Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 12 SEPTEMBER 1888

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LEGISLATIVE ASSEMBLY.

Wednesday, 12 *September*, 1888.

Petitions—Influx of Rabbits.—Injuries to Property Act of 1865 Explanatory Bill—first reading.—Chinese Immigration Restriction Bill—second reading.—Railways Bill—committee.—Question of Order.—Railways Bill—committee.—Adjournment.

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

PETITIONS.

INFLUX OF RABBITS.

Mr. GRIMES presented a petition from the members of the Indooroopilly Divisional Board, expressing alarm at the spread of the rabbit pest, and praying that further measures might be taken to eradicate the pest. He moved that the petition be received.

Question put and passed.

Mr. CROMBIE presented a petition similar in purport and prayer from the stockowners and landowners in the Aramac Marsupial Board district; and moved that it be received.

Question put and passed.

INJURIES TO PROPERTY ACT OF 1865 EXPLANATORY BILL.

FIRST READING.

On the motion of Mr. CORFIELD, leave was given to introduce a Bill to explain certain provisions of the Injuries to Property Act of 1865.

The Bill was introduced and read a first time.

On the motion of Mr. CORFIELD, the second reading was made an Order of the Day for Thursday, 20th instant.

CHINESE IMMIGRATION RESTRICTION BILL.

SECOND READING.

The PREMIER (Hon. Sir T. McIlwraith) said: Mr. Speaker,—Hon. members will remember that at the latter part of last year, and the first few months of the present year, there was considerable agitation in the colonies on the Chinese question. That agitation was a good deal political, but to a very large extent, however, it was founded on real grounds for alarm. On account of the law that exists in South Australia, the operations of which extend to the Northern Territory, there is no doubt it was quite possible that the country might be flooded with Chinese from that quarter; and there is just as little doubt that there was an attempt made by certain parties to introduce Chinese in large bodies into the Northern Territory for their own purposes. As a matter of fact, not many were introduced, but I think the alarm felt by the different Australian colonies, and the prompt action taken by the Queensland Government and the Governments of the other colonies, had a great deal to do in preventing the success of that action, which, I believe, was contemplated. At the commencement of this year the matter was fermenting in the southern colonies, and certain action was taken by the Government of Victoria and the Government of New South Wales. I do not want to refer much to that, because I do not want to introduce what would be rather extraneous matter, except to express my regret at the mode of action taken by New South Wales. I think that action did not tend to settle the matter, and my opinion is that the home country was thwarted in its efforts to satisfy the wants of the colonies by the hasty action taken by New South Wales. I do not approve of their action at the same time it is not my business to animadvert on the proceedings there; but I am sure that the proceedings in New South Wales had not the sympathy of the people of Queensland. It is plain, from the correspondence between the Home Government and the different Australian colonies, that the English Government did everything they possibly could to satisfy our requirements on the Chinese question, and have proved up to the present time to be thoroughly in accord with us, and almost too anxious to meet our views. Of course their views differed from ours, but when they understood exactly what we wanted they were quite willing, and acceded at once to all our demands. The fermentation I have referred to on the subject resulted in joint action being taken by the colonies—at all events an attempt at joint action—and a Conference was held at Sydney. Unfortunately, in one respect, at that time the Ministry then in power in Queensland was defeated at the general election, and some difficulty arose about sending a representative to that Conference. However, by the efforts of the then Premier—Sir S. W. Griffith—and myself, who was acknowledged then as leader of the Opposition party, an arrangement was made by which both of us thought that this colony would be satisfactorily represented, and the Hon. J. M. Macrossan went to Sydney as our representative. I think myself that he was thoroughly in accord with the views of the then Premier, and he was thoroughly in accord with mine; so that I believe what was done was for the good of the colony, and that Queensland was thoroughly well represented. The result of the Conference was to frame a Bill, which was to be introduced by the different Governments before their respective Parliaments. I should like to have seen the colonies agreeing to a Bill which would have been almost verbally the same, but, on examination, it was found that that Bill had not been prepared to meet certain contingencies. It was my desire to introduce the Bill almost verbally as it passed the Conference, to show that the subject had been well studied and that we were thoroughly in accord. The Bill that is actually before the House now, the second reading of which I am going to propose, is virtually the same Bill, but certain additions had to be made to adapt it to this colony, and to make provision for contingencies that had not been contemplated by the members of the Conference. But in no respect does the Bill differ in principle from what was agreed on then. The principle that has been at the foundation of our law has been to tax the Chinese arriving in the colony. That was considered by the members of the Conference as being not a right principle to go upon, and they adopted one mode of exclusion alone—that was, to limit the number of Chinese which could arrive in the colony by ships to one Chinaman for every 500 tons

burden of the vessel. Under that I think the principal object to be accomplished will be effected. At all events the Conference thought so, and on that ground we have brought it forward. There is to be no poll-tax on arrival, but the limitation provided is so great that none will arrive, so that a poll-tax would not be worth considering. There was one weakness, however, in the Bill, which was this: that while provision had been made for the restriction of the arrival of Chinese by sea, there was no sufficient provision made to prevent them from being imported as part of the crew of a ship—being put on the ship's articles—and being allowed to remain after the ship had left. It was necessary, therefore, to make provision for that, and that is the main alteration in the Bill. I received, through the courtesy of His Excellency yesterday, a copy of the convention entered into between the representatives of China and the United States of America, which has been published in the papers here, and appears, in fact in the proceedings of the Conference. From that it is evident that the convention had received the sanction of the governing authorities of the countries referred to, but it appears from a later telegram that alterations were made by the Legislature which have led to the convention being rejected on the one part by America; and we have had telegrams at the same time stating that, in consequence of the way in which the Chinese had been spoken of in the colonies, it has been rejected by them also. It would be a pity if such was to be the result, because it is quite evident—at any rate, from my examination of the subject it appears so to me—that China does not care one straw about the emigration of Chinese to Australia. No efforts have ever been made by the Chinese Government to find a field for the emigration of her inhabitants. When we were legislating on the Chinese question in 1876 and 1877, the prevalent idea was that it was a great and serious danger, because the Chinese Government were anxious that their people should emigrate—that they favoured emigration. It is quite evident, however, from facts that have been elicited since, that this was quite a mistaken idea. I do not believe they do favour emigration. However, whether they do or not, it is quite evident that Chinese immigration to Australia has been conducted, not under the influence or the patronage of their Government, but rather against their wishes, and not from China itself, but from Crown colonies belonging to England. If we remember that fact, we are in this position: That however hasty and petulant we may have been with regard to the delay of the Home Government in dealing with the subject, still at the same time we can conscientiously say to the Home Government that they have been indirectly responsible for the large immigration of Chinese to this colony, because the immigration of Chinese to Queensland has been almost exclusively from Crown colonies, under the very eyes of the officials who, under the British Crown, were carrying on the government of those colonies, and it was conducted in British ships and to the profit of British merchants. It was entirely a mercantile speculation on the part of those men, and carried on under the favourable consideration of the officials in the Crown colonies. I say that, as some mitigation of the hastiness and petulance we may have shown in dealing with the subject so far as England is concerned. We have nothing to thank England for, because we certainly owe the presence of the Chinese in the colony a great deal to her want of consideration for us at that time. I say that, because I remember in 1876 we were dealing with the subject under the impression that China was trying to shove her Chinese in upon us, when in reality it was simply owing to the laxity of the officials of the Crown colonies of England that the immigration spread to such an extent as it did in 1876 and 1877. However, we have now received from London a telegram to this effect:—

"The Secretary of State for the Colonies has informed the Agents-General that the Imperial Government see no reason to disturb the decision arrived at at the recent Conference held in Sydney on the Chinese question."

This telegram is later, and therefore supersedes the objection the British Government had to carrying out the views of the Conference. I need not go into the question of what those views were. The British Government tried to get us to pass a general Bill prohibiting all foreign labour whatever, and then reserving power to restrict that to only certain nationalities afterwards. Well, it came practically to the same thing. It was a roundabout way of getting at what we have got; I think it better to let the Chinese Government know in a straightforward way what we want and try to get it in that way. There is not the slightest doubt that the Australian colonies are perfectly unanimous in their desire to exclude the Chinese altogether. There is no party feeling in this matter. The Opposition are as perfectly sincere in the matter as members on the Government side; and all classes of the community agree that the Chinese ought to be excluded. I know that there are individual opinions against it, but they are simply individual opinions—not at all party opinions. The principle of the Bill is, as I have said, the same as that agreed to at the Conference. The preamble is the same; the 1st clause is the same with the exception of one or two slight alterations in the interpretation clause. Instead of the word "vessel" we have inserted "ship" as being more applicable, and the word "collector" has been inserted with an interpre tion. The 2nd clause of the Bill is new, being rendered necessary from our local circumstances. We have to repeal the Acts in force at the present time, and that is the object of the clause. Then in the 1st subsection of clause 3 certain words are substituted for those in the original Bill, which were rather obscure, and the object of the clause is more clearly defined here. Then from the word "passengers" on the 47th line of the same page to the end of the 27th line on the following page, it is all new. These are clauses rendered necessary to prevent the owners of steamers entering passengers on the list of the crew and leaving them in port. At first it was thought that this was sufficiently provided for by subsection 2 in clause 2 of the original Bill, which says:—

"This Act shall not apply to the crew of any vessel not being discharged therefrom in the colony, and not landing in the colony, except in the discharge of duties in connection with such vessel."

We thought we ought to make it much more stringent, and we therefore inserted the following clause:—

"The master of every ship arriving in any port of the colony having Chinese on board such ship shall, before being permitted to clear from such port, cause the whole of the Chinese crew and passengers of the ship to be mustered in the presence of the collector or any police officer.

"The names and number of the crew present at such muster shall be carefully checked with the names and number appearing on the ship's articles, and on the list hereinbefore required to be delivered by the master to the collector on arrival.

"If, on mustering the Chinese crew on board of any ship before clearance, it be found that any Chinese who arrived at the port, and who formed part of the crew of the ship, is not present at such muster, every Chinese so absent shall be deemed to be a Chinese who has been introduced into the colony contrary to the provisions of this Act, and the master or charterer of the ship, to the crew of which any such Chinese so belonged, shall

be liable to the penalty provided in this Act for bringing to the colony Chinese in excess of the number which by this Act may lawfully be brought."

The only other alteration is in clause 12 of the Bill as printed, after the word "not"—namely, the provision that the averment in any information under the Act that a person referred to therein is a Chinese, shall be sufficient proof thereof until the contrary is shown. In the papers relating to Chinese immigration, laid on the table of the House this year, there is a large amount of useful correspondence which will make every point in the Bill perfectly clear, and give assurance to hon. members that there will not be any very great difficulty in the way of the British Government being able to carry out such arrangements as will make the Bill acceptable to the Chinese Government; which of course would be a point. There is one point which I think the leader of the Opposition has the credit of having brought prominently before the consideration of the other colonies. In one of his letters he points out that making arrangements with the Chinese Government will have little effect in preventing the Chinese from coming here, because the Chinese that come here may be British subjects from other colonies over which the Chinese Emperor has no control. That, of course, shows to us the uselessness of attempting to make any arrangement with the Chinese Government. I do not attribute great importance to the idea of making a treaty with the Chinese Emperor to prevent him from sending his subjects here, but I think a great deal of the British Government making restrictions in British colonies to prevent the emigration of Chinese from them. I do not think we can expect much help from China, but it will be satisfactory even to be on friendly terms; and we should do everything we can to get the good offices of England on our behalf. The feeling is the same here as in America. These are the words used by the leader of the Opposition in a letter he wrote to the Premier of Victoria on the 7th April last—the letter to which I referred just now:—

"doubt, however, whether a treaty by which the Chinese Government should engage itself not to allow the emigration of its subjects to Australia would be effectual; inasmuch as it would be easy for intending immigrants to evade its provisions by sailing in vessels whose first port of destination was in some part of the Eastern Archipelago, from which they could come on by the same or other ships to Australia."

That is how the immigration of Chinese has come about, so that I thoroughly believe in the paragraph I have just read. It leads us to consider that not much importance can be attached to a treaty after all, because Great Britain and ourselves, acting together and looking after our own colonies, can effect almost everything that we desire. I move the second reading of the Bill.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—It is satisfactory to know that this is a subject on which all parties in the House are agreed; that is to say, we are all agreed as to the common object in view—namely the exclusion of the Chinese from Australasia as far as practicable. I have never attached much importance to the idea of getting that exclusion effected by treaty, for the reason referred to by the Premier, and also because it would be a long time before any treaty of that kind could be made, and while we were locking the door that way the steed would be stolen. I think it is much better to rely on ourselves in the first instance. We are not now prevented from legislating by the attitude of the Imperial Government as we were when the contest was fought in 1876. Many people were then under the delusion that the treaty of Tien-tsin prevented the colonies from making laws for the exclusion of the Chinese, and that idea was prevalent up to a recent period, as can be seen on reference to the newspapers both in England and in the colonies, until it was exploded by one of the Ministers in the House of Lords. Now, we know that there is nothing in any treaty with China to restrict England or her colonies from making any law they please. Of course we ought to be bound by the ordinary courtesy existing between nations; and I will here take the liberty of quoting from a memorandum I wrote to the Governor on the 24th March in reference to a despatch which His Excellency had received from the Secretary of State for the Colonies:—

"There is no rule, either of international law or comity, which requires one nation to admit within its borders, against its will, the subjects of another. Instances have not been infrequent of the exclusion of persons of alien nationalities from various European States, and, although it has not been the practice of the British Government to follow these examples, I apprehend that the principles of self-preservation would compel any State to prevent an invasion, whether hostile or peaceful, by subjects of another State, which would be injurious to its own subjects."

I maintain that we are perfectly free, so far as any law on the subject is concerned, so long as we do not violate the principles of common humanity. The question is, what is the best means of attaining our object? Now, this Bill proposes only one method of limiting immigration, and that is by limiting the number of Chinese passengers that may be carried in a ship to one for every 500 tons. Well, of course, that will be practically exclusion, and will have the effect of preventing Chinese from being brought here in the vessels now engaged in the trade—they being valuable ships, the confiscation of which would be a serious loss; but if there is any desire on the part of Chinese to come to Australia—I do not confine myself to Queensland alone—that portion of the continent which requires most protection is the great Northern Territory of South Australia and North-western Australia. That is where the danger will lie. We need not be afraid that the legislation proposed in this Bill will not be amply sufficient to deal with Chinese who will come down the eastern route, from Torres Straits southwards, but I confess I entertain grave doubts as to the efficiency of this scheme for dealing with other portions of the continent. Before going further I will take the opportunity of expressing my great satisfaction that the hon. member for Townsville (Mr. Macrossan) was able to represent the colony at the Conference. We may differ upon some of the conclusions arrived at by the Conference, but we all agree that that hon. gentleman's sentments were such as to command the complete confidence of the whole of the colony. Now, I shall call attention to another matter, the omission of which may have been intentional; that there is no saving of existing rights. There is no provision for those who came to the colony long ago being allowed to go away and come back again, unless it is intended that the 3rd section should deal with such cases. Much may be said on the point either way, and I do not know whether the omission is intentional or not. When an Act of Parliament is passed it is right to see what its effect will be, and as we propose only one method of exclusion we must see not only that the Act is intended to be prohibitive but also what will be the consequences if the law is broken—the consequences to the law breakers. So far as the ship is concerned, it will be liable to be forfeited, and therefore we may be quite sure that no valuable ships will be engaged in the enterprise; but if Chinese determine to come to the Northern Territory or the Gulf it will be a very profitable undertaking and a very simple thing for them to charter a sailing vessel of no great value. There are plenty of old vessels of from 1,000 to 1,500

tons that would carry 500 Chinese, and could be brought so cheap that the forfeiture of the ship would be no great loss. On the other hand, the captain of the ship is liable to a fine of £500 for each Chinaman, and it might be inflicted, but if he did not pay the only result would be that he would be imprisoned for six months, and at the expiration of that term he could go, but the Chinese would be here. That is, I think, a very serious thing to be considered. The consequence of breaking the law should be much more severe to the people who break it, and I do not think six months' imprisonment is nearly sufficient. I entertain very grave doubts as to the working of that portion of the Bill. I observe with respect to Chinese immigrants who come here by land that there is a provision in section 8 which provides for their deportation, and with that I entirely concur. There has always been a defect in the existing law that deals with Chinese coming by land, and indeed with regard to those coming by water also. All you can do is to punish them, and you have the satisfaction of keeping them in gaol for the time allowed by the law and then letting them out. You have to maintain them and feed them pretty well, and then they are allowed out, and the colony has no further remedy. The 8th section of this Bill deals with that, and provides that a Chinaman coming to the colony by land without permission renders himself liable to be imprisoned for six months and to be deported. That is, I think, a very good thing, but with respect to Chinese coming by water deportation is out of the question, and I certainly think there ought to be some pecuniary liability attached to any Chinese who enter the colony in contravention of the Act, which shall not be got over until it is paid. I believe myself that that would operate as a very serious deterrent. I certainly think there should be a liability attaching to the person himself who breaks the law, and I cannot see any objection to it. As I understand, the idea entertained at the Conference was that a poll-tax was obnoxious to the Chinese Government and that the abolition of it would tend to facilitate negotiations with them. That is very likely to be the case, but I do not think the same exception can be taken to a provision that any Chinese violating the provisions of the law should be liable to punishment. I think that a poll-tax, or penalty, if you like to call it, of £30, or even £50, would be very beneficial, and let it be a liability attaching to the man until he has discharged himself of it. I believe that would be a very valuable addition to the Bill. Of course that applies more particularly to the other colonies; but I am discussing this Bill, as being one to be adopted by all the colonies in accordance with the scheme approved by the Conference, and as the matter is certainly not yet disposed of in the other colonies it may be of use to make the suggestion now. That, I think, is the most serious point to which I have to call attention. I have done so on previous occasions but not at length in this House. The provisions of the latter part of the 6th and 7th clauses deal with a very serious matter. The Bill as framed by the Conference would certainly have allowed any number of the crew of a ship to land if she was in port, and there were no consequences imposed upon anybody for allowing that to happen. That was a very serious defect, because, as I daresay many hon. members know, it used to be a very common practice to ship a large number of Chinese on the ship's articles at 1s. a month—they were nominally members of the crew—so as to get them through Queensland waters and land them in New South Wales. If my memory serves me correctly, instructions were issued to give the shipowners warning that the next time they did that sort of thing the law would be appealed to, they would be prosecuted, and an attempt made to punish them. I do not remember any case of the kind since, but the Bill as framed by the Conference took no notice of that. There is still another objection, more formal than otherwise—because practically the 7th section would deal with it—but the 3rd clause has been left as it was. It seems to be an obvious inconsistency to say that the Bill does not apply to the crew of a ship who are not discharged in the colony, and do not land in the colony. The conditions do not exist when the ship arrives. The prohibition is as to the state of things when the ship arrives that you cannot determine whether the law is broken at the time the ship arrives, because the event does not happen until some time after. The consequence would be that it would be very inconvenient to institute a prosecution. I believe that the 7th clause would practically deal with that, but I remember noticing the difficulty in the Bill of the Sydney Conference. I think it requires a little consideration, so that there may be no flaw of that sort to render a prosecution ineffective. I think that serious attention should be given to the question. Six months' imprisonment for the wholesale violation of this 7th clause is certainly not sufficient. These are the only matters that occur to me at the present time. I hope this Bill will be disposed of as soon as possible, and if we can make any useful amendments I am sure the other colonies will be quite willing to consider them in dealing with the matter as, I am sure, we shall be very glad to avail ourselves of any they may make. It cannot be too fully remembered that this is a matter in which one colony alone can do nothing. The danger of invasion of the Chinese does not affect Queensland alone. The Act passed by us in 1884 has practically reduced the number of Chinese in Queensland, but they can come into South Australia, and if they have not already come over the border I believe it will not be very long before they do come.

