to gasoline. If they passed the Bill as it stood, they would shut out that mineral oil altogether, and they might just as well make the measure as perfect as possible while they were about it. It would be far better to allow oils a little below the standard to be introduced and rectified in the colony where they could afterwards enter into consumption with perfect safety. Overproof spirits were allowed to be introduced, but publicans were not allowed to sell spirits above a certain strength, and that was just like the present case, only the question was inverted, because oils were not allowed to enter into consumption when they were under a certain standard. Why should they put a stop to a chance of a local industry springing up which would possibly employ a good many people? They ought to do all they could to relieve the country, and especially the working population, from any unnecessary burdens. As to any difficulty that might possibly arise from the amendment being introduced into the Bill, it was simple enough, and the Government were not compelled to make any regulations or rules, or allow any oils to be placed in bond until such time as they were fairly prepared; they could then pass such regulations as were necessary. He thought hon. gentlemen would see that he had very good grounds for pressing the amendment. He was not interested in the matter, except that he considered it the duty of any hon. member possessing special information to make it available to other hon. members, in order that they might know the facts bearing on the matter under consideration. It was immaterial to him whether the amendment was agreed to or not, but he did think that as legislators they were bound to pass it.

The HON. A. H. WILSON said he fancied that the amendment proposed by the Hon. Mr. Gregory would have the effect of encouraging the introduction into the colony of low-class oils, which, of course, would be a thing to be deprecated. The object of the Bill was to prohibit the introduction of oils of that character, and that the standard should be so raised that no bad class of oils should be brought into consumption. They knew very well that importers if they could send inferior oil to any part of the world would do so, and the object in view was to render the standard as complete as possible in order that the markets should not be flooded with oils of a dangerous character. They knew that in this colony great quantities of kerosine oil were imported, and some difficulty was experienced by the municipal authorities in obtaining places where it could be stored. That was a thing which was very well known, and he thought that they would simply add to those difficulties if they were to adopt the amendment proposed by the Hon. Mr.

Gregory, the effect of which would be to give opportunities to parties sending oil to this colony to send a class of oil that ought not to be allowed to go into consumption. He could not say he agreed with the amendment, and he preferred to see the Bill passed in the shape in which it was at present.

The HON. A. J. THYNNE said he thought they were very much indebted to the Hon. Mr. Gregory for the clear information he had given to the Committee, and he could not help saying that the amendment which was now proposed seemed to him to be one which no Government ought consistently to oppose, because it did not throw the market open to low-class oils; it merely gave the Colonial Treasurer power to export it, or, if it was shown to be satisfactory and that some means could be devised by which the oil could be rectified and made useful, he had the choice of giving permission to rectify it. It was altogether at his discretion whether he should allow the oil to be rectified, to be destroyed, or whether it should be sent out of the colony. He could not understand on what principle the Government could oppose another choice being given to the Colonial Treasurer as to what he should direct was to be done with the oil. The amendment was not one by which the Colonial Treasurer was bound to allow the oil to be rectified; if it was he should not support it. The Bill now before them showed that their knowledge on the subject was simply in a growing state. When the preceding Act was passed there was only one test, or only one considered worthy of attention, but since then those who were interested in the subject had made further discoveries, and would no doubt make still further discoveries by which the value of those low-class oils could be improved. For that reason he thought it would be very advantageous to give more discretion to the Government for the time being as to what was to be done with the oil—give them another alternative besides exporting or destroying it. They ought to make a Bill of that kind as elastic as possible, in order to prevent the necessity of frequent reference to the Legislature for fresh powers when new discoveries were made. The amendment did not make it compulsory on the Government to order the oil to be rectified, and he was quite sure that with the knowledge they had on the question now, before very long more information would be obtainable, which would enable people to avoid the great danger which existed through the use of inferior oil.

The HON. G. KING said he would like to hear from the Hon. Mr. Gregory whether under the present regulations inflammable oils were excluded?

The HON. A. C. GREGORY: Yes, they are.

The HON. G. KING said that it struck him that by removing those restrictions they would encourage the importation of bad oil, and by increasing the quantity in bond they would increase the danger of fire. The oil would not be rectified certainly until the demand arose for it, and during all that time there would be an increased risk of fire in all the bonds. If the amendment were adopted, inferior oils would be admitted into the colony.

The HON. A. C. GREGORY: The Colonial Treasurer could order it to be re-exported.

The HON. G. KING said it must be landed before it was re-exported; it could not be sent back in the same ship in which it arrived, and during that time there was always an extra risk of fire. To his mind that was a grave objection to the amendment.

