Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 17 OCTOBER 1888

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LEGISLATIVE ASSEMBLY.

Wednesday, 17 *October*, 1888.

Formal Motion.—Marsupials Destruction Act Continuation Bill.—Railways Bill—committee—recommittal.—Chinese Immigration Restriction Bill—committee.—Adjournment.

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

FORMAL MOTION.

The following formal motion was agreed to :—

By Mr. POWERS—

1. That the Queensland Executors, Trustees, and Agency Company, Limited, Bill be referred to the consideration and report of a select committee.

2. That such committee have power to send for person and papers, and leave to sit during any adjournment of the House; and that it consist of Messrs. Dalrymple, Hyne, Lyons, Corfield, and the mover.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL.

On the motion of the POSTMASTER-GENERAL (Hon. J. Donaldson), it was affirmed, in Committee of the Whole, that it was desirable to introduce a Bill to continue the operation of the Marsupials Destruction Act of 1881, and of certain continuing and amending Acts relating thereto.

The Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

RAILWAYS BILL.

COMMITTEE.

On the Order of the Day being read, the Speaker left the chair, and the House resolved itself into a Committee of the Whole, to further consider the Bill in detail.

On clause 64, as follows:—

"If any officer or employé be convicted of any felony or misdemeanour, or become insolvent, or institute proceedings for liquidation of his affairs by arrangement or composition with, or his salary for the benefit of his creditors, he shall be deemed to have vacated his office."

Mr. DRAKE said it was pointed out on a previous occasion that there was no reason why the commissioners should not be included in the clause.

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) said that provision was made in clauses 12 and 13 for dealing with the commissioners.

The HON. SIR S. W. GRIFFITH said that something was left out at the beginning of the 4th line of the clause.

The MINISTER FOR RAILWAYS said the words left out were "make an assignment of." The clause should read, "or make an assignment of his salary," and so on.

Mr. DRAKE said that before that amendment was moved he wished to refer again to the matter he had mentioned. Clauses 12 and 13 did not deal with the matter at all. The 12th section provided that a commissioner should be deemed to have vacated his office if he became insolvent, and the 13th clause provided for a penalty on commissioners being interested in contracts. The 64th section referred to the conviction for felony of any officer or employé, but not of a commissioner; and he thought it was more important that provision should be made with regard to the commissioners than with regard to officers or employés, because it stood to reason that if an officer or employé were convicted of a felony he would be dismissed at once. He moved that the word "commissioner" be inserted after the word "any," in the 1st line of the clause, so as to read, "If any commissioner, officer, or employé."

The MINISTER FOR RAILWAYS said no such provision should come in in that part of the Bill, which dealt with the staff and not with the commissioners. They had dealt with the commissioners already.

The HON. SIR S. W. GRIFFITH said he thought it would be out of place to put that amendment in there. He wished to ask what was the intention of putting in the provision as to an assignment of salary? Did it mean if a man assigned his salary generally for the benefit of his creditors, or if he gave an order to the commissioners to pay over his salary to a particular creditor? As the clause stood it would only apply to a case in which a man made a general assignment of his salary. He did not know whether the hon. gentleman intended it to cover the other case as well, as there had been cases of that kind in which difficulties had arisen before.

The MINISTER FOR RAILWAYS said it was meant to cover a general assignment. The matter of an employé giving an order on the commissioners or on the paymaster for his salary would be dealt with by the commissioners, and they would no doubt decide whether they would allow such a thing to be done or not. But if a man made a general assignment of his salary for the benefit of his creditors, it would be equal to an act of insolvency, and he would be deemed to have vacated his office.

Mr. GLASSEY said the clause was rather hard on the working man employé. If such a man got back a bit in his storekeeper's books and the storekeeper demanded an immediate settlement he might have to go insolvent for his own protection, and under the clause if he did so he would at once lose his work. A case of that kind had come under his notice recently, where a lengthsman had got back a bit in that way, through no fault of his own, but in consequence of difficulties in his family, and his creditor demanded immediate payment. The man said he was unable to pay all at once, but was willling to pay 10s. a month if the creditor would wait. The creditor said the man might "lift" and go at any moment, and he would lose his money, and so he would not wait. That man had no alternative but to go into the insolvency court; and in such a case, under the clause before them, he would lose his work. He was working on the Southern and Western line at 6s. 6d. a day, and had a wife and eight children, the eldest of whom was only thirteen years of age, to support. Was it not reasonable that in such a case a man's instant dismissal should not take place, but that he should be suspended until the commissioners inquired into his case? Again, he could mention the case of another workman engaged in the railway service, who lived a considerable distance away, and who had had sickness in his family. He was obliged to call in a doctor, and the bill for the doctor's first visit was for £8. He had seen that bill, and if the man had to have many such visits the cost would soon come to £50 or £60. Supposing, then, the doctor demanded immediate payment, the employé would be obliged to go to the insolvency court for protection, and in that case, when he was left with practically nothing, he would lose his work as well. That seemed rather hard, and he thought some amendment was necessary to meet such cases.

The MINISTER FOR RAILWAYS said the hon. gentleman should have read the next clause before he made that speech, and he would not then have made it. The next clause provided for just such cases, as, where the commissioners were satisfied the pecuniary embarrassment of an employé had not been caused or attended by fraud, extravagance, or dishonourable conduct, they might reinstate such officer or employé.

Mr. GLASSEY said, in that case it would be only a suspension. If a man had to vacate his office he would lose his wages, and in the case of the men he had referred to that would be a very serious matter.

The COLONIAL SECRETARY (Hon. B. D. Morehead) said he thought that in every department of the Civil service of the colony, though the officers and employés were liable to vacate their positions if they went insolvent, yet, where it was shown that the insolvency occurred through no fault of the individual, the man was almost immediately reappointed.

Mr. DRAKE said that with the permission of the Committee he would withdraw his amendment, as he saw that was the wrong part in the Bill in which to introduce it. At the same time he thought a provision of that sort should have been inserted as a matter of fairness to all.

Amendment, by leave, withdrawn.

The MINISTER FOR RAILWAYS moved the insertion of the words "make an assignment of" after the word "or," in the 3rd line of the clause.

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

Clause 65—"Commissioners may reinstate insolvent officer in the absence of fraud"—passed as printed.

On clause 66, as follows:—

"The Commissioner shall—

(1) Keep a record of all persons in the railway service, and shall record therein the rank, position, or grade, the length of service, salaries, and such other particulars with regard to such persons as they think fit;

(2) Cause entries to be made in such record, of deaths, dismissals, resignations, promotions, and reductions;

(3) In the month of July, in the year one thousand eight hundred and eighty-nine, and in the same month in each and every third year thereafter, publish in the *Gazette* a list of persons employed in the railway service up to the thirty-first day of June preceding."

The MINISTER FOR RAILWAYS said there was a clerical error in the last line of that clause. He moved that the word "thirty-first" be omitted, with the view of inserting "thirty."

Mr. HODGKINSON said he would like to know whether there was any provision to the effect that the list of employés should be furnished annually. He thought it should be printed so that it could be checked by the Committee. A list of officers and teachers in the Department of Public Instruction was published annually and laid before Parliament, and as it was one of the good features of that Bill that they were paving the way for a general amendment of the Civil service, it would be as well to make some such provision with respect to the Railway Department. Was the hon. gentleman prepared to accept an amendment to that effect?

The MINISTER FOR RAILWAYS said he would draw the attention of the hon. member to clause 34, which provided that a list of the appointments and removals of officers should be rendered quarterly, and then in clause 35 there was a provision made that the annual report of the commissioners should include a list of all persons who had been admitted to, and who had left or been dismissed the service since the last annual report. Although it did not specify in the Bill that the quarterly returns should be laid on the table of the House, still they would always be available when asked for, at any time. He thought those two provisions were sufficient to meet all requirements.

Mr. HODGKINSON: I will not press the matter.

Amendment put and passed.

The HON. SIR S. W. GRIFFITH said, before passing from that part of the Bill which dealt with the servants of the commissioners, he wanted once more to invite the attention of the Government to the provisions which were very much discussed on the previous evening. Clause 61, as it now stood, provided that "the commissioners shall hear and determine any appeal made by any employé," and then there was a proviso that the "employé shall have the right to appear personally before the commissioners, and be heard in his defence." The result of that was that the commissioners were supposed to sit as a court of appeal; they would have to sit formally. They could not dispose of any appeal of that sort without sitting formally and hearing it themselves; they would not be able to delegate any part of that duty to anybody else as far as he could see. Of course, that was quite impracticable; they could not work the department in that way. The men might be a thousand miles from Brisbane, and it would be quite impossible in such a case for them to personally investigate the appeal. If they had to do that it would hamper the business of the department very much. He pointed that out now, because it was not desirable that they should have applications made to the Supreme Court to compel the commissioners to hear those appeals. It would be no answer for the commissioners to say that they sent one of their officers to inquire into the matter; that would not be considered a hearing of an appeal within the meaning of that provision. He was aware that they could not deal with the matter at that moment; but he mentioned it then because he understood the Bill would have to be recommitted for the amendment of one or two clauses, and it was desirable that it should be put in a workable form. As he had endeavoured to point out before, if it was intended that the commissioners should hear appeals in the same way as the Minister did, they must use some other words different from the words "hear and determine." If it was intended that the commissioners should have the right of appointing some other officer to investigate the matter, then there should be a provision such as he had suggested the previous day, allowing the inquiry to be made by some person appointed for that purpose. Those clauses were, in fact, part of the scheme of permanent employment, and were inconsistent with the idea of a man holding office during pleasure. If the employés held office during pleasure only, there could be no real appeal, and the only way to reconcile the two provisions was to say that "Well, the commissioners have the absolute right to do what they think right, still they must follow certain forms in doing it." That was the only way in which they could be reconciled. He mentioned the matter now so that in the few minutes that would elapse before they got through the Bill the hon. gentleman might consider which was the best scheme to adopt. If it were determined what scheme it was to be, it would be easy enough to alter the clause so as to give effect to it.

Clause, as amended, put and passed.

On clause 67, as follows:—

"The commissioners shall make regulations—

(1) For prescribing the qualifications required of all candidates for permanent employment in each of the various branches of the railway service, and, if necessary, in each grade of such branches;

(2) For the examination of candidates and the granting of certificates to them;

(3) For determining the nature or character and extent of examination or tests, according to the requirements of each of the higher grades in the railway service, which employés in the lower grades, desiring to compete for and to be promoted to such higher grades, shall undergo;

(4) For regulating the relative rank, position or grade in the duties and conduct of the employés in each of the various branches of the railway service; and for determining which of such grades shall be deemed the higher and lower grades, respectively, in such railway service;

(5) For regulating the duties to be performed by the employés in the railway service, and the discipline to be observed in the performance of such duties, the granting of leave of absence

from time to time, and arranging for the performance of duties during holidays, and for affixing to breaches of such regulations, according to the nature of the offences, such penalties as by this Act are authorised;

(6) For regulating and determining the scale on which employés in the various grades of the railway service shall insure their lives;

(7) For the hearing and determining of appeals;

(8) For altering or repealing any rules or regulations made before the passing of this Act with regard to railways;

(9) For fixing the ages at which persons employed shall retire in the different branches of the railway service.

All such regulations, when approved by the Governor in Council, shall have the same force and effect as if they had been contained in this Act."

The MINISTER FOR RAILWAYS moved that the word "permanent," in the 2nd line of the 1st subsection, be omitted. With regard to the remarks of the leader of the Opposition, he would remind the hon. gentleman that on the previous evening he (the Minister of Railways) stated half-a-dozen times that it would be utterly unworkable if the commissioners had to hear all appeals, yet it was insisted that that clause should be inserted, giving an employé the right to appear personally before the commissioners. But, after all, there was nothing inconsistent about it. An employé had the right of personal appeal. It was his argument all through that the clause as it stood was quite sufficient, and he was told by the highest legal authority in the House that there was no difference between "hearing" and "investigating," and that the commissioners might delegate their powers in that respect to anyone they might choose to appoint. He proposed the alteration of the word so that there should be no misunderstanding about it. The Committee were misled by the gentleman whom they were accustomed to consider the highest legal authority in the House—the late Attorney-General. He did not think the clause, even as it stood, would lead to any great amount of litigation, but that it would work perfectly well without further amendment. The commissioners would be men of practical common sense, who would conduct their proceedings on the principles of common sense.

The HON. SIR S. W. GRIFFITH said it might fairly be assumed that the commissioners would be reasonable men, but the people they would have to deal with might not be, and they would have to administer the Act as they found it. The commissioners might act reasonably; but they might easily be dragged into court by some unreasonable person. That should be avoided, and he rose to make a practical suggestion, that it would save all trouble and doubt if the clause were to read, "The commissioners shall investigate in such manner as they think fit," and so on, adding at the end words to the effect that they may appoint any person to make the inquiry. He foresaw a great danger of litigation under the clause as it stood.

Mr. DRAKE said it was due to some hon. members on that side that the matter should be properly explained, and the Minister for Railways had not given a quite correct version to the Committee. The first amendment was to omit the last paragraph of the clause, with the view of inserting the following:—

"That within sixty days from the date of the appeal the matter shall be investigated by the commissioners or one of them, or by some person appointed by them, not being the officer by whom the employé was suspended, fined, or reduced; and such employé shall be entitled to be heard personally, or by counsel, or solicitor upon the investigation."

That was the amendment which the hon. gentleman said that for the sake of peace he would accept. The amendment was put in the usual form, that the last subsection of the clause be negatived, with the view of inserting the words he had just read. The Committee did negative the subsection of the Bill, but when the new words were proposed to be inserted, to the surprise of hon. members on that side, the Government negatived the amendment. Several other amendments were proposed to fill up the vacant space, and at last he proposed one to the effect that the employé who appealed should have the right to appear in person. The Premier, in reply to him, said:—

"There was not the slightest doubt in the world that the men would always have the right to appear for themselves, and it was absurd to put in that little finnicking amendment to the clause, which would clearly be dealt with by the common sense of the commissioners"—

giving the Committee to understand clearly that the appeals were going to be heard in such a way that the appellant could always appear personally.

The MINISTER FOR RAILWAYS said he had not had time to look up *Hansard*, but he believed that what the hon. member had just stated as to what took place last night was perfectly correct. If any misunderstanding had arisen he was sorry for it. With regard to the amendment suggested by the leader of the Opposition, he was perfectly willing to accept it; it was exactly in accordance with his own views and statements last night. On the recommittal of the Bill he would introduce an amendment to that effect. With regard to the clause now under discussion, he would move that the word "permanent," in the 3rd line, be omitted.

Amendment put and agreed to.

The HON. SIR S. W. GRIFFITH said the reference in the 3rd subsection to competitive examinations would have to be omitted.

The MINISTER FOR RAILWAYS said he did not think the words "desiring to compete for" necessarily implied a competitive examination. The subsection as it stood would be in full accord with the remainder of the Bill.

Mr. BARLOW said he would call the hon. gentleman's attention to what seemed an obvious error in the 4th subsection. It was there stated, "For regulating the relative rank, position, or grade, in the duties and conduct of the employés." The word "in" should evidently be "and."