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said: Mr. Speaker,—It is gratifying to every person who has thought upon the Chinese question that both sides of the House are thoroughly agreed upon the exclusion of the Chinese from Australia; and that not only both sides of this House, but all the public men and the public opinion in all the colonies of Australasia—at least on the continent of Australia—are agreed upon the subject. I might have said the whole of Australasia, but, unfortunately, the representative of Tasmania was not in accord with the other delegates at the Conference. He is more anxious to encourage the immigration of Chinese than to discourage it. However, if we can, by common legislation on the continent of Australia, prevent the Chinese from coming in, we need not be afraid of any that may be admitted from Tasmania. The matter which the hon. leader of the Opposition points out as the weak spot of the Bill—that a vessel full of Chinese might come to the Northern Territory of South Australia, or even to the Gulf of Carpentaria—that, I think, is very far-fetched. It is scarcely likely to happen. There must be something extremely attractive at the moment in Australia to cause a combination of 500 Chinese to charter a vessel of no use, for the purpose of coming to us, knowing that public opinion was so strongly against them. If hon. members think there is any danger of that kind they can, of course, prevent it. There was nothing agreed to at the Conference to prevent us from taking means to remedy anything of that sort. The two principles to which all the delegates agreed

to pledge themselves to try and pass in their respective colonies were—first, the exclusion of the Chinese by means of preventing more than one Chinaman coming to every 500 tons of the ship in which they came, and, secondly, the abolition of a poll-tax. Those were the two principal points, and they were agreed to by all the members of the Conference. At the same time the members of the Conference agreed that each colony should introduce a Bill, and that these principles were to form part of it, but that anything else might be added or taken from the Bill so long as the main principles were left untouched. The point referred to by the hon. gentleman does not touch either of those two points. We may impose a penalty of imprisonment upon the Chinese for landing, which would probably be quite sufficient; but if we imposed a tax upon them it would appear to be a poll-tax, and that would violate the resolutions that were come to by the Conference. I think if any remedy is adopted it should be by way of imprisonment. There is one point which has to be mentioned in regard to the Bill, and which seems to me a most important one. Our danger, as has been repeatedly pointed out in this House, and outside the House, is not from the Chinese who are subjects of the Emperor of China. Our greatest danger is, and has been, from Chinese who are subjects of Her Majesty—Chinese who can come here from Hongkong and Singapore, and claim to be naturalised or natural-born subjects. The great point to which attention was called at the Conference was that we should exclude the Chinese race no matter where they came from, and I must say that there was some difficulty in getting all the members of the Conference to agree to that; but when it was pointed out that the danger to Australia lay chiefly in that quarter unanimity was arrived at. If hon. members will look at the interpretation clause they will see that the word "Chinese" shall include every person of Chinese race not exempted from the provisions of this Act. I think that when Lord Knutsford has given his approval, as I believe he has done, to the principles of the Bill prepared by the Conference, we could not have expected any further proof that the colonies were to be allowed to exclude any person who could not claim *bonâ fide* to be a subject of Her Majesty. I think he showed that he was thoroughly in accord with our intention to exclude Chinese, and that he would go any length in assisting us to carry out public opinion in Australia. I believe if we pass this Bill we shall be in very little danger from the Chinese. We shall be the first colony to pass this Bill, as it has not yet passed in any other colony. It is under consideration in South Australia; it has not yet been introduced in Victoria, and the Premier of New South Wales promised that he would introduce the Bill when two other colonies of the Australasian group had passed it; so that if we pass it—as I believe we shall very quickly—we shall be the first; and if we make any amendments in the Bill we can then intimate to the other colonies what we have done, and if they approve of them they can adopt similar amendments. Then, when two of the Legislatures have passed the Bill, the Premier of New South Wales will introduce a Bill into his Parliament—a Bill on the same lines as this. I am sure members of this House will be as greatly pleased to hear, as the members of the Conference were at the time, that Sir Henry Parkes was fully in accord with the Conference. Many people thought, and it was publicly stated, that he was the obstacle to the unanimity of the Conference; but he was not. There was no member of the Conference more anxious to exclude the Chinese, so far as I could see, than Sir Henry Parkes, and he did a great deal in promising to introduce a Bill, which was, to a great extent, different in principle from the one he had nearly passed at the time the Conference was sitting. I believe that if we pass this Bill as it is, without amendment, it will be the means of excluding the Chinese from Queensland, and if the other colonies pass similar measures they will be the means of excluding the Chinese from Australia entirely. Of course there will still be a danger with Western Australia. South Australia has promised on behalf of the Northern Territory, and the Bill which they will pass will have effect in the Northern Territory as well as in the southern portion of South Australia. But Western Australia being, at the time of the Conference and still, a Crown colony, there will be a danger there. However, the delegate from Western Australia was quite in accord with the other members of the Conference in the desire to keep out the Chinese, and if that gentleman remains in office in Western Australia, he will, I am quite sure, introduce some measure to exclude the Chinese from that colony.

Mr. MORGAN said: Mr. Speaker,—I take it there is a pretty unanimous feeling upon this Bill, and it does not require any very lengthy discussion. The Premier pointed out what is, I think, now pretty well understood, that the Imperial Government of China is not responsible for the influx of Chinese to these colonies. It may have had a deterring effect upon the Colonial Legislatures who did not care to put themselves into an attitude of too strong opposition to the powers of China, and again there was a belief that legislation on the subject might interfere with treaty rights secured to China by treaties with Great Britain. That second difficulty has been pretty well disposed of this afternoon by the leader of the Opposition. A knowledge, then, of these two facts ought, I think, to clear the way for this Bill, and induce hon. members to vote at once and unanimously for it. In support of the Premier's contention I have in my hand an article which appeared in the *Nineteenth Century* for April of the present year. When the agitation was going on in these colonies about six months ago a good deal of attention was devoted to it by leading men in the old country, and some ex-Governors of Queensland, amongst others, undertook to instruct public opinion at home on the subject. One ex-Governor of Queensland, Sir Wm. Wellington Cairns, protested against the enormity of closing the ports of this colony to Asiatic labour; and another gentleman of more experience, Sir John Pope Hennessy, at one time Governor of Hongkong, contributed the article I refer to in the *Nineteenth Century*. He says in that article, what the Premier has said this afternoon, that the emigration from China to Australia was not due to any desire for that emigration on the part of the Chinese Government, but was due mainly to the action of British shipowners in the port of Hongkong, who made a good thing out of the trade, and used every means in their power to promote it. Sir John Pope Hennessy says in his article, that naturally the Chinese Government object, on political and religious grounds, to the emigration of their subjects; but when he went to Hongkong he found that the shipping trade there, in deporting Chinese to Australia, was a pretty large one, and finding that the colonies objected, he endeavoured to curtail the trade. The result was that those shipowners sent a protest to Downing street, and the Governor got a rap on the knuckles for his action; though the Government of New South Wales publicly thanked him for it. He concludes his article with an expression of opinion that, if the Australian colonies are united in

opinion upon this subject, and are prepared to agitate for and demand a treaty of exclusion, they will get one from the Chinese Government through the home authorities, as effectual as that which I believe will shortly be concluded between the Government of China and the Government of the United States. With the fact before us, that the Chinese Government do not desire to force their surplus population upon us, and the fact pointed out by the leader of the Opposition, that in the legislation now before us we do not trench upon treaty rights, there ought to be sufficient to induce a pretty unanimous vote—if any other inducement were wanted than those before us—of this House and of the Parliaments of all the Australian colonies upon this subject. If we get that united expression of opinion, we shall ultimately have the total exclusion of Chinese from these colonies.

Mr. COWLEY said: Mr. Speaker,—I have no intention of opposing this Bill; on the contrary, I rise to point out what I consider a slight omission which may in some measure prevent the full benefit of the measure being attained. Those who have had anything to do with the Chinese know that they are great adepts at personation. I think it is possible that, if a vessel comes here with a large Chinese crew, some of the Chinese here may be tempted to make a bargain with some of the crew to take their place in order to return to China, and I think it would be desirable to insert a clause to punish Chinese attempting to leave the colony in that way.

An HONOURABLE MEMBER: How are you to catch them?

Mr. COWLEY: It is very probable that when the crew are mustered on arrival they may be easily recognised, but if any of them land in the colony it will be impossible to catch them. I know from experience that the Chinese are exceedingly cunning, and are adepts at personation, and I have heard the belief expressed that many Chinese residents here who may be anxious to return to China may make arrangements with their countrymen to take their places on board the ship as one of the crew, and thus secure a passage home. It is true that such a practice would not increase the number of Chinese in the colony, but it would keep up a constant stream of Chinese who, after working in the colony for a time, would carry away the money they earned and make room for others to do the same. I think it is necessary to insert in this Bill some provision for the punishment of Chinese found guilty of personation in cases like that.

Mr. PALMER said: Mr. Speaker,—The Bill before us proposes restrictions upon Chinese immigration to this colony, but I think the Bill is not so much necessary for Queensland, inasmuch as statistics show that during the last four years the Chinese in this colony have been decreasing in number year by year, and they are likely to go on decreasing in number. I think, then, it is more in deference to the other colonies that this Bill is before the House, and I hope it will for that reason receive unanimous support. Statistics also show that the number of Chinese in the other colonies has been increasing during the past four years, and it is clear from that that the danger of Chinese immigration is not to Queensland so much as to the other colonies. There may be a danger arising to Queensland in the northern part of the colony, and especially in the district which I represent, from the influx of Chinese from the Northern Territory. In last Friday's *Courier* there was a telegram to the effect that 100 Chinese were actually on the way from the McArthur River, and coming to Queensland across the border somewhere to the south of Burketown. One hundred Chinese are not of much consequence, but the number may be multiplied by several hundreds, as they might come in any number into the Northern Territory owing to the want of legislation existing there on the subject. We know that there are no restrictions whatever upon the landing of Chinese in the Northern Territory within a limit of 1,000 miles south of the place of landing. I would go further than is provided in this Bill and prohibit the immigration of Chinese into this colony altogether. I have always advocated that, and believe that our safety lies in total prohibition. I believe also that we should be justified in carrying out that extreme measure. The Premier, in moving the second reading of this Bill, stated that the Imperial Government of China never advocated the emigration of Chinese from their shores. I understood him to say they had never wished them to emigrate to the colonies for any purpose whatever, either for making money or gold-digging, or for the purpose of settlement. But we know—and that is why the Australian colonies are taking the steps they are doing—that the British Government has within recent years compelled the Chinese Empire to open its ports to British commerce. We may have initiated a spirit of emigration, and if that spirit of emigration were to overtake the vast mass of the population of China the danger to these colonies would be imminent. We are only 3,500,000 people, and if 3,000,000 or 4,000,000 of Chinese, who would never be missed, were to arrive, the result would be that they would inundate us; they would swamp us, and leave us no alternative but either to fight the matter out to the bitter end on our own shores or else to succumb; and I do not think we belong to a race that is likely to succumb. It would be well to take precautionary steps to prevent Chinese from arriving over the border which I have referred to. As to those Chinese who are in the colony, and who are amenable to law and order, I would wish that every Chinaman should receive the full privileges of those laws. We have had several instances where the Chinese in this country, who are admitted on all hands to be a law-abiding people, have suffered serious injury from an infringement of our own laws by our own race. I do not defend that, and I do not believe any sensible man desires to see any law infringed, or to take advantage of any Chinese while they are here. But we know that some very serious cases have occurred. I believe the hon. gentleman who sits on the opposite side, and who was Minister for Mines in the late Administration, ordered the Chinese off Croydon, and did them very great injury.

Mr. HODGKINSON: No.

Mr. PALMER: He was reported to have done so, and I heard that instructions had been given to that effect. They were ordered off the field, and a great number of them were nearly starving, having no occupation to turn to, and being unable to find employment of any kind. The hon. gentleman, who was then holding the important office of Minister for Mines, got the credit of ordering them off, through the police magistrate or warden. I should like to know if he gave written instructions that those Chinese were to be ordered off the field, why they were given, and by what law they were given?

Mr. HODGKINSON: They were written instructions.

Mr. PALMER: I would like to know why?

Mr. LITTLE: The diggers gave the instructions themselves; there was no warden there to give instructions.

Mr. PALMER: There seems to be a great difference in the law. If only two or three persons break the law they are punished; but if 200 or 300 take it into their heads to break the law they seem to go free; the police are either unable or unwilling to interfere; and I should like to know where responsibility ends with regard to numbers when the law is broken. The case will be referred to again before long. Returning to the Bill before the House, I am quite in accord with the spirit of it, but I should have preferred it if it had gone so far as to totally prohibit the Chinese from coming to these colonies. We have an important part to play with regard to the settlement of these colonies, and we should be perfectly justified in preserving the colonies, with all their mineral and other wealth, for our own race and our own kindred. We have plenty of scope and room for them to develop the country.

Mr. HODGKINSON said: Mr. Speaker,—I do not rise to accept the challenge thrown down by the hon. member for Carpentaria, but to congratulate the Government on bringing in a Bill that commends itself to both sides of the House. If I were to refer to extraneous matter introduced into the debate by the hon. member, it might cause the good feeling now entertained on both sides towards this measure to be lost in a minor squabble respecting a matter about which he has no concern whatever. At the proper time and place I shall be quite prepared to justify any of my ministerial actions. But I certainly am not going to justify something which the hon. member has got from hearsay, or upon a statement of a very strong political opponent of mine who occupies a responsible position in the Civil Service.

Mr. STEVENS said: Mr. Speaker,—I have spoken quite as strongly against the Chinese as the hon. member for Carpentaria, and have even gone so far as to advocate their total exclusion; but if a Bill were brought forward for that purpose at present I should oppose it, because I think the scheme as laid down by the Conference at Sydney is a very much wiser one. It is built on a sound basis, and is likely to have the sanction of the Imperial Government. The idea of the Bill is a thoroughly good and sound one, although it will stand some alterations in detail, such as the leader of the Opposition has pointed out. With regard to clause 8, which provides that any Chinese entering the colony, borderwise, without a permit, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six calendar months, I scarcely think it goes far enough, more especially as the Bill in its present shape would work very unevenly. Under clause 6, the master of a vessel who brings a stowaway into the colony is subjected to a fine of £500. If that man had been put on board by a member of the crew, the captain might be entirely innocent in the transaction, and yet he would be liable all the same to this fine of £500; whereas a Chinaman who deliberately sneaks in over the border gets off with six months' imprisonment, with or without hard labour. The penalty should be very much heavier than six months. I should go so far as to make it, at the very least, twelve months' imprisonment with hard labour—it would be impossible, as a rule, to collect a fine in addition—and then send him back to the colony from which he came.

The COLONIAL SECRETARY (Hon. B. D. Morehead) said: Mr. Speaker, — Although I agree with a great deal that has fallen from the last speaker—indeed, I daresay most of us do—it must be borne in mind that we are not discussing the question solely from the single standpoint of Queensland, but, according to my idea, we are discussing what is likely to become the general law of the Australian continent. Therefore, although we are much nearer China than the other colonies, and more exposed to the Chinese invasion spoken of by the hon. member for Carpentaria, we must, under the circumstances, consider how far the other colonies would be inclined to go in for extreme measures. I think the Bill, as it stands, with a few amendments in the direction indicated by several hon. members, will, without going to any extreme, meet the views of all the Australian colonies. As to the views of Tasmania, we know what they are; and if she wishes to become either a rabbit warren or a place for breeding Chinamen, we have only to take care that they do not come across to the mainland. Let them stop in their island home. With respect to what has fallen from the hon. member for Herbert as to the possible exchange of Chinamen, I do not think there is much in it, because it would not result in any more Chinamen being in the colony. We should still be educating Chinamen; we might even send a missionary from Queensland to China to educate the people there. As to the matter of penalties, I think there is a good deal in what has fallen from the hon. the leader of the Opposition, and that we might alter them with advantage. But, on the whole, I think the Bill as originally drafted, and as now altered to meet the special circumstances of the colony, is one that will commend itself to the intelligence of this House and to the general approval of the whole community. As I said when I started, if we make it too extreme, or if we take up too strong a position, we may risk the passing of a measure which, I believe, if passed into law, will prove of great benefit to the whole of Australia. If we went in for total exclusion it would result in making the Bill what would be called by an old member of this House, now in another place, too Algerine a measure.

Mr. POWERS said: Mr. Speaker,—I believe in total exclusion, but we are hampered by the Imperial authorities in some matters and also by the result of the Conference, so that I think our best course will be to make some amendments in this Bill which will not interfere with the result of the Conference, and which will meet the objections raised by previous speakers. I think one most important objection was that raised by the hon. the leader of the Opposition, and I hope the hon. gentleman in charge of the Bill will bring in some amendment by which that objection can be met. I do not think it has been answered by the Minister for Mines and Works, when he asked, "Who will bring 500 Chinamen here at the cost of the vessel against public opinion?" But we have to consider that every day new goldfields are being discovered, and 500 Chinamen of their own accord might wish to come here and go upon any new field. Therefore I should like to see the 8th section amended by omitting the words "by land." Then the provision would apply to any Chinaman who entered the colony by sea or otherwise without first obtaining a permit. I think that would get over the difficulty. We have not only to consider the difficulty of Chinese coming here from China by vessel and destroying her; but we have also to remember that Western Australia is a Crown colony, and although the Imperial authorities may consent to our legislation for our own colonies, in deference to the wishes of the Chinese Government, they might not deal so harshly with them in a Crown colony. Therefore, we have to consider the possibility of Chinese coming from Western Australia. Then again, South Australia may not pass so stringent a law as we shall, and Chinese may come from that colony by vessel into Queensland, not by land at all. I think an amendment should be made to meet that difficulty,

Mr. SAYERS said: Mr. Speaker,—I agree with the Bill before the House, as far as it goes, but I should like to see it go a good deal farther than it does. I am one of those who believe in total exclusion of the Chinese. I must say that the class to which I belong—the miners—have been more handicapped by the Chinese than any other people in Queensland, and I daresay they feel stronger on the subject than most other people. At one time it used to be the custom for a new goldfield to be immediately rushed by Chinese. That, fortunately, cannot be done now for a certain time; but as the hon. member for Herbert stated, the Chinese are very wary, and if they can get into the colony by any pretence whatever they will do so. As soon as one gets in hundreds follow. I know, as the hon. member stated, that there is a great deal of personation amongst Chinamen. It is almost impossible for any person to tell one from another in a crowd of them. What has been said about Chinamen going home and others coming back in exchange is quite possible, and I think we should try to prevent it as far as possible. The hon. the Colonial Secretary said that the only result of the exchange would be that one Chinaman would go and another would come, so that we should always keep the balance; but I say we do not want to keep any balance. I want to see the Chinamen out of the colony altogether. I should also like to see some provision in the Bill prohibiting or taxing Chinamen who engage in trade in the colony. At the present time Chinamen enjoy all the rights and privileges of British subjects. They can engage in any trade, and enter into competition with white men in all branches of trade and industry, and I think we should try to prevent that. In fact we want no Chinese here at all. We do not want this country a mixture of Chinamen and whites; we want it for whites alone. I should like to see some clause introduced to effect what I have pointed out, and I am sure that if the Minister for Mines and Works—who knows as much about Chinamen as any man in the House—can see his way to do so he will accept an amendment to that effect, and I shall be happy to support it. I should like to see the Bill provide for total exclusion, but in consequence of the agreement made at the Conference that is impossible; so we have to accept the Bill before us.

