

Queensland



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[Hansard]

Legislative Council

THURSDAY, 16 SEPTEMBER 1886

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LEGISLATIVE COUNCIL.*Thursday, 16 September, 1886.*

Messages from his Excellency the Administrator of the Government—Leave of Absence—Members Expenses Bill.—Succession Duties Bill—third reading.—Settled Land Bill—consideration of Message of the Legislative Assembly.—Local Authorities (Joint Action) Bill—committee.—Opium Bill—second reading.

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

**MESSAGES FROM HIS EXCELLENCY
THE ADMINISTRATOR OF THE
GOVERNMENT.**

LEAVE OF ABSENCE.

The PRESIDING CHAIRMAN announced the receipt of a message from His Excellency the Administrator of the Government, intimating that leave of absence for one year from the 30th July last had been granted to the Hon. T. L. Murray-Prior.

MEMBERS EXPENSES BILL.

The PRESIDING CHAIRMAN also announced the receipt of a message from His Excellency the Administrator of the Government, conveying the Royal assent to a Bill to provide for the payment of expenses incurred by members of the Legislative Assembly in attending Parliament.

SUCCESSION DUTIES BILL.**THIRD READING.**

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

SETTLED LAND BILL.**CONSIDERATION OF 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 yesterday's date with reference to this Bill.

The POSTMASTER-GENERAL said that before beginning the consideration of the amendments sent up by the Legislative Assembly on the Settled Land Bill, he might say that all the matters contained in the amendments might be regarded as purely formal, and some of them were in the direction of suggestions made during the discussion which took place in the Council. He therefore apprehended that the Committee would agree to the amendments of the Assembly. He moved that the omission of subsection 2 of clause 2 be agreed to.

Question put and passed.

The POSTMASTER-GENERAL moved that the insertion after the word "land," in line 2 of clause 7, of the words "or beneficially entitled to the whole interest in land," be agreed to.

Question put and passed.

The POSTMASTER-GENERAL moved that the substitution of the word "thirty" for the word "sixty," in subsection (a) of clause 13, be agreed to.

The HON. F. T. GREGORY said he quite approved of the amendment. When the clause was under consideration he should have moved the insertion of the shorter period but for the opposition he expected to receive, and after carefully considering the matter he saw no reason for not accepting the amendment.

Question put and passed.

The POSTMASTER-GENERAL moved that the substitution of the word "twenty-one" for the word "thirty," in subsection (b) of the same clause, be agreed to.

Question put and passed.

The POSTMASTER-GENERAL moved that the substitution of the word "fourteen" for the word "twenty-one," in subsection (c) of the same clause, be agreed to.

The HON. F. T. GREGORY said he had no intention of opposing the amendment, but should any other hon. gentlemen have any reason to object to the reduction from twenty-one years to fourteen years, he should be very glad to hear what they had to say.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the omission of the words "by deed and be" in line 1, and the substitution of the word "sixty" for the word "thirty" in subsection 3 of clause 14, were agreed to.

The POSTMASTER-GENERAL moved that the omission of clause 17 be agreed to.

The HON. F. T. GREGORY said that amendment only showed the necessity for the very careful supervision which the Bill received in the Council. The clause was strongly dissented from by hon. members, and he was glad to find—whether it resulted from the discussion in that Chamber, or whether it was shown in another place, that the contention of the Council in objecting to the clause was a sound and valid one—it was very satisfactory to those who had taken a great deal of pains with the Bill and studied the question to find that the clause had been eliminated.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the omission of the words "or grant," in line 1 of clause 22, was agreed to.

On the motion of the POSTMASTER-GENERAL, the insertion of the following new subsection after subsection 6 of clause 70, was agreed to:—

The provisions of the thirty-first section of the Real Property Act of 1877 shall not apply to a lease of settled land made by a tenant for life under this Act.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, and reported to the House that the Committee had agreed to the amendments of the Legislative Assembly.