On the motion of the MINISTER FOR RAILWAYS, the word "and" was substituted for "in" in line 25; and the word "time" was inserted in line 34.

Mr. GROOM asked if the 6th subsection would apply to all railway officials?

The MINISTER FOR RAILWAYS said it would apply to all probationers—to all who entered the service after the commencement of the Act—not to the present staff.

The HON. SIR S. W. GRIFFITH said he was afraid the 9th subsection might give rise to some hardship. The commissioners were given absolute power to fix the ages at which employés should retire from the service, and men might be called upon to retire before the provisions for insurance or superannuation would come into operation. He was afraid there would be a good deal of hardship in that way before the system got into working order.

The MINISTER FOR RAILWAYS said he did not think there was any danger in that respect. In order to foresee any such danger they must assume that the commissioners were going to act in a tyrannical and despotic manner. He had always argued that they must place some confidence in the men who were to work the Act. If they tied them down in every direction they

might as well have no commissioners at all. He could not assume that they would act in the harsh and inhuman manner suggested, and discharge men simply because they had arrived at a certain age, although they were well able to perform their duties. He really thought it was a matter that should be left in the hands of the commissioners.

Mr. HUNTER said, perhaps it would be better to strike the subsection out altogether, and simply give power to remove men when they were no longer fit to perform their duties?

Mr. HODGKINSON said the principle of compulsory retirement at a definite age was based upon the existence of a provision for the maintenance of officers who had attained that age; and there could be no provision of that kind until the Act had been in operation for some years, because there would be no funds for that purpose. Although an unfortunate employé might be beyond the age at which it was desirable to retain him in the employment, and although it was perfectly correct that the commissioners would probably be men rather superior to the average of men, he should say, both in common sense and proper feeling for employés; still he did not think the Committee should let slip out of their power the present opportunity of providing some mode of justice for those men who had done good service to the State, and who might be exposed to possible danger.

The MINISTER FOR RAILWAYS said there was, no doubt, a good deal of truth in the remarks that had been made on the subject. He had promised last night that he would give his best attention to the matter, and see what could be done respecting it next session. In the meantime he would point out that if there was a probability of that danger arising, the men referred to must be in a very precarious and unsafe position at present, because the commissioner could discharge any one of them without notice, or without any appeal, or without assigning any cause whatever.

The HON. SIR S. W. GRIFFITH: They have the Government to deal with now.

The MINISTER FOR RAILWAYS said they would always have the Government to deal with. The Bill required that all regulations must obtain the approval of the Governor in Council. That brought the Government in again. If the Government approved of any regulations the operation of which would involve hardships on the employés, then they must be able to justify their conduct to that House.

Mr. DRAKE said he thought the difficulty might be met by excluding persons who were already in the employment of the Railway Department, and leaving them to be dealt with as they were now. The hon. gentleman said the men were now in a precarious position, because they might be dismissed at any time, but if the commissioners fixed a certain age they would be compelled to dismiss them at that age; whereas at the present time the men enjoyed, at all events, the discretionary power the department had to retain their services. He therefore suggested that they should exclude all who were already in the service, and make the provision apply to those who might be employed hereafter.

The HON. SIR S. W. GRIFFITH said there ought to be power given to the Government to repeal regulations, in the same way that they had power to repeal by-laws. He therefore suggested to add to the clause, "Provided that any regulations may be rescinded by the Governor in Council."

Mr. HYNE said he did not want to detain the Committee, but he really could not see the necessity for subsection 9. The clause stated at the beginning:—

"The commissioners shall make regulations;"

and then subsection 9 went on—

"For fixing the ages at which persons employed shall retire in the different branches of the railway service."

He had not the slightest doubt but that the commissioners would fix the age at sixty years; but he had heard that several worthy employés had exceeded that age, and he thought it would be as well to leave the matter to the discretion of the commissioners.

The MINISTER FOR RAILWAYS said that was precisely what it was meant to do. He did not know why the hon. member should assume that the age would be fixed at sixty years. They would most likely fix different ages in different branches. For instance, they would fix the age at which an engine-driver should retire at an earlier period than that at which a gatekeeper should retire. It would all be left to the discretion of the commissioners. If the hon. member read the subsection he would see that it stated:—

"For fixing the ages at which persons employed shall retire in the different branches of the railway service."

He begged to move that, at the end of the clause, the following proviso be inserted—

Provided that any regulation may be rescinded by the Governor in Council.

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

Clause 68—"Saving of rights, etc., to officers"—put and passed.

On clause 69, as follows:—

"Nothing in this Act shall be held to in any way interfere with the right of employés in the railway service to sue the commissioners in any court of law, and this Act expressly reserves to every employé the right so to sue should he so desire, whether under the Employers' Liability Act of 1886 or otherwise. It shall not be within the powers of the commissioners to agree with the employés in their service to contract themselves out of the provisions of the Employers' Liability Act of 1886 or any Act, or to compel them to forego any civil rights to which any Act entitles them."

Mr. O'SULLIVAN said that he had intended proposing a new clause to precede clause 69, as follows:—

If any person, who may be in the railway service after the commencement of this Act, shall be required by the commissioners to retire on account of his age, there shall be paid to such person for the remainder of his life a yearly pension equal to two-thirds of the amount of his yearly salary at the date of his compulsory retirement, and such pension shall be a charge upon the Consolidated Revenue, and the Colonial Treasurer shall pay him the same from time to time accordingly.

In consequence of some remarks made about the matter last night, he thought it better not to move that. The Minister for Railways, he knew, was a man who would keep his word, and he had promised that he would deal with the matter next session; and he had not the slightest doubt the hon. gentleman would remember his promise. He would accordingly not move his proposed new clause. Anything the Minister for Railways would bring in would have a thousand times more weight than if he (Mr. O'Sullivan) poked himself in between those clauses.

Clause put and passed.

On clause 70, as follows:—

"No regulation which the commissioners are by this Act empowered to make, in any way altering or annulling any privileges or immunities which their servants have previously enjoyed, or dealing in any way with hours of work or wages, shall have any force or effect until the same is confirmed by the Governor in Council nor until the expiration of seven days from the publication thereof in the *Gazette*."

The HON. SIR S. W. GRIFFITH said he did not understand that clause, or its object. The previous clause only gave power to make regulations with the approval of the Governor in Council. What was the use of adding that regulations should have no effect unless they were confirmed by the Governor in Council? Besides, he did not know what were the "privileges or immunities" referred to. It had been already provided in clause 67 that all regulations were approved by the Governor in Council.

The MINISTER FOR RAILWAYS said it had no great weight, considering the clauses, they had previously passed; but a number of hon. members had already been carried away with the idea that a great deal of hardship might occur to railway employés at the commencement of the operation of that Act, and that clause was put in to show that no such thing was intended, as far as their privileges and immunities were concerned. He thought the clause would do no harm, and therefore it would be as well to leave it in.

The HON. SIR S. W. GRIFFITH said as it had no particular meaning, it might just as well be omitted.

The MINISTER FOR RAILWAYS said that he said its meaning was explanatory.

The HON. SIR S. W. GRIFFITH said it was only explanatory, and had no particular meaning, and, considering that it had been already provided that all regulations before coming into operation had to be approved of by the Governor in Council, it might just as well be left out. Clause 67 said that they could not make any regulations without the approval of the Governor in Council, so why should they declare that they could not make those particular regulations? If the clause were left in it would be desirable to say "any officer or employé" instead of "their servants," because "their servants" might be taken to mean something different, not being used anywhere else in the Bill.

Mr. MURPHY said he thought the hon. member for Bundanba ought to support the clause, because it provided that the commissioners should not be able to interfere with the work or wages of railway employés without the sanction of the Government.

Mr. POWERS said that the previous clause, relating to by-laws, provided that as soon as they were approved by the Governor in Council, they should have the same force as if they were contained in the Act; but when the commissioners made by-laws interfering with the immunities and privileges of officers or employés, they must not only receive the approval of the Governor in Council, but must be published in the *Government Gazette* seven days before they could be put in force. The reason for the difference was, probably, that in the latter case the persons affected would have the opportunity of drawing the attention of the Government to any injustice if the by-laws appeared in the *Government Gazette*.

The MINISTER FOR RAILWAYS moved the omission of the words "their servants have," with the view of inserting the words "any officer or employé has."

Amendment put and passed.

Mr. DRAKE said he understood the Minister for Railways on the second reading to say that there was nothing in the measure which would interfere with the privileges at present enjoyed by the employés on the railways. It seemed to him that the commissioners would have the right to alter or annul any of those privileges, but the alteration would not come into effect until it had received the consent of the Governor in Council, and seven days had expired after its publication in the *Gazette*.

The MINISTER FOR RAILWAYS said the wages and hours of railway employés could not be altered now without the authority of the Governor in Council, and the clause was intended to prevent the commissioners having more power than the Government.

Clause, as amended, put and passed.

Clause 71 — "Adjustment of weights and measures on railways"—passed as printed.

On clause 72, as follows:—

"If any person employed by the commissioners—

(1) Exact, or take, or accept on account of anything done by virtue of his office or in relation to the functions of the commissioners, any fee or reward whatsoever other than the salary, rewards or allowances prescribed or sanctioned by Parliament; or

(2) Be in anywise concerned or interested in any bargain or contract made by or on the behalf of the commissioners, otherwise than as a member only, but not as a director or officer, of any registered, incorporated, or joint stock company with whom any such bargain or contract may be made;

he shall be dismissed from his office, and shall be incapable of being afterwards employed by the commissioners, and shall also be guilty of a misdemeanour, and upon conviction thereof shall be liable to be imprisoned with or without hard labour for any term not exceeding two years."

Mr. BUCKLAND said he thought the clause should contain a penalty for supplying spirituous liquors or beer to any employés of the railways while on duty. A large amount of correspondence had lately taken place in the Melbourne papers in reference to that growing evil, and he had an extract from the *Melbourne Herald* of the 11th August, which he would read to the Committee. Referring to what had taken place in connection with the matter in the Canadian Parliament, the writer said:—

"The new Railway Bill which has just passed the Dominion Parliament, introduced by the Hon. Mr. Pope, contains the following remarkable clause:—'Every person who sells, gives, or barters any spirituous or intoxicating liquor to or with any servant or employé of any company while on duty is liable, on summary conviction, to a penalty not exceeding fifty dollars or to imprisonment with or without hard labour for a period not exceeding one month, or to both.' The intelligent legislators of Canada have recognised that there is a criminal responsibility resting upon those who induce railway employés to drink or supply the means of intoxication. What a contrast to the insane methods of Victoria?"

He need not read more than that, and if the Minister for Railways intended to recommit the Bill he should consider the necessity for a penal clause dealing with persons in the habit of supplying grog to railway employés. There was no doubt, from the correspondence he had read on the subject, that a large number, or at all events some, of the accidents which had taken place on the railways in Victoria were attributable to the practice of supplying employés on the railway with spirituous liquors while they were on duty. He commended the necessity for the introduction of such a clause to the attention of the Minister for Railways.

Mr. HODGKINSON said the suggestion of the hon. member for Bulimba should not be allowed to fall unheeded. It would be remembered that not a very long time since, when the Gympie companies of the Defence Force were attending a review at Lytton, there was great danger of a serious accident, which might have jeopardised their lives, and resulted in a fatal disaster solely through the mistaken kindness of some of those men in plying the engine-driver with drink until he was unfit to discharge his duty. The driver was dismissed, and it was

only by great influence and owing to his previous good character that he was afterwards admitted to an inferior grade of the service. The suggestion of the hon. member was an extremely valuable one, as mistaken kindnesses of that kind deserved severe punishment, as they were calculated to imperil the lives of passengers.

The MINISTER FOR RAILWAYS said he had taken a note of the observations of the hon. member, but he could not insert a clause of the kind without further notice. The matter the hon. member referred to was much more difficult to legislate upon than the hon. gentleman seemed to think.

Mr. HODGKINSON: It is done in the Canadian Bill, why can it not be done here?

The PREMIER: The clause can be put in, but the drinking will go on all the same.

The MINISTER FOR RAILWAYS said he did not think the statements the hon. member for Bulimba had referred to could be proved. It might be proved that accidents occurred through the station-masters or engine-drivers getting drunk; but it was going a good step further to prove that it was through other people supplying them with drink. The duty of the men, no doubt, was that they must keep sober, and thorough discipline must be exercised throughout the service, seeing that the lives of the travelling public were in the hands of the servants of the department. But to provide that all temptation to get drunk should be kept entirely out of their way was not so easily done as the hon. member appeared to suppose. He thought it was neither desirable nor expedient to attempt to do it in that clause.

Mr. O'SULLIVAN: It had better be left alone.

The HON. SIR S. W. GRIFFITH said it was, of course, highly improper for a passenger to give any liquor to an engine-driver or guard, and those who did so should be punished. The engine-driver or guard who took liquor in that way would be dismissed immediately. That would be distinctly understood, and could be done by the commissioners. The clause itself dealt with another subject, and he believed went further than was intended. As a matter of fact, under the clause, if a porter took a tip of 1s. he was liable to instant dismissal, was incapable of being afterwards employed by the commissioners, and was further liable to imprisonment with hard labour for two years. That could not be intended, but it was what the clause said. He believed such a man was liable to dismissal now, but not to a penalty of two years' imprisonment. Since those rules had first been introduced they had really established a new branch of the service in connection with the sleeping cars. He had travelled in sleeping cars in many places, and so far as he had been able to discover, it was almost an understood thing that passengers using sleeping cars gave something to the guard as a personal acknowledgment of services rendered. That was done in every country in which he had travelled in sleeping cars. Was it to be understood that in a case of that kind the guard was to be liable to two years' imprisonment for accepting the ordinary acknowledgment of his services? There was no use in putting in the Bill a clause that was not intended to be carried out.

Mr. BUCKLAND said he had not dealt with that matter, but had confined his remarks to the practice on the part of some passengers of giving spirituous liquors to guards and engine-drivers. There was no doubt that some of the railway accidents which had occurred could be traced to that practice, and the Minister for Railways would do well to introduce a clause to penalise it.

The PREMIER said the leader of the Opposition had opened up new ground, as it were. He seemed to think that a person in charge of a sleeping car had a sort of right to exact a fee which an ordinary porter had not. That clause was in all Railway Bills, both at home and here; but at the same time he believed they all tipped the porter. He knew a good many people did, but for all that they must have a general law of that kind. It would not do to leave it out.

The COLONIAL SECRETARY said that if the porter accepting a tip was to be liable to punishment, the person offering the tip ought also to be punished. So long as there was travelling tips would be given. While in England, he went with a party of friends to visit a cathedral, and they found a notice stuck up to the effect that no tips were to be given to the guides who showed visitors round the cathedral. The party were fortunate in getting a capital guide to show them round—he would not mention the date so that the man might not be discovered—and when they were going away he said to him, "I should like to give you something, but the rules prevent me from doing so." The reply he got was: "Well, there is no one looking on at present."

The HON. SIR S. W. GRIFFITH said the Premier had stated that was the law in England. It was not the law, but it was provided for by the regulations of the companies. The objection he raised was that the clause made the taking of a tip a crime, punishable with two years' imprisonment, and he was sure that was not the intention of the Committee.