Mr. SMYTH said: Mr. Speaker,—I did not intend to speak on this Bill until I heard the remarks of the hon. member for Charters Towers. I recollect last year, and the year before, when we were talking on the Chinese question, I stated then, and I repeat now, that the presence of Chinese in Australia is due a great deal to the people themselves. When I was up at Charters Towers I saw one of the largest Chinese stores there supported by the mining population. I do not believe in "boycotting"—I do not like the word—but I believe that in places where there is European population they would support one another. We know that the Chinese are different in almost every respect from Europeans. As a rule Chinamen here have no families; they are very frugal, and can live where a white man could not possibly live. I am glad to see that the people of Charters Towers are taking the matter in hand and are going to drive the Chinese out of the place by sticking together. There is one matter I should like to refer to that has not yet been spoken about. I do not wish to be an alarmist, but we must consider that the Chinese are very close neighbours to us; that they are becoming a warlike nation—in fact, there are only four or five nations in the world in a better position than China. Last year when in England I saw two Chinese ironclads fitted with Armstrong guns; I saw Chinese sailors on shore, smart, active looking fellows—not your "cabbagee" Chinaman of Brisbane, but really smart men—and I say, Mr. Speaker, it is only a matter of time when China will refuse to be bound by our laws to keep them out of the colony. They will force their way in, and I say it is our place to join with the other colonies, either by a Naval Defence Bill or in some other way, to defend ourselves. There is no colony in the whole group so exposed to an attack from China as Queensland. We are their closest neighbour. Of course the United States can exclude the Chinese. They have a population of about 60,000,000; but our population is under 4,000,000, and we are not prepared to build ironclads as the United States were when the war broke out between North and South. The threat has already been made that within two years the Chinese will force their way into Australia if they want to. That threat was made when the New South Wales Parliament passed the Chinese Restriction Bill. I do not wish to appear an Imperialist on this question, but as an Australian. I say we ought to keep them out, and never mind what they do. We can do without China. We can grow our own sugar, and we can get our tea from India. Instead of Chinamen being a blessing to the place, we know they have been a curse to the North of Queensland. We know the result of their presence on the Palmer Gold Field, which used to turn out more gold than any other field in Australia when it was at its best. If the alluvial gold taken from that field by Chinamen had been left for white men the reefs would have been properly developed by this time. A good deal of the land in the North is owned by sugar-growers, and they employ Chinamen for cutting firewood, clearing land, and other jobs. I am glad to see, however, according to the Premier, that there is a large decrease in the number of Chinese in the colony—241 having arrived and 802 left during the past year. Whom are we to thank for this decrease? I think we may thank the Liberal Government, who put on a poll-tax of £30. When the present party were in power before, I saw as many as 100 and 150 Chinamen arrive in one ship, but the Government took no notice. The Liberal party, however, put a stop to that by the £30 poll-tax; and the result is shown, by the Premier's statement, that there has been a decrease of 561 in one year. I think the Bill is hardly necessary in the face of that statement, but any measure brought in for the good of the colony will have the support of hon. members on this side. I believe the Bill will receive more support from members on this side than from members on the Government side of the House.

Mr. LITTLE said: Mr. Speaker,—It would be easy enough to get rid of the Chinese if the same measures were adopted on goldfields as are adopted on other mineral fields of the North. At Herberton the miners do not allow a Chinaman on the field unless he can show his miner's right, and the result is that there are no Chinamen on the field at all. A Chinaman is not allowed to turn a windlass, wheel a barrow, or drive a cart; the only thing he is allowed to do is to cultivate land.

Mr. WATSON said: Mr. Speaker,—This Bill is a very sound and good one. I consider that the residents of Brisbane have neglected their duty in not enforcing their rights with respect to Chinamen in every shape and form. We have only to look at the Brisbane River to see that the Chinamen are ruining the fishing. Any night you like you can see them at the Hamilton reach with small-meshed nets catching the small fish of the river for the purpose of sending them to China. We have an Inspector of Fisheries—a

very good man—but it is impossible for him to work day and night. He cannot attend to his duties by day and trap the Chinamen with those small nets by night. They have driven the whole of the Brisbane fishermen out of the river to the Bay, and they have ruined the industry as regards our own people. As British subjects we are very lenient to foreigners. I am pleased to hear from the Minister for Mines and Works that Sir Henry Parkes had come to his senses; but if Sir Henry Parkes had been in Wynyard Square on New Year's Eve—as the Hon. Mr. Macrossan and I were—he would have been kept awake the whole night by Chinamen with squibs and crackers, and he would have seen the Chinese flag flying above the English flag in that square. There were about 4,000 people parading the square that night. That is why the Chinamen feel great reluctance in leaving Australia. They say "Englishmen are very good; Englishmen allow us to do this and that." We are not carrying out the laws as we ought to do; and we have only to look at certain spots in Brisbane to see that they are a disgrace to any city. You, sir, may recollect that when the Chinese Commissioners visited Brisbane, a deputation brought this matter before them, and the reply was, "Have you not got by-laws you can put in force to compel these Chinamen to keep their places and habitations in good order?" As the Premier stated, we have to dread the Chinese coming from British colonies more than from China. The Chinamen we receive here are not Chinamen—they are only Tartars, with the exception of the high-class Chinamen—and there is no doubt that if we do not show that we are in favour of total prohibition, the Chinese will continue to come in spite of whatever we do; because, as Bret Harte says—

"For ways that are dark, and tricks that are vain,
The heathen Chinee is peculiar."

I have frequently attended deputations that have waited on the leader of the Opposition with reference to the Chinese question, and I must confess that he gave us every information he possibly could. The questions he asked the President of the Anti-Chinese League were sound and practical, and he did at that time as much as we considered it was in his power to do. Another matter for consideration is the fact that the Chinese are ruining the cabinet-making industry in Brisbane at the present time, and some stop ought to be put to that. We ought to have an Act compelling Chinese to brand their furniture, so that the Europeans who buy Chinese-made furniture, and sell it as English, might be known. I certainly hope that this Bill will go through the House and that it will be carried unanimously.

Mr. GLASSEY said: Mr. Speaker,—I have just a few observations to make. I did not catch very clearly the remarks made by the Minister for Mines and Works with respect to the unanimity that seemed to prevail at the recent Conference that no poll-tax should be imposed in the future. I would like to ask the hon. gentleman whether it has been decided by the Conference that no action is to be taken with respect to the Chinese already in the colonies, because I feel confident that the general public will not be satisfied unless they are dealt with. The hon. member for Fortitude Valley, Mr. Watson, very pertinently mentions one class—the cabinet-makers. He is satisfied that some action should be taken to prevent Chinese cabinet-makers from competing with white men, and I thoroughly agree with him. The Bill, so far as it goes, is fairly satisfactory, with the exception of one or two points that have been raised during the discussion; but I must say that, so far as the working classes are concerned, they will not be satisfied unless some action be taken with a view of dealing with the Chinamen already in the colony, and I certainly hope and trust that that spirit of unanimity, mentioned by the hon. member for Townsville as being so strong, will not prevent some action being taken in the direction I have indicated. I shall not fail to do my duty unless some action is taken to secure the exclusion of those Chinese already here, and shall certainly move an amendment to give effect to that view. I believe that the cabinet-makers and market gardeners, who are chiefly affected, should be protected, and shall move an amendment to that effect.

Mr. GROOM said: Mr. Speaker,—The hon. gentleman, in introducing this Bill, was of opinion, as I understood him, that we have not much to fear from the Government of China, and that they were rather indifferent as to whether their people emigrated or not. I am not altogether inclined to agree with him, because I have read the report of the Commission that sat in San Francisco with a view of inquiring into the working of the Chinese system, and they reported on the system of what are called "bosses" introducing Chinese, 500 at a time, to work under a certain agreement; the whole of their wages to be paid to the "boss," and only a small sum being allotted to them. That was undoubtedly done with the concurrence of the Chinese Government. We must not forget also that we had two commissioners here some time ago specially deputed by the Chinese Government to visit the colonies with a view of ascertaining how their countrymen were treated. Now, if the Government of China did not take much interest in the matter it is hardly probable they would go to the expense or trouble of sending out two of their best men with a view of ascertaining how the Chinamen were treated; and from their interview with Sir Henry Parkes in Sydney we were led to believe that one of their objects was to see whether Australia was not a good field for emigration. I do not think we should altogether suppose, therefore, that the Chinese are coming exclusively from the Straits Settlement, or from Hongkong and Canton. On the Bill itself I shall vote with the Government, and I entirely agree with those hon. members who have spoken, that a great deal of the continuation of Chinese immigration is to be attributed to our own faults, or the faults of those who commercially supported them. Could anything be more horrifying than the proceedings of the Supreme Court not many weeks ago, when we saw a Chinaman whose endorsements on the backs of bills was absolutely sought after, and who was charged 40 per cent. for having his own bills discounted. According to the report of the trustee, that one Chinaman's transactions represented something like £100,000. He had been carrying on business here for many years, and some of the highest men in the city, including those who wrote "M.L.C." after their names, were not ashamed to discount that man's bills. It is all very well to hound down the Chinese, but there are some who are glad to make money out of John Chinaman if they see their way clear to do it. One can hardly go to any town in the colony without finding the largest store there kept by a Chinaman. And who supports them? Not the Chinese themselves, because in some places there are very few of them, but they are supported almost entirely by the European population. So that there are two sides to the question. I am certainly not one of those who say that we should resort to violence. I very much regret what transpired at the North Brisbane election when the Chinese shops were stoned. I think that was an outrage upon our race, and a disgrace to the colony.

The PREMIER: It was done by a few larrikins, and not by the people of Brisbane.

Mr. GROOM: I am very glad to hear it, and hope such larrikinism will not receive countenance from any respectable persons; but, as pointed out by other hon. members, the Chinese have been made the victims of the violence of the ignorant portion of the population. Now, in the treaty entered into with the American Government, this humane view, and a view which I think almost every intelligent community would take with regard to the subject, was laid down:—

"But the fact remains that they have suffered grievously in person and property, and whilst the liability of the United States is wholly inadmissible, as is recited in Article V. of the treaty now submitted, yet it is competent for this Government, in humane consideration of those occurences, so discreditable to the community in which they have taken place, and outside of the punitive powers of the National Government, to make voluntary and generous provisions for those who have been made the innocent victims of lawless violence within our borders, and to that end, following the dictates of humanity, and, it may be added, the example of the Chinese Government in sundry cases where American citizens, who were the subjects of mob violence in China, have been indemnified by that Government, the present treaty provides for the payment of a sum of money, to be received as full indemnity for all such losses and injuries sustained by Chinese subjects in the United States, to be received and distributed by the Chinese Minister at this Capitol. This payment will, in a measure, remove the reproach to our civilisation caused by the crimes referred to, as well as redress the grievance so seriously complained of by the Chinese representative, and unquestionably will also reflect most beneficially upon the welfare of American residents in China."

It has been said, in reply to that, that although the House of Representatives and the Senate passed an Indemnity Act, and the fact that a sum of money necessary for compensation to those who had sustained those injuries was voted only some 12 out of 150, according to an American paper which I received a few days ago, had up to that time sent in their claims for indemnity for the injuries they had sustained. They thought that the United States would not give them any colourable appearance of justification for the outrages of those people. I have no sympathy with those who say that we should act violently towards the Chinese who are already here. They are here, and while they conduct themselves in accordance with our laws they are entitled to protection. I know some hon. members believe that the Premier should go further than he has done in the Bill, by making provision for the extinction of the Chinese in the colony at present. I think he has taken the course which all the Governments of the Australian colonies are taking, and which is exactly the same as the United States Government have taken for the exclusion of Chinese: that as long as they conduct themselves in accordance with the laws of that country the American Government will give them every possible consideration. I entirely approve of this Bill, and I would also add my quota of praise for the way in which the Minister for Works acted as the representative of this colony at the Conference in Sydney. I followed the proceedings of that Conference very closely, and in all that transpired he showed that no better representative could have been selected. He stands out in marked contrast with the Tasmanian Premier, who wanted to make it legal to introduce Chinese, and in point of fact has, on page 23, placed his opinion on record that the northern portion of Queensland is only fit for Chinamen. I think every member of this House will enter a protest against that.

Mr. MURPHY: The Northern members will.

Mr. GROOM: The Premier of Tasmania distinctly puts it on record that the Northern territory of Queensland is only a place where Chinamen could live, and that it is unsuitable for European labour. Against that I enter a protest. I say that we have reason to think that the representative from this colony stands out in marked contrast to the Tasmanian Premier. I shall certainly give my cordial support to the Bill, and I think it a step in the right direction, and that there is nothing in it which at all clashes with Imperial interests.

Mr. ADAMS said: Mr. Speaker,—I think that the subject of this Bill has been agitating the minds of the public for some considerable time. I am proud to see a Bill of this description brought in; and I should not be doing my duty if I did not congratulate the Government upon the measure. But it matters not what Parliament may do; it behoves the general public to assist the Legislature. On several occasions this afternoon it has been mentioned that the Chinese were ruining European market gardeners and cabinet-makers. If the general public were not to buy from the Chinese, I do not think those people would be ruined. Therefore, I think that the general public ought to assist our legislation in endeavouring to carry out the spirit of the Act. It is no use legislating against a thing if the public go directly against that legislation. I have known instances where cabinet-makers have actually bought furniture from the Chinese and sold it as of their own manufacture. Only a short time ago I received some letters from people in the North, complaining very bitterly of the action that was taken by the Government of the day. Two of those men had been resident in my district and they went to the Barron River, one of them to try and grow rice, and the other to start a saw-mill. They found that Chinamen were allowed to rent land from the Government at £1 per acre, whereas they, who spent their money in endeavouring to start industries, were charged £5 per acre by the Government. I do not think that is encouraging European labour, but it is more like encouraging the Chinese; and such things as that ought to be inquired into by the Government, and they should try to remedy them. I merely rose to congratulate the Government for bringing in a measure of this description, and I deemed it my duty to do so, but, as I do not want to delay business, I shall say nothing further than that if I see anything likely to improve the Bill I shall endeavour to assist the House in improving it.

Mr. BARLOW said: Mr. Speaker,—I shall only say a few words on the second reading of this Bill, because I have said and written so much about the Chinese, and against the Chinese, outside; but I do regret that some scheme for their total exclusion could not apparently be made to fit in with the deliberations of the Sydney Conference. I think the hon. the senior member for Fortitude Valley had no need to go any further than his own electorate to find a very large store owned by a Chinaman supported by white people—a very large store on the New Farm road, which is supported by white customers. Now, as long as the people of this colony do not see that it is to their interests, and that it is their duty, to stop this sort of thing, our legislation is to a great extent thrown away. In dealing with a few points in the Bill I would remark that in the 3rd clause there is an exempting power which will probably be explained in committee. The 3rd subsection of clause 3 says that certain persons may be exempted from the provisions of the Act; and clause 4 says that from time to time "the provisions of this Act shall not apply to any person or class of persons mentioned in such proclamations." I have not heard that referred to during the debate, but I presume it will be satisfactorily explained in committee. With reference to the 5th clause, in which the

number of Chinese to be brought is restricted to one for every 500 tons, I do not see why we should not go further and restrict them to one to every 750 or even further—1,000 tons, or up to 10,000 tons if you like—and by that means we should practically prohibit their immigration, without at the same time giving offence, which appears to be given at present to the Chinese Government. I quite agree with the remarks made by the Premier that the danger comes from the British colonies in the east—from Hongkong, Singapore, and those places to which the Chinese have already emigrated from their own country. As to the argument that the Chinese are not likely to come across to the north coast in unseaworthy vessels, if a goldfield broke out, I believe they would almost come across on broomsticks, or on anything they could get hold of that would float. They are people regardless of life, almost, in the pursuit of any object they may have strongly in view. I have always held a view, which appears to me to be compatible with the lines of this Bill, that something might be done by depriving the Chinese of certain civil rights when they are in the colony. I do not mean that they should be deprived of the ordinary protection of the law, as I quite agree with what has fallen from hon. members as to the necessity of their being protected. I have not the slightest sympathy with law-breakers, whether they be five or five hundred, but before I learnt that the Chinese question was to be regulated upon the lines laid down at the Sydney Conference, I always said that something might be done to prevent their immigration by incapacitating them from holding or renting land, or recovering debts and denying to them various civil rights, which would not affect their lives or limbs, but which would put very serious obstacles in the way of their comfortable naturalisation amongst us. I suppose—for I did not hear it explained—that the penalty of six months' imprisonment levied upon the captain of a ship after his ship has been confiscated is provided for under the Customs Act, or under some Act I am not fully acquainted with, because, so far as I can see, it is not provided for in the Bill. With regard to the imprisonment of the Chinese that has been suggested, I believe imprisonment is no punishment to a Chinaman. Imprisonment for twelve months would probably be more relished by a Chinaman than imprisonment for six months. I remember a case in Victoria which showed up the comical side of this question, where a Chinaman had absolutely to be evicted from one of the gaols. He was so satisfied with the food, the rest, and recreation he enjoyed in the gaol that the authorities had great trouble in getting rid of him. The debate so far has dealt almost entirely with the commercial side of the question, and the moral side has hardly been touched upon. The discussion has turned upon the interference of the Chinaman with the white man in the operations of trade, commerce, and labour, and with all that has been said in that way I fully agree. But I think there is another and a higher question which has not been touched upon, and that is the moral question. Now, goodness knows, we white men have our vices, and are not what we ought to be, but I think there is no man of our race so depraved as not to have some sense of decency, some sense of respect for that which is holy and pure. That feeling appears to be absent from the Chinese; probably as the effect of their atheistical religion.