The HON. F. T. BRENTNALL said he thought there was another very strong objection to the amendment. If he apprehended rightly the import of clause 3, the amendment was entirely at variance with it. The two things were directly antagonistic. The object of the clause was to absolutely prohibit the importation of any low-class oil or any oil that would not stand the test specified in the clause, and to now introduce an amendment which would admit oils which the clause said should be absolutely prohibited from admission was to adopt that which would be entirely at variance with the Bill. That was his objection to the amendment. The object of the Government manifestly was that inferior oils should not be admitted into the colony. If, however, by any evasion of the Act on the part of any speculator in oil, bad oil was introduced, there would be no alternative except the two mentioned in the clause, and both of them involved loss. The first was that the oil should be forfeited and destroyed—that was a very destructive measure; the next was that it should be re-exported. Both those alternatives were prohibitive, and now to admit an alternative which would not be prohibitive, but would rather encourage the importation of that class of oils which the Bill was intended to prohibit, was to introduce an element into the measure which, it seemed to him, it was utterly impossible for the representative of the Government to accept. They could not be legislating in two directions, and they would be legislating in two directions were they to incorporate the hon. gentleman's amendment in the Bill.

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

Clause 3 put and passed.

Clause 4 passed as printed.

On clause 5, as follows:—

"Any Customs officer or other person duly authorised by the Collector of Customs may, in the daytime, enter any warehouse or other place where any refined mineral oils are stored, and may draw samples thereof for the purpose of applying the tests prescribed by this Act, and shall, if required, deliver a portion of such samples to the owner of such oil; and any refined mineral oils found therein of such a quality that their importation is prohibited under the provisions of this Act shall be forfeited.

"Provided that the Governor in Council may remit the forfeiture on condition that every package containing such oil shall have distinctly marked on the side or top thereof, in black Roman letters of not less than two inches in length and half-an-inch in breadth, the words 'Under test,' and that the oil shall be exported forthwith. There shall be paid in respect of every package so marked, to the officer marking the same, a fee of one penny, which shall be paid into the consolidated revenue."

The HON. A. C. GREGORY said he had some further amendments to propose further on in the Bill, but as the Committee had negatived his first amendment he would not waste time by going any further.

The HON. A. J. THYNNE said it was somewhat tedious to go through all the measures that came before the House to find out apparent omissions, but still it was a very simple thing to do. He had a few amendments to propose, which appeared to be omissions, and which did not affect the principle of the Bill, but would rather facilitate its working. Now, in line 13 a provision was made that the Collector of Customs might take samples of oil. The owner might be away from the colony; he might be in America, and it would be advisable therefore to insert the words "or person in charge."

Amendment agreed to.

The HON. A. J. THYNNE moved, as a further amendment in the same line of the clause, the insertion of the words "which the testing officer shall decide to be."

The POSTMASTER-GENERAL moved, as an amendment upon the amendment, the omission of the words "the testing officer may decide to be," with a view of inserting the word "are." The clause would then read "and any refined mineral oils found therein which are of such a quality that their importation is prohibited under the provisions of this Act shall be forfeited."

The HON. A. J. THYNNE said it was merely a question of which was the proper phraseology, and he thought the Bill would be very much more symmetrical if the words he proposed were inserted. The Postmaster-General and himself wished to arrive at the same result, but he thought his amendment was the better of the two. If adopted it would make the Bill so that every one who read it could understand. What he wished to provide for was that when oil was found to be unfit for use that notice should be given to the persons interested, and that it would be incumbent upon the department to give that notice. If the clause was left as it now stood it would read—"any refined mineral oils found therein shall be forfeited." When they came to clause 7 they would find the testing officer referred to, and all he wanted was to supply the omission in the clause under discussion.

The POSTMASTER-GENERAL said the hon. gentleman omitted to notice clause 9, which provided that the Governor in Council might make regulations for giving effect to the provisions of the Act. That was a little matter of detail which might properly be left to administration. He did not think any amendment was required at all, and it would save some trouble if the hon. gentleman would withdraw his motion.

The HON. A. C. GREGORY said as the clause stood, the inspecting officer of Customs going into a store and finding oil which he thought was inferior might seize a sample. He need give notice to nobody. Some provision ought certainly to be introduced into the clause to point out to whom he was to give notice of discovery.