The POSTMASTER-GENERAL moved that the Presiding Chairman leave the chair, and the House resolve itself into Committee of the Whole for the consideration of subsection (c) of clause 13.

Question put and passed.

The POSTMASTER-GENERAL said the Bill had been recommitment for the purpose of giving some hon. gentlemen an opportunity of discussing the question which arose in subsection (c) of clause 13, on the point whether fourteen years was a sufficient term for a lease of property other than a building lease or a mining lease. Personally he was of opinion that there were many leases that would necessarily arise in the colony other than building or mining leases for which the limit of fourteen years would be too circumscribed. The exclusion of clause 17, which gave the court power to vary the term of lease, had been concurred in by the Committee, and they might very properly now consider the question whether the term provided by subsection (c) should not be extended.

The HON. F. T. GREGORY said that, when referring to the amendment a few minutes ago, he was desirous of getting an expression of opinion on the matter. The Committee having concurred in the omission of clause 17, which gave power to the life-tenant, with the sanction of the court, to make leases for long terms, it seemed hardly desirable that the Committee should now restrict the lease to so short a term as fourteen years. In the ordinary purposes of life they frequently made them from seven to fourteen years, and not unfrequently for twenty-one years. Under those circumstances it struck him that they might very well resort to the twenty-one years, which was first approved of by the Council. The term was not too long, and under many circumstances the amount of rent which could be obtained under leases about that length were much more beneficial to the life-tenant. There was a degree of certainty about it which enabled parties in a progressive country to at once give something more approaching the real value of a lease. For the shorter term there was no doubt the rent would be lower, and the life-tenants would not derive the same benefit as they reasonably might expect if the property was leased for twenty-one years. He did not think that he need say anything more upon the question, as he had pointed out the principal reasons why the term originally mentioned in the Bill should be adhered to.

The HON. W. HORATIO WILSON said he must say that he agreed with the remarks of the Hon. Mr. Gregory, that the time fixed should be twenty-one years instead of fourteen years. He did not see why there should be such a difference between a building lease and a lease that might perhaps be granted for farming purposes, or for any other purpose, and that it was very much better that the clause should be left as it was when it was sent away from the Council. The term of twenty-one years was not too long in many cases, and it would be to the distinct advantage of the tenant if he could have an opportunity of obtaining a lease for that term. With regard to the term for which a lease might be granted for mining purposes, he thought that might very well be left out of the Bill altogether. He could not see what use it was, as in this colony few, if any, mining leases were granted at

all. For the reasons he had stated he thought the subsection should be left in its original amended form.

The HON. A. C. GREGORY said, considering that the term "any other lease," referred to in the Bill, most likely would include leases of the character of improving leases—not simply building leases, but farming leases—he thought it would be very desirable to extend the term to the extent of the term of minority. Most likely, under a Bill of that kind, the leases and term of minority would coincide; and it was very desirable that the term of lease should be extended beyond fourteen years, because, unless the tenant for life could give a sufficiently long tenure, nobody would lease the land except for ordinary grazing purposes; therefore they should give a sufficiently long time to enable the tenant for life to lease the land for such purposes as cultivation, so as to put it to its best use, and bring it into a condition which would return the greatest amount of interest. He thought that fourteen years was not sufficient for that purpose, and that twenty-one years was a far more suitable term to fix as the maximum period. As regarded mining leases, a great many of them did exist; they were chiefly granted for the purposes of mining for coal, and in those cases the term fixed by the Bill—twenty-one years—was quite long enough, because as far as he knew there was not an instance of a single mine that did not work out in twenty years. He should support the amendment.

The HON. F. T. GREGORY said that with the view of placing the matter definitely before the Committee he would move that the term "fourteen years," as inserted by the Legislative Assembly, be disagreed to.