The PREMIER: They are not atheists.

Mr. BARLOW: They are divided into three classes. There are the Buddists, who are practically atheists; there are the Confucians, who—I take the liberty to contradict the Premier—are total atheists; and there are the worshippers of the perfect circle, the Taouists, who worship the perfect circle as the emblem of perfection; so that they are practically atheists. When I was in the North with the hon. member for Fassifern, among other things we inspected the Cooktown Hospital, and I wish I could bring before hon. members the sight we saw there. We were shown in the refractory cell of the hospital an unfortunate white woman—a sister of our own, and probably of our race and religion—who, in the debauchery of the opium dens of Cooktown, had been reduced to such a state as, as long as I live, shall never pass from my memory. I speak strongly upon this subject, and if hon. members could have seen that unfortunate creature, who was committed to the grave on the afternoon of the day we saw her——

Mr. O'SULLIVAN: Maybe you frightened her.

Mr. BARLOW: We did not frighten her; and this is too serious a matter to joke upon even in the Legislature. I say, if hon. members could have seen that unfortunate creature they would probably have felt as I felt. The circumstances of the case were these: The Chinaman with whom this woman had been, sent for a carter to remove a box, and when the white man arrived with his dray he found no box, but he found the unfortunate woman, and in such a state that he had her taken to the Cooktown Hospital. I think no measures we can adopt would be too strict to protect our country from the inroads of this race. Socially, politically, and morally, they are unfit to associate with us; and I do, from the bottom of my soul, pity the man who, in this House, could make a joke on such a subject.

Mr. DRAKE said: Mr. Speaker,—I must confess that I do not like the idea of giving up the poll-tax which has been fought hard for in this colony. I should like to be informed as to how far we are to understand that the colony is pledged by what took place at the Conference—how far we are pledged in passing this Bill to refrain from further legislation. It is all very well to say that the Home Government take different views of these matters now, and would not at any future time throw any obstacle in the way of a law imposing a poll-tax. We never know when the Home Government may change its mind, and at some future time, should we think it necessary to impose a poll-tax, we might find some difficulty in doing so. I should like to know whether it is to be understood that the colony in future is to be deterred from proposing a poll-tax, a residental tax, or an excise duty upon Chinese-made furniture, should it be thought necessary to do so. If we are giving up our right to legislate against the Chinese in these matters in return for the advantage of inducing the other colonies to pass this Bill, I think it will be found that we are giving away more than we shall gain.

Mr. MURPHY said: Mr. Speaker,—I wish to say a few words, because I was one of those who, at the general election, advocated the total exclusion of the Chinese. I therefore think it necessary for me to say why I am prepared to support this Bill, which does not appear to go so far as I did when before my constituents. My reason for supporting the Bill is, because I think its provisions amount to total exclusion of the Chinese from the colony. As the conditions are so stringent we need have no fear of any inroad of Chinese if this Bill is passed. For these reasons I am giving this Bill my support. I am also supporting it for another reason, and that is, that unless we bring in a Bill upon such lines as will not only be approved of by the Home Government, but will not be actively

opposed by the Chinese authorities, there would be very little chance of its ultimately becoming law; besides running the risk of bringing the British Empire into conflict with the Chinese Empire. It s also necessary that, whatever Bill is passed—as has been stated by the Minister for Mines and Works—should be in almost the same phraseology in all the colonies, so that we may act one with another. One colony will then be a bulwark to protect the others from the inroads of what I may almost call this pest. These are my principal reasons for supporting the Bill, although it does not go quite so far as I went myself at my election, when I advocated the total exclusion of the Chinese from the colony. I agree with the leader of the Opposition that the penal portion of the 8th clause might be made more severe, and if that is done there will be no danger at all to the colony of an influx of Chinese borderwise; nor need my hon. friend, the member for Carpentaria, be afraid of the Chinese from Western Australia or the Northern Territory overrunning his constituency. To traverse that country they must not come in twos and threes, but in large bodies, and we shall have time to take measures to prevent them from crossing the border. If any of them should get into the colony we can sentence them to long terms of imprisonment with hard labour and then send them back to the place whence they came. I congratulate the Government—and the colonies generally are to be congratulated—on a Bill which goes nearer to the settlement of this question—nearer towards achieving the object we have all had in view—than any of us could have hoped when that Conference was assembled in New South Wales. I shall have much pleasure in supporting the second reading of the Bill.

Mr. MACFARLANE said: Mr. Speaker,—Approving as I do of the general principles of this Bill, I should not have spoken on the second reading of it but for certain remarks that have been made by some hon. members. One matter in particular, which was first mentioned by the hon. member for Logan, and has just been referred to by the hon. member for Barcoo—with reference to Chinese crossing from one colony into another—does not at all meet with my approval. Having allowed the Chinese to come into the country, why should we subject them to pains and penalties for moving from one colony to another? When the Chinese leave their homes for Australia they consider they are going to a place which is one country; they know nothing of its being divided into a number of colonies; and yet hon. members would punish them severely if they stepped out of New South Wales into Queensland, or out of Victoria into New South Wales. It is too bad to thrust more pains and penalties upon them for what they cannot consider as a fault. If the colonies as a whole make up their minds to prohibit the immigration of the Chinese, there is no necessity for the 8th clause at all. Queensland and all the other colonies prohibit the Chinese from coming in by sea, unless at the rate of one passenger to each 500 tons of cargo. Having allowed them to come in at that rate by sea, why should we prevent them from going from one colony to another by land? I am as anxious as anyone to keep out the Chinese; ever since I have taken part in the discussion of the question I have been in favour of their entire exclusion; but if we allow them to come in we ought to deal as leniently with them as with other people. Would it not be better, would it not be more manly, would it not be more Christian, to keep them entirely out of the colony than allow them to come in at the rate of one passenger to every 500 tons of cargo, and then punish them for crossing over from one colony into another? I hope the Premier will pay no attention to those who ask him to increase the pains and penalties in clause 8. The hon. member for Logan suggested that the penalty should be increased from six months to twelve months' imprisonment with hard labour. It is outrageous. Why not keep them out altogether? It is very refreshing to me, and to other hon. members on this side, to see the unanimity of the Government side with reference to attempting to keep out the Chinese. This party was labouring in that direction for many years, and we are only too glad to see the Government side working with us. We shall be delighted to see such a Bill pass, and we are glad to have the help of the other side of the House to carry out what we have so long advocated. Therefore I do not anticipate any opposition to the measure. At the same time, I hope very little notice will be taken by the Premier of those remarks with reference to pains and penalties for crossing the borders.

Mr. AGNEW said: Mr. Speaker,—It is also highly gratifying to members on this side of the House to see the unanimity of feeling which exists with regard to the action of the present Minister for Mines. I can also remember that some time ago that hon. gentleman took very vigorous action on this question, and proposed a measure of which the result, so far as Queensland was concerned, would have been as effectually secured as it will be by the very admirable Bill before us. I have had an opportunity, in the early part of this session, of expressing my opinion on the Chinese question, and I will not, therefore, detain the House again. But I urge the passing of this Bill for two reasons—first, because I believe it will have the effect we all desire to see, that is to completely keep out the Chinese. One passenger to 500 tons is practically total exclusion. I urge it for another reason—that is because, to my mind, it will tend to future Australian federation. I urge it more particularly on that ground than any other, and therefore I should like to see this Bill pass through as nearly as possible in the form in which it passed the Sydney Conference. By that means we shall have thoroughly and sincerely carried out the intentions of the Conference, and I trust it will pave the way for the colonies to take counsel together on even more important matters than this, which are so intimately connected with the progress and success of this colony. I feel extremely pleased that Queensland should have been the first colony to place this Bill before the Legislature, and I trust that we shall also be the first to pass it through.

Mr. ALAND said: Mr. Speaker,—I suppose there is no Bill that has been brought before the present or any previous Parliament which has been so thoroughly believed in by both sides of the House as this, and yet has received so much support in the way of speeches from hon. members. Generally, a Bill that is believed in, passes the second reading without very many speeches, but I suppose that each member of the House, during the late election struggle, had a great deal to say about the Chinese question, and have thought it incumbent upon them to now resay pretty much what they said before their constituents. I agree with this Bill altogether. I think it is quite stringent enough, and that it will carry out the purposes which the Government and the House generally wish it to effect. I think in a Bill of this kind, we cannot enter into the matters which have been referred to by the hon. member for Bundanba. This is a Bill to prevent the wholesale introduction of Chinese, or to regulate their introduction,

and I do not think that under it we can deal with the Chinese who are now in the colony. If it is the will and pleasure of Parliament to interfere with the Chinamen who are already here, well and good. But I must say that I think the Chinamen who are here, seeing that they came in under laws framed by us, have a right to be here, and that they should not be placed under greater pains and penalties than the rest of us.

Mr. MURPHY : They are at present.

Mr. ALAND: I know they are, or, at all events, that we enjoy certain privileges which they do not; and perhaps it is right that that should be the case, because we know that Chinamen, more especially upon goldfields, do a great deal of damage and mischief. The hon. member for Ipswich was very pathetic in telling us what he saw at Cooktown, but we must remember, in speaking of the Chinese, that there are Chinese and Chinese, the same as there are white men and white men, some of whom are very black indeed in their characters. And if, in speaking of our own countrymen, we were merely to bring such cases as we have seen portrayed in some of the telegrams received from the neighbouring colonies lately, or if we were even to hold up as samples of our own countrymen some of the vile wretches we have in our own colony, it would be very unfair indeed. Of course the Chinamen who come here certainly do not appear to be of the élite of Chinese society, and even the élite of the Chinamen who have come here are not altogether the sort of people we should care about mixing with; but still we know from what we have read about China and the Chinese that we cannot place the whole of the Chinese in the same category as the hon. member for Ipswich would class the unfortunate Chinamen he saw at Cooktown. I am very glad, Mr. Speaker, that the Bill has been introduced. It will, I am sure, have the warmest support of hon. members on both sides of the House. I should like to say another word, because the hon. member for Barcoo (Mr. Murphy) who is very fond of interjections, wanted to know why this side of the House did not introduce such a measure as this. We introduced a measure, sir, which even our enemies say has had the effect which we believed it would have—that is, of lessening the number of Chinese in the colony; and I have no doubt that as time rolls on, even if this measure had not been introduced, that it would still further reduce the number.

Mr. LYONS said : Mr. Speaker,—I did not intend to address the House at all on this subject, but I wish to refer to something which came under my knowledge when standing for the electorate I have the honour to represent—Fitzroy. I then said that I would strongly oppose the introduction of Chinese, and I intend to do so as far as I possibly can. I am prepared, as far as I am personally concerned, to go further, and to do what was done years ago in New South Wales when the Government tried to force prisoners upon the people there. They said "We won't have them," and I say "We won't have the Chinese"; and I think that if the Government would take the same firm stand that they took the other day, the result will be we shall not have Chinese or any kind of labour that we do not want. I think that is the feeling of the country. I wish now to refer to a paragraph which appeared in one of the leading papers, and I do so because I gave it, when addressing my constitutents, as one of the reasons why I opposed the introduction of Chinese. It is to the effect that the lepers—I believe that lepers generally do come from China—that the Chinese lepers at Cooktown were c habiting with black gins. I believe that is a fact, and it is lamentable to think what the results may be. However, I have to congratulate the Ministry on the stand they have taken in this matter, and I hope the Bill will pass.

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

The committal of the Bill was made an Order of the Day for to-morrow.

RAILWAYS BILL.

COMMITTEE.

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

Clause 8—"Commissioners to be a body corporate"—passed as printed.

On clause 9, as follows :—

"1. On the occurrence of any vacancy in the office of chief, or other commissioner, the Governor in Council may appoint a person to the vacant office, whose term of office shall be for his predecessors' unexpired term of office. All persons appointed under the authority of this section shall, at the expiration of their respective terms of office, be eligible for reappointment for a like term of seven years.

"2. In case of the illness, suspension, or absence of any commissioner, the Governor in Council may appoint some person to act as the deputy of such commissioner during such illness, suspension, or absence; and every person so appointed shall, while so acting, have all the powers and perform all the duties of such commissioner."

The HON. SIR S. W. GRIFFITH said he thought it was a mistake to provide that the term of office in the event of a vacancy arising should only be for the unexpired portion of the seven years. Supposing, for instance, one of the commissioners died after being in office three years, the Government would be very much hampered if they were only able to appoint his successor for four years. Supposing a commissioner died after holding office for six years, his successor could only be appointed for one year as the clause stood. He did not see why all the appointments should not be for the full term of seven years. He did not know that there was any particular advantage to be derived from making all the appointments at the same time. Of course they must be made at the same time in the beginning, but afterwards they ought to be made for the full term as vacancies occurred. The inconvenience of being obliged to make an appointment for a very short term was obvious. Say a chief commissioner, a man appointed at £3,000 a year, died after five years' service, the appointment could not be offered to his successor for more than two years, and there was no guarantee that his successor would be reappointed. He would suggest leaving out the first sentence of the clause altogether.

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) said the reason for framing the clause as it stood was simply that the measure to a large extent was tentative. They did not know what the circumstances of the colony might be at the end of seven years, and it was quite possible that at the expiration of that term the whole system would require revision. Assuming that the chief commissioner died within a year of his original appointment, his successor would be appointed for six years, but supposing he lived and served for six years his successor could only be appointed for one year. That would give the Parliament of the day an opportunity of revising the whole system. If a chief commissioner was appointed on the sixth year for another seven years the country would be committed, as far as he was concerned, for those seven years, and if the system were altered in any way, and they dispensed with the chief commissioner, he would be entitled to his salary

for the whole term of his appointment, when they really did not require his services. That provision was different from the Victorian Act, and similar to the New South Wales Act; and taking into consideration the whole circumstances of the case, it was considered that the Government had adopted the better system of the two.

The HON. SIR S. W. GRIFFITH said that, of course, there was something in what the hon. member said, supposing the Act was only to last for seven years, but he thought the hon. member might give a little further consideration to the question of what chance there was of getting a man, suitable for the position, to accept it for only a short time. There was nothing to prevent Parliament from reviewing the whole scheme, and he thought the plan proposed might prove most inconvenient. Except for the argument the hon. gentleman used that the whole scheme might turn out a disastrous failure, no other argument could be used in support of limiting the term of office in such a way. The hon. member said in effect that the Act was only to be in force for seven years.

The COLONIAL SECRETARY said they might suppose the case of a board of directors of a bank, composed of three members. During his period of office one of those directors might die, and generally the other directors had power to appoint another director in his place for the unexpired term. He thought it would be just as well that that power should remain in the hands of the Government. It had worked well as applied to very large institutions, such as the Australian Mutual Provident Society and other institutions where the directors had power to fill a vacancy for the unexpired term. In the case under discussion the Ministry for the time being would have the power of appointment, and in the case of a banking institution the appointment would be made until the next general meeting. He thought there was more to be said in favour of the clause as it stood than of the suggested amendment of the leader of the Opposition.

The HON. SIR S. W. GRIFFITH said the cases were not at all analogous. That to which the hon. member had referred was a case in which the appointment was not made by the proper appointing body, but was simply an interim appointment, made by directors, to the vacancy. If the vacancies in the board were to be filled by the commissioners the case would be analogous, or if the scheme were, that a commissioner could be selected from a large body of competent persons, who would always be available; but they would not get a man to take it for a year, as the appointment was practically not a permanent one. It had been pointed out on the previous evening that seven years was the shortest term for which they could expect to get a thoroughly competent man. In the event of the suspension, illness, or absence on leave, or insolvency, of any of the commissioners, the colony would therefore be debarred from getting the services of a competent man until the expiration of the seven years.

Mr. FOXTON said there was another difference that occurred to him between the case put by the Colonial Secretary in reference to the directors of public companies and the commissioners under that Bill, as regarded future appointments. Invariably in public companies the directors retired by rotation. In the case of the commissioners the three would terminate their tenure of office at the same time. If it could possibly be arranged, he thought it would be advisable that there should be a continuity in their occupancy of office—that was to say, that they should not retire at the same time from office. Probably, in the first instance, it would be necessary, as proposed by the Bill, to make the appointment for seven years, in which case it was quite possible that, owing to death, or resignation, or some other cause, such as was contemplated by that clause, it might be necessary to appoint someone else in place of one of the three commissioners during the first term of seven years. He thought it advisable, if possible, that any appointment made should be for a similar period of seven years. At all events it would ensure one commissioner continuing in office during a portion of the second term of seven years.

Mr. POWERS said he thought the clause was better as it stood. It was not the intention of that Committee, he thought, to make that Bill have force for thirteen years; and there was a possibility of that if the Governor in Council were forced to appoint a deputy commissioner for seven years. He took it that was the way to look at it, and therefore it was better to leave themselves untrammelled at the end of seven years. They need not have great difficulty in getting a chief commissioner at the end of four, five, or six years; as one of the other commissioners might have, by that time, qualified himself for the position, and it would be easy to get one of the subordinate commissioners from the Railway Department who would be able to temporarily fill the position of commissioner. He thought the answer of the Minister for Railways was a sufficient reply to the objections of the leader of the Opposition. He quite agreed that it would not do under ordinary circumstances. That Bill was only an experiment, but he thought a chief commissioner could be got under it, as he would be sure of his position if the Act were to continue in force.

The PREMIER said that they had urged for a seven years' tenure as little enough to induce a commissioner to take office, and there was not the slightest doubt that proposition was open to objection. There were two points to consider, and he thought they should have some weight. In letting the clause remain as it was, the first thing to consider was, supposing a vacancy occurred at the end of six years, and they appointed another person to fill that vacancy, he would actually get the tenure of office for the following seven years, because he knew quite well that, if he conducted himself properly, and was not suspended, his tenure of office for the next seven years would follow as a matter of course; so that he (the Premier) did not think any inconvenience would occur. There was another reason why they should leave the clause as it stood. Under a Bill of that sort it was advisable that the term of office of all three commissioners should terminate at the same time. That might prove to be more important in time than they recognised at present. It had been mentioned during the debate that they must study the various qualities of the three commissioners, and it was very essential that the appointments should all fall vacant at the same time, as they should have certain characteristics in the board, and they could secure that better by making all three appointments at the same time, instead of having to appoint one or perhaps two. He thought the Government should have the power to make what he might call a homogeneous board, so that they could work according to the experience they had of what qualities were required of the different men in order to carry on the work. Practically he did not think it would have much effect if they left out the first sentence in the clause.