The PREMIER said the propriety of giving tips was a matter of opinion. People were very much divided as to the justice of giving tips to officials on railways and others. He believed himself it was a first-rate practice. He did not believe a man could get better service in the world than he could get from a railway porter at an English railway station by giving him 6d. There was no place in the world where a man could get his luggage better looked after than in England. They did not require to go through any of the forms that were necessary in America, and which took a quarter or half-an-hour. A person simply went to the station within a minute of the train starting, handed his luggage to the porter, and at the end of a journey of a hundred miles it was put into a cab without any trouble, if the passenger tipped the porter a sixpence or a shilling according to his circumstances. It was a capital practice there, and if a clause of that kind were allowed to pass it would never be acted on in this colony.

Mr. GROOM said he had known members of the Committee commit a breach of that provision. Not very long ago, in going across to Victoria, several members had a sleeping car. One of the number went round the car and stated that it was a usual thing to give something to the conductor of the car, and each of them gave 2s. 6d. for that purpose. In New South Wales also a collection was made and handed over to the porter. If the general public liked to give a porter a pecuniary reward for his attention, why should they not do so? He did not see any harm in it at all.

The MINISTER FOR RAILWAYS said that after the expression of opinion they had heard from various members, he was disposed to think the clause had better be retained, because it seemed that the generality of members were inclined to encourage the system of tipping. If they passed that clause, it would not be put into

operation on every occasion that a man received a shilling, but only where anything of that sort was abused, and a servant attempted to exact any payment. In such a case he certainly ought to be punished. Moreover, it was never intended, nor was it provided in that clause, that an employé convicted of that offence should be imprisoned for two years; the wording of the clause was "for any term not exceeding two years." On the whole, he thought the clause would not do any harm. An exactly similar provision, word for word, was in operation in Victoria and New South Wales, and he thought it had better be left in the Bill.

Mr. PALMER said the argument that the clause was in operation in Victoria was not a sufficient reason why the clause should be accepted by the Committee. The last part of the clause contained a provision that they should never pass, because, if they did pass it, an employé receiving any fee would be guilty of a misdemeanour, and on the offence being brought home to him, he would be dismissed from his office and be "incapable of being afterwards employed by the commissioners." That surely was punishment enough without giving anyone the opportunity of inflicting upon him the further penalty of imprisonment, "with or without hard labour, for any term not exceeding two years." It was a barbarous and almost inhuman penalty, and ought not to be agreed to simply because it was the law in Victoria and New South Wales.

The HON. SIR S. W. GRIFFITH said the 2nd paragraph with regard to being concerned or interested in any bargain or contract made with the commissioners, otherwise than as a member only of a joint stock company, was all right; but the 1st paragraph was absurd. The matter of taking fees at a railway station was one that might very well be dealt with by the commissioners by by-law or regulations. The Minister for Railways said the clause was not intended to be enforced in the sense in which it was understood by members of the Committee. He (Sir S. W. Griffith) said it was a very bad thing to have artificial crimes created on the Statute-book which nobody believed to be real crimes. That only tended to produce contempt for the criminal laws, which was a very injurious thing. He moved that the whole of subsection 1 be omitted, and that the word "is" be substituted for the word "be" at the commencement of subsection 2.

Mr. BARLOW said before that amendment was put he would suggest that something should be done with regard to the commissioners taking bribes, because if they took bribes they were bound to be large ones. The only offences for which a commissioner would vacate his office were those specified in clause 12, and, as the hon. member for Enoggera had pointed out, they would not be deemed to vacate their office even on conviction of felony. He would suggest that the clause should be amended so as to read that "if a commissioner, or any person employed by the commissioners, is in anywise concerned or interested in any bargains," etc.

The COLONIAL SECRETARY said he would call the attention of the hon. member for Ipswich to the old proverb that "suspicion haunts the guilty mind."

Mr. BARLOW said with regard to the imputation of the Colonial Secretary, he would point out that on the second reading of the Bill he stated that he did not see why any difference should be made between the commissioners and employés. A commissioner was as likely to commit embezzlement, or take bribes, or be concerned in an illegal act as any employé; and he did not see why such an imputation should be made by the Colonial Secretary with regard to him or any other member of the Committee. He did not see why they should make fish of one and flesh of another in that Bill.

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

On clause 73—

"No action shall be brought against the commissioners or against any person for anything done or purporting to have been done under this Act unless the same shall be commenced within one year after the act complained of was committed;

(1) No such action shall be commenced against the commissioners or such person, until one month at least, after a notice in writing of the intended action shall have been served upon them or him, or left at their or his principal office or place of business, by the party intending to commence such action, or by his solicitor or agent, in which notice the cause of action and the court in which the same is intended to be brought shall be clearly and explicitly stated, and upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue, and also the name and place of business of his solicitor or agent, if the notice is served by such solicitor or agent.

(2) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the Judge before whom the action is tried shall be of opinion that the defendant in the action has been prejudiced in his defence by such defect or inaccuracy.

Medical Examination.

(3) Whenever any person injured by an accident on a railway claims compensation on account of the injury, any judge of the court named in the notice of action to recover such compensation may, at any time before or after the action has been commenced, order that the person injured be examined on behalf of the commissioners by some one or more duly qualified medical practitioners named in the order, and may make such order with respect to the costs of the application for such order and of such examination as he may think fit."

The HON SIR S. W. GRIFFITH said he did not think the clause had received the attention it deserved from the Government. It was a very common thing in Acts giving arbitrary powers or statutory powers to individuals or officers, to provide for a limitation of the actions which may be brought against them. That was only when particular powers were intrusted to them under the Act in question; but he was not aware of anything that could be done by the commissioners under this Act for which an action could be brought, except, perhaps, a breach of contract, which was a case to which the clause was not intended to apply at all. It would be very absurd to say that no action could be brought against the commissioners for a breach of contract, except within a year. A railway contract might be going on for three or four years, and it would be extremely inconvenient if the contractor had to bring actions against the commissioners from time to time. It would be better to wait until the contract was over and then have one action, if an action would lie at all. It would be unreasonable to compel him to bring an action within a year; so that so far as contracts were concerned the clause was inapplicable. Other subjects for which an action might be brought against the commissioners would be for negligence in connection with any accident that might occur, or for breaches of the law in connection with taking land. There was no reason why an action in regard to land should be brought within a year. It might happen that the commissioners might take land, and it would not be found out for many years. The owner might not be in the colony; and it would be most unreasonable to say that a man whose land was taken away from him would never be allowed to get it back again unless he brought an action within a year. Actions for accident would not be covered; he did not say they should not; but as the clause was framed it could not cover

cases of that kind, because running over a man, cutting his head off, or breaking his leg, was not a thing done under the Act. That would be the result of negligence in performing a duty imposed upon them by other Acts. The only case where the clause would apply would be an action brought for wrongful dismissal. That was really the only case. But all the officers would only hold office during pleasure, so that no action could be brought against the commissioners for wrongful dismissal. It might be very desirable to provide that no action should be brought against the commissioners for any injury sustained by any person for damages, without notice of action. That might be a very good provision, because there was much reason to suspect that actions for damages were often trumped up. A provision to that effect might be desirable, and the provisions of the next clause, providing for a medical examination, should be included in it.

The MINISTER FOR RAILWAYS: The provision for a medical examination ought to be a separate clause.

The HON. SIR S. W. GRIFFITH said the clause should either be omitted, or it must be remodelled, because it did not cover the cases it was intended to cover, and the cases which it did cover, if it covered any, which he very much doubted, were actions which it should not cover.

The PREMIER said he believed that the cases the clause was intended to cover were just the ones the hon. gentleman said it would not cover at all. He did not know whether the hon. gentleman was right; he thought he was, when he said that people who had met with accidents should bring in their claims within a reasonable time.

The HON. SIR. S. W. GRIFFITH said the clause did not cover that.

The PREMIER said, in the case of a claim brought by a contractor for payment for certain work, the contractor should not be forced to bring in his claim within six months or twelve months, as the contract might be going on at that time. The only important thing was that claimants, on account of accidents, should bring their claims forward within a reasonable time. The clause did not apply at all to contractors.

The HON. SIR S. W. GRIFFITH said sometimes the consequences of an accident might not develop themselves for some time.

Mr. MURPHY said many instances had occurred in which the real results of an injury had not manifested themselves for more than twelve months.

Mr. O'SULLIVAN said a dozen accidents had taken place in Ipswich, and no one had applied to the Government. Men had lost their lives, property, horses, buggies, and their means of living, and had not received an offer of even a shilling from the Government to keep out the bailiffs. There was one place in Ipswich which was a perfect trap for killing people, and the best of the thing was the Government were aware of it. He would read a paragraph that appeared in the *Queensland Times* of yesterday, and might tell the Committee that a paragraph of that kind in that paper might be relied upon. There was no doubt at all about it:—

"We are informed that on Saturday morning last an old woman, a resident in the neighbourhood of Warrill Creek, who occasionally tramps into town with her basket of produce, most narrowly escaped being run over at the West Ipswich railway and street crossing. She was either deaf or pre-occupied in mind, and as the Harrisville up-train passed across the street it came within a few inches of her. She was terribly scared, and it is little wonder that, as she stepped into an adjacent shop to rest and get over her fright, she exaggerated slightly by saying that she was 'kill't.'"

In the case of McNeil, a very respectable old gentleman who lived there, and supported his family by a cab and a pair of horses, the horses were killed, and if people believed in miracles nowadays, it would be called a miracle that the man himself was not killed also. At the inquiry, on that occasion, a respectable blacksmith living close by stated that he had saved eleven lives at the same place; and no man living at Ipswich ever doubted his evidence. It would be the easiest thing in the world for the Minister for Railways to protect the public against that constant source of danger, and the cost would be next to nothing. An old man, or a lengthsman's wife, might be stationed there with a flag, and save the lives of people. The colony was paying £17 or £18 per head to bring people out to the colony, and surely it was worth while to preserve their lives when they came out. He hoped the Minister would give him a promise that some steps would immediately be taken to prevent further accidents happening at that crossing.

The MINISTER FOR RAILWAYS said the matter was under his consideration, and he had already received several reports upon it. He was informed that at present there was hardly any danger of accidents, because trains were compelled to pull up there.

Mr. MACFARLANE: That is a mistake.

The MINISTER FOR RAILWAYS said the trains went so slowly that there was no danger. However, if any further measures were required he would take steps to provide them.

Mr. MACFARLANE said he was glad the hon. member for Stanley had brought that matter forward. Unless something was done soon, somebody would be killed there. The trains did not stop at the crossing, although they went over it very slowly, and it was owing to the carefulness of the drivers that accidents were not more frequent. He would suggest that, until the hon. gentleman matured his plans, some such step should be taken as that suggested by the hon. member for Stanley.

Mr. BARLOW said he also was glad to hear that the matter had received the consideration of the Minister for Railways. He brought the question forward on the second day of the session, and he did so at that early period because he was convinced of the extreme danger to life there was at that crossing. A case occurred a few days before that mentioned by the hon. member for Stanley, in which a lad was driving his cart over the crossing when a train came along, and so narrowly was an accident averted that before the lad could pull up, the engine had grazed the hair of his horse. The place was so constructed that on one side of the approach a train could not be seen coming. Before taking his seat in the House he had gone about amongst his constituents to ascertain their wants, and amongst other persons he called upon Mr. Bradfield, who kept a wheelwright's shop at the Little Ipswich crossing, and he told him that his attention was distracted from his business by the constant necessity of looking after people whose lives were in danger there. As the hon. member had said, Mr. Bradfield had saved some eleven lives from immediate danger; and how many he had saved by giving timely warning of danger he could not say. A train going slowly was even a greater danger than one going fast, because it made less noise; it stole along almost as silently as a bicycle. With regard to the case of Donald McNeil, he might have had no claim against the Government which could be substantiated in a court of law, but in all fairness some compensation should be made to him, and especially to to the young lady—the daughter of the old

couple who were killed on that occasion—whose case he fully explained in the questions he put before the House on the day he took his seat. There was no railway crossing in the colony so dangerous as that at Little Ipswich.

Mr. BUCKLAND said that as the question of level crossings had been raised, he would direct the attention of the Minister for Railways to the level crossings on the South Brisbane Railway at Woolloongabba. There were a number of level crossings on the public highways, and although no serious accidents had occurred there yet, there was a great probability that one might occur at any moment. He would suggest that the line be so diverted as to avoid the necessity for level crossings in such crowded thoroughfares.

The MINISTER FOR RAILWAYS said the matter referred to by the hon. member was under consideration by the department.

The HON. SIR S. W. GRIFFITH said he had looked carefully through the Bill to see whether anybody was authorised to do anything for which an action could be brought, and he found that in Part IV., if a person prevented or impeded an inquiry, any member of the court, or any person called by him to his assistance, might seize and detain the offender, and hand him over to two justices to be dealt with according to law. That was an act authorised to be done under the Bill, for which an action might be brought. He had some doubts about accidents, but if it were thought desirable to limit the time within which actions should be brought, he thought it should be limited in this way:—"No action shall be brought against the commissioners to recover damages or compensation in respect of any personal injury, or against any person, for anything done, or purporting to have been done, under Part IV. of this Act," and so on.

The MINISTER FOR RAILWAYS: Kindly move it.

The HON. SIR S. W. GRIFFITH said he did not like to move it, because he had some doubts about it.

The MINISTER FOR RAILWAYS moved that in line 48 the words "to recover damages or compensation in respect of any personal injury" be inserted after "commissioners."

Mr. AGNEW asked if that would cover injuries to property, such as horses, or anything of that sort?

The MINISTER FOR RAILWAYS: No.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved that the words "Part IV. of this Act" be inserted after "under," in line 50.

Amendment agreed to.

The MINISTER FOR RAILWAYS moved that paragraph 3 of the clause be omitted.

The HON. SIR S. W. GRIFFITH said he would now suggest the amendments that he thought were necessary to be made in paragraph 3 before it was inserted as a new clause. He thought it should read in this way:—"Whenever any person claims damages or compensation from the commissioners in respect of any alleged personal injury, any judge of the Supreme Court may at any time," and so on. He suggested the alteration because the application would be made by the Crown Law Officers, and it would be a saving of expenses in many cases, while they would not be increased in any.

Question—That paragraph 3 stand part of the clause—put and negatived.

Clause, as amended, put and passed.

The MINISTER FOR RAILWAYS moved the insertion of the following new clause:—

Whenever any person claims damages or compensation from the commissioners, in respect of any alleged personal injury, any judge of the Supreme Court may, at any time before or after an action has been commenced, order that the person injured be examined on behalf of the commissioners by some one or more duly qualified medical practitioners named in the order, and may make such order with respect to the costs of the application for such order and of such examination as he may think fit.

Mr. FOXTON said he thought an addition might very advantageously be made to that clause. At the present time, the usual thing when the Commissioner for Railways, or a divisional board, or any corporation was sued for damages for personal injuries, was to ask for a medical examination of the plaintiff, and that was usually accorded upon condition that the plaintiff's own medical adviser was present at the examination. He thought that a very necessary provision, and he would move that after the word "to" in the 26th line, the following words be inserted:—

The manner, time, and place of conducting the examination and.