The HON. J. TAYLOR said that was quite a new way of doing the business of the House—quite a new fashion altogether. Three amendments in clause 13 had been quietly agreed to without a word having been said against them, and then the Postmaster-General thought proper to recommit the Bill to alter one of those amendments. That was quite a new procedure to him. He maintained that fourteen years was a quite long enough term in a progressive country like this, and for his own part he could only say that he would not give a man a lease of any property of his for more than fourteen years, and he should vote against the proposed alteration. He was only surprised that the representative of the Government should recommit the clause for further consideration after three amendments had been passed so quietly and without discussion.

The POSTMASTER-GENERAL said the hon. gentleman was under a misapprehension in saying that the Government had come down for the express purpose of altering the clause. He had made a promise to recommit the clause, because the amendment of the Legislative Assembly had been agreed to under a misapprehension, hon. members having forgotten that clause 17 had been struck out of the Bill. He knew that clause 17 had been thrown out, but for the moment it had escaped his memory, and having made an error in not drawing the attention of hon. gentlemen to that fact, it was his duty to correct that error of memory. The Government had nothing to do with the matter; it was an error of judgment on his part in asking the Committee to agree to the amendments in clause 13, without giving an opportunity for discussing the point which had been raised, and which opportunity he promised to give. He hoped the hon. gentleman would free him from any desire to embarrass him or any other hon. member who held views different from those which had already

been expressed. It was for the purpose of giving the hon. gentleman and others an opportunity of expressing their views on the clause that he had had it recommitted. The matter was certainly one worthy of discussion, and it was with the object of having it discussed and determined that the Bill had been recommitted.

The HON. J. TAYLOR said the Hon. Mr. Gregory had deliberately asked hon. members, when it was proposed to agree to the amendment, to raise a discussion upon the point, and not a single man in the House responded. He supposed that the discussion would now take up a considerable time, and would prevent other business from being proceeded with.

Question—That the amendment in subsection (c) of clause 13 be disagreed to—put, and the Committee divided:—

CONTENTS, 13.

The Hons. W. Horatio Wilson, A. Raff, W. F. Taylor, F. T. Gregory, W. Pettigrew, G. King, F. T. Brentnall, J. S. Turner, J. C. Heussler, A. Heron Wilson, J. C. Foote, E. B. Forrest, and A. C. Gregory.

NOT-CONTENTS, 4.

The Hons. J. Taylor, W. D. Macansh, W. G. Power, and W. Aplin.

Question resolved in the affirmative.

The House resumed, and the CHAIRMAN reported that the Committee had disagreed to one of the amendments of the Legislative Assembly in clause 13.

The HON. F. T. GREGORY moved that the Bill be returned to the Legislative Assembly with the following message:—

MR. SPEAKER,

The Legislative Council having had under consideration the amendments made by the Legislative Assembly in the Settled Land Bill, beg now to intimate that they disagree to the amendment in clause 13, subsection (c), because in many cases the term of fourteen years is insufficient to secure the most advantageous terms for both life-tenant and lessee; and agree to the other amendments in the Bill.

Question put and passed.

LOCAL AUTHORITIES (JOINT ACTION) BILL.

COMMITTEE.

On this Order of the Day being read, the Presiding Chairman left the chair, and the House went into committee to further consider the Bill.

On clause 12—

The POSTMASTER-GENERAL said it would be convenient that afternoon to go through the Bill as far as they could, although there was no intention of finishing it, as certain clauses had been postponed for consideration until next week. It was just as well to take an instalment of the work in regard to the measure, because there was little else beyond the postponed clauses about which there would be any cavil.

Clause put and passed.

Clause 13 passed as printed.

On clause 14, as follows:—

"Every joint board shall hold its first meeting at such time and place as the Governor in Council shall appoint, and shall thereafter meet in the month of March in each year, at a time and place to be notified at least fourteen days previously to the members by the president of the joint board, or if there is no president, then by the Minister, and at such other times and places as the joint board from time to time appoint.

"Every such meeting shall be public, and all questions shall be decided by the majority present, and a quorum shall comprise not less than two members nor less than one-third of the whole number of members for the time being."