Mr. HUNTER said there was another reason why the appointments should not all be made at once. Good men would all put in for the position of chief commissioner, leaving out the other

two positions; and it would be a matter for the Government to decide which of those men should be the chief commissioner, still leaving vacant the other two places. If the vacancies occurred at different times, they could be filled up as they occurred. With regard to a bank director, there was no analogy at all. In the one case a man held an honorary post, while in the other a large salary was offered to induce a commissioner to come forward. There was more in the honour of being a director than the salary—far more. He ventured to say—and he did not fear contradiction—that two-thirds of the directors in Queensland were honorary directors, and he thought he knew a little more about that matter than some of the hon. gentlemen, who were old enough to be his father, and who had laughed at him. There was no doubt that the applications would all be made for the position of chief commissioner if the three vacancies occurred at the same time, whilst no one would apply for either of the other positions.

Mr. AGNEW said the Bill was entirely new in the Australian colonies, and by the time seven years had passed they might wish to reorganise the scheme which it provided. If at the end of that time it was found necessary to reorganise the system the commissioners might be reappointed if it was thought they had worked successfully. He did not think it would be as difficult to deal with the matter as the leader of the Opposition appeared to think, as by the end of the term of office of the commissioners they would probably have trained up men in their own service who would be competent to undertake the duties of the retiring members of the commission.

Mr. HYNE said it appeared to him that there was some force in the argument of the Premier, and that it would be just as well to leave the clause as it stood. He would not look upon it as a calamity if the chief commissioner died; they would still have the other commissioners, and at the end of the seven years the Government would be free to appoint fresh men. The matter was hardly worth discussing. The clause might stand as it was, and the Government would have time in which to prove whether the system was a success or not.

Mr. UNMACK said the comparison which the Colonial Secretary drew between the commissioners and bank directors was not a good one, inasmuch as in a joint-stock institution like a bank they had annual meetings at which the appointments of directors were reviewed by the shareholders. That would not be the case with the commissioners. He would suggest that the difficulty raised in connection with the clause might be met by substituting for the words "for a like term of seven years," the words "for a term not exceeding seven years." That would give the Government the option of making the term one, two, three, or more years, as they chose, and they could be guided by circumstances. They could scarcely expect a gentleman who applied for the chief commissionership to enter into an engagement for one year, but if his amendment were adopted, the matter would be open to the Government to make the appointfor a term not exceeding seven years.

The COLONIAL SECRETARY: That would be practically the same as the clause.

Mr. UNMACK: No; because the appointment could be made for two, three, four, or more years up to seven.

The COLONIAL SECRETARY: You would not get a man to take it.

The HON. SIR S. W. GRIFFITH said there were two questions—first of all with regard to a vacancy, and next whether there was authority under that section for the reappointment of the original commissioners. He did not know why there should not be authority for that. According to the way in which the clause was worded, only those persons appointed temporarily could be reappointed under the clause for seven years, and that was not what was intended. He pointed out particularly that those officers were not like the ordinary members of the Civil Service, who held office usually as long as they behaved themselves. The commissioners were to be appointed for seven years certain, and no more. Some hon. members had said that if after two or three years a vacancy in the commission occurred, it could be filled up from the Civil Service; but no officer of standing in the Civil Service would be fool enough to give up what was practically a permanency to take office as a commissioner for two or three years. The clause as it stood did not convey what was intended, because under it only those persons could be reappointed who had been temporarily appointed under the clause.

The PREMIER said there was a great deal in what the hon. gentleman said. Of course it was understood that the appointments would be open to the whole world at the end of the seven years, and it seemed unnecessary to indicate that the particular men who were the original commissioners should be eligible. At the same time they had said so distinctly in clause 7, which had been passed, that each commissioner should hold office for a term of seven years, so that it might be implied as the meaning of the Act that he was to hold it no longer, and for that reason perhaps the clause before them should not be left as it was.

The HON. SIR S. W. GRIFFITH: Do you mean that?

The PREMIER said they did not mean that, but it might be argued that by appointing those men for a term of seven years the Bill should be construed to mean that they should not hold office longer.

The HON. SIR S. W. GRIFFITH: That will be the case if you leave the second sentence in.

The PREMIER said he thought the preponderance of argument was in favour of leaving the clause as it stood. A solid advantage would be gained by having the appointments all falling in at the same time. He did not think the argument as to the difficulty of securing eligible men, when they were only to be appointed for a term of one year, would hold good, because at that time the Act would have been in operation, and they would know what the prospects were of its continuing in force.

Mr. FOXTON said there was one other point which occurred to him, and which, if not provided for elsewhere, ought to be provided for in that part of the Bill. In the event of the death of one of the commissioners there was, so far as he could see, no provision for the other two carrying on the business until the appointment of his successor. That was the proper place for such a provision to come in.

HONOURABLE MEMBERS: That is provided for in clause 15.

The PREMIER said it would meet the objection raised by the leader of the Opposition, if they amended the clause so as to read, "all persons appointed under the authority of this Act" instead of "this section." That would refer to all persons appointed under the Act, and not merely to persons appointed under the authority of that section to fill up vacancies on the commission.

The HON. SIR S. W. GRIFFITH said that would not do, as there were many persons appointed under the Act besides the commis-

sioners, and there would be persons appointed by the commissioners under the Act. There was no necessity for the second sentence of the clause at all, and it would be the simplest way out of the difficulty to leave it out altogether.

The MINISTER FOR RAILWAYS said that in order to get over the difficulty he would move that the following words be omitted from the clause :—

"All persons appointed under the authority of this section shall, at the expiration of their respective terms of office, be eligible for reappointment for a like term of seven years."

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

On clause 10, as follows :—

"The commissioners shall, during their respective continuance in office, receive the following clear annual salaries, that is to say :—

(1) The chief commissioner pounds;

(2) Each of the other commissioners pounds;

All such salaries shall be a charge upon and paid out of the consolidated revenue, which is hereby permanently appropriated for that purpose."

The MINISTER FOR RAILWAYS moved that the blank after the words "chief commissioner" be filled with the words "three thousand."

The HON. SIR S. W. GRIFFITH said the motion could not be put. The 18th section of the Constitution Act provided distinctly that—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said Consolidated Revenue Fund, or of any other tax or impost, to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

That Bill came down by message, but it contained no recommendation for the appropriation of any sum of money. It was just as if the Estimates had come down in blank. The rule about the Estimates was perfectly well understood. The Estimates might be reduced, but they could not be increased ; if they came down blank they could not be filled up by the House. When the Estimates were sent down the Governor recommended the appropriation of a certain sum of money for specific purposes. It was the same with all Bills involving an expenditure out of the consolidated revenue. On one occasion, through some accident, a clause was inadvertently passed in a Marsupial Bill which involved the expenditure of a sum of money, as endowment, which had not been recommended by message from the Governor, and the clause had to be struck out and re-inserted in the Bill, after the necessary recommendation. In the present case it was quite clear there was no recommendation from the Governor to appropriate a fixed sum of money from the consolidated revenue. It had been the practice in Great Britain, in Canada, in the other Australian colonies, and lately had been the practice in Queensland. If the present proposal was right, the Estimates might be sent down in blank.

The PREMIER said the message by which the Bill was brought into the Assembly was in the following words :—

"In accordance with the provisions of the eighteenth section of the Constitution Act of 1867, His Excellency the Governor transmits herewith and recommends to the Legislative Assembly,—

"A Bill to amend the laws relating to the construction and regulation, by the Government, of railways and tramways, and to make better provision for the administration of the same."

That was the section which the hon. gentleman had just read. That message was right enough for any appropriation. As a matter of fact, in practice a message was always brought down in blank. The blank was filled up by the practice of the House of Commons in italics, but it was reckoned a blank all the same, and it was left to the House to fill it up. If the Bill had been brought down in the usual way, the "three thousand" pounds would have been inserted in italics, according to the Standing Orders of the House of Commons, and according to their own Standing Orders. They had treated it as really a blank. It might be said that they had not acted exactly in accordance with Standing Order No. 231, which provided that—

"In going through a Bill, no questions shall be put for the filling up of words already printed in italics, commonly called 'blanks' (which shall always be so printed), unless exception be taken thereto ; and if no alterations have been made in the words so printed in italics, the Bill is to be reported without amendments, unless other amendments have been made thereto."

They had not gone exactly according to that, because they had made it an actual blank instead of a conventional blank—that was, the words being printed in italics ; but it was a blank all the same. In the case of a Bill like the Payment of Members Bill it would be quite impossible to fill up the blank, as it was contingent on the amount that was necessary, and a general message would be required to cover it. The message of His Excellency recommended that the necessary provision should be made for carrying out the Bill—in other words, to fill up the blanks. That was the *rationale* of it. What the hon. member wanted was, that he (the Premier) should walk up to Government House, ask the Governor to insert the words "three thousand," and then come back with the Bill in about ten minutes. Everything about the clause was perfectly in order.

The HON. SIR S. W. GRIFFITH said that what the Premier had been arguing had nothing whatever to do with the question before the Committee. Such a practice was perfectly unknown in the House of Commons ; it was never heard of, as he had pointed out on a former occasion. The rule with reference to the filling up of blanks referred to a different matter altogether, and did not apply to money Bills. The Standing Order applied to any Bill in which a sum of money had to be mentioned incidentally. It did not apply to a money Bill any more than it applied to our Estimates. He challenged the hon. gentleman to give an instance in support of his contention. Of course he could not. There was no instance of the kind on record. A recommendation from the Crown might be reduced, but it could not be increased. They had had plenty of cases of that kind in that House in dealing with the Estimates. They could not increase an amount, nor could they divert it from the purpose to which it was recommended to be applied. Hon. members would remember the case of the railway from Bowen to the Coalfields. An hon. member moved to alter that to "a railway from Bowen towards Mackay," not increasing the amount, but altering the destination of the vote. The Speaker then held that that could be done ; but after consulting Sir Erskine May that gentleman said it was clearly inconsistent with the rule, which was that the specific destination of the vote must be recommended. The hon. gentleman said it was merely a form. Well, all their proceedings were regulated by forms. According to the hon. gentleman's contention he could do what he liked. They were there under the Constitution Act, which provided that certain things should not be done. If what the hon. gentleman proposed was right, it

would be competent for him (Sir S. W. Griffith) to move that the salary should be £4,000. But that clearly would be wrong, because no motion could be made by any member of the House for a larger sum than that recommended by the Governor. Of course, that meant recommended by the Governor after consideration by the Ministers, whose duty it was to advise him. That was the law, and the proposal of the hon. gentleman was clearly contrary to law. When it was desired to increase an amount, there must be a communication from the House to the Governor for that purpose. Take the case of the first Local Option Bill. That had to be preceded by a communication to the Governor, asking him to make the necessary recommendation appropriating funds, to carry the Act into operation. The recommendation came down, and the Bill was introduced. The hon. member had referred to the Payment of Members' Expenses Bill. The recommendation in that case was made to cover the Bill in the form in which it was brought in. It was not competent for the House to increase the amounts specified in the Bill, but it might reduce them. He was sorry to cause any delay in the matter, but he had called the hon. gentleman's attention to the point on the second reading of the Bill in order that the error might be rectified. He was perfectly aware that it was a formal matter; but it was one of great importance. It was of great importance that no private member should be able to increase the expenditure that the Government thought necessary. That was the foundation of the clause in the Constitution Act—that the Legislature should not have control of the finances except on the initiation of the Governor. It was a very important matter—in fact, underlying their whole system—that the conduct of the finances of the colony must be in the hands of responsible Ministers, and could not be taken out of their hands by any private member. If a private member wanted a sum of money expended it must be done in the proper way—by asking the Governor to make the necessary recommendation. If Ministers supported that recommendation, it was all right; if they did not, there the matter ended.

The PREMIER said he did not attach so much importance to the point as the hon. member did. It was not because he had the slightest intention of violating the rules of the House, or the practice of the House of Commons where they had no rules of their own, that he had not asked for an additional message. He remembered perfectly well that the hon. member did draw his attention to the matter, but, after examining the clause of the Constitution Act under which a message was necessary, he found that the message brought down was sufficient to cover the case. The 18th clause of the Constitution Act said :—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund or of any other tax or impost to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

The message sent down with the Bill was exactly in the terms of that clause. His Excellency sent down the Bill asking the House in certain terms to make due provision for carrying it into effect. They could not fix the amounts at that time. The hon. member said that if he moved that the blank be filled up with £3,000, it would be just as competent for him (Sir S. W. Griffith) to move that the amount be £4,000. He (the Premier) did not see that that would be violating the rule in that case, although it would with regard to the Estimates, because there the rule was clear that no private member had a right to increase a vote.

The HON. SIR S. W. GRIFFITH: That is the only instruction there is—in the Constitution Act.

The PREMIER: Not in their Standing Orders?

The HON. SIR S. W. GRIFFITH: No.

The PREMIER said he knew quite well that in the practice of the House of Commons a great many rules were laid down which must be followed, but they did not apply to the present case. It was a mere matter of form. Nothing in the world hung on it, and he thought the best way to settle it was to ask the opinion of the Chairman.

The HON. SIR S. W. GRIFFITH said the hon. gentleman had referred to the course followed with regard to Committee of Supply. This was exactly the same. Only one was an appropriation for one year, and the other an appropriation for seven years. The practice, with which he was perfectly familiar, was laid down in Bourinot, page 494, as follows :—

"The Committee of Supply cannot increase a grant which has been recommended by a message from the Governor-General. It is also irregular to increase any item in a resolution. But any motion to reduce a grant, or to strike it out of the Estimates altogether, will be always in order. The advisability of increasing a grant may, as a matter of course, be discussed so as to inform the Government as to the sense of the House on a question. The Ministry alone can move in the matter, and another message will be brought down to increase the grant."

That was the rule.

The PREMIER said that no doubt it was a departure from the Standing Orders not to fill in the blank in italics. But if the message had come down with the italics filled in, it would still have been a blank. They had simply made a real blank instead of the nominal or conventional blank. He, therefore, asked the Chairman's ruling whether the message sent down covered the case.

The CHAIRMAN said in his opinion the message was in accordance with the 18th clause of the Constitution Act, and was therefore sufficient.

The HON. SIR S. W. GRIFFITH moved that the Chairman leave the chair, and report the point to Mr. Speaker.

Question put and passed.

The House resumed, and the CHAIRMAN reported the matter to the Speaker.

QUESTION OF ORDER.

The SPEAKER: The Chairman reports that, in consequence of the manner in which the message from His Excellency the Governor with reference to the Railways Bill was brought down, a point of order has been raised, and the Chairman has been moved out of the chair in order that the point of order may be referred to the Speaker.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—The 10th clause of the Railways Bill is as follows :—

"The commissioners shall, during their respective continuance in office, receive the following clear annual salaries, that is to say :—

(1) The chief commissioner pounds

(2) Each of the other commissioners pounds;

All such salaries shall be a charge upon and paid out of the consolidated revenue, which is hereby permanently appropriated for that purpose."

A motion was made in committee that the first blank should be filled by the insertion of the words "three thousand"; and I took exception that it could not be put because no appropriation of £3,000 had been recommended by the Governor by any message during the present session, as required by the Constitution Act. I referred to the 18th section of the Constitution Act, which provides—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said Consolidated Revenue Fund or of any other tax or impost to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

This Bill was recommended, as appears by the records of the House, by the Governor in its present form—that is, recommending no particular appropriation. I submit, therefore, that it will be necessary, before the appropriation of £3,000 can be made, for the appropriation to be recommended by a message by the Governor. In support of that I referred to the practice with respect to the Estimates, the items in which are appropriations for one year, this being an appropriation for seven years. If this motion can be put, the Estimates might be sent down in blank and the items might be filled in as we went along, which, of course, is absurd. I also pointed out that if it is competent, this Bill now being in the hands of the House, for one member to propose the appropriation of £3,000, it is competent for any other to propose £4,000 or £5,000, or as large an amount as he may think desirable. I also referred to the practice of the House of Commons and other deliberative assemblies, and quoted from "Bourinot," page 484, as follows:—

"The Committee of Supply cannot increase a grant which has been recommended by a message from the Governor-General. It is also irregular to increase any item in a resolution. But any motion to reduce a grant, or to strike it out of the Estimates altogether, will be always in order. The advisability of increasing a grant may, as a matter of course, be discussed so as to inform the Government as to the sense of the House on a question. The Ministry alone can move in the matter, and another message will be brought down to increase the grant."

If there is any question of a larger sum than that named in the Bill it must be preceded by another message from the Governor, the object being, as I pointed out, that the control of the expenditure should be in the hands of the Government, otherwise private members might take the control out of the hands of the Government. Reference was made to the 231st Standing Order, which says :—

"In going through a Bill, no question shall be put for the filling up of words already printed in *italics*, commonly called 'blanks' (which shall always be so printed), unless exception be taken thereto."

That, however, is quite inapplicable. If this Bill had contained the words "three thousand pounds" in italics, the message from the Governor would have been a recommendation to vote £3,000; but there was no such recommendation. As a matter of fact that provision in the 231st Standing Order about italics does not apply to cases like the Estimates; and there is no instance in which that rule can be shown to be applied to the appropriation of money. It has been said to be the practice of the House of Commons to authorise this sort of thing, but that is not the case. Bills are now sent down by message in the Commons. The Chairman of Committees was of opinion that the Bill having been recommended by message from the Governor any sum might be proposed to fill up the blank.

The PREMIER said: Mr. Speaker,—That was my contention—that the Bill having been recommended as a whole, all the necessary appropriations requisite for carrying out the Bill were covered by that message, and, therefore, an additional message was not required. I draw a distinction between a Bill and the votes and resolutions mentioned in the 18th section of the Constitution Act. This is not simply a vote; it is a Bill; and I hold that a general message covers all the necessary expenditure for carrying out the objects of the Bill. If your ruling would have the effect of giving hon. members the power of moving every increase on the Estimates, for instance, which come down, recommended by message from the Governor, I for one would be sorry to see such a ruling given, because there is not the slightest doubt that the Government ought to have the power to fix the maximum amount to be granted in every case. I hope, however, that such will not be the result; and I would direct your attention as earnestly as the leader of the Opposition has done to that point. If such a consequence were to follow I would deprecate such a ruling very much. If I were to move that £1,000 be granted for a post-office in a particular place, and any hon. member had a right to follow and move that a larger amount be granted, I should not like that, and I think we should do everything we possibly can to avoid it; but I do not see it in that light. I draw a distinction between the recommendation of a whole Bill and the recommendation of a vote, or a series of votes.

Mr. GROOM said: Mr. Speaker,—It has always been the rule and practice of this House, as far as I remember, that all messages from the Governor, recommending the expenditure of money, should specially name in the message the amounts to be appropriated, and it struck me at the time that the Bill was brought down, that the words recommending the necessary appropriation were left out. If the hon. member will allow me, I will recall an incident which occurred when the hon. gentleman was at the head of the Government five or six years ago. The then hon. member for Logan, Mr. McLean, brought in a Bill, known as the Local Option Bill, which threw the burden of the expenses of taking the poll under that measure upon the consolidated revenue of the country, and not on the ratepayers. Before the Bill was introduced, however, a message from the Governor had to be brought down recommending the necessary appropriation to be made to carry out the provisions of the Bill, and the hon. gentleman himself brought down the message. That is a case in point. The main contention is that it has always been the rule and practice of this House, from the time we first sat in this Chamber, that all expenditure should be recommended by message from His Excellency. That is provided for in the 18th section of the Constitution Act, and I think it will be found in the 46th section of the North American Constitution Act, where the same provision, almost word for word, is laid down; so that the contention of the leader of the Opposition is a perfectly right one.