On the motion of the HON. A. J. THYNNE, the clause was amended so as to read as follows:—

Any Customs officer or other person duly authorised by the Collector of Customs may, in the daytime, enter any warehouse or other place where any refined mineral oils are stored, and may draw samples thereof for the purpose of applying the tests prescribed by this Act, and shall, if required, deliver a portion of such samples to the owner or person in charge of such oil; and any refined mineral oils found therein which the testing officer decides to be of such a quality that their importation is prohibited under the provisions of this Act shall be forfeited. Subject, nevertheless, to appeal as hereinafter provided, notice of such decision shall be forthwith given to the owner or person in charge of such oils.

Provided that the Governor in Council may remit the forfeiture on condition that every package containing such oil shall have distinctly marked on the side or top thereof, in black Roman letters of not less than two inches in length and half-an-inch in breadth, the words "under test," and that the oil shall be exported forthwith or within such time as the Collector of Customs shall allow. There shall be paid in respect of every package so marked, to the officer marking the same, a fee of one penny, which shall be paid into the consolidated revenue.

Clause, as amended, put and passed.

Clause 6—"Penalty for refusing information and obstructing officer"—passed as printed.

On clause 7, as follows:—

"Any person who thinks himself aggrieved by the decision of any testing officer appointed under this Act may, by demand in writing, addressed to the Colonial Treasurer, require any sample of mineral oil so tested to be further tested, and thereupon the Colonial Treasurer may appoint some person having competent knowledge to further test such sample, and the decision of such person shall be final: Provided that every such demand shall be made within fourteen days from the date of the decision originally given by the testing officer, and provided that if such decision is confirmed the person making such demand shall pay all reasonable costs and charges incurred by the Colonial Treasurer in and about the making of such further test."

The HON. A. J. THYNNE moved the addition at the end of the clause of the words, "Pending the decision upon any such further test, all proceedings in respect of forfeiture of such oil shall be suspended."

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

The remaining clauses, the schedules, and the preamble were passed without further discussion, and the Bill reported to the House with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for Wednesday next.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

ELECTIONS ACT OF 1885 AMENDMENT BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, intimating that the Assembly agreed to the Council's amendments, with a verbal amendment, in which they invited the concurrence of the Council.

On the motion of the POSTMASTER-GENERAL, the Presiding Chairman left the chair, and the House went into committee to consider the message.

On the motion of the POSTMASTER-GENERAL, the Assembly's amendment was agreed to, and the House resumed.

On the motion of the POSTMASTER-GENERAL, a message was ordered to be sent to the Legislative Assembly, intimating that the Council had agreed to the amendment on their amendment.

JUSTICES BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the Presiding Chairman left the chair, and the House went into committee to consider this Bill.

Preamble postponed.

Clauses 1, 2, and 3 passed as printed.

On clause 4—"Interpretation"—

The HON. A. C. GREGORY said he noticed "municipal district" was defined in the clause, and if they happened to amend clause 8, which provided that all chairmen of municipalities and divisional boards should be justices of the peace, *ex officio*, then it might possibly be necessary to amend the interpretation clause. He would like it to be understood that if any amendment was made further on in the Bill which bore upon previous clauses, the measure should be recommitted.

The POSTMASTER-GENERAL said perhaps it would be more convenient to postpone the clause instead of recommitting the Bill on a future occasion. He thought that would be the best course, having in view what had fallen from the Hon. Mr. Gregory. He therefore moved that the clause be postponed.

Question put and passed.

Clause 5—"General saving of powers of justices"—passed as printed.

On clause 6—"Appointment of justices generally"—

The HON. A. C. GREGORY said there was a portion of the clause which was nearly in the same position as the clause to which he had

before referred. In line 43 there was the expression, "municipal or other districts as the case may be," and that might be affected if they made an amendment further on. He would not do more than just draw attention to that point at the present time.

Clause put and passed.

Clause 7—"Removal from office"—put and passed.

On clause 8—"Chairmen of municipal districts to be justices"—

The HON. F. T. GREGORY said that was a clause which on a previous occasion had been very fully discussed, and it was retained in the Bill by a majority of one. Under those circumstances, and there being very few members present, he thought it would be desirable to postpone its consideration. There were a considerable number of members who took exception to the clause, and he moved that it be postponed.

Question put and passed.

Clause 9 postponed.

Clauses 10 to 14 passed as printed.

On clause 15—"Oath of office"—

The HON. A. J. THYNNE moved that after the word "justice," in line 43, the words "or other person" be inserted. That would facilitate the taking of oaths by magistrates in places outside the colony where there might not happen to be a Queensland justice already in existence. They had provided in a previous part of the Bill for persons being appointed justices, although they might not be residents in the colony, and the amendment he suggested would therefore be necessary. He did not think at the present time there was in Scotland a resident Queensland justice, and if they wished to appoint one there would be no one authorised to administer the oath to him.