The HON. A. C. GREGORY said it was probable they should have another Local Government Bill before the House during the session, and he rose for the purpose of calling attention to the fact that it was desirable that they should guard against the possibility of any clause which they might now pass clashing with provisions of other Bills. It was possible that in another Bill which might come up to them the time at which the first meetings of boards should be held might be different.

Clause put and passed.

Clauses from 15 to 22, inclusive, passed as printed.

On clause 23—"Expenses of joint boards to be equitably apportioned among component local authorities"—

The HON. A. C. GREGORY said the 1st subsection of the clause related to a matter in regard to which he proposed to move an amendment in clause 31. It provided that the expenses incurred by a joint local authority for works of general benefit should be contributed in proportion to the value of the rateable property in those parts of the districts of the respective component local authorities which were comprised within the district of the joint local authority. He drew attention now to the particular part of the section with which he proposed to make clause 31 agree, in order that hon. members might better understand the effect of the amendment when it came under their consideration.

Clause put and passed.

Clauses from 24 to 30, inclusive, passed as printed.

On clause 31, as follows:—

"When any fees or other moneys are received by a joint board, the same shall be applied in the first instance towards defraying the expenses of the collection thereof, and of the carrying out of the public work or administration of the by-law in respect whereof such fees or moneys were received, and the surplus (if any) shall be divided amongst the component local authorities in such proportions as the joint board determines, and, in default of any such determination, shall be divided in proportion to the amount of the rates collected by such component local authorities respectively in respect of such parts of their respective districts as are within the district of the joint local authorities during the same year in which the fees or moneys were so received by the joint board"—

The HON. A. C. GREGORY said that the provision with regard to the distribution of any profits—or surplus funds—at the end of the year said that it was to be in such proportions as the joint board determined; and in default should be divided in proportion to the amount of the rates collected in the component local authorities respectively. Under clause 23 the contributions towards the expenses incurred by the joint local authority were based on the actual value of the rateable property; but if the rates in one district were 6d. in the £1, while in another district of the joint local authority they were 1s. in the £1, the former would only get half as much as the latter, in proportion to the amount contributed, when the surplus was divided. Therefore it was desirable that the clause should be amended so as to make it agree with clause 23, and he moved the omission of all the words from "the" at the end of line 6, to the word "respectively" on line 9, with the view of inserting the words "such component local authorities are liable to contribute."

On the motion of the POSTMASTER-GENERAL, the clause was postponed.

Clauses from 32 to 35, inclusive, passed as printed.

On clause 36—"Maintenance of bridges on main roads"—

The HON. A. C. GREGORY said the question of main roads arose under clauses 36 and 37, and his view was that they should be omitted. Perhaps it would be as well, however, to postpone them for the present, in order that they might get on with other business.

Clauses 36 and 37 postponed.

Schedules put and passed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again on Wednesday next.

OPIMUM BILL.

SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—This is a Bill to regulate the sale of opium, and to prohibit its sale to the aborigines, whether of Australia or of the Pacific Islands, and to the half-castes of either race. The country knows well that grave evils have arisen in some districts of the colony through the sale of opium to, and its use by, the aborigines of this colony; and the necessity for the measure will be admitted at once, I think, by all right-thinking men. The blacks have been seriously injured in health by the hurtful use of this injurious drug, and very many of them have passed away in consequence. I regret to say that when I first heard of this matter I discredited it. That was some seven or eight years ago when I was on a visit to a large district of this colony. It was then that I heard for the first time that our own countrymen were in the habit of paying a proportion of the earnings of blacks in opium. That practice has continued. Two or three years ago I heard of it again, and I then saw evidences in the physical condition of the aborigines themselves of the use of this very baneful drug. Of the district of which I am speaking I have a very fair knowledge; and I know that what I am stating is the truth. Persons moving in good society and occupying a good position in the country have paid the wages of their aborigines and South Sea Islanders partly in opium. And it has come to this: that those poor creatures are so strongly addicted to the pernicious practice of smoking opium that they will not work for the settler who would pay them with wholesome flour, tea, and sugar, but only for those who will give them a portion of their wages in opium. I need hardly say that it is the duty of the Legislature, seeing that the evil has become of such magnitude, to legislate in such a direction as will forbid the sale of opium to those to whom this Bill specially refers. The provisions of this Bill, as will be observed, do not put any difficulty in the way of the white settlers obtaining such quantities as they desire throughout the colony. I will not refer in detail to the provisions of the Bill, because in speaking on the second reading we only deal with the principle of the measure. The question we have now to consider is whether we shall prohibit the sale and supply of opium to the aborigines. The provisions of the measure are very few, and it contains the usual machinery for carrying the law into effect. Clause 3 prohibits all persons from selling opium, except pharmaceutical chemists and persons who have obtained from police magistrates licenses under the Act to vend the drug. Clause 6—the kernel of the measure—is a penal clause, which I trust when it becomes law will have the very desirable effect of purging from our civilisation so harmful a practice as, I regret to say, subsists in some districts in the colony. I say some districts, because I am glad to be able to say that it does not extend over the

whole of our territory, and it is believed that this measure will have the effect of extinguishing the practice in those districts in which it subsists, and it will also have the further effect of preventing the spread of this evil in those districts which it has not reached. Clause 8, though simple, is a very useful clause relating to what shall be evidence of keeping opium for sale. There will be no difficulty in any village or township in the colony in obtaining opium. All the respectable station-holders keep a supply for the use of their men in some form or other, and so far we have heard no sound objection to the restriction as to the quantity to be kept provided by the Bill—namely, four ounces. Clause 9 relates to the seizure of opium kept for illegal sale, and clause 10 gives further details as to the place where seizures may be made, and so forth. Then there is a provision for summary conviction, and a very wise provision is contained in clause 12, which is to the effect that nothing in the Act shall apply to persons selling opium to be delivered from a bonded warehouse, or keeping opium for sale in a bonded warehouse. If that clause were not in the Bill it would have a restrictive operation in respect to the large business that is done in this article by the wholesale druggists in the coastal towns of the colony. As it is, they will be able to supply the opium from bond to the chemists and druggists, and the larger storekeepers who will be licensed under the Act to sell in the outside districts. I need not express a hope that this Bill will receive the attention of this House; I am sure it will. I feel that every hon. member has a sympathy in the direction of destroying the condition of things which, it is to be regretted, subsists in various parts of the colony. I have much pleasure in moving the second reading of the measure now before you.

The HON. A. C. GREGORY said: Hon. gentlemen,—While I think it highly desirable that some restriction should be put on the sale of opium, I think we ought carefully to consider what will be the exact effect of this Bill. If it becomes law we shall in no way restrict the sale of the alcoholic solution known as laudanum. The next point for consideration is that we shall be throwing away about £20,000 a year—the amount of duty upon opium used for smoking. During the year 1885, the amount paid was over £21,000, and nearly £20,000 of that was contributed by the Chinese, who use opium for smoking instead of using so much tobacco. It will be a question whether we are to step in and prevent them doing what has been their custom, or rather cause them to smuggle the opium without paying duty, or whether we shall receive a duty of some £20,000 a year on that opium. Therefore we must carefully look at subsection 2 of clause 4, because that will preclude any opium being sold for the purpose of smoking, which has been the use to which the Chinese residing in this colony have applied at least nine-tenths of the opium that has been imported. It seems singular to me that the Colonial Treasurer, under whose eyes this must necessarily have passed, was so willing to surrender so important an item of revenue, though there is, I fear, no chance of really conferring any benefit on those who principally use the opium. As regards the sale of opium to aborigines and South Sea Islanders, I think it is very desirable that we should put a stop as soon as possible to it before they become more confirmed in the habit of using it, but I do not think we should sacrifice the revenue in an attempt to prevent its use among the Chinese, who will have it and use it under any circumstances. I think it is a pity that we should sacrifice our revenue simply on account of an oversight in the preparation of the Bill. Those are the two points which we should carefully

consider: first, that the sale of the alcoholic solution of opium is not restricted; and second, that the preparations of opium can only be sold for medicinal purposes, and that the restriction will take off £20,000 of our revenue, without doing any good to the parties who principally use opium.