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—The hon. member for Toowoomba has told us something about the practice. Now, quite independent of the practice, we will take the meaning of the section itself, and I contend that if the section is read logically it does not relate at all to the amount of appropriation, but to the Bill, vote, or resolution which contains the appropriation. There are two kinds of Bills: Bills which appropriate money or require money to carry them into effect, and Bills which do not require money to carry them into effect. The latter kind of Bill requires no message, and this section simply directs that the former kind of

Bill—the Bill that requires an appropriation of money to carry it out—must be recommended by message from His Excellency. The reading, in my estimation, is plain and simple enough, quite independent of what the practice of this House may have been :—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote, or resolution, or Bill, for the appropriation of any part of the said consolidated revenue, or any other tax or impost, to any purpose which shall not first have been recommended."

What is the "first" that has not been recommended? It is not the appropriation. It is the Bill, vote, or resolution which has not first been recommended. The reading of it is plain enough. It is common English, and I think it is not only common English which can be understood by any member of the House, but it is also common sense. I think, Mr. Speaker, that the ruling of the Chairman of Committees was quite correct, that the message was wide enough to cover the Bill, and no appropriation was required to be mentioned, especially in the message.

The HON. SIR S. W. GRIFFITH said : Mr. Speaker,—If the Bill had contained any amount proposed to be recommended for expenditure, clearly the message would have been sufficient. The hon. member's argument amounts to this : The Government may recommend this Bill to the House, and it is competent for the House to spend £20,000, £40,000, or £100,000 in permanent appropriation; and if it is competent for the House to do that, it is competent for any member to propose that it be done. I have as much right to propose the insertion of an amount as the hon. gentleman at the head of the Government or any other member. There can be no question about that. The hon. Minister for Works says it is perfectly plain that what is recommended is anything necessary for the purpose of carrying out the Act. That is the contention of the hon. member. Of course, I am sorry to cause any delay in the progress of business, but it is a very important constitutional point that the control of money is entirely in the hands of the Governor in Council, and that expenditure must be recommended formally to the House. I do not suppose that anyone wants to propose an increase upon the £3,000, but it may be that they may wish to do something similar in the future. What any member of the House may desire or not desire to do now cannot affect the principle of the thing.

The MINISTER FOR MINES AND WORKS said : Mr. Speaker, —The principle which the hon. gentleman contends for—that this Committee should not have the power to increase—is quite right. Whether or not, that is not contained in the section quoted. The section simply states that a Bill which requires an appropriation must first be recommended by His Excellency.

Mr. RUTLEDGE said : Mr. Speaker,—I differ entirely from the Minister for Works in his interpretation of the section. He reads the section as if the word "purpose" was the antecedent of the relative "which." As I understand the section, the antecedent of the relative pronoun "which" is the word "appropriation," as amplified by the words immediately following. If I read the clause, leaving out the words intervening between the antecedent and the relative, hon. members will see what I mean—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote or resolution for the *appropriation* of any part of the said Consolidated Revenue Fund which shall not first have been recommended by a message."

The hon. gentleman loses sight of the fact that the section contemplates that there shall be an appropriation of part of the revenue. There has been no message recommending any appropriation of any part of the revenue, and unless the appropriation of a part of the revenue has been recommended by message, I take it the mere fact of the Bill coming down as a whole, and which does not recommend the appropriation of a part of the revenue, is not properly introduced. The introduction of the Bill by message generally, does not cover, I submit, the appropriation which is now for the first time proposed under the Bill; and it is obvious, and has been admitted by the hon. gentleman at the head of the Government, that it would be highly inconvenient if this were to be made a precedent for the introduction of Bills which would authorise any member of this House to increase the amount. The hon. gentleman proceeds on the assumption, also, that when a Bill comes down with words in italics that that is to all intents and purposes a blank. It is only in some sense a blank. If the Bill comes down with certain words in italics, and there is no necessity by amendment to alter those words, then those which appear in italics are, as a matter of course, taken as part and parcel of the Bill. It is only in some respects, therefore, that the words filled in in italics can be regarded as a blank. It certainly cannot be supposed that a clause of a Bill which does not contain any words in the blank is only a blank in the same sense as a clause which contains words in italics. Therefore, the contention of the hon. gentleman at the head of the Government cannot be sustained.

The PREMIER said : Mr. Speaker,—I must correct the hon. gentleman who has just spoken. If I thought for one moment that the result of a ruling against the hon. gentleman opposite would have the effect of allowing members in Committee of Supply to increase the amounts, which I do not think is lawful at the present time, I would be arguing quite on the other side. I admit that, but I say it does not follow that the vote should be brought down and recommended by the Governor as a vote. For instance, the Divisional Boards Bill that was introduced by the hon. gentleman opposite was introduced in this way. He moved the House into committee. After getting the House into committee to consider the Divisional Boards Bill which necessitated the expenditure of money, the "Votes and Proceedings" go on to say : "Sir Samuel Griffith then stated that he had it in command from His Excellency the Administrator of the Government to communicate to the House that His Excellency having been made acquainted with the provisions of the Bill, recommended the necessary appropriation to give effect thereto." Here I say His Excellency has said that, with reference to the present Bill, that in accordance with the 18th clause of the Constitution Act he recommends the necessary appropriation for the Bill. There is no doubt about that. I cannot, of course, contend against one part of the hon. gentleman's argument—namely, that he does not see what there is to prevent him from filling up the blank as well as myself. Still at the same time I think the Bill is covered by the message which has been sent down by His Excellency.

The HON. SIR S. W. GRIFFITH said : Mr. Speaker,—The Bill referred to by the hon. gentleman was a Bill which, as printed, did not contain the exact amount proposed to be appropriated, but the amount was sufficiently stated. In the case of one of those Bills a proposition was made to increase the maximum amount, but another message was brought down before that proposal was made in committee. But this Bill comes down without any amount being recommended. The Governor, no doubt, recommends the Bill and all there is in it, but he recommends no pounds, and one pound is an

increase on that. In fact, the admission made by the hon. gentleman that it is open to any member to propose any amount he likes shows that the Governor has recommended anything or nothing in his message respecting this Bill.

Mr. POWERS said: Mr. Speaker,—It has been admitted on both sides of the House that we must have a message from the Governor, and it has also been admitted that we have a message authorising the Bill for the due administration of the railways of the colony. It appears to me, then, to be common sense, whether constitutional law or not, that if we have the power by message to make a Bill, we have also the power to provide the necessary appropriation for carrying out its objects. At any rate we have the message authorising this measure, and the question now is, whether we can vote the salaries of the commissioners. By passing the Bill we certainly give the commissioners power to appoint men under them, and the Governor has not recommended their salaries any more than the salaries of the commissioners. I take it, sir, that the only question you have to decide is, whether the message of the Governor covers the right to vote the salaries of the commissioners under the Bill.

The SPEAKER: The point of order referred to me will, I think, to some extent be made clear by reference to the 18th section of the Constitution Act, which provides that—

"It shall not be lawful for the Legislative Assembly to originate or pass any * * * Bill for the appropriation of any part of the said Consolidated Revenue Fund * * * to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

The clause does not refer to any particular sum, but to the recommendation of a vote for a purpose; and I would point out that the purpose of the Bill is "to amend the laws relating to the construction and regulation by the Government of railways and tramways, and to make better provision for the administration of the same." The administration of course covers the expenditure which must take place under the Bill if it becomes law. The salaries of the commissioners which have been left blank are not the only appropriations that will be required. There are other items of expenditure which are not and cannot be mentioned in a Bill of this kind. Bills have been introduced into this House at different times in which the amount of appropriation required has not been specified. I will take, for instance, the Divisional Boards Bill. When that measure was introduced no special sum was defined in the recommendation from the Governor, because it was not known on what amount endowments to the local authorities would have to be paid. By that Bill endowment was made payable at the rate of £2 for £1 of the funds of the board, but the message from the Governor recommended no particular sum, because it was not known what the endowment would be. But there is another point in connection with this matter which, I think, must help to clear up the doubt which has been raised. Had the words printed in italics——

The HON. SIR S. W. GRIFFITH: There are no words in italics.

The SPEAKER: No, there are no words in italics; but if the words had been in italics would those words necessarily have been part of the Bill? I think that point will be made clear from "May." The Standing Order of the House of Commons on this question is the same as the Standing Order of this House, except that the words in parentheses in our own Standing Order are not included in the Standing Order of the House of Commons. At page 567 "May' says:—

"Where, for any reason, real blanks have been left, according to the former practice, if it be desired to fill them up with words different from those first proposed, a distinct motion is made upon each proposal, instead of moving an amendment upon that first suggested. The chairman puts the question upon each motion separately, and in the order in which they were made. It was formerly an occasional, but not the constant, practice to put first the motion for a smaller sum or longer time; but, according to late practice, this rule has not been observed in committees upon Bills. Thus, on the 18th July, 1856, in committee on the Vice-President of the Committee of Council on Education Bill, it was proposed to fill up the blank for the salary of the office with £2,000; it was afterwards proposed to fill it up with £1,200; and the question was put and decided upon the sum first proposed. Where the proposed sum has already been printed in italics, and another sum is proposed, the latter is put in the form of an amendment, without reference to the relative amount of the two proposals; and this practice is now uniformly observed."

I take it from that quotation that if the sum had been printed in italics it would be competent for any member of the House to propose a higher sum than that printed. Another reference to the same subject will be found on public Bills at page 539, where it is stated that—

"In preparing Bills care must be taken that they do not contain provisions not authorised by the order of leave, that their titles correspond with the order of leave, and that they are pursuant to the order of leave, and in proper form * * * All dates and the amount of salaries, tolls, rates, or other charges, were formerly required to be left blank; but the more convenient practice of printing such matters in italics is now adopted. Technically the words so printed are still known as blanks, and are not a part of the Bill until agreed to by the Committee, though by a Standing Order of the 19th of July, 1854, the former practice of expressly inserting them in committee has been discontinued."

I take it that, as the words if printed in italics would not be part of the Bill, but would be subject either to be increased or decreased, the recommendation from the Governor is not required to state the exact amount in the clause, and that it is competent, if a message is brought down with the Bill and the blanks have been filled up according to the common practice by words in italics, for the House to alter or erase the words in italics according to the will of the House. Under such circumstances, and having regard to the 18th clause, which expressly states that—

"It shall not be lawful for the Legislative Assembly to originate or pass any * * * Bill, for the appropriation of any part of the said Consolidated Revenue Fund * * * to *any purpose* which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

—taking all those points into consideration, I am of opinion that the message from the Governor covers the necessary appropriation which is required for the administration of the Bill.

RAILWAYS BILL.

COMMITTEE.

The Speaker left the chair, and the House resolved itself into a Committee of the Whole, to further consider the Railways Bill.

Question—That after the word "commissioner" the words "three thousand" be inserted—put.

The HON. SIR S. W. GRIFFITH said he might propose to insert £4,000 or £5,000. They could do that according to the Speaker's ruling. He was quite sure that the ruling of the hon. gentleman would not be followed in the future. It was very unfortunate that ruling should have been given. He thought £3,000 was

quite enough, although he might propose £4,000. The Speaker was wrong in his ruling—of course everyone knew that.

The PREMIER said he thought the Speaker was quite right. The cases he had given were perfectly clear. He had been afraid to say that he was with the hon. gentleman in his contention, as it might have made hon. members think they had the power to insert amounts in Committee of Supply. That was an alteration—they were only blanks. The hon. member was perfectly right in saying that he could move any amount. He might move that the amount be £10,000 or £12,000 if he liked, but that would only be a waste of time. If the hon. member wished to waste time he could move that the amount be £2,999, and lower it pound by pound as had been done before. Of course the hon. member had no such intention. He thought the ruling was quite correct, and that it was a most intelligent ruling.

The HON. SIR S. W. GRIFFITH said that if the Speaker had pursued his researches a little further he would have found that a message was brought down from Her Majesty recommending the maximum amount proposed in the Bill in each of the instances he had referred to. Let them take the "Votes and Proceedings" and they would find messages from Her Majesty recommending those sums. That was a matter of elementary knowledge.

The PREMIER said he did not think the hon. gentleman would find that at all. He would find that what were called "blanks" were called "italics" in the Bill.

The HON. SIR S. W. GRIFFITH: There are recommendations for the various amounts.

The PREMIER said that the matter in dispute was merely a matter of form. If he had taken a cab and gone to the Governor to get his authority to insert £3,000 for the chief commissioner, he could have done it in less time than they had wasted. All that talk was quite unnecessary. He had left those blanks, intending to fill them up with £3,000 and £1,500 respectively.

The HON. SIR S. W. GRIFFITH said he did not wish to waste the time of the Committee. The only thing which had prevented the Premier from following the usual course was just sheer obstinacy. The hon. gentleman knew just as well as anyone that it was the right thing to do; but he was not going to do it. He believed that, as a matter of fact, it would invalidate the Bill if any objection were taken to it. He thought they should be told why the Government proposed £3,000 to the chief commissioner, and no larger a sum than £1,500 to the others.

The PREMIER said he was sure the hon. member did not really mean to make what he might call the ungenerous imputation that he (the Premier) had acted as he had from sheer obstinacy. There was no man in that Committee who had more openly recognised the ability of the hon. member on every matter connected with the practice of the House of Commons or that Parliament than he (the Premier) had. He had recognised the hon. member's ability, and looked upon him as the best authority. When the second reading of the Bill was going on, the hon. gentleman had told him privately that he would require a message from the Governor, but he had since, to the best of his ability, hunted up every precedent, and he had not done it from obstinacy, but simply because he thought he was right. When the Speaker had stated his opinion he was surprised to find it the same as his own. The hon. gentleman knew that they had the power of altering those amounts, and he had only acted as he had because he thought it right, and not from sheer obstinacy. With reference to the £3,000, it was just the result of the common sense of the Minister for Railways, which he had come to after mature deliberation. He did not think they could get a good man to take such a responsible position for less than £3,000. Those men were paid very high salaries in countries where great systems of railways prevailed. The amount of money invested in their railways now amounted to many millions; and if they added the capital to the interest it would come nearer to £20,000,000 than £13,000,000. The income and the expenditure were both enormous, and they must pay the men in charge of that enormous system accordingly; so that he did not consider £3,000 was too much for a good man, when they considered the special technical ability requisite. Of course, they were smaller in population than Victoria, but very soon they would be a much greater colony, and the difficulty of managing a system like that of Queensland was greater than managing that of Victoria. They, therefore, required a man with as great, if not greater, ability than they did in Victoria. They had fixed the salary at £3,000—being guided to a certain extent by the salaries paid by New South Wales and Victoria—and he thought they could not offer less, because it would be an impediment in the way of obtaining a man of the experience necessary. They could not offer less than was given for managing smaller systems in the other colonies.

The HON. SIR S. W. GRIFFITH: What about the subordinate commissioners?

Mr. MURPHY said he would refer again to the point of order to show that the Speaker was perfectly right in the ruling he gave; and he would prove it from the "Victorian Parliamentary Debates," vol. xliii. In the Victorian Parliament he found they treated that very matter of the salary of the commissioners in exactly the same way as was proposed by the Government here. The Bill was introduced in the Victorian House, and the House went into committee to consider the Governor's message on this subject, presented on July 11, when Mr. Service moved—

"That it is expedient that an appropriation be made out of the consolidated revenue for the purposes of a Bill to make better provision for the construction, maintenance, and management of the State railways."

Turning to the report of the committee stage of the Bill, he found that a discussion took place on clause 9, which was as follows:—

"No commissioner shall, during his continuance in office, be permitted to engage in any employment other than in connection with the duties of his office. Each of the commissioners, except the chairman, shall receive a clear annual salary of , and the chairman shall receive a clear annual salary of , and such salaries shall be a charge upon and paid out of the consolidated revenue, which is hereby permanently appropriated for that purpose."

Then he found it reported that Mr. Gillies moved that the first blank in the clause be filled up by the insertion of £1,500, and the second blank by £3,000, just as was being done by the Minister for Railways. That was on all-fours with what they were now doing, and showed that the Speaker was right in the ruling he had given.

The PREMIER said the leader of the Opposition asked him further why they had fixed upon £1,500 for the subordinate commissioners, as they might be called. It was for just the same reasons as he had given for the salary of £3,000 they proposed for the chief commissioner. They must have exceptional ability in the chief, and they thought they could get two commissioners

to support him for £1,500 a year. They thought that a fair salary for the second commissioners, and they could get men of good qualifications either as civil engineers or as accountants and auditors for that sum.

Mr. FOXTON said that a very good man might be got for £3,000 a year; but as such an excellent rule had been laid down by the Speaker they might as well act upon it at once, and he moved as an amendment that the words "three thousand five hundred" be inserted instead of the words "three thousand."

Mr. ALAND said he thought £3,000 sufficient for the chief commissioner, and he did not rise to support the amendment moved by the hon. member for Carnarvon. He wished to ask what position the Government would be placed in, supposing they could not get a chief commissioner for £3,000 a year. Having passed a Bill providing that the salary of the chief commissioner should be £3,000, would they have to do as they did in New South Wales—pass a fresh Bill to increase the salary, if they could not get a man for the amount stated in the Bill?

The MINISTER FOR RAILWAYS said the hon. member had forgotten the amendment made in clause 3, which deferred the operation of the Bill until the commissioners were appointed. The difficulty the hon. member foresaw could not possibly arise.

Mr. ALAND said he did not see what that had to do with the clause then under discussion, to decide what the commissioners were to be paid.

The PREMIER said the hon. member wanted to know what would be the result if they could not get a man as chief commissioner for £3,000 a year.

Mr. ALAND: Yes.

The PREMIER: The Bill would not come into operation; that was all. They did not think that result was at all likely to happen, and they did not wish for power to increase the amount.

Question put.

Mr. FOXTON said that perhaps the Chairman had misunderstood him; but he had moved an amendment that the words "three thousand five hundred" be inserted before the word "pounds."

The CHAIRMAN: The hon. member cannot move that amendment.

An HONOURABLE MEMBER: You can propose that after the proposition for the sum of £3,000 has been voted upon.

The CHAIRMAN: The hon. member's amendment cannot be put.

Question—That the blank be filled up by the insertion of the words "three thousand"—put and passed.

Mr. FOXTON moved that after the word "thousand" and before the word "pounds" the words "five hundred" be inserted.

The PREMIER said the hon. member could not put that. There was now no blank. The motion was that the blank be filled up by the words "three thousand," and it was now filled up.

Mr. FOXTON said he admitted that, but that did not debar him from moving any further amendment. He proposed to insert the words "five hundred" before the word "pounds."

The MINISTER FOR MINES AND WORKS: There is no room.