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

Clauses 16 to 27 passed as printed.

On clause 28—"Majority to decide"—

The HON. A. J. THYNNE said that clause might be postponed with the others. He should like to have the opinion of the Committee as to whether it was desirable to make an alteration in the present law, and he intended to propose an amendment to the effect that any one magistrate might commit, although there might be a majority against him.

The POSTMASTER-GENERAL moved that the clause be postponed.

Question put and passed.

Clauses 29 to 33 passed as printed.

On clause 34—"Duty of police officers"—

The HON. F. T. BRENTNALL said in that clause it was provided that "all police officers for the jurisdiction for which a justice acts are hereby required to obey the warrants, orders, and directions of such justice." That inferred that the directions might be verbal, and it struck him that cases might arise in which serious inconvenience would be caused by any police officer being compelled to obey the verbal directions of a magistrate. For instance cases might arise in which a magistrate might have some enmity against an individual; or there might be some ill-feeling towards a police officer on the part of the magistrate, and the magistrate might instruct that police officer to take action against some third individual, and give orders to the police officer which would involve him perhaps in future trouble. He thought that in all cases where directions were to be given by a justice of the peace to a police officer, they should be given under the hand and seal of that justice of the peace. Then there would be a document to refer to in case of any dispute or unpleasantness arising afterwards. He would move as an amendment that after the word "directions," on the 2nd line of the clause, the words "under the hand and seal" be inserted.

The HON. F. T. GREGORY said he was afraid the suggestion made by the hon. gentleman was by no means applicable to the practical working of police courts. He did not know what experience the hon. gentleman had had, but he would very soon find that his amendment would not work, and upon reference to the Police Act and the system under which the police performed their duties he would be at once satisfied that his amendment was unnecessary. He could perfectly grasp the point at which the hon. gentleman aimed: that magistrates in some instances might exceed their proper functions. The police were in one sense subordinate to the magistrates, but not to the extent of having their duties interfered with. He thought the working of the system throughout the colony had been found hitherto to answer very well without any amendment of that sort. He thought upon reflection the hon. member would find that it would be desirable not to press his amendment. His attention had been called to the 9th section of the Police Act of 1863, which said—

> "Every sergeant and constable shall when not engaged in active duty attend at the several circuit courts generally or quarter sessions and also at the petty sessions held at the respective places where such sergeants or constables may be stationed and shall obey and execute in all cases every lawful summons warrant execution order and command of the judges presiding at any such circuit court of the chairman of such general or quarter sessions and of the justices at petty sessions."

He thought, under the circumstances, the hon. gentleman would see fit to withdraw his amendment.

The HON. F. T. BRENTNALL said that as the Postmaster-General had been kind enough to consent to recommit the clause by-and-by, if, on reflection, he wished to insist upon the amendment he had now proposed, he would, with the permission of the Committee, withdraw the amendment.

Amendment by leave withdrawn, and clause put and passed.

Clauses 35 to 68 passed as printed.

On clause 69—"Bail of persons arrested without a warrant"—

The HON. A. J. THYNNE said he wished to propose that that clause be amended by the insertion after the word "custody," of the words "a clerk of petty sessions or," so as to make the clause read—

> And if it is not practicable to bring him before a justice within twenty-four hours after he is so taken into custody, a clerk of petty sessions, or an inspector or sub-inspector of police, or other police officer who is of equal or superior rank or who is in charge of a police station, may and shall inquire into the case, and, except where the offence appears to such clerk of petty sessions, inspector, sub-inspector, or other police officer, to be of a serious nature, shall discharge the defendant upon his entering into recognisances, etc.

He thought those words were unintentionally omitted, because clause 94, which dealt with recognisances, specially mentioned clerks of petty sessions as having power to take them.

The POSTMASTER-GENERAL said he would postpone the clause, and in the meantime the amendment might be printed.

Clause postponed accordingly.

Clauses 70 to 79 passed as printed.

Clause 80—"Warrant may be backed if necessary"—postponed.

Clauses 81 to 87 passed as printed.

Clause 88—"Adjournment of the hearing"—postponed.

Clauses 89 to 91 passed as printed.

Clause 92—"Recognisances"—postponed.

Clause 93 passed as printed.

Clause 94—"Recognisances taken out of court"—postponed.

Clauses from 95 to 128, inclusive, passed as printed.

Clause 129 postponed.

Clauses 130 to 265, and schedules 1 to 5, passed as printed.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again on Wednesday next.

The House adjourned at four minutes to 9 o'clock.