The HON. W. HORATIO WILSON said: Hon. gentlemen,—It appears to me that the object of this Bill is to protect the aboriginal natives of Australia and Pacific Islanders, but it does not in any way relate to Chinese, and therefore the amount of opium now consumed by them would not be in any way interfered with, so that the revenue, so far as they are concerned, would not suffer. I think that the object of restricting the sale of opium to the aborigines has been well considered and should be legislated against. The only thing I would draw attention to is the interpretation clause, in which the term "opium" appears to me to have a very wide meaning. It extends to any extract of opium; but there are many preparations that include opium, and we must be very careful not to allow the penalties which, under this Bill, are to be imposed upon persons who sell the drug to be imposed upon those who sell the extract only. It would be better to say that the term "opium" includes opium and any solid or semi-fluid preparation thereof, and to leave out all reference to extracts therefrom. The Bill is a very good one, and will prevent opium being supplied in the wholesale way it has been to the aborigines of this colony.

The HON. W. F. TAYLOR said: Hon. gentlemen,—This Bill I consider a highly necessary one from many points of view. I was somewhat surprised to hear the statement made by the hon. the Postmaster-General to the effect that white men actually pay aborigines and South Sea Islanders for their labour in opium. I saw some notice of that in the discussion which took place in the House of Assembly upon this Bill some time ago, but I did not credit it; but now that the Postmaster-General says that the fact really does exist, and is within his own personal knowledge, I am very much astonished indeed, and am very sorry for the white men who do such things. The Bill, therefore, is highly necessary if it is only to guard against practices of that sort, and it is also necessary from other points of view. The Hon. A. C. Gregory appears to think that the Bill will interfere with the consumption of opium by Chinese. May I ask the hon. gentleman if he considers the consumption of opium by Chinese a desirable practice? Does it improve their morality or physique in any way? I think it does not, and it must be considered by all those who have a knowledge of the effects of the drug that when used for other than medicinal purposes it is the most debasing drug that can be used—debasing to both mind and body; consequently any attempt on the part of the Chinese or people of any other nationality to use a drug of this sort for any other than medicinal purposes should be interfered with peremptorily. It has been said that by putting a stop to the use of opium the revenue will be interfered with, but I would ask hon. members, what is a question of revenue compared with the morality of the people? I say, and I know for a fact, that this practice of opium-smoking is not confined to the Chinese. The habit has been very largely acquired, I am sorry to say, by many whites; and in our large cities, and more especially in Brisbane, I know that where these unfortunate white people have contracted the habit they have been reduced to the lowest depths of degradation. Any step, therefore, which would put a stop to such a practice is, in my opinion, a step in the right direction, and one

which should be approved by this House. Apart from the moral aspect of the question, there are other things to be taken into consideration. I take a much wider view of the interpretation clause than perhaps most hon. members. I think this interpretation does include all preparations of opium, and all extracts of opium, and it ought to most decidedly. As preparations of opium, I would include all patent medicines, such as chlorodyne and those soothing syrups which are so freely used by mothers and given to the children when they are teething, and which are the cause of sending many poor unfortunate children to their graves. I am very much mistaken indeed if the definition does not include all those preparations. The Bill is very liberal in many respects, much more so than I like or am prepared to concede. For instance, clause 8 states that the keeping of more than four ounces of opium shall be deemed *prima facie* evidence that it is kept for sale. I do not know why any person should require to keep four ounces of opium even on a station. I know a ship is sent to sea for two months, with several hundreds of people on board, and the amount of opium and preparations of opium put on that ship does not amount to anything like four ounces. I cannot see the necessity of large quantities of opium being kept in stock on a station; as a matter of fact, a few bottles of chlorodyne and a few pills of opium, which can be bought at any chemist's shop, are all that should be necessary on any station. Any indiscriminate use of opium even for medicinal purposes is highly to be deprecated. A medical man is often called to see a simple case where the patient has been previously dosed with opium in various forms. In many cases excessive quantities of chlorodyne have been given, and the patient reduced to a state of semi-delirium. Many people whose ailments might have passed away in a few moments have contracted serious illness by the indiscriminate use of opium or preparations of it. I hope in the passage of this Bill through committee hon. members will consider very carefully each clause, and will endeavour to restrict, as far as possible, the indiscriminate use of opium and its preparations.