The PREMIER: What was the motion just carried, Mr. Jessop?

The CHAIRMAN: That after the words "chief commissioner" the blank be filled up by the insertion of the words "three thousand."

The PREMIER: Then the blank is filled up.

The CHAIRMAN: I think the amendment of the hon. member for Carnarvon cannot be put.

Mr. FOXTON: Then I move that you leave the chair and the point be referred to the Speaker.

The PREMIER said that was a pure piece of obstruction. If the hon. member wished to obstruct, why did he not go straight-forward and move that the next blank be filled up by any sum he chose?

Mr. FOXTON said he wanted to test the ruling of the Speaker. He wanted to put it into practice.

The MINISTER FOR MINES AND WORKS: You are too late.

Mr. FOXTON said he was not. They had now got to the words "three thousand," and he wished to insert the words "five hundred" before the word "pounds" and after the word "thousand"; and he believed he was in order in doing so.

Mr. MURPHY said the hon. member was talking purely for the purpose of obstruction. He could not be doing it for the purpose of getting the ruling of the Speaker, for, as he (Mr. Murphy) had shown just now, exactly the same practice that they were following was followed in Victoria, and it was followed in regard to that very clause in the Victorian Bill. That Bill was brought down by message from the Governor, the two blanks were left in the clause, and they were filled up in committee, on the motion of Mr. Gillies. Hon. members on the other side seemed annoyed because he had shown that their oracle, whom they thought infallible, was not infallible after all, and that he was sometimes wrong as well as other men. He could not see any sense in the proceeding of the hon. member for Carnarvon.

Mr. ANNEAR said he wished the hon. member for Barcoo would show some of the good sense which he wished to impart to other people. He considered it very bad form, after the Speaker had given his ruling, to commence a discussion upon it. Who was the great "Sir Oracle" who stood up in the Committee to give the ruling of Victoria? The hon. member for Barcoo. Who was the hon. member who commenced to stonewall after the Speaker had given his ruling? The hon. member for Barcoo.

Mr. MURPHY: I did not raise the discussion.

Mr. ANNEAR said the hon. member wanted to show the country what a clever man he was by quoting an authority in Victoria. But two blacks did not make a white, and they had seen enough of the authorities, both in Victoria and in some other colonies, to know that they were not so able as the "Sir Oracle" the hon. member had referred to. He was anxious not to delay business, but to get through the session as soon as possible; but they could not forget that when the hon. member sat on the Opposition side of the House he kept them for about a week talking utter "rot" and nonsense. He would advise the hon. member to alter his tactics if he wanted to expedite business.

The PREMIER said he hoped the hon. member for Carnarvon would withdraw his motion, to refer the question to the Speaker. The thing was as plain as possible. The motion was, that the blank be filled up, and it had been filled up. The hon. member's motion was to alter a

decision just arrived at by the Committee, that the blank should be filled up by the words "three thousand."

The HON. SIR S. W. GRIFFITH said he did not think it was worth while to occupy more time over the matter. The hon. member for Carnarvon was technically quite right. When the motion for the insertion of "three thousand" was made, the hon. member proposed an amendment making it "three thousand five hundred," and the Premier told him to let the other be disposed of first. The hon. member took that advice, and "three thousand" was put in. As a matter of fact, the Chairman did not put the question "to fill up the blank," but to insert the words after the words "chief commissioner." But it was not worth while arguing about it. The Speaker had given his ruling, and every member could do as he liked. That was a *reductio ad absurdum*. Just a word to the hon. member for Barcoo; if he had given the message which was the foundation of the whole matter he would have confuted his own argument.

Mr. MURPHY said he had shown that the Bill was brought down by message. He read it at the beginning of the first extract.

Mr. FOXTON said he understood it was competent for a member of the Committee to move an amendment in some form or other on the words "three thousand," and the amendment he had already proposed had been refused to be put, in two distinct forms. He supposed he was in order in moving that "guineas" be substituted for "pounds." He did not do so for the purpose of obstructing; it need not take two minutes to decide. If the Premier had gone up to Government House at first he would have been back in far less time than the discussion had occupied. He moved that the word "pounds" be omitted at the end of the line, with a view of inserting the word "guineas."

The PREMIER said he would rather go to Government House and stay all night than listen to the "babble" of the hon. member for Carnarvon for two minutes.

Mr. DRAKE said there seemed to be something rather complicated in the Speaker's ruling. The Speaker said that in an analogous case, where the blank was filled up in italics, it was competent to either increase or reduce the amount, and that, in that case, it was immaterial which amendment was put first.

The PREMIER: He did not say that.

Mr. DRAKE said that at all events the hon. member for Carnarvon moved an amendment, and it was ruled out of order because it could not be put first, and then it was ruled out of order because it could not be put afterwards.

The PREMIER said the hon. member had mistaken the Speaker's ruling and the position of the question. When the Chairman put the question that the blank be filled up with £3,000, the hon. member for Carnarvon moved, as what he called an amendment, that the amount be £3,500. The Chairman ruled that that could not then be put, and the advice he (the Premier) gave the hon. member was that if the motion for filling in £3,000 was lost it would then be competent for him to move £3,500, or any other amount.

The MINISTER FOR MINES AND WORKS said what the Speaker ruled was, that supposing the £3,000 had been in italics instead of there being a blank, it would be competent for any member of the Committee to move that the amount be £3,500 instead of £3,000. The £3,000 in italics being no part of the Bill, any member could move that £3,500 stand in place of the technical blank.

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

The MINISTER FOR RAILWAYS moved that the blank in line 37, between "commissioners" and "pounds," be filled up with "fifteen hundred."

Question put and passed.

Question—That the clause, as amended, stand part of the Bill—put.

Mr. SALKELD said he wished to ask why £1,500 was put down for the two other commissioners. Was it simply because those were the figures in the Victorian Act? If that was the case they must remember that the two commissioners in Victoria were simply dummies. The chief commissioner could overrule them in any way he thought fit by simply postponing the matter in dispute for twenty-four hours. He understood that the two commissioners here would not be placed in that position—that the chief commissioner would not have power to overrule them. There was no provision in the Bill dealing with the matter, and he would like to know what the intentions of the Government were with respect to it. The Victorian Act provided that if the chief commissioner differed from the other commissioners he might postpone the matter for twenty-four hours, and if at the end of that time they still disagreed, his opinion was to prevail, so that practically the two commissioners were dummies; they had no authority in the actual management of the railways, but merely advised the chief commissioner. That being so, they could understand the two commissioners together receiving only the same salary that the chief commissioner did. But if here the two commissioners were to have authority and power, why should not their salary be more in proportion to that of the chief commissioner?

The MINISTER FOR RAILWAYS said the question raised by the hon. member would be more conveniently discussed at clause 14, which dealt with the position the commissioners would hold. They had already fixed the salary, and the clause might as well be passed.

Mr. SALKELD said he rose and addressed the Chair before the question was put, and it was the practice of the House, even after the "ayes" had been called, to allow a member to speak.

The CHAIRMAN said if the hon. member had addressed him he had not heard him. Of course it was impossible for him when reading the question to see every hon. member. He had neither seen nor heard the hon. member. It was purely an accident.

The COLONIAL SECRETARY said there was not the least doubt that what the hon. member stated was correct, but he quite agreed with the Chairman that it was quite impossible for him, when reading a clause and an hon. member did not address him personally—unless he possessed some innate knowledge not possessed by most hon. members, if any—to know that an hon. member desired to speak. He (Mr. Morehead) was sitting close to the Chairman, and did not hear the hon. member address him.

Mr. SALKELD said he did address the Chairman, and several hon. members heard him do so.

Clause, as amended, put and passed.

On clause 11, as follows:—

"1. A commissioner may be suspended from his office by the Governor in Council for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

(*a*) If any commissioner shall be so suspended the Minister shall cause to be laid before the Legislative Assembly a full statement of the grounds of such suspension within seven days

thereafter if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting within seven days after the commencement of the next session or sitting.

b) A commissioner suspended under this section shall be restored to office unless the Legislative Assembly, within twenty-one days from the time when such statement shall have been laid before it, declares by resolution that the said commissioner ought to be removed from office, and if within the said time the Legislative Assembly so declares, the said commissioner shall be removed by the Governor in Council accordingly."

The HON. SIR S. W. GRIFFITH said that was one of the most important clauses in the Bill, because on it depended the status of the commissioners. As it stood, a commissioner could only be removed for misbehaviour or incompetency. During the second reading of the Bill a good deal was said about the possibility of something like a deadlock occurring between the commissioners and the Government. The administration of the railways of the colony was not to be conducted upon purely commercial principles. Clause 23 provided that they were to be worked "in such manner as will best conduce to the general public benefit, the promotion of settlement, and the development of the industries of Queensland." That was a question of policy—political policy as distinguished from commercial policy. Supposing the commissioners and the Government were at hopeless variance upon a point, what would happen? An absolute deadlock. There was no way of getting out of the difficulty. That would not be incompetence or misbehaviour. He would remind the Committee that a great deal of litigation had taken place not very long ago, in England, in relation to a municipal officer—the town clerk or some other official of the Corporation of London—who held office in a sort of perpetuity, but, according to the practice of that Corporation, he could be removed for incompetency or misconduct. He was removed, but there was litigation over the matter for a long time. The first question was whether it was desirable in the case of any conflict between the commissioners and the Government—which was equivalent to a conflict between the commissioners and the Assembly—that the Assembly alone should have power to remove them. If so, it should be stated in the Bill. The tenure of office of judges was not expressed in similar terms. They held office during good behaviour, but might be removed by both Houses of Parliament. The scheme of the Bill was that, preliminary to removal, there must be suspension, and that the commissioners could only be suspended for misbehaviour or incompetence. Those words would not cover the case instanced on the second reading of the Bill; and the clause ought to be so worded that the commissioners could be suspended for refusing to do what the Government considered essential for the development of the country.

The MINISTER FOR MINES AND WORKS said that, after what the leader of the Opposition had said, it might be advisable to leave out the word "misbehaviour," or else interpret what it meant according to the Act. Then it could be made to cover the portion of clause 23 which related to the political policy of the Parliament of the day in regard to the railways of the colony. It was very important that the causes of suspension should be clearly laid down in the Bill, so that there might be no mistake afterwards and no litigation.

The PREMIER said there was a difficulty in the clause because they had undertaken to define what there was no occasion to define—namely, what misbehaviour and incompetence meant. The theory of the Bill ought to be that the Governor in Council should have full power for any reason they thought sufficient to suspend the commissioners, and the difficulty could be got over by omitting the words "misbehaviour" and "incompetence."

The MINISTER FOR RAILWAYS moved the omission of the words "for misbehaviour or incompetence."

Amendment put and passed.

The HON. SIR S. W. GRIFFITH said he thought of proposing an amendment providing that the suspension should be dealt with by both Houses of Parliament instead of by the Legislative Assembly only. Whatever functions might be given to the Legislative Council with respect to removal, it was desirable that the causes of suspension should be laid before that House. A more important matter was the mode of removal. He was disposed to think it would be just as well to give the Legislative Council a voice in the matter. It was not a question as to what would be the best thing at any particular time, but what was the best general rule to follow. It was intended that the commissioners should be independent, and feel quite sure that if they acted fairly they would be supported, and not be turned out simply because they had a quarrel with the Government, who had a majority in the Assembly. That would be making it a political office, which would be an unfortunate thing to happen. In Victoria the scheme was that a resolution must be carried either by both Houses or by the Assembly twice in two successive sessions. If it were confined entirely to the Legislative Assembly, it simply placed the commissioners at the mercy of the Government. It was important that the commissioners should have the assurance that they would not be turned out for merely political reasons.

The MINISTER FOR RAILWAYS said the reason for framing the clause so as to have the matter decided by the Legislative Assembly only was simply because the commissioners would be servants of the Government for a particular work—part of the administration of the railways—and it was only right that the Government should have some control over them. They did not wish to have any political control over the commissioners, but it was certainly right that the Government, who were responsible for their appointment, should have the means of bringing them to book when it was necessary. They would not be taking away any rights or privileges from the other branch of the Legislature; and he did not think the Legislative Council had any right to be consulted in matters of that kind. The Government, as a rule, did not go to the other branch of the Legislature when they were dispensing with the services of an under secretary. It would be very seldom that they would be required to act upon the clause under discussion; but of course it was necessary to make provision for such cases. The clause differed both from that in the Victorian Act and from that in the New South Wales Act; and after mature consideration the Government came to the conclusion that it should remain as it was, as it made the commissioners more servants of the Government than anything else. He thought it would work very well.

The PREMIER said the clause had received the mature consideration of the Government before it was included in the Bill. Very strong reasons could be shown for allowing the clause to remain as it was. He would not defend it on the same grounds as his colleague, that the commissioners ought to be under the control of the Government. He placed the question upon the higher ground,

that they ought to be under the control of that House. They were the representatives of the people, and they passed all the money that was to be spent in carrying out their railways both in construction and maintenance, and if the Upper House cavilled at any items, the Assembly declined to give them the slightest authority. The Assembly were really the masters of the Government, and consequently of the commissioners, and they would not delegate any of their authority to the other Chamber, and they kept control of the money. As the clause stood the Government had the power of suspending a commissioner, and unless the Assembly said within twenty-one days that he was to be suspended, and carried a motion that the suspension should take place, the commissioner was to go back to his office. There must be a majority in the House to affirm the suspension, and it could only be affirmed upon debate. Supposing that it was the other way—that a motion of the same sort had to be carried by both Houses of Parliament—the effect might be that while the Assembly were masters of the railways, the men who found the money for carrying them out, and who said that a certain commissioner should be suspended from office, a master was imposed upon them by a Chamber that was actually irresponsible, and to which the Assembly declined to give the expenditure of money at all. From that point of view, it could not be disputed for a moment that they ought to keep that control in their own hands. There was another thing: The Legislative Council in Queensland had not the same claim to be considered in cases of that sort as the Legislative Council of Victoria. That Chamber in Victoria represented a large body of people—in some respects it represented the people of Victoria—and it therefore had a right to be considered. But even there its judgment could be overridden by the carrying of the same motion twice in the Assembly. When the power was limited in a place where the Legislative Council was elective, and therefore represented a certain body of people at all events, it would be going too far to give a non-elective Chamber equivalent powers to those possessed by the Legislative Assembly—powers which the Constitution would not allow them to give.

The HON. SIR S. W. GRIFFITH said that accepting the clause as it stood, meant handing over the commissioners to the Government of the day, and they would not be in a better position than ordinary Civil servants, who might be removed by the Governor in Council. In the case of the commissioners the Government would be bound as soon as the House met to submit a resolution affirming the desirability of the removal of the suspended commissioner, and if they could not carry that motion they would be defeated, and would have to go out of office; so that it came to a parliamentary majority after all. That was a very different thing from independence. The commissioners might have to deal with a strong and wilful Ministry, who insisted upon a certain thing being done, and if that were not done they would be turned out. The Minister would say, "When the House meets we will turn you out," and if the Government was strong the commissioners would be turned out. The tenure of office was a very great consideration. To hold office simply at the will of a party and to hold it during good behaviour were very different. For an officer to hold office at the will of both Houses of Parliament was not unknown in their Constitution; but the present proposal was an innovation. No persons held office by the will of the Assembly alone, except Ministers. Under the clause the commissioners would be the servants of the Ministry, so long as the latter were strong enough to turn them out. He admitted that it would be a disadvantage to allow the Council too large a share in a matter. The object was to secure fair play; a majority was not always right; he had been told that often enough when he was sitting upon the Government side, and he had always been of that opinion. Majorities often made mistakes, especially when political feeling ran high. Supposing just after Parliament met there was to be an adjournment, it would not be possible to turn them out in twenty-one days. During the present session it would have been impossible to turn any man out, and at the expiration of twenty-one days he would have been restored to office.

The COLONIAL SECRETARY: He could be suspended again.

The HON. SIR S. W. GRIFFITH said the matter deserved serious consideration; the case of the Land Board was a somewhat analogous one. The members of that board could not be removed without addresses by the Legislative Council and the Legislative Assembly in the same session of Parliament. Fortunately they had never had occasion in the colony to get up joint addresses either for the removal of a judge or anyone else, but they had had in the other colonies. The position was a very serious one, and he thought it was the most important part of the Bill. The whole of the good working of the scheme would depend upon the tenure of office of the commissioners.

The COLONIAL SECRETARY said, in regard to the removal of a judge, he was not sure whether the bulk of the members of that Committee would agree that the present system in existence for removing a judge was the best one. It was so complicated and so hard to get into play that he was afraid that its operation was very much neglected. When they were dealing with persons such as the proposed commissioners, who had charge of their railways, and who neglected their offices, their action should be short, sharp, and decisive. He should be sorry in a matter of that sort to have to combine with what was technically called the co-ordinate branch of the Legislature. He held that it was not a co-ordinate branch, and only in a very indirect way represented the people of the colony. He should object to anything appearing on the Statute-book which would give any additional power to those in another place. The Ministry, as a matter of fact—it was no use disguising the fact—both in New South Wales and here, were responsible to the Legislative Assembly. If they did wrong, there was no doubt their conduct would be fully and fairly discussed in the Assembly, and then, although they had a majority in the Assembly capable of doing what was extremely unlikely—an injustice—then they were at the bar of public opinion. He sincerely trusted that the leader of the Opposition would not persevere in the matter, although, so far as any amendment in subsection (*a*) was concerned, if he moved the insertion of the words "Legislative Council" he would not object; but when he arrived at subsection (*b*) he certainly joined issue with the hon. gentleman. He did not know whether hon. gentlemen in the other branch of the Legislature would act in some cases. There were special circumstances in inducing members of the Assembly to meet together which did not prevail elsewhere, and although it was possible at all times to get a quorum in the Assembly within the time that action must be taken, there might be some difficulty in getting the Legislative Council together for that purpose. He had always carefully preserved the rights of the people's representatives, and he hoped that no innovation would be made on the lines laid down by the leader of the Opposition.

Mr. PAUL said the question was a very important one, and he agreed to a great extent with the leader of the Opposition. He did so on the ground that it was possible there might be a Government which was a one-man Government with a large majority in Parliament, and who in an arbitrary manner might suspend one of the commissioners. If the Legislative Council had no voice in the matter Parliament was simply a reflex of the Ministry, and they might suspend a man simply for the purpose of putting in one of their own friends. He thought they might well follow the practice of Victoria, and allow the matter to go to the Legislative Council, and there would then be a check upon any possible injustice. He thought the suggestion of the Colonial Secretary for the insertion of "Legislative Council" in subsection (*a*) would meet the case. They all knew that gross injustice was occasionally done to Civil servants holding high positions, and action taken in the most arbitrary manner. They were suspended in consequence of some supposed misbehaviour, but really because they refused to do the will of the Ministry of the day. He felt very much in earnest in the matter, and he would like the Legislative Council to have some voice so that the Government might be prevented from doing gross injustice.