That would authorise the court to make an order by which it should be conditional that the plaintiff's own medical adviser should be present at the examination, as that, was the invariable custom at the present time.

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

Preamble put and passed.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

RECOMMITAL.

On the motion of the MINISTER FOR RAILWAYS, the Speaker left the chair, and the House went into committee for the purpose of reconsidering clauses 2, 8, 45, 56, and 61.

On clause 2—"Incorporation and short title"—

The MINISTER FOR RAILWAYS moved the insertion of the following new subsection to follow subsection 3 of the clause:—

Whenever in any Act reference is made to the Commissioner for Railways, such reference shall be taken to be to the commissioners appointed under this Act.

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

Clauses 8 and 45 passed with verbal amendments.

On clause 61, as follows:—

"The commissioners shall hear and determine any appeal made by an employé against the adoption or confirmation of the advice or decision of the officer at the head of his branch, with regard to his right to promotion, or with respect to any charge made against such employé, or with respect to any penalty imposed upon such employé; and may confirm or modify such decision, or may suspend such employé; or, if he have been already suspended, may further suspend him for a period not exceeding six months, without salary or wages, or may inflict a fine to be deducted from his pay, or may dismiss him, or make such other order as they think fit; and their decision shall be final: Provided always that the employé shall have the right to appear personally before the commissioners and be heard in his defence."

The MINISTER FOR RAILWAYS moved that the words "hear and determine any" in the 1st line be omitted, with the view of inserting "investigate every."

Amendment put and passed.

The MINISTER FOR RAILWAYS moved that the words "provided always that the employé shall have the right to appear personally

before the commissioners, and be heard in his defence," at the end of the clause, be omitted, with the view of inserting the following:—

Every such investigation shall be made by the commissioners themselves, or one of them, or by some person appointed by them not being the officer by whom the employé was suspended, fined, or reduced, and the employé shall be entitled to be heard personally, or by counsel or solicitor, at the investigation. If the investigation is not made by the commissioners personally, the proceedings shall be forwarded to them for their consideration and decision.

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

On the motion of the MINISTER FOR RAILWAYS, the CHAIRMAN left the chair, and reported the Bill to the House with further amendments.

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

CHINESE IMMIGRATION RESTRICTION BILL.

COMMITTEE.

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

On clause 2, as follows:—

"The Chinese Immigrants Regulation Act of 1877, and the Chinese Immigrants Regulation Act Amendment Act of 1884, are hereby repealed, but such repeal shall not affect any act or thing lawfully done, or commenced or contracted to be done, under the provisions of such repealed Acts: Provided that any offence already committed, or any penalties or forfeitures already incurred, may be punishable and recoverable under the said Acts as if the same had not been repealed."

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said, that when the Bill was in committee before, some objection was taken by the hon. member for Enoggera to the repeal of the Chinese Immigration Regulation Act of 1877 and the Regulation Amendment Act of 1884, through the fear that some of the other colonies who had agreed at the conference to enact that any vessel bringing Chinese to any port in Australia in the proportion of more than one Chinese to every 500 tons would not become law, and he instanced South Australia. Since that time they had been informed from South Australia that the Act had passed the Assembly in that colony almost as it was introduced, and that the principles of the measure remained intact; so that, as far as South Australia was concerned, the Government had carried out the agreement made on behalf of the colony at the conference. He thought, therefore, that the objection of the hon. member for Enoggera would be withdrawn by him. There could be no fear, so far as South Australia was concerned, that the Bill would not pass, and he need hardly point out again that the fact of it being passed here also would be the means of having an identical measure passed in New South Wales. In that case the whole of Australia would be united in the determination to keep the Chinese out of Australia. So long as the principles agreed to at the conference were carried out there would be no objection to receiving amendments to prevent Chinese from landing in any surreptitious way. If the hon. member for Enoggera had an amendment which he thought would make the measure more restrictive, so long as it did not affect the principle of the abolition of the poll-tax, and the carrying of more than one Chinaman to every 500 tons burden of the ship, it would be accepted. The leader of the Opposition had an amendment, he understood, and he would be willing to accept that also if it did not touch the two principles to which he had alluded. He hoped, therefore, they would get on with the Bill and put it through as quickly as possible.

Mr. GROOM: The hon. gentleman promised to tell the Committee what South Australia had done with respect to the tonnage.

The MINISTER FOR MINES AND WORKS said the Bill had passed the Assembly, although there was some difficulty in passing it.

Mr. GROOM: The tonnage was reduced to 50 tons?

The MINISTER FOR MINES AND WORKS said, although there was some difficulty the original 500 tons was inserted in the Bill as it left the Assembly. It went to the Upper House with the 500 tons in, and a suggestion was made by one member of the Upper House to exempt the Northern Territory from the 500-ton regulation, making it one Chinaman to 50 tons, but nothing further had been heard of that. It was simply a suggestion which he was certain the South Australian Government would not be willing to accept.

Mr. DRAKE said he thought there should be some discussion on the clause; because it was by that clause that the Government gave up all that legislation which, it was admitted, had been effectual in excluding Chinese to a very large extent. He might just mention, in passing, with regard to what the hon. gentleman said as to what had been done in South Australia, that the proposal that the restriction should be reduced to one to every 250 tons was carried by the casting vote of the chairman in a pretty full Committee. Since the matter was last before the House, he had read the debates that took place subsequently in the South Australian Parliament, and found that a very great number of the members of the Assembly complained very bitterly that whereas the division reducing the tonnage to 250 was taken in a pretty full House, the division restoring the provision to one to every 500 tons was snatched. Now, he understood from the hon. gentleman that the other colonies —Victoria, New South Wales, and Tasmania— at the present time had done nothing, and the Tasmanian House was on the point of adjourning.

The MINISTER FOR MINES AND WORKS: Tasmania was opposed to the Act.

Mr. DRAKE said Tasmania had done nothing, but still he took it that that colony was supposed to be bound, as one of the minority at the conference, to carry out what the others proposed. Since the matter was last before the Committee, when the hon. gentleman kindly referred him to the proceedings of the conference, he had carefully read those proceedings, and he had also read the debates that took place in the South Australian Assembly, and he must say that he failed to find, either in the proceedings of the conference or in those debates, that any adequate reason was given for doing away with the poll-tax. The hon. gentleman, as he had said, voted in favour of the poll-tax himself. South Australia—the colony that was most interested in introducing, if possible, restrictive legislation—voted also for the poll-tax, and there was the despatch of Mr. Gillies, the Premier of Victoria, speaking very strongly in favour of the poll-tax. On the other hand, he could not find any despatch or speech in the proceedings of the conference in which any politician took up the position that the poll-tax in itself was not a good measure for the exclusion of Chinese from the colonies. What was the reason of the agreement against the poll-tax? Why was it agreed that the poll-tax should be repealed, and that one of the conditions of that uniform legislation should be the abolition of the poll-tax? In reading the debates

of the South Australian Assembly, in the *South Australian Register* of 23rd August, he found the Premier spoke as follows, apparently in answer to a question :—

"The Hon. T. Playford to the Hon. G. C. Hawker.—We have received an expression of opinion from the Imperial Government on the proposed Chinese Bill. As the Bill might possibly affect the international relations of Great Britain we thought it would be well, if possible, to ascertain the views of the Imperial Government on the question. The following telegram was sent by the Governor on the 19th: 'I am requested by Ministers to ask Her Majesty's Government if they preferred 500 tons limitation as proposed in section 5 of the Bill accompanied by power of relaxation as contemplated in section 2 without any poll-tax or a £20 or £30 poll-tax and 100 tons limitation without any powers of relaxation as contemplated subsection 3 section 2 Debate adjourned to Tuesday Ministers anxious to hear your views to inform Parliament if no objection.' The following reply was received: 'Referring to your telegram of August 20 Her Majesty's Government prefer abolition poll-tax and 500 tons limitation with powers of relaxation.'"

Of course that took place after the conference, but he would ask the hon. gentleman introducing the Bill, as he could find no reason on the face of the proceedings of the conference for the abolition of the poll-tax, whether that agreement was come to in deference to the wishes of the home Government?

The MINISTER FOR MINES AND WORKS said the agreement to abolish the poll-tax was not come to in deference to the wishes of the home Government. Mr. Gillies proposed the 500-ton restriction, and immediately he proposed it every member of the conference saw at once the effect it would have, if carried out throughout the whole of Australia, in preventing any further eruption of Chinese. Then it was agreed that the poll-tax should be abolished to smooth the way of the Imperial Government in obtaining a treaty-right from China in regard to the exclusion of the Chinese from Australasia. The conference requested the Imperial Government to obtain that treaty-right, as the American Government had obtained it a short time previously. They knew the poll-tax was obnoxious to the Chinese, and especially to the Chinese Government, and they were under the impression—and he believed that was the reason why it was agreed to abolish the poll-tax—that it would facilitate the negotiations between the two Governments of China and Great Britain. They could not look to themselves alone to prevent the Chinese from coming into Australia. They must have the assistance of Great Britain, because although they might pass laws, it depended entirely upon the Imperial Government whether those laws would be effective or not. As to what the rest of Australia would do, and as to the opinions of the gentlemen who sat at that conference, every one of them knew that the poll-tax had been effective to a certain extent; but it had not been as effective as they believed the 500-ton regulation would be, because in spite of the poll-tax in each of the colonies—and each of the colonies had a poll-tax—the number of Chinese in Australia was increasing. It was not because their poll-tax was a little more effective than poll-taxes elsewhere that they should hesitate a moment about it. They could not go alone upon a matter of that kind. They would have to go unitedly, and if they were able to go unitedly they would attain their object—that object being the exclusion of Chinese. Sir Henry Parkes, who was one of the leading spirits of the conference—he was the president—had proposed a Bill imposing a poll-tax of £100; but he saw the force of the 500-tons regulation, and immediately stated that as soon as the other colonies had adopted that principle, he would repeal the Bill which he had already passed, and adopt the other, which showed his belief in the greater effectiveness of the 500-ton restriction than even a poll-tax of £100, and showed his desire to act in unison with the rest of Australia. It was not in deference to the wishes of the home Government that the poll-tax was agreed to be abolished, but because the other means would be more effective, and be more acceptable to the Imperial Government and the Chinese Government.

Mr. DRAKE said the question seemed to be, in the first place, whether the colonies would all agree to pass the measure; and secondly, whether, if the measure were passed, it would be uniformly enforced in the colonies. And granting that to be the case, the question then was, whether that 500-ton restriction would be as effectual in keeping out the Chinese as the £30 poll-tax. In regard to the poll-tax, it had to be considered that they knew how it had acted up to the present time. If the total number of Chinese in the whole of Australia had not been decreased, he thought the total number in Queensland had, at all events. They saw by the returns of arrivals and departures by sea, that the number of Chinese in Queensland had decreased. There was one other advantage in the poll-tax, and that was that they had a sort of guarantee that it would be enforced, and since that regulation had been in force it had been successful. The hon. gentleman had first shown that he was of the same opinion as himself, and then instead of the poll-tax he proposed to introduce the 500-ton limitation.

The MINISTER FOR MINES AND WORKS said that although the poll-tax had been fairly effective up to the present time, he believed the 500-ton limitation would be more effective. Between 1876 and 1886 the number of Chinese in Queensland increased by 500, and during the whole of that period there was a poll-tax, at first of £10, and subsequently of £30. What would have been the effect if there had been the 500-ton restriction during that time? The number would have been at least 1,000 less. Instead of coming in at the rate of 300 or 400 a year, they would have come in at the rate of not more than 20 or 30. The largest vessel coming to Australia with Chinese could not bring more than 3 Chinese passengers, under that regulation, to the whole of Australia. If the three were for Queensland, not one could be taken to any of the other colonies; and if they were for any of the other colonies, not one would be landed in Queensland. No poll-tax could be so effective as that 500-ton regulation. Although every member of the conference spoke in favour of the poll-tax, they were convinced that the 500-ton regulation would be the most effective means of keeping out the Chinese.

Mr. DRAKE said that during the greater part of the period mentioned by the hon. gentleman, the poll-tax was only £10. It was not until 1884 that the poll-tax was increased to £30. At the latter rate it was administered by the late Government, and no doubt vigorously enforced, and the effect of it was shown in the decrease at the present day, the arrivals last year having been less than the departures by, he believed, 200. How could the hon. gentleman possibly argue that because during those ten years there had been an increase of 500, therefore the poll-tax had not acted well—while he (Mr. Drake) was referring to the £30 poll-tax since 1884—he could not understand. The imposition of that poll-tax had resulted in decreasing the number of Chinese in the colony. With regard to the number that could be brought into the colony under the 500-ton restriction, he would point out that one of the speakers in the South Australian Assembly said that under

that system it would be possible to introduce into Australia from 1,000 to 1,300 a year. If all the other colonies adopted that regulation, and carried it out *bonâ fide*, no doubt it would have a good effect in preventing the Chinese from landing. But what reason was there to expect that the colonies would do anything of the kind. Under the South Australian Bill power was reserved to exempt classes of persons from its operation. Then, as to the evasion of the 500-ton regulation. The leader of the Opposition had pointed out the danger of their being landed on the north-west coast of Australia in any kind of ship that could get across the sea safely. But there was another danger, even greater. At the present time Chinese were still coming in and paying a £30 poll-tax. If it was worth their while to pay that poll-tax, would it not be just as much worth their while to pay £30 more for their passage money and be landed in Australia after the poll-tax was abolished? And if that were so they would be certain to find shipowners enterprising enough to bring them across at that price.

An HONOURABLE MEMBER: And have their ships confiscated?

Mr. DRAKE said nothing of the kind need happen. The Committee had been told over and over again that the safeguard to ensure the proper carrying out of the Act would be the fear of owners that their ships would be forfeited. But suppose the Chinese brought by those vessels were put into boats beyond the three-mile limit, the Government would not be able to impose any penalty, nor to forfeit the ship. Any number of Chinese could be introduced in that way, and the ship could come to the wharf half-an-hour after she had got rid of her passengers, without any danger of penalty or forfeiture.

An HONOURABLE MEMBER: But we need not allow the Chinese to land.

Mr. DRAKE asked how they could help it? If they imposed a penalty on the Chinaman and he had not the money to pay it, they could only send him to prison, where he could get fat, and they would have to keep him. Instances had been mentioned during the present session of Chinamen being in prison because they did not want to leave. It was useless talking about imprisoning the Chinese. The poll-tax had been effectual up to the present time, and the proposal now was to give it up in favour of a restriction which really would be no restriction at all. It would simply put such temptations in the way of shipowners, that they would land Chinese in the colony in spite of the Bill if it became law. At the general election which recently took place, the Chinese question came very prominently forward in nearly every constituency. On that subject he would quote from the speech of the present leader of the Opposition, which was taken as the manifesto of the then Government. The hon. gentleman said:—

"In the meantime, I propose (1) an increase of the poll-tax in each colony to such an amount as will be practically prohibitive; (2) a diminution of the number of Chinese that may be carried in any ship in Australian waters; (3) the prohibition of their working in all kinds of mines; (4) the imposition of an annual residence tax on all resident Asiatics; (5) the prohibition of the naturalisation of Chinese: and, if necessary (6), the imposition of an excise duty (to be denoted by an impressed stamp or brand) on all goods in the making of which Asiatics are employed. If all the colonies should adopt such or similar measures, there would, I think, be little danger to be apprehended; but if any one colony should stand out, it might become necessary to take steps which would compel it to choose between commercial intercourse with China and with the rest of Australia."