The Hon. J. TAYLOR said: Hon. gentlemen,—I must confess that I have been quite taken aback by what the Postmaster-General has told us about the dreadful effect which opium has had upon the blacks. I have been in the colony nearly fifty years, and I never heard one word of this until now. I have been among the blacks in all directions—north, south, east, and west—and never once heard of this sort of thing going on. It has taken me completely by surprise. Now, I look upon this Bill as being simply another blow at the Chinamen. First of all a tax of £30 a head was put upon them; then the duty upon rice was doubled, and now they are not to be allowed to have opium. This is simply popularity-seeking again. The Government want to keep well in with the white labouring classes, and exterminate the unfortunate Chinamen. I was not aware that the Treasury was so full that we could afford to lose £20,000 or £30,000 a year in revenue, and it strikes me as being a curious thing that extra taxation should be so continually put on, while, at the same time, we sacrifice £20,000 or £30,000 a year. It seems to me very extraordinary indeed, and I cannot understand it. I know a large amount of duty is paid upon opium, and that the Chinamen pay most of it; but as for murdering blacks by giving them opium, I do not believe one single word of it. I think the Bill should not be read a second time, but thrown out as it deserves to be.

The Hon. J. C. FOOTE said: I trust hon. gentlemen will be careful in considering the
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quantity of opium which one person shall be allowed to keep, because in some cases as much as six ounces have to be administered to horses, and that is the only remedy for certain diseases. I think it would be a mistake if we restricted the quantity to four ounces, especially on stations, for I know no remedy so valuable as opium when given to horses.

The Hon. J. TAYLOR: Does it kill the horses?

The Hon. W. APLIN said: Hon. gentlemen,—When I first heard of this Bill I was under the impression that it was a Bill to restrict the sale of opium to the aboriginals of Australia, but it restricts the sale of opium altogether. The Chinese are enormous consumers of opium. They consume 99 per cent. of all that is imported, and the duty they pay amounts to something like £20,000 per annum. A few years ago when the Chinese were much more numerous than they are now, I daresay the revenue from opium was three times that amount, and I do not think the colony is in such a state just now that it can afford to throw away revenue. The Hon. Mr. Wilson said this Bill does not prevent the sale of opium to the Chinese, but I fancy it does. Opium cannot be kept except by license, or sold except by license from a police magistrate, and he may refuse to grant licenses. I certainly think it is my duty to vote against this Bill.

The Hon. F. T. GREGORY said: Hon. gentlemen,—While I quite endorse the statement made by the Postmaster-General, in bringing the Bill forward, that we are bound in common morality to protect the aborigines of this colony and the South Sea Islanders, I cannot go the whole length of the Bill. In the first instance, taking the Bill something in the order of its compilation, I will refer to clause 3. That clause says:—

“It shall not be lawful for any person to sell opium or keep opium for sale, unless he—

- (1) Is a pharmaceutical chemist; or
- (2) Has obtained from a police magistrate a license under this Act to sell opium at the place at which it is sold or kept for sale.”