Mr. O'CONNELL said that he did not agree with the contention of the hon. member for the Leichhardt—the clause did not make it imperative that the action of the Government should be confirmed by the House. He thought there was a sufficient sense of fair play in that House, to prevent an injustice being done. The cases referred to by the last speaker were not parallel ones to those now before the House, inasmuch as in the cases he referred to, the Government had the right to dismiss the persons in question without requiring the sanction of the House, which they could not do in the present case. He disliked that portion of the clause which left a commissioner who had been suspended in doubt as to whether he was to be dismissed. A commissioner might be suspended immediately after the close of a session, and he would then have to wait until the House sat again—most probably several months—before he knew whether he was to be dismissed or not; he thought this would be a great hardship.

Mr. DRAKE said he should like to see some provision inserted to secure a proper amount of independence to the commissioners, but it would be very unfortunate if the Legislative Council were in a position to keep a commissioner in office against the will of the Assembly.

Mr. DALRYMPLE said he did not know whether the remedy proposed by the leader of the Opposition was a good one or not, but he was satisfied that the one essential for the commissioners was their independence. If they were not independent why appoint them? The object was to make them independent of any Ministry, and if they were mere creatures of the Ministry he failed to see what they were passing the Bill for. With regard to the Upper House, it had been objected by the hon. the Premier that it was not elective, and for his part he should be very glad to see that objection got rid of. He should be glad to see the Upper House made elective. Hon. members must see the importance of this one fact: that under no circumstances whatever must the commissioners be made the servants of a party. He had no hesitation in saying that if they were accountable to the Assembly, and could be suspended by the Ministry, that Ministry could afterwards desire the House to endorse the suspension, and remove the offending commissioner, and the House would be bound to do that. The Ministry, if they had not their action endorsed by Parliament, would certainly resign, and therefore their followers would support them. A conflict between the commissioners and the Ministry would be a conflict in which the commissioners would be certain to be removed, and under the circumstances it was absurd to talk about the independence of the commissioners. The whole success of the Bill depended upon the commissioners being absolutely free from political pressure, directly or indirectly. They sitting on that side of the House, for instance, might try to influence the Ministry. If they did he assumed that the Ministry would be as susceptible as they were now. If certain things were not done, pressure would be put upon individual members, and they in their turn would put pressure on the Ministry, who would endeavour to influence the commissioners. The Bill was introduced for the purpose of appointing commissioners to perform functions which Parliament and the Ministry had failed to perform, and in any case the suspension of the commissioners should be taken out of the hands of the majority. It might be made a two-thirds majority, as was required in some cases in the United States, but the suspension should be confirmed by something more than a mere party vote. As the clause stood, the commissioners would be entirely under the control of the Ministry. Wherein, then, would they differ from any ordinary commissioner? They might just as well appoint the commissioners at once without making them a board of commissioners. If the commissioners were actually removable, and knew that they could be removed by party influence, he could not see any sense in the argument that they would be independent. If they wished to make those officers independent they must be prepared to pay some price for it. Whether the Committee were disposed to accept the amendment of the leader of the Opposition, or to make it necessary to have a two-thirds majority to remove the commissioners, he did not, of course, know; but unless something was done to let them know that they were independent, he maintained that hon. members would be disappointed in the beneficial results they expected from the Bill.

The PREMIER said the hon. member who had last spoken had not been arguing at all in favour of the contention of the leader of the Opposition. He had been arguing against the clause itself. The hon. member wanted to make the commissioners independent altogether, but there must be some sort of check on even commissioners. Why should they have to appoint a man, and then, if in six months he turned out one of the biggest fools in the colony, be compelled to let him go on for seven years? The hon. member had made a suggestion, but it was liable to the same difficulty as that which he (the Premier) had put before the leader of the Opposition, but which the hon. gentleman did not reply to. The hon. member stated that unless a two-thirds majority of the whole House agreed to a motion for removing from office a commissioner who had been suspended, he should not be removed. If that proposal were accepted it would then be quite possible for a commissioner to be continued in office by the vote of one member less than the two-thirds majority. The Assembly were really the masters of the railways; they were elected by the people to manage the railways and to vote the money for them, and they declined to give the other House the slightest say as to what the salaries and wages of those employed to manage the department should be. They were decided upon that, and had kept that power scrupulously within the Assembly. Why, then, should they let the Assembly be put in this position, that they should

vote the money for the railways and that the men who were to manage those railways should really be appointed by the Upper House? The adoption of the suggestion made by the hon. member for Mackay would really have that contingency.

Mr. STEVENS said he could not agree with the argument of the hon. member for Mackay. There was one thing that ought to be taken into consideration in connection with that matter which did not appear to have received sufficient attention, and that was, that it was not at all probable that the Government would suspend a commissioner for conduct which the majority of the House did not think justified suspension. Would they hold themselves up to the contempt of the whole colony by doing such a thing? He did not think they would be at all likely to do that. It had been contended by some hon. members that Ministers might have to resign over the suspension of a commissioner. If that was a probable contingency, should they give the power to the other Chamber to cause Ministers to resign? He did not think the Council should have anything to do with the matter at all. He therefore could not, for the reasons he had indicated, agree with the suggestion which had been made by the hon. member.

The HON. SIR S. W. GRIFFITH moved that subsection (*b*) of the clause be amended by substituting the words "Houses of Parliament" for the words "Legislative Assembly."

The PREMIER said that amendment was moved with the object of following it up with a further proposition.

The HON. SIR S. W. GRIFFITH: No.

The PREMIER said they would give the information to the Legislative Council, though it might be inferred that giving the information implied some right to judge the matter. It was merely a formal matter, but the Council would be given the information, as it would be published in a paper laid on the table of both Houses by command

The HON. SIR S. W. GRIFFITH said he confessed that he had great misgivings about the matter, but he would not press the amendment to substitute "both Houses of Parliament" for "Legislative Assembly," although he had grave doubts whether it was not his duty to propose such an amendment.

Mr. MURPHY said there was really not very much difference between the proposal in the clause and the same provision in the Victorian Act, because it would be only necessary, if the Upper House were contumacious, for the Victorian Assembly to hold two sessions within six weeks, and they could then deal with the commissioners and remove them, in spite of the Upper House. That, in effect, made the Assembly in Victoria the ultimate court of appeal in cases of that kind.

Clause, as amended, put and passed.

On clause 12, as follows:—

"A commissioner shall be deemed to have vacated his office,—

(1) If he engages, during his term of office, in any employment outside the duties of his office;

(2) If he becomes insolvent, or institutes proceedings for liquidation of his affairs by arrangement or composition with, or assigns his salary for the benefit of, his creditors;

(3) If he absents himself from duty for a period of fourteen consecutive days except on leave granted by the Governor in Council (which leave is hereby authorised to be granted), or becomes incapable of performing his duties;

(4) If he becomes in any way concerned or interested in any contract or agreement made by or on behalf of the commissioners; or in anywise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom."

Mr. BARLOW said he perceived that by clause 64 an employé, porter, or other such person could be guilty of a misdemeanour or felony; he did not see anything of that kind in clause 12. He supposed the commissioners were to be what theologians termed in a state of supralapsarian grace. He would suggest that the same restriction should be applied to them as was to be applied to the underlings. He noticed that in the 2nd subsection a commissioner should be deemed to have vacated his office if he became insolvent or instituted proceedings for liquidation of his affairs by arrangement or composition with his creditors. He would like to see the provisions of that clause assimilated with clause 64 of the Bill.

Mr. ALAND said he would point out that clause 11 provided that a commissioner might be suspended for misbehaviour or incompetence. He thought that would meet the case the hon. member had pointed out.

Mr. BARLOW said he only wished to point out that there was an invidious distinction.

The HON. SIR S. W. GRIFFITH said that clause contained an expression often objected to by Judges. It was a very foolish one—"shall be deemed to have vacated his office." If it meant that he should vacate his office, why not say so? Why not say "he shall vacate his office"?

The COLONIAL SECRETARY: I have noticed it in your own Acts; there is no novelty in the phrase.

The HON. SIR S. W. GRIFFITH said sometimes there was occasion for it. They might sometimes have to say a man shall be "deemed" to have done something different from what he had actually done. He did not intend to move any amendment.

Question put and passed.

Clause 13—"Penalty on commissioners being interested in contracts"—passed as printed.

On clause 14, as follows:—

"1. The commissioners shall sit at such times and in such places, and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business, and shall keep minutes of their proceedings in such manner and form as the Governor in Council shall direct.

"2. Any two commissioners shall be a quorum and subject to the provision next following shall have all powers and authorities by this Act vested in commissioners.

"3. The chief commissioner shall, when present, preside as chairman at all meetings. In his absence the commissioner who is senior by priority of appointment shall preside as chairman.

"4. If at any meeting only two commissioners are present, and differ in opinion upon any matter, the chairman shall have a second or casting vote."

Mr. GOLDRING said that clause was very explicit in his opinion, and did away with a great deal of the arguments brought to bear on the previous day on clause 7. It would fully satisfy most hon. members that the commissioners, when appointed, were to visit the different parts of the colony, wherever a railway had been constructed or was in course of construction, and that they were not to sit in their offices in George street, and appoint others to do their work. A suggestion had been made that the three commissioners should be located in three different parts of the colony. That would, he considered, be ridiculous, as they required the benefit of their combined knowledge, and they generally required to be in Brisbane. He would not object to see them living in the North, as suggested by the hon. member for Burke, but he did not think that the North would be justified in asking for a clause giving effect to that to be inserted in the Bill. As far as he was concerned, he was satisfied that the commissioners

should visit them occasionally, and not ignore their existence, as had been done in the past. He took that opportunity, as he had not spoken on the previous day, to reply to some remarks that had been made by the hon. members for Charters Towers and Burke. They condemned the Northern members sitting on the Government side for their silence, and for not upholding the arguments they brought to bear respecting the interests of the North. He was glad to see the members representing Northern electorates on the Government side had had sufficient sense not to uphold those unreasonable demands. He did not see any reason why they should make such demands. Of course, they liked to watch their own interests, and no doubt their constituencies expected them to look after their interests, but there was no necessity to ask that all those commissioners should be stationed in the North. The hon. member for Burke stated that he represented the North. Of course, if he thought that, he had a perfect right to demand that the commissioners should be stationed there, but he (Mr. Goldring) was not of the same opinion as the hon. member. He agreed with the hon. member for Townsville that separation had nothing to do with the passing of the Railways Bill, but when the time came to move in that matter of separation, he would find the members on the Government side, who had pledged themselves to that course, quite as willing to assist as members sitting on the Opposition benches.

Mr. AGNEW said he wished to draw attention to the 4th subsection of clause 14. It seemed to him to be a dangerous mode of proceeding. It ead:—

"If at any meeting only two commissioners are present, and differ in opinion upon any matter, the chairman shall have a second or casting vote."

That clause would allow them to work prejudicially to the working of the rest of the Act, because in the absence of the chief commissioner the senior of the two others took the chair, and had a casting vote, and so he could actually veto everything the other brought up.

Mr. MURPHY: He ought to have that power absolutely.

Mr. AGNEW said he would point out that the other commissioner would practically be a deadhead, as the chairman having a casting vote, and there being only two at the meeting, if any strained relations existed between the two £1,500 commissioners—and it was not unreasonable to suppose that might arise, as they could not expect that that Bill would work without some little friction creeping in amongst the commissioners—the chairman could veto everything proposed by the junior commissioner. He hoped, with the Northern and other members of that Committee, that the chief commissioner would spend a large portion of his time in travelling over the lines of the colony; but if friction, unfortunately, did occur between the two others, the third commissioner, in the absence of the chief commissioner, would be practically useless, because every matter he might bring up would be vetoed at once by the chairman. It would be much better, if any dispute arose at any meetings, that such dispute should be referred to the chief commissioner on his return. It would be perfectly useless on such occasions for the junior commissioner to make any suggestions, because he might know beforehand that they would not be carried into effect. The result would be that practically no business of any kind could be done at such a meeting other than that proposed by the chairman himself.

The PREMIER said that if he was one of those commissioners and did not want a decision to be come to in a certain way, he would simply walk out of the room. Then there would be no meeting.

Mr. AGNEW: That would mean that there would be no business done while the chief commissioner was away.

The PREMIER: No important business.

Mr. REES R. JONES said that if at a meeting of the two commissioners one was to override the other unjustly, as soon as the chief commissioner got back the matter would be remedied. There must be some provision for finality of decision, or otherwise matters would be continually suspended, and that would not be conducive to the efficient working of the railways. He thought the subclause should stand as it was.

Mr. POWERS said he did not see how they could have a senior commissioner in the absence of the chief commissioner, unless one of the secondary commissioners was appointed some time before the other. The 4th subsection of the clause provided that if at any meeting only two of the commissioners were present the chairman should have a casting vote, but the clause did not show what was the status of the chief commissioner at a meeting at which all the commissioners were present. Under the clause it appeared that when all the three were present each commissioner had one vote.

Mr. MURPHY said there was one matter in connection with the clause to which he desired to refer. If they had their three-thousand pounder—a man brought from some other country—and two local commissioners, the local commissioners might take sides and prevent the chief commissioner from having a say in the management of the railways. The chief commissioner might have to continually subordinate his opinions to those of the other two commissioners, and the advantage of having the "great gun" imported from some other great railway system would be lost to the country, and the Act would be a failure. The Bill was practically modelled on the Victorian Act, and was almost a literal copy of it. There were some alterations made, and one was contained in clause 14. The Victorian Act was the only one in the colonies that had been in operation, and was the only one from which they could judge whether the Bill before them was likely to be a success. The Bill had been introduced simply because the management of the Victorian railways under the Board of Commissioners had been so successful, and the great reason of the success of the system in Victoria was that the Chief Commissioner, Mr. Speight, was wholly and solely the manager of those railways. If a dispute occurred between himself and the other two commissioners he could override them and settle the matter there and then in his own way. If he did so he had to send to the Minister for Railways a report of his reasons for his action, and that paper was laid on the table of the House. He was absolutely master of the situation, and the other two Commissioners were practically a board of advice to him. He had never yet, so far as he (Mr. Murphy) knew had to report a case of the kind mentioned to his Minister. The fact that the Chief Commissioner had to report to the Minister, and that the paper was immediately laid upon the table of the House, was a check upon him so great that it would always prevent him from differing from and overriding his colleagues, unless the question were one of sufficient moment to warrant him in doing so. The Government would be wise if they introduced the clause of the Victorian Act into their Bill giving the chief commissioner absolute power. Then if they got a good man from home—and the chief commissioner should be a traffic manager of some great railway system—they would have some guarantee that the railways were under the absolute control of that special man, and they would not have the local commissioners overriding his opinion, which they could

do under the clause before them, and which they might do at any time out of pure jealousy. The matter was worthy of the consideration of the Government.

The COLONIAL SECRETARY said the hon. member was right up to a certain point. Though under certain circumstances and conditions, under the 8th clause of the Victorian Act, there was paramount power given to the chairman of the board up to a certain point, yet in the 9th clause the question which was dealt with by the hon. member for Nundah came in, and that clause was as follows, and was almost identical with the clause of the Bill. It said :—

"The commissioner presiding at a meeting of the commissioners shall in the event of an equal division of votes at such meeting have a second or casting vote. If there be only two commissioners—neither of them being the chairman—present at any meeting of commissioners, the commissioner who is with respect to the date of appointment the senior shall take the chair and preside at such meeting."

That was the identical power proposed to be conferred upon the two commissioners under the Bill. He did not apprehend that any great difficulty would arise, and if a difficulty did arise, in all probability the more powerful and more clever man would carry his point. It might perhaps be advisable to put into the clause a similar provision to that contained in the 8th section of the Victorian Act, that the overruled commissioner, who was not the chairman, could make a minute and refer it to the Minister, in the same way as the chairman had to do in Victoria. But from the class of men they were likely to get, he did not apprehend that upon any point of immediate moment any such difficulty would arise. On any matter of importance no doubt all the commissioners would meet and fully discuss it. If any serious difference arose it would probably be on small points. Nothing of the kind had yet occurred in Victoria, where the Act had been in force for some years, and he took it that they were likely to get as good men as commissioners as they had in Victoria.

The HON. SIR S. W. GRIFFITH said it would be a great mistake if the subordinate commissioners were allowed to overrule the chief commissioner. No man would come here with a reputation to lose unless he came under such conditions that he would not be likely to lose his reputation. He would suggest the insertion of words to the effect that the power and authority vested by the Act in the commissioners might be exercised by two of them, of whom the chief commissioner was one. That would be somewhat analogous to the position of the judges of the Supreme Court in making rules of Court.

Mr. GANNON asked how, in the event of a deadlock between the two commissioners and the chief commissioner—which, as the hon. member for Barcoo said, might occur through feelings of jealousy—the difficulty would be got over?

The PREMIER said that no deadlock could occur under the Bill. There was a great deal in what the leader of the Opposition had just said, and the Minister for Railways, he thought, should consider it. He liked the idea of the hon. gentleman better than the Victorian system, to make the majority include the chief commissioner. It would be an absurdity to have the two subordinate commissioners opposing the policy of the chief commissioner. The suggestion was well worthy of consideration.

Mr. AGNEW said he had had considerable experience in railway matters, and had noticed the friction that existed in railway management in all the colonies, and in England as well. As a rule the engineers had extreme difficulty in getting along with the commissioners or clerical heads who were often placed over them. He assumed that the board would be composed of a first-class traffic manager or special railway manager, who would not be what was called a professional man ; it would also be necessary to have a professional engineer, locomotive or civil, on the board ; and the third member would probably be a financier or accountant. The engineer might not even be the senior of the two junior commissioners, and, therefore, could not take the chair in the absence of the chief commissioner. The engineer would then be placed in a very peculiar position if he brought forward professional subjects, which the acting chairman did not understand, and with regard to which he had the casting vote—especially if there happened to be that friction between them which was so common, both in the colonies and on the English lines. He spoke from personal experience of the principal lines of railway that ran into Manchester ; and with regard to New South Wales, it was a well-known fact that Mr. Whitton, the Chief Engineer, and Mr. Goodchap, the Commissioner, had not spoken to each other for years. It was not to be supposed that the three commissioners would work together for any length of time without some little sneaking friction creeping in between the professional and the unprofessional elements. A professional gentleman would be placed at a great disadvantage if he had to attend a meeting of two, and the chair was occupied by a man who had no professional knowledge, and who had two votes.

The MINISTER FOR RAILWAYS said it appeared that the clause was capable of a good deal of amendment, either in the direction indicated by the hon. the leader of the Opposition or by adopting the Victorian system. In order, therefore, to get time to prepare the necessary amendments, he moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

The House resumed.

The Committee obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER moved,—That this House do now adjourn.

The HON. SIR S. W. GRIFFITH : Will Ways and Means be the first business to-morrow?

The PREMIER : Yes.

Question put and passed.

The House adjourned at twenty-one minutes past 10 o'clock.