Now, previous to the general election he contested a by-election, in which he expressed himself strongly in favour of increasing the poll-tax from £30 to £100, with certain other restrictions upon the Chinese. Subsequently, at the general election, he again expressed those views, and was elected, and how could he come to that House immediately afterwards and vote for the total abolition of the poll-tax. He might be told that he was a representative, and was therefore entitled to vote against the pledges he had given, if reasons could be shown to him sufficient to convince him that he was right in adopting that course. But he could see no sufficient reason for voting against the poll-tax. The hon. gentleman in charge of the Bill would excuse him if he said he thought the hon. gentleman was right when he went down to the conference and voted in favour of the poll-tax. He was right in that, and although no doubt he did his duty when, having been outvoted on that question, he lent himself to the framing of a measure which was contrary to the views he himself held, still the views he held in the first place were right. He did not know whether the hon. gentleman had subsequently been convinced that they were wrong.

The MINISTER FOR MINES AND WORKS: You would do the same.

Mr. DRAKE said he had not been convinced. The reasons that had been put forward in that Committee and the reasons he had seen advanced in South Australia in favour of the Bill, had not convinced him that they were doing the proper thing in repealing the poll-tax; therefore, he should have no possible justification for voting against the pledges he had given before his constituents. He was not the only member of that Committee who had given similar pledges to maintain the poll-tax and increase it, if possible, and he would ask those gentlemen to consider the matter very carefully before they consented to the repeal of the poll-tax. They might consider that they would be justified in doing so if reasons were shown to convince them that they were getting something very much better in exchange, but until they got those reasons they had no right to vote against the pledges they had given. He believed that if the poll-tax were taken off they would find, and very quickly find, that they had made a great mistake. In the first place, they were asked to give up the poll-tax before they got the equivalent, or what was supposed to be the equivalent, for it. They were asked to give up the poll-tax in order that they might induce the other colonies to join with them in certain restrictive legislation. But what had been done? Only one colony had passed the measure, and they had done so in such a half-hearted manner that they could have no reason to hope that they would be in earnest in carrying it out. In that colony they first of all reduced the tonnage restriction to 250 tons, and only increased it to 500 tons under pressure, in order nominally to conform to the agreement come to at the conference. They were driven into agreeing to that, and did it very reluctantly. None of the other colonies had done anything. What would be the result if they repealed the poll-tax? That they would be giving away everything and getting nothing; and he was perfectly sure that if they did repeal it they would very soon bitterly repent it; that they would have to re-impose it, and go through all the trouble they had had in getting it imposed in the first place. The hon. gentleman had admitted that the poll-tax was distasteful to the Chinese Government, and also to the Imperial Government. They knew it was distasteful to the Imperial Government, because they knew the great difficulty experienced in getting it imposed in the first instance. When the first £10 poll-tax was imposed it was rejected—the Royal assent was refused to the Bill. In

the next year it was imposed with a provision to the effect that the tax should be returned when the Chinaman went away—it was to be a security for good behaviour, or something of that kind. The Act in that form received the Royal assent. In 1884 the tax was raised to £30, and the provision as to its return was removed; in fact, they got a poll-tax pure and simple, and the Imperial Government were very reluctantly induced to assent to it. In the face of all those circumstances, if they were so foolish as willingly to throw up the poll-tax he was convinced that they would bitterly regret it, and find themselves compelled to re-impose it and go through all those difficulties again. He strongly objected to fighting his battles over twice, and having once won their battle they should rest contented, and not recklessly throw away all they had gained.

Mr. ARCHER said he was going to say something about which he was not quite certain. He liked to be sure of the facts he stated in that Committee, but in this case he had not had time to specially examine into the matter since the hon. member who had just spoken had resumed his seat. That hon. member alluded to the fact that Chinese vessels might come along our coast, put Chinese in boats and land them safely on the shores of Queensland. But, if he (Mr. Archer) was not greatly mistaken, the Barrier Reef was part of Queensland; that the three-mile limit was outside the Barrier Reef.

The HON. SIR S. W. GRIFFITH: It is not.

Mr. ARCHER said it would take a great many lawyers to convince him that it was not Queensland water. There were many islands north of Torres Straits which were in Queensland waters; and he was satisfied that no ship would ever attempt to land Chinese in boats in the way suggested. It would be a very risky thing indeed. The hon. member for Enoggera had drawn a picture of the tremendous increase of Chinese who would come in in a surreptitious manner, and about the difficulty of passing a Bill in South Australia similar to the one under discussion. But he must remember that in South Australia a great many people were interested in the Northern Territory, and probably they looked upon Chinese labour as a means of getting out of the difficulty of the want of labour that existed at present. But in none of the other colonies—in neither New South Wales or Victoria—did that temptation exist; and he had not the slightest doubt that the Bill would be passed in both those colonies without the slightest trouble. He was not pledged specially to support the poll-tax. He was pledged to try and prevent the Chinese from landing here; and being satisfied that the restrictions imposed by the Bill would be a better protection against Chinese coming here than even the £30 poll-tax, he had not the slightest hesitation in voting for the abolition of the provisions of the Act of 1884, and substituting those of the Bill, which would be very stringent. In dealing with the matter they should be guided by reason; and he would ask any hon. member if it was at all likely that ships would come down with a lot of boats, and land Chinamen when they could be seized. He did not think there was the slightest chance of such a thing happening, as no person would expose himself to the risk of doing so. A real danger which did exist was that the South Australian Parliament might not pass the Bill; but none of the other colonies would have the slightest hesitation on the subject. On the contrary, no Government of those colonies would dare for a moment to hesitate about it, and he had no doubt they would pass the Bill as soon as it came before them. In South Australia a great many people owning stations in the Northern Territory had to depend upon Chinese labour, and that would make them more backward in passing such a trenchant measure. He was perfectly certain that if the Bill passed it would be quite as effective in preventing Chinese from coming into the colony as the present Act—in fact, more so. He did not believe anyone would put on steamers for the purpose of bringing Chinese to the colony, because they would know that steps would be taken to prevent them doing so. He believed the Chinese steamers did not come oftener than twice a month, and supposing a vessel brought three Chinese passengers, as some of them would be for Sydney and Melbourne, not more than twenty-four Chinese would be admitted in the course of a year, as it was not likely that more would come here than to the other colonies. He should support the clause, as they could depend upon that Bill being an effectual bar to the colony being overrun with Chinese.

Mr. DRAKE said he would give his authority to the hon. gentleman. It was contained in the law reports on the case of Rolet *v.* Regina:—

"By colonial ordinance and Order in Council it was provided that no goods should be unladen from any ship in the colony of Sierra Leone until the requisite entries of such goods had been made at the Customs, and a permit for their landing granted; and all goods unshipped contrary to such provisions, as well as the boats used in their removal, were declared forfeited to the Crown. Held that goods unladen from a ship, which at the time of such unlading was anchored more than three miles from the shore (the limit of the colonial jurisdiction), and the boats used in removing such goods were not liable to forfeiture."

Of course it was well known that outside the three-mile limit, including the water within the Barrier Reef, was outside the jurisdiction of Queensland.

Mr. ARCHER said it might be well known to the hon. gentleman, but it was not well known to him, nor would it be until there had been a decision of that kind. He knew that the water might be a great deal more than three miles wide between two countries, but yet the water was under the jurisdiction of those two countries. It was a remarkable thing, if what the hon. gentleman had said was correct, that on maps compiled by Royal authority the boundaries of Queensland went beyond the Barrier Reef and included a great many islands in Torres Straits. He was quite certain that the jurisdiction of England stretched three miles beyond the Isle of Wight.

The MINISTER FOR MINES AND WORKS: And includes all the waters inside.

The HON. SIR S. W. GRIFFITH said the hon. gentleman was mistaken in his facts. By a proclamation made about the year 1872 or 1873, when Lord Normanby was Governor, all the islands within certain geographical limits were annexed to Queensland, but that only dealt with the land, and not with the water intervening. The intervening water was a part of the high seas over which they had no jurisdiction. There was not the least doubt about that. Since then one or two cases had happened which removed any doubts that might have existed. A question arose as to how far the jurisdiction of Queensland extended from the shores of the islands. That question had arisen about ten years ago when he was Attorney-General, and he expressed his opinion on the subject; but as the Imperial Crown Law Officers had drawn up the document, he asked for their opinion, and their opinion had agreed with his that the jurisdiction of Queensland extended for the distance of three miles beyond low-water mark of any land within those geographical limits which was dry at low water. He thought the question arose about reefs which were covered at high water. His opinion had been confirmed

by the Imperial Law Officers. The intervening waters were not included if they were more than three miles beyond low-water mark.

The POSTMASTER-GENERAL (Hon. J. Donaldson) said it should be six miles. If two islands were six miles apart, the whole of the intervening water was within the boundary.

The HON. SIR S. W. GRIFFITH said if the two places were only six miles apart, then the intervening water was within their jurisdiction, because they took three miles from each of the islands. Then another case had occurred: A great collision had taken place in the Downs, off the coast of England, where a German ship had run into an English ship lying at anchor, and a large number of people had been killed. The master of the German vessel had been tried for manslaughter, and the question had arisen whether the courts of England had any jurisdiction to try him—the offence having been committed in a foreign ship and on the high seas. The case had been argued before all the judges in England, and by a majority of, he thought, twelve to eleven, they had decided that the three-mile limit, which everybody had thought had existed as long as there had been law books, was simply a delusion, and that the courts had no jurisdiction except over the land, but that they had no jurisdiction over the adjacent waters. That was soon followed by an Act passed by the Imperial Parliament, which decided the point which had arisen, and declared in a most trenchant manner that the jurisdiction of the Admiralty had always existed for three miles from low-water mark all over the British dominions, and they set aside the decision of the judges. That was the law as it had been declared; and in Queensland they had no further jurisdiction over the waters between here and the Barrier Reef; but by the Federal Council Act the Federal Council now had jurisdiction over fisheries in all Australian waters. And in the last session of the Federal Council an Act had been passed, giving Queensland jurisdiction over all the fisheries in the waters within the geographical limits. So far as he knew that was the only instance of a British community attempting to exercise legislative authority over any part of the high seas. Queensland had no jurisdiction except within its own territorial limits. The objection raised by the hon. member for Enoggera was not a fanciful one by any means, because the same sort of thing had often been done. Vessels sent boats ashore for the purpose of smuggling. Laws dealing with such questions ought to be made on the assumption that people would try to violate them, and hon. members should act on the assumption that the Chinese would be continually trying to find some way of evading the law. They should try to close every loophole, and not assume that the Chinese would never try to evade the law. Did the experience of hon. members show them that the Chinese never tried to evade the law? Did it show them that shippers and shipowners never tried to evade the Customs laws? There was a struggle going on for centuries between the Legislature in England and those who were in the habit of evading the law, but eventually the Legislature got the best of it. And there were hundreds of places on the Queensland coast where a ship could anchor four miles from the shore and send the Chinese ashore in boats, so that the provision for forfeiting the ship was not sufficient. The objection to the poll-tax, as it was urged in Sydney, had now disappeared. From one point of view he liked the idea of a poll-tax, but from another point of view he disliked it. It was effective, but it was disagreeable. It had been proved during the last four years that a large poll-tax was entirely effective; and for that reason he liked it, though it was distasteful. It was dropped at the conference in Sydney because it was thought, as he understood the proceedings, from negotiations then going on between the United States and China, that the Chinese Government would be willing to enter into a treaty with Great Britain on the subject; but it was now very well known that there was not the slightest chance of anything of the sort. There was not the least probability of the Imperial Government approaching the Chinese Government on the subject, and if they did there was not the slightest chance of the Chinese Government coming to any agreement on the subject. Therefore, if it was considered desirable to retain anything in the shape of a poll-tax, they were free to do so, notwithstanding the resolution of the conference, which was arrived at under circumstances supposed to be different. He thought it necessary to impose a disability on the Chinese themselves as well as on the ships, otherwise the law would be useful only as long as immigration from China was confined to valuable steamships under the British flag. If any other means of conveyance were used the law would be inoperative. It would be undesirable to legislate on such a question in a panic; and while they were about it they ought to make the law so effective that it would not be convenient to violate the law. The disadvantages and inconveniences should be made so great that it would not pay to violate the law. There should be, at any rate, a liability imposed on the Chinese coming to the colony. It had been effective in the past, and he thought it would be effective in the future.

Mr. ARCHER said that if the Chinese paid £10 passage-money, and £30 to the captain for landing them, the Government would not be able to squeeze another £30 out of them afterwards. The Chinaman knew the process of squeezing very well in his own country, and rather than be squeezed by the Queensland Government he would land without anything in his pockets. As the hon. member for Enoggera said, it would be of no use to send Chinamen to prison. Whether the shipper was tempted by a £40 passage, or by £10 for the passage and £30 for landing the Chinaman so as to escape the poll-tax, it amounted to exactly the same thing.

The HON. SIR S. W. GRIFFITH said the experience of the past showed that very few endeavoured to come without paying the poll-tax. It was simply a question as to whether it would be worth while to evade the law. It was not worth while to evade the present law, because the temptation was not great enough; but if the Committee made the coming in of Chinese almost impossible in accordance with the law, and, at the same time, showed that it would be a profitable speculation to bring them at the rate of £30 or £40 each they would probably come. If the passage-money now was £5 the cost of coming, including the poll-tax, was now £35; and if the Bill passed as it stood, it would pay shipowners to bring them at the rate of £35 per head and forfeit the ship. When it was made worth the while of men who wanted to evade the law—when it was made worth their while to do so, plenty of people would be found to evade the law.

Mr. HAMILTON said that the great object in dealing with the Chinese question was to have unanimity in the different colonies. Many delegates to the Chinese Conference were in favour of a poll-tax, but found good reasons for dropping it. One reason why they unanimously decided to abolish the poll-tax was to smooth the way to obtain a treaty-right between Great Britain and China for the exclusion of the Chinese; and Queensland should not be the first to break that agreement. Several members

spoke in favour of the poll-tax because they thought it possible that the agreement unanimously arrived at by the conference might not be agreed to by some of the colonies; but he hoped hon. members would not be the first to break that agreement, because then they would simply be setting the bad example which they were afraid might be set by some of the other colonies. The great danger of an inroad of Chinese into Queensland was from South Australia and Western Australia. One argument used by the hon. member for Enoggera in support of the poll-tax was that it would be a revenue-producing measure, but that was hardly a strong argument for one opposed to the landing of Chinese in the colony. An argument used against the Bill was that it was quite possible that some Colonial Government might not carry out the proposal of the Bill in a *bonâ fide* manner, but that argument was just as strong against the poll-tax, or, in fact, any measure that might be proposed for the exclusion of the Chinese. It was stated also as an argument in favour of the poll-tax and against the proposal to limit the number of Chinese passengers to the colony to one to every 500 tons, that ships might bring Chinese down the coast, and having anchored three miles from land send the Chinese ashore in boats. How on earth would the imposition of a poll-tax prevent the landing of Chinese in that way? They would want about 40,000 policemen to prevent their landing, even if a poll-tax of £500 was imposed. They could be landed in boats on an unfrequented part of the coast, and once they had got ashore it would be impossible to tell one from another. They required the assistance of Great Britain to get some treaty agreed to between Great Britain and China for the prevention of the immigration of Chinese to Queensland. That was what they wanted, and they reduced their chances of securing that by passing measures obnoxious to Great Britain; and it was admitted that the poll-tax was obnoxious. They were all agreed upon the necessity of passing some measure to prevent the inroad of Chinese into the colony, and under existing circumstances he thought the measure proposed of limiting the number of Chinese that might be brought in any ship to the colony to one for every 500 tons, was sufficient.