Now, the restriction, of course, does not extend to a chemist, because he is licensed under certain regulations connected with his profession as a chemist, and those, I think, are sufficient to protect the public. But when we come to the licensing by a police magistrate we are bound to ask what is to guide him as to the description of the person to whom he has to grant a license. I presume that the principles which would guide him are very much the same as those by which he would be guided in granting a license to a publican to sell spirituous liquors. The use of opium, as regards its position relatively to that of spirituous liquors, to a certain extent will hold analogy. The one, in many cases, is absolutely a necessary of life, and when used in moderation is not only not prejudicial but beneficial. But in the case of opium no doubt it is somewhat restricted. The use of opium is more readily abused than the use of spirituous liquors, because it is so potent a drug that it will very often, and more frequently than spirituous liquors, actually deprive persons of all control over their senses and render them at times dangerous lunatics. So far it is very desirable that steps should be taken to watch over and protect, not only the aborigines and South Sea Islanders, but the whole human race that come within the limits of our legislation. But I fear that if this Bill is passed in its present form it will do one of two things, either under the regulations or instructions which police magistrates will receive it will almost preclude the use of opium in those cases where it ought to be readily accessible to the public, or, on the other hand, it will have no effect at all; because, if licenses are to be issued upon the same principle on which publicans'

licenses are issued, then the sale of opium will be wholly restricted. I scarcely apprehend the loss to the revenue that some speakers have predicted. There is no doubt that there will be more smuggling carried on than at present, but if the Bill has the effect of reducing the revenue hitherto derived from the importation of opium by one-half, it is a very serious consideration. On the other hand, as the Hon. Dr. Taylor has very justly remarked, we ought not to allow questions of revenue to interfere with our philanthropy. The provision in clause 8, prohibiting anyone from having more than four ounces of opium in his house, is also, I consider, far too restrictive. If the whole country was thickly populated, and we were all living within a few miles of chemists' shops, such a restriction might very well be placed upon the holding of opium; but in the outside districts where it is a very valuable and important medicine, it would be highly undesirable that the quantity should be restricted, because when it was most wanted it would be utterly unavailable. I scarcely like to detain the House by going through the Bill in detail, but I would suggest that the real way to carry out the avowed objects of the measure would be to place very heavy penalties, both pecuniary and otherwise, upon anyone disposing of opium except as medicine to the aborigines or South Sea Islanders, and if the measure had come up in that form it would have had my hearty support. As it is, I confess it strikes me as being so restrictive as to be likely to be prejudicial to the best interests of the country. So strongly do I feel on the question that I am very much tempted to endeavour to throw the Bill out, and leave it to the Government to bring in a measure such as I have now shadowed forth for the protection of the aborigines of the colony and Pacific Islanders.

The HON. J. C. HEUSSLER said: Hon. gentlemen,—I have only a few words to say on this question.

The HON. J. TAYLOR: Hear, hear!

The HON. J. C. HEUSSLER: And I will refer first to what has been said by my hon. friend who has just said "Hear, hear!" He said that in the present state of the finances of the colony we cannot afford to lose £20,000 a year. I am entirely of that opinion, but the hon. gentleman went on to say that this Bill interferes with the use of opium by the Chinese; but I cannot see that, as Chinamen are not mentioned in the Bill. Another speaker has said that Chinese consume 99 per cent. of all the opium that is imported into the colony, and the logical deduction from that statement is that only 1 per cent. of the trade is affected by this Bill. Now, if that is so, the question is, can we not afford to lose £1,000 a year for the sake of prohibiting the sale of this drug to indolent persons? Surely feelings of humanity would induce us to do so much? I believe there are a great many important amendments to be proposed in this Bill. I have heard various interested persons raise objections to certain clauses, and when it comes into committee I shall give it my serious attention and listen carefully to the arguments for and against the measure. I do not think we should throw the Bill out, as the last speaker has suggested; it is capable of improvement in committee, and I shall therefore vote for the second reading.

The HON. J. D. MACANSH moved the adjournment of the debate.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the resumption of the debate was made an Order of the Day for Wednesday next.

The House adjourned at four minutes to 6 o'clock.