Mr. SAYERS said that as one of those who at the hustings pledged themselves to support the poll-tax, and any other restrictions which might be placed on the Chinese, he intended to vote against the proposed repeal of the poll-tax. They could not make their laws or regulations too strict in that respect, and they knew it was the wish of the people of the colony that the Chinese should be kept out. The Minister for Mines and Works, in introducing that Bill, had stated that the conference had come to certain resolutions or agreements; but when he (Mr. Sayers) had read a portion of the debate that took place in the South Australian Parliament on the Bill, the conclusion he came to was that the Bill would never pass the Upper House there. It seemed to have been introduced and carried forward there in a very lukewarm manner, and supposing it did not pass there, he would like to know what position they would be in in Queensland if they passed the Bill before them and did away with the poll-tax? They would have no protection against the Chinese, who might come over the border from South Australia. It was strange they should be the first colony asked to put the Bill through.

An HONOURABLE MEMBER: Some colony must begin.

Mr. SAYERS said it was true that some colony must begin, as the hon. member had said, but it seemed that the South Australian Parliament had had the Bill before them for some time, and had not passed it yet. As the hon. member for Enoggera had said, from the way in which it had been dealt with, there was little hope of its becoming law in that colony this year; and in the meantime, if they passed the Bill here, they would have no protection against Chinese coming in from South Australia

The MINISTER FOR MINES AND WORKS: Have you read the Bill?

Mr. SAYERS said he had read the Bill, and that was his opinion, though it might not be the hon. gentleman's. Another clause he objected to in the Bill was clause 4, which said:—

"It shall be lawful for the Governor in Council from time to time, by proclamation published in the *Gazette*, to declare that the provisions of this Act shall not apply to any person or any class of persons mentioned in such proclamation, either generally or for any time fixed by such proclamation."

He thought the poll-tax had done good work in keeping the Chinese out, and he did not feel inclined to give any Ministry the power to issue such a proclamation. It had been said that if the £30 poll-tax was taken off there would be quite sufficient check upon Chinese immigration in the proposal of the Bill. But if they took off the poll-tax, and Chinese could be brought here now at £5 a head, a ship carrying 300 Chinese at £35 a head would make £10,500, and that would be a very great temptation to many shipowners. It would not require a very big ship in which to stow away 300 Chinese; and any number of ships could be got for half that money, and the owners might run the risk of confiscation. The leader of the Opposition had stated—and he was the best authority in the colony, and he believed in Australia, on a legal point—that a ship could anchor three miles from the coast and land any number of Chinese, and they would be unable to seize her. They had the case of a French ship anchoring outside the boundary of three miles and landing her goods at Sierra Leone, and when certain action was taken by the Customs authorities there, they found they had no jurisdiction. Suppose a French or German ship came down the coast here, on the temptation of landing a large number of Chinese—in the event, say, of a gold "rush" taking place—and anchored outside their jurisdiction and proceeded to land the Chinese. If they seized that ship, and afterwards it was found they had done so illegally, they would probably be called upon to answer to the French or German Government. It was not advisable to run any such risk as that. What they wanted to do was to keep the Chinese out altogether, and if every member of the Committee voted in accordance with his speeches on the hustings, the poll-tax would be retained. The proposal of the Bill would only further complicate matters, and if the poll-tax was taken off now, before many years had passed they would have to introduce a Bill to impose it again. One reason why he would vote for the retention of the poll-tax was that it was clearly the wish of the people that it should remain. As the leader of the Opposition had said, when the decision was arrived at by the conference in Sydney, the circumstances appeared vastly different to what they were now. At that time it was thought the Imperial Government would be able to make some treaty with the Chinese Government that would stop Chinese coming to the colonies. America thought that they had done so. In fact, everybody here thought that they had effected a treaty with China which would prevent Chinese landing in America. But since then the negotiations had fallen through. Chinese had been a source of very great trouble to the American Government, especially on the Pacific slope, and he did not think it was worth

their while to run the risk of a similar state of affairs occurring in Queensland. Any one could see, even in Brisbane at the present time, premises occupied by Chinese, from which arose a stench that was a disgrace to the capital of Queensland. He was sorry that there was no law to enable the corporation to pull down those hovels, which he had not the slightest hesitation in saying were a great disgrace to the city of Brisbane. Instead of taking away any restriction on Chinese immigration, he would increase the restrictions and would therefore vote against the repeal of the existing Act.

The MINISTER FOR MINES AND WORKS said they had heard repeated several times arguments about what had been done in South Australia, and about the lukewarm way in which the Legislative Assembly of that colony had dealt with the Bill. If the people in Victoria read the debate which had taken place that evening, they would have the same arguments that had been used by those hon. members who had referred to South Australia, and that from speeches by men professing to be anti-Chinese men. They had had those arguments used *ad nauseam* by the hon. member for Enoggera and the hon. member who had just sat down. What would happen, those members said, if they repealed the Chinese Regulation Acts and the rest of the colonies did not pass that Bill? Why, Queensland would be in a much better position than she was now, because the 500-ton regulation would be more effective than those two Acts had been. Let the hon. member get the statistics of arrivals of Chinese in the colony since the passing of the Act of 1884, and let him see how many hundreds had come into the colony every year, and calculate how many could come in under the 500-ton arrangement proposed by that Bill. But the whole argument was that Chinese would come into the colony surreptitiously—that they would be smuggled in. That was something new. Chinamen had come into the colony in the ordinary way hitherto, although they had to pay a poll-tax of £30, but now it was said that under the 500-ton restriction they would run the risk of smuggling themselves in. The argument was absurd. The leader of the Opposition made a statement, which he would probably recollect, when the Act of 1884 was introduced by him. The hon. gentleman would no doubt remember, as every member of the Committee who was present at the time would remember, that he (the Minister for Mines and Works) tried to get the poll-tax increased to £50 and failed. The leader of the Opposition then imposed a poll-tax, and the argument he used was that that poll-tax would be so effective, that he would undertake to say that not more than 250 Chinamen would come here in any one year. Let the hon. gentleman look at the statistics, and he would find that nearly three times that number came in under that law; that in the first year nearly 600 came into the colony. And year by year they had come in in hundreds. He (the Minister for Mines and Works) contended that if they had no poll-tax, and had the 500-ton regulation, the Chinese would not come into the country in anything like the same numbers. But, as he had said before, the whole argument against that restriction was that they would be smuggled into the colony. He looked upon such arguments as very futile indeed, and the members of the Victorian Assembly who might be opposed to the passing of that Bill would have just the same arguments to use if they quoted the Queensland Parliamentary debates, as were used now by hon. members who quoted from the *South Australian Register*. He did not think there was the slightest fear of Chinamen smuggling themselves into Queensland. The hon. member who spoke last seemed to be very much afraid that, if they repealed the poll-tax, the Chinese would come overland from South Australia. Well, they might come overland from South Australia now. If the hon. member had read the 8th clause of the Bill he would have seen that any Chinese coming overland, without permission, rendered himself liable to six months' imprisonment, and at the end of that term to be deported back to where he came from; but to meet such cases, the hon. member, who was such a strong anti-Chinese man, was quite willing to compromise the matter with a Chinaman for £30.

The HON. SIR S. W. GRIFFITH said no one had used that argument on his side of the Committee.

The MINISTER FOR MINES AND WORKS: It has been used.

Mr. SAYERS: I never used such an argument.

The MINISTER FOR MINES AND WORKS said he would not admit a Chinaman at all in such a case. He had not the slightest hesitation in saying that if the Bill became law its provisions would be far more effective than the £30 poll-tax which, he admitted, had been effective—more effective than the £10 poll-tax. But where one Chinese would come in under that Bill ten would come in under the £30 poll-tax. They could not lawfully come into Queensland in greater numbers than about twenty, twenty-five, or thirty in any one year. That was taking the extreme limit that could come in lawfully. As to those who would come in unlawfully, who would smuggle themselves in, he thought it was scarcely worth while meeting an argument of that kind, as he did not think Chinamen were going to run the risk of being smuggled into the country like contraband goods into Sierra Leone. Was it not worth the while of every member to do something in the passing of a Bill which would advance the cause of federation? When that matter was under consideration in Sydney nothing pleased him better than the unanimity of members of the conference, in agreeing that the adoption of the Bill by the colonies would be an indication of federation, which he hoped would very shortly follow. If every colony acted independently and said they would wait for their neighbour to act first, there never would be any advance towards federation. He thought the adoption of a uniform measure of that kind would be a very effective means towards bringing about the accomplishment of that object. Whether South Australia had been lukewarm or not in the passage of the Bill did not matter so long as the Bill was passed. If the Bill was passed in that colony, and there was every reason to believe that it would become law there, and if it was also passed in Queensland and in Victoria, New South Wales would follow, and they would have, as he had pointed out before, four colonies acting under a uniform law. That would be a great step towards federation. That was something for which the hon. member for Enoggera might sacrifice his sentiments about the poll-tax. The hon. member, and those who spoke with him, had mentioned what they had said on the hustings. He (the Minister for Mines and Works) believed that he was as strong an anti-Chinese member as any member of that Committee. All his lifetime, since ever he had been a member of that House, he had been strongly opposed to the introduction of Chinese. He did not advocate on the hustings in the North, or anywhere else, the increase of the poll-tax, but rather the total exclusion of Chinese. He believed that was what the country wanted, and what Australia wanted; and the nearest approach to total exclusion was the principle contained in that Bill.

Mr. DRAKE said he hoped nothing he had said in the discussion could be taken to imply that he was opposed to the tonnage restriction in that Bill; he was entirely in favour of it. He would increase the 500 tons to 1,000 tons, and would vote for the total exclusion of the Chinese. He never said anything to lead the Committee to believe that he was opposed to that. What he was opposed to was the abolition of the poll-tax, which had done good service in the past, and he could not see any good or valid reason for repealing it. He now had the return which the hon. gentleman asked him about, and he now found that the arrivals by sea from Hongkong for twelve months were 241 and departures 802, leaving a balance in favour of departures of 561. The hon. gentleman would see from that that there was a period of twelve months during which the returns had been less than 250. With regard to the risk of being smuggled, he did not think it was a risk that prevented them from coming, and his objection to the abolition of the poll-tax had nothing to do with the risk of being smuggled, but one of his objections was that it would offer additional inducements to shippers to bring them here.

Mr. SAYERS said he had asked if the Bill at present going through the South Australian Parliament was thrown out in the Upper House, what protection would they get from Chinese coming across the border. The Chinamen could not be compelled to pay the poll-tax, and the only satisfaction that could be had was to imprison them for six months. The Minister for Mines and Works thought that the Chinamen would not run any risk, but he thought that the records of Australia would show that they would run any risk to get on to alluvial goldfields, and although laws had been passed to prevent them coming in on to goldfields, they had gradually worked their way in. At Croydon recently there was nearly a riot in connection with the Chinese coming there, and he believed they were there illegally. If an alluvial field were to break out nothing would prevent shippers from landing the Chinese at some port along the coast. If an alluvial field such as the Palmer were to break out the Chinamen would risk their lives to be landed in Australia, and it had been proved in the history of goldfields in New South Wales that they had risked their lives to get on to those fields. They also risked a thing which was very dear to the Chinamen—his tail—hundreds of which had been cut off, and yet they returned again to the places they were hunted from. A Chinaman had far less fear of death than a European, and had no hesitation in risking his life to acquire wealth. He thought the hon. member for Enoggera had good, sound reasons for the proposition he put forward to prevent the poll-tax from being repealed. He hoped the hon. member would divide the Committee upon it, and prove who those members were who were in favour of imposing the greatest restrictions upon Chinamen.

Mr. HODGKINSON said, that whilst he admired the eloquent appeal that had been made by the Minister for Mines and Works with regard to keeping in view the federation of the colonies, yet it must be remembered that the hon. gentleman did not take the same stand with regard to the Naval Defence Bill. That measure was adopted by every colony except Queensland, but had provoked the hostility of the hon. gentlemen sitting on the other side of the House. He did not suppose that there was one man sitting on the Opposition side of the House who would deny that throughout his whole career the hon. the Minister for Mines and Works had been antagonistic to the introduction of Chinese. Hon. members sitting on his (Mr. Hodgkinson's) side were anxious to support the measure which the hon. gentleman had placed before the Committee, but they wished also to preserve the powers which the colony already possessed. They wished to maintain those powers, and at the same time to cordially assent to the hon. gentleman's measure. Now, they must look at the measure, in the first instance, as regarded themselves as forming a portion of the whole continent, and they might consider it also as regarded their relations with the Imperial Government. One thing was certain, that they could not possibly anticipate any cordial co-operation from the Imperial Government in excluding the Chinese, because the Imperial Government was closely connected with the Chinese Empire by trade. The market for the whole of the opium grown in the Indian Empire was found in China. And, moreover, it must be patent to every thoughtful man that one of the greatest struggles of the future would be between Great Britain and Russia, and the only chance that Great Britain had of dealing a blow at Russia would be through the North Pacific with the aid of the Chinese. There was not a thoughtful politician of any note in the old country but would say that Australia could not expect the Imperial Government to bother itself about what might be regarded as the trumpery matter of excluding Chinese from such an insignificant colony as Queensland, when the very existence of the Imperial Empire depended to a great extent upon their preserving friendly relations with the Chinese Empire. On reading the essays of all the leading statesmen of the day it would be found that they were all agreed on one point, and that was that an attack by Russia upon India must be met by the assistance of the Chinese, and it was for that purpose that European officers had been sent to China, and vessels had been built with a view of cultivating intimate relations between the Imperial Government and the Chinese. They had only to look to the action of the Imperial Government on any question that really affected this colony—their action in regard to New Caledonia and the influx of foreign criminals, or with regard to the New Hebrides, to see what they might expect, when anything was proposed which, in the opinion of the leading statesmen of Great Britain, was in opposition to Imperial interests. Therefore, they should be very careful not to lose any of the powers they now possessed for the exclusion of the Chinese. They must also remember that the Chinese who came here did not come as free immigrants. They were the paid bondsmen of certain associations of merchants, and were brought here under such a strict system of regulations that no Chinaman who was landed in any portion of the Australian continent could move from where he was placed without being followed and traced to wherever he went. And the great check which was afforded to those merchants was this: that unless a Chinaman in their employ faithfully repaid the amount of money they had spent in bringing him out to this country, his bones were condemned to lie in this soil and not be removed, according to his dearest desire, to the place of his birth. That was the great security of those merchants, and he might say that every year there were agents of those companies who went round after a certain period and exhumed the bones of every Chinaman who had carried out his agreement faithfully, and took them back to China. In regard to the punishment that might be inflicted upon Chinamen, he had had considerable experience with them, and knew how difficult it was to collect even a paltry 10s. license fee. The small staff in the service of a warden in the remote districts could not

enforce the payment of that fee. If the warden threatened to send them to gaol they would simply laugh at him, and unless he was prepared to put them on his packhorse and carry them off he was perfectly helpless. The fact of the cessation of Chinese immigration into the colony of late had been mainly due to the fact that there had been no alluvial temptations held out to them. The alluvial deposits on the Palmer had been so often re-worked that not even a Chinaman could get a living there now. But let an alluvial rush occur in any part of Queensland, and they would very soon see that the number of Chinese in the colony would be quadrupled and quintupled, and magnified by tenfold. No power that the Government possessed would be sufficient to defend the South Australian border. Assuming that they could depend upon the South Australian Government passing that limitation clause, why should they object, why should they not be pleased to see that Queensland would not only act in accord with them, but would actually go a little further? They must not forget that a large number of capitalists in South Australia were embarked in various speculations in the Northern Territory, and that at the present time a number of the mines in the Northern Territory were almost exclusively worked by Chinamen. The white miners had been driven out by Chinese competition. Those capitalists would be very largely represented in the Legislative Council of South Australia, and how could those men be expected to vote against their own interests? It was not in accordance with human nature to do so. He was quite certain that, with the exception of two, there was not a single member of that Committee who did not make the exclusion of Chinese a burning question at the last election. He believed that at the moment those pledges were given they were really intended; but the difficulty was over. The battle had been fought, and the Chinese question was relegated into obscurity until the next election came, when the same little arrangement would be brought forward again. But there were many members who were determined, if possible, to cauterise the social cancer that threatened the prosperity of the northern portion of the colony. Whilst believing that there was not a man amongst them who was more anxious to exclude the Chinese, not only from Queensland, but from the whole of Australia than the Minister for Mines and Works was, he could not see why that gentleman should object not only to take what he asked, but something in addition. How could South Australia be affected by the Queensland Government retaining the protection that they already possessed? What position would this colony be in if they took away that protection before even that secondary protection had been secured? It was quite unnecessary to say that if the Committee divided on the amendment of the hon. member for Enoggera he should support it.

Mr. STEVENS said the hon. member who last spoke could not have made a stronger speech in favour of the Bill than he had.

Mr. HODGKINSON: I am not against the Bill.

Mr. STEVENS said he had tried to understand the position of the hon. member, and thought he had succeeded; but his last remark had made him feel all at sea again. The hon. member had reasoned that the Bill was brought in to obtain the sanction of the Imperial Government. They knew that the Imperial Government had a great deal of trouble in the case, and might have to rely upon China for friendly assistance, and it was for that very reason that the conference in Sydney agreed to the principles of the Bill before them. Of all the legislation that they could go in for, the most distasteful to the Chinese Government was the poll-tax, not only to the individuals, but to the nation. If they imposed a poll-tax of £30, they simply made the Chinese nation an enemy at once, and made her relations with Great Britain much more difficult than at the present time. The hon. member for Enoggera had made a powerful speech, and he congratulated him upon it. So far as he could follow him, that hon. member gave us reasons for altering the principle of the Bill. The objections that he had raised had been met. He (Mr. Stevens) had fought quite as strongly upon the question as any hon. member in the Committee or out of it, and although he should vote for the principle of the Bill, as against the poll-tax, he would do so with every confidence that he had not been misunderstood by his constituents. The taunts thrown out by some hon. members on the other side had no effect upon him whatever. He did not suppose any hon. member's opinion had changed. His opinion was that the present Bill would do more towards the total exclusion of Chinese throughout Australia than the heaviest poll-tax they could put on; and it was more likely to be agreed to by the other colonies. In the second place, their action would be more likely to receive the Imperial sanction. If the other colonies did not carry out the principles of the Bill they had their remedy. They had been able to pass measures without them, and they could do so again. In regard to vessels not coming within the three-mile limit, that difficulty could be met; and there was no doubt that the increasing of the penalties in one or two clauses would have a greater effect in keeping out Chinese than any legislation they had had in the past.

Mr. HUNTER said there was a great deal of difference between "can be" and "will be." It was one thing to make laws and another thing to see that they were carried out. He would ask how many Chinamen were there trading in the colony without holding licenses according to law? The answer must be that there were hundreds. Even the laws they had were not carried out, and what guarantee had they that the Northern Territory of South Australia would be so ready to prevent Chinamen from landing there, even inside the three miles? It was all wild country, and he could assure hon. members that Chinamen went to Croydon in hundreds, and no one could tell where they came from. They never went there in the way ordinary people went there. They could not tell whether they went there from South Australia or from other parts of Queensland. He would give one reason for retaining the poll-tax which had not been already stated, and that was that there were sufficient Chinese in Australia to swamp any new gold rush that might break out in any portion of the colony. The whole of the Chinese would soon be upon that field, but if they had a poll-tax, the Chinese would have to pay when they went from one colony to another. They could enforce the poll-tax so strictly as to make them pay whenever they crossed the border. Only the other day he read the story of a Chinese gentleman who held a large share in a silver mine, on the opposite side of the border where he lived, and they charged him the full £30 every time he visited his mine. They ought to make the law so restrictive that no Chinaman would care to live in the colony. At the general election he spoke very strongly on the Chinese question. He expressed himself in favour of increasing the poll-tax to £100, also that the law should be made more restrictive on the Chinese already in the colony. He said he would not grant a publican's license to any man who employed a Chinaman; there

were thousands of Chinamen employed in the licensed houses of the colony. He also advocated the licensing of Chinese boarding-houses, and that no Chinaman should be allowed to smoke opium in Queensland. If they were not allowed to smoke opium they would not be so anxious to come, and it would be a very strong inducement to them to stay away. A Chinaman coming across the South Australian border effected a saving of £20, and he defied any Government official in the bush to tell one Chinaman from another. They should wear a badge or a number, and wherever they went on a goldfield they should be compelled to register that number with the warden. The Minister for Mines and Works had tried to mix up the question with federation. He hoped the question would be decided on its own merits, as a Chinese question pure and simple. There was a good deal in the argument that Chinamen might be brought out in cheap ships and landed in boats outside the three-mile limit. To prevent that, it would take an army of men to patrol the entire coast line of the colony. Nothing had been said to show that Chinese could not be introduced in that way. It was said the English authorities would not sanction an Act containing the 500-ton regulation, and the poll-tax as well. Let them get the refusal first. An hon. member said a few nights ago that it was quite time to shake hands with the devil when you found him on your own doorstep. If the Imperial sanction was refused, then would be the time to modify their conditions; not before. Whilst it was the wish of the country that the poll-tax should be retained, or increased, he did not see why they should do away with it. He should heartily support the amendment.

Mr. HAMILTON said some hon. members seemed to be whiling away the time by putting up arguments in order to knock them down again. They wanted to put a poll-tax on the Chinese to prevent them coming into the colony from the other colonies, and in the same breath they admitted that the Chinese were coming in in spite of the poll-tax, saying that they could not be recognised, and that the poll-tax was useless. The only way to exclude Chinese was to prevent them from landing in any of the colonies, and the present measure, in his opinion, would have that effect. They were all thoroughly in accord as to the desirability of excluding the Chinese, but they were not at one as to the best method of doing so. It had been said there was no valid reason for objecting to the poll-tax. But one very valid reason had been given by the Minister for Mines and Works—namely, that the members of the Sydney Conference decided that the best way to exclude the Chinese was unanimous action on the part of all the colonies. If Queensland was the first to go back on that agreement they would be setting a bad example, which would be followed by the other colonies, and they would only have themselves to blame for the failure of the legislation to effect the object aimed at. It had been said that in the event of a new rush the Chinese would come in myriads. The only danger from an incursion of Chinese would be from the discovery of some mineral field. At the same time, what the diggers wanted was that the Chinese should not be protected by law on those fields. If they were not protected by law, directly a Chinaman struck gold properly there would be plenty of white men to drive him out of his claim. The Chinaman would then be useful as a prospector, because he would be hunted away from his claim directly he struck gold. The hon. member for Charters Towers had said the division would show who were most in favour of the Chinese. That had been shown long ago. The Minister for Mines and Works, who was their mouthpiece on the present occasion, had shown who were most in favour of the Chinese. When the Palmer Goldfield was discovered they had to thank him for introducing a measure, although he was in opposition at the time, that no Chinese should go on a new goldfield until it had been discovered for three years.

Mr. HODGKINSON said it was the miners who brought the Chinese on to the Palmer Goldfields, and sold them their claims.

Mr. HAMILTON said he was on the field at the time, and he was not aware of it. Some few might have done so, but he knew that if the law had not protected the Chinese the miners would have hunted them off the field. Afterwards, when the Minister for Mines and Works was in office, he introduced a measure in connection with mineral fields other than gold, to the effect that no Chinaman should have any *locus standi* thereon, that no miner's license should be issued to him, and that if any white man was caught even employing Chinese on a mineral field he should be punished. He had no doubt that now the Minister for Mines and Works was in power again he would introduce a similar provision in the Goldfields Act. As soon as that was done they would have no fear of the Chinese when any new mineral field was discovered.

Mr. HODGKINSON said he was surprised at the extraordinary imagination of the hon. member for Cook, because he knew perfectly well the hon. member knew better. There could be no question that the Chinese went on to the Palmer in the first instance at the instance of white men, and afterwards at Granite Creek worked for them on tribute, and the same rule applied to nearly every mineral field. The first real attempt to cope with the Chinese question was the regulation prohibiting the issue of miners' rights to the Chinese. The great difficulty in dealing with the question arose from what might be termed European traitors to the cause, men who, for the sake of a little ready cash, would introduce Chinese to the field. The system was very simple. On every alluvial field three or four Chinamen would come and start as market gardeners, and if no public demonstration was made against them they were followed by the crowd, and the place became completely swarmed with Chinamen. The great difficulty lay in the absence of any real hearty sentiment of unanimity on the part of the white population against the Chinese. Nearly the whole of the servants of the publicans of the North were Chinamen, the market gardeners were almost exclusively Chinamen. A very strenuous effort was made to exclude the Chinese from Croydon; they were there illegally; but it was defeated by a paid servant of the Government, who held a very responsible position.

Mr. HAMILTON said his statement was perfectly correct. Persons might break the law. There was a law against robbery, but pockets might be picked nevertheless. His statement was that the Minister for Mines and Works, when in the last Ministry, introduced a measure to the effect that no Chinaman on a tinfield should be allowed to hold a miner's license, and, moreover, that any white man employing a Chinaman would be liable to be punished. That could not be gainsaid. He could further say that since that time he was not aware of any Chinese holding claims or working on any of the tinfields round about Herberton or Cooktown. He defied the hon. member for Burke, or any other hon. member, to state where Chinamen were doing so. If they were so working it was against the law, and any person who was aware of it was a traitor to the cause if he failed to give notice of the fact, so that the Chinese could be punished.

Mr. POWERS said his reasons for not supporting the amendment moved by the hon. member for Enoggera were these: A conference of the leading men of Australia, including a representative from this colony, had met together with one object—to exclude the Chinese from Australia. Queensland was represented by a member of that House in whom they all had confidence—a gentleman who was appointed with the joint consent of the leader of the Opposition and the Premier of the colony. That had weight with him. When he saw that the whole of the representative men of Australia met together to exclude the Chinese, and agreed to the measure before them, there should be some very strong reasons shown to him, to induce him to run counter to what they considered best in the interests of the whole of Australia. He went one step further. The only argument used against the Bill was that vessels—trumpery vessels or large vessels—might come here within three miles of the coast and land, Chinese in boats. But if the Bill was passed, and received the approval of the Imperial authorities, he was sure that they would assist Australia to prevent such proceedings by giving them greater jurisdiction over the coastal waters, so that they could catch offenders of that kind. The only thing that troubled him was, whether they were wise in attempting to pass the measure in the last two or three weeks of the session, until the appeal from Victoria to the Privy Council respecting the total exclusion of the Chinese was settled. As far as he understood that question, it was whether they had the right to exclude the Chinese at all. One of the judges, in dealing with the question, said they had a right to levy a poll-tax, but that they had no right to exclude the Chinese. Under those circumstances the only question that arose in his mind was whether that appeal would affect their position—whether they were justified in repealing the poll-tax without having some other means of control over the Chinese. If the appeal went against them they would have the right to levy a poll-tax, but not to exclude the Chinese. That question had cropped up since the conference, and it was one that he should like to have settled. He should like to hear the opinion of the hon. the Minister for Mines and Works respecting it.

The HON SIR S. W. GRIFFITH said he did not think they need be at all afraid about the decision of the Supreme Court of Victoria respecting the s.s. "Afghan." He understood that decision to be this: not that the Legislature could not pass a law to exclude the Chinese, but that they had not passed such a law, and that the executive Government, in the absence of such a law, could not assume to do so. The Legislature had authorised their exclusion unless they paid £10; on payment of the £10 there was no law to keep them out. Therefore they need not be at all afraid of that. There was no doubt that they could impose a poll-tax and they could provide that only one Chinaman should be allowed to come for every 500 tons. They need not be afraid of that either. But what he particularly wished to say was, that he did not see why the discussion should be turned, as it had been, into an attack on members on that side of the Committee. Nobody objected to the provisions of the Bill. All the objection was that it did not go far enough. Several hon. members on the other side had spoken as if they wished the public to understand that the Opposition objected to the stringent provisions of the Bill, but the only objection to the scheme of the Government was that it did not go far enough; it left too many loopholes. What was the use of endeavouring to raise a false issue? He did not see that they were bound strictly by what was agreed to at the conference. The conference agreed upon a scheme, but if it were pointed out that that scheme was not complete, what objection could there be to trying to remedy the defect. No one objected to what was in the Bill; what they objected to was what was not in it. The Minister for Mines and Works said that there had been no evasion of the anti-Chinese laws. Why, in San Francisco it was a regular business.

The MINISTER FOR MINES AND WORKS: I said no such thing.

The HON. SIR S. W. GRIFFITH said the hon. gentleman had said they need not be afraid of it. In San Francisco it was a regular business, notwithstanding the stringent law they had in the United States; and a most lucrative business was being carried on by means of perjury and subornation.

The MINISTER FOR MINES AND WORKS: It was carried on by the corruption of the officers.

The HON. SIR S. W. GRIFFITH said that was done also. In New South Wales they long had a law to prevent vessels carrying more than one Chinaman to 100 tons, and yet that law was broken systematically. In the recent trouble the ships were all violating the law by bringing in excessive numbers of Chinese; and the New South Wales Government could have at once said they would forfeit the vessel if they were not taken away again. Why the Government had not done so, he confessed he could not understand. That law had been in force for years, and it had been systematically disregarded, but what the Bill now proposed to do was to abolish all other methods of preventing the Chinese from coming. He was not contending that, because a law of that kind had not been put in force, they should not have such a provision, but he said that the conduct of the Government of New South Wales showed that it was not enough.

The MINISTER FOR MINES AND WORKS: They do not collect a poll-tax in New South Wales.

The HON. SIR S. W. GRIFFITH said he had not known that before; but he had wondered that they had not made the owners take the ships away, and so save all the trouble. What was now proposed was to have nothing but a law that could be easily evaded, and he contended that something additional should be provided. He thought they should not only make it illegal for a ship to bring in more than the number which it was allowed to carry, but should also make it unlawful for more than that number to come, and if it were done they should impose a penalty. He would be prepared to move a provision of that sort—that the Chinese must only come in ships duly entered at the Customs, and carrying not more than one to 500 tons, and if they came in violation of that provision they should inflict a penalty, which he would make £50, and he would have that penalty remain due until it was paid. They would send a man to gaol for six months, and if the penalty were not paid then, give him another six months, and so on until the penalty was paid. They could call it a penalty, as it was less objectionable in name than a poll-tax, and a provision of that sort would remove the objection to the Bill which existed.

The PREMIER said he could not congratulate the hon. member on his remarks if he had been listening all through that debate. Hon. members on the other side were attacking the Minister for Mines and Works for bringing forward that Bill. The hon. gentleman opposite must not forget that he was responsible for the position they were in. The object of the conference held in Sydney had been to procure uniformity with respect to the legislation against

the Chinese in the colonies. He had been satisfied that a very small amendment of the Queensland laws would have been quite sufficient to deal with the Chinese here, and he certainly should not have dealt with them in the way proposed by the Bill but for the sake of having uniformity. The one point of the debate seemed to be to disagree with the arrangement come to by the Minister for Mines and Works, who was the accredited representative at the conference, not only of the Government, but of the Opposition. He (the Premier) agreed with his decision and his vote, that they should maintain the poll-tax, but he said they were only doing right now, and they were acting in the spirit of the conference, in introducing the Bill agreed to by the delegates at that conference. He was quite sure the hon. gentleman was of his opinion, because he had very cleverly and wisely brought round the debate to business. The debate had been quite outside the business before them. The members who wanted to pose as the advocates of the exclusion of Chinese had been stopping business. He believed every member of that Committee was of that opinion. The hon. gentleman said he would be quite satisfied if an arrangement could be made by which the danger he foresaw might be provided for—that was, that vessels might come in in spite of the law of the land, and Chinamen might be landed. He would find that the clause provided that they could not bring in more than one to 500 tons, and there was a provision by which, if they carried more than that number, a penalty would be enforced. That was the only point in which they had departed from the letter of the Bill as laid down by the conference. It was their object to see that the law was not broken. It was a most extraordinary argument advanced by the hon. gentleman when he said that because the law had been flagrantly broken in New South Wales they should not make a law to the same effect here.

The HON. SIR S. W. GRIFFITH : I said that we should not confine ourselves to such a law.

The PREMIER said that it was no argument to say that because the law was wrongly administered in New South Wales they should not have such a provision. The great object was to have uniformity, and he thought they would be showing bad taste to depart from the principle which the conference had affirmed, to any considerable extent. They should adopt that Bill as nearly as they possibly could. Considering the circumstances of the colony, they should do what the conference had agreed to. That Bill was the work of men whose object, with the exception of the Tasmanian delegate, was the exclusion of the Chinese ; and anyone reading the report of the meetings of the conference would come to that conclusion. They could not go far wrong if they took the advice of the conference ; and if they found the Bill did not exclude the Chinese they could very soon repeal it. It was only showing a spirit of deference and respect to the spirit of federation—which, he believed, was increasing in the colonies—that they should pass the Bill as nearly as possible to what the conference had agreed to.

The HON. SIR S. W. GRIFFITH said he did not quite follow the hon. gentleman. He thought they should endeavour, as far as possible, to make the law uniform in all the colonies—but it did not follow that because the other colonies did not have a poll-tax that there should not be a poll-tax here. In that Bill the hon. gentleman had departed from the form of the Bill as adopted at the conference very materially. There were some serious omissions in it, and the Minister for Mines and Works had inserted in the Bill before them provisions which would cover those omissions. Now, he had pointed ou that there was a still more serious omission, and surely there could be no exception taken to closing loopholes that had been inadvertently left open. He had directed attention to a particular danger, and he thought they should deal with that. On the second reading hc had said that amendments might be necessary, and if so, that they should make those amendments and pass the Bill quickly, so that they could be adopted in the other colonies. It was his desire that legislation on the subject should be not only uniform but efficacious. No one surely would suggest that the Bill should pass in an incomplete condition, simply in deference to the other colonies.

The PREMIER said the hon. member's argument was founded on the assumption that the conference omitted to consider the question of a poll-tax.

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

The PREMIER said there was no omission. It was debated and decided upon, and the votes were against it. The hon. member was right in saying that the Government had put in matters which were not in the original Bill ; but they were compelled to do that because the colony of New South Wales could not take into consideration the laws of Queensland. The hon. gentleman, however, wanted to get in a principle that the conference decided against

The HON. SIR S. W. GRIFFITH said he was not contending that the Committee should do what the conference had decided against. What he wished to point out was that, if the Government were willing to adopt provisions rendering it unlawful for too large a number to come to the colony, as well as rendering it unlawful to bring them, it would remove the objections of those who were in favour of a poll-tax.

The MINISTER FOR MINES AND WORKS said the Government were willing to accept any amendments which would make the Bill more effective, so long as the two great principles agreed on at the conference were maintained—namely, the 500-ton regulation and the omission of a poll-tax. He had stated that before.

Mr. GROOM said he should not like it to be supposed that, because members on the Opposition benches were silent, they were opposed to the Bill. He believed that there was no use in holding the Chinese Conference if the conclusions arrived at by the conference were not to be adopted. At the very initiation of the conference the importance of unanimity was insisted upon, as would be seem on reference to Mr. Playford's telegram to the late Premier, as follows :—

"It occurs to the South Australian Ministry that in the present aspect of the Chinese question unity of action among all the colonies of Australasia is most likely to satisfactorily effect our common purpose of restricting Chinese immigration We think also that this unity can best be secured by a conference of representatives from the different Governments when the matter might be fairly discussed and a joint course agreed upon."

On referring to the votes and proceedings of the conference he found that it was moved by Mr. Playford that the poll-tax be £30 per head, and the limitation one Chinese to every 200 tons. On that an amendment was moved by Mr. Gillies, the Premier of Victoria—"That all the words after the word 'be' in the 1st line, be omitted, with a view to the insertion of the following words :—'By limitation of the number of Chinese which any vessel may bring into any Australasian port, to one Chinese to every 500 tons of the ship's burthen.'" The President then put the motion—"That the words proposed to be

omitted stand part of the question,"—when it was negatived on the following division:—Ayes: South Australia, Queensland. Noes: New South Wales, Victoria, Tasmania. Western Australia did not vote, so that four colonies to two voted for the abolition of the poll-tax. The amendment was then put and carried on the following division:—Ayes—New South Wales, Victoria, South Australia, Queensland. No—Tasmania. Again Western Australia did not vote. So that all the great colonies of Australia agreed to the amendment embodied in the Bill. Further than that, he had read the papers very carefully in connection with the Bill. He had also noticed a telegram which Lord Knutsford had addressed as a circular to all the Governments of Australasia, in which he pointed out that the Imperial Government desired to make the best bargain possible with China, but that the poll-tax was excessively objectionable to the Chinese Government. And as the Imperial Government were exceedingly anxious to maintain friendly relations with China, he did not think the Australian Colonies should resort to any legislation which would have the effect of breaking off those friendly relations. The Secretary of State for the Colonies, in addressing a large meeting at Ipswich within the last few days, declared that the Imperial Government were still willing to meet the wishes of the colonies in connection with legislation on local affairs; so that if hon. members passed the Bill there would be no difficulty in regard to the consent of the home authorities. In response to Mr. Playford's telegram of the 9th of March, suggesting a conference, the late Premier replied as follows:—

"This Government cordially approves of the proposal to hold a conference to consider the question of Chinese immigration, but is unable at present to suggest a time or place."

In accordance with that telegram it was agreed between the present and the late Premier that the Hon. J. M. Macrossan should represent Queensland, and he considered that the Committee was in a measure committed to what the representative of the colony agreed to at the conference. That was the opinion he held, and he was only carrying out the pledges he gave to his constituents—namely, that he was entirely in favour of the exclusion of Chinese from Queensland, and also in favour of that portion of the late Premier's manifesto where he stated that Chinese should take out business licenses, and that all furniture manufactured by them should be stamped. When those matters were brought forward in a concrete form he would give them his support. As far as the Bill was concerned, he was going to support the Government. He believed in the Bill, and also in the amendment of the leader of the Opposition, which he thought would meet a possible loop-hole by which Chinese might evade the law. He rose principally for the purpose of saying that because hon. members on the Opposition benches kept silent, that must not be taken as evidence that they were opposed to the principles of the Bill, because the fact was quite the contrary. He thought the course the Government were taking was the proper one in adhering to the resolution come to by the conference to make the Chinese legislation throughout the colonies complete and uniform, and in a form which would meet with the concurrence of the Imperial Government.

Mr. GANNON said he thought a great deal of the conflict of opinion might be avoided, if the Minister in charge of the Bill would include in clause 8 a penalty of £30 or £50 in addition to imprisonment for coming over the border. It would not be a poll-tax, but the Chinese would have to pay the money.

The COLONIAL SECRETARY said, supposing that penalty was introduced, and a Chinaman on whom it was imposed could not pay it and they gave him six months' imprisonment instead, what were they to do with him when he came out? Were they to bring him up again and fine him another £50, and give him another six months?

Mr. GANNON said that was exactly the punishment imposed by the Bill upon a Chinaman coming into the colony by land. He would be liable to imprisonment for six months, and to be deported out of the colony. What he proposed was, that in addition to that there might be a money penalty imposed.

Mr. MURPHY said he was one of those who, at the last election, expressed himself as much opposed to the introduction of Chinese. He had been opposed to their introduction ever since he had taken any part in politics. As regarded the Bill, he had been very much exercised in his mind as to whether the restrictions it imposed upon the Chinese would be as effectual as those they were taking off. He was prepared, as he had said on the second reading of the Bill, to vote for it, in the hope that some amendments might be made in it during its progress through Committee that would remove any doubts in the minds of the people of the colony as to their intention in passing the Bill. He hoped the Government would accept the amendment of the leader of the Opposition, as that would simplify many of the difficulties, and would shorten the discussion when they came to the other clauses of the Bill. He did not think the provision in the Bill for preventing Chinese crossing the border into the colony was stringent enough. They should have some more severe punishment, whether by imposing a fine—though, as the Colonial Secretary had pointed out, if the Chinese could not pay it, that would not be much of a deterrent—or further imprisonment.

The HON. SIR S. W. GRIFFITH said it would not be worth their while to come simply to go to gaol. If they got six months, and six months after that again, they would stop away fast enough.

Mr. MURPHY said six months' imprisonment was hardly long enough. They wanted to make the penalties so restrictive as to make it clear that that measure would be at least as effective as the restrictions they were repealing, and would achieve the object they all had in view—the total exclusion of the Chinese. It was all very well for hon. members opposite to say that if the members on the Government side supported the Bill they would prove themselves the friends of the Chinese.

An HONOURABLE MEMBER: Who said that?

Mr. MURPHY said that that came from the other side, and he could name the hon. member who said it. The leader of the Opposition had accused the Government side of hurling that imputation against the Opposition, but that imputation had come from the Opposition side. He could assure the Committee they were as honest to their pledges as when they made them on the hustings; and he was sure every man who spoke upon the Chinese question was honestly convinced that it was to the interest of the colony that they should totally exclude the Chinese. He voted for the Bill rather in fear and trembling that they might not achieve the object they had in view. He hoped, if there was any doubt about it, the Minister in charge of the Bill would accept such amendments as would remove that doubt.

The COLONIAL SECRETARY said the only way to keep the Chinese out of Australia was to defend their coasts against their landing,

There was little to be gained in dealing with the boundaries existing between the different colonies. The leader of the Opposition said they could imprison the Chinese who crossed the border over and over again; but suppose the law was similar in the other colonies, when a Chinaman crossed the border he would be imprisoned, and when he got out he would dodge back to the colony he came from first, and the same thing would happen him there. So that they would have a number of eternally-imprisoned Chinamen. What they should do was what was provided in that Bill, and make the punishment rest upon the shipowners who brought the Chinese to their shores, and not upon the ignorant men who knew nothing of their laws. They must guard their coasts, and the Bill proposed to do that. Once the Chinese got in they would have to do the best they could to deal with them, but their main object was to prevent them ever putting a foot on Australian soil.

Mr. PHILP said there was one point he would like to mention, and that was, that it must be remembered that they were trying to please the British Government in passing that Bill. They must also remember that Hongkong was a British settlement, and it was only from Hongkong that the Chinese came here. If they could only secure the co-operation of the British Government, and get them to prevent Chinese leaving Hongkong for Australia, their object would be gained. The Chinese who came here came from Hongkong.

The PREMIER: And Singapore.

Mr. PHILP said very few came from Singapore; but if they could secure the assistance of the British Government in the prevention of Chinese leaving Hongkong and Singapore for Australia, the object of their Chinese legislation would be achieved.

The COLONIAL SECRETARY: Put an export duty on them.

Mr. GOLDRING said it would be a gross injustice to the Minister for Mines and Works if the Committee refused to pass the first clause of the Bill. They had as a colony, through the leader of the Opposition, sent that gentleman to the conference to represent the whole of the colony. The hon. gentleman did his best for the colony, and tried to do what some members of the Committee had tried to do that evening—to put a poll-tax on Chinese in addition to the restrictions contained in that Bill. But he was not able to do it, and he (Mr. Goldring) thought it was the duty of hon. members now to support the 2nd clause of the Bill. If they could improve the measure in other clauses he would be most happy, as far as he was concerned, in doing what he could to assist. The poll-tax had been proved by the late Minister for Mines and Works not to have been the means of keeping Chinamen out of Queensland. The hon. gentleman said that it was the absence of alluvial gold that deterred them from entering the country, and not the poll-tax. He (Mr. Goldring) did not see why they should force the retention of the poll-tax on the Government. The hon. member for Charters Towers, Mr. Sayers, might consider that members were going back from their word by supporting the Bill, but he certainly thought the whole country would hold with them in supporting that clause. He did not intend to occupy the time of the Committee any further as he thought the clause had been sufficiently discussed. He only hoped that no amendment would be proposed.

Mr. DRAKE said he might state that, if it was proposed to go to a vote on that clause before any amendment was made on the Bill, he should certainly oppose it, and call for a division. He was not particularly careful to take notice of the motives imputed by the Premier to himself and some other members on that side of the Committee. He was quite prepared to have his motives judged by the people of the colony.

Mr. LYONS said he intended to support the Bill. He would not have spoken were it not for some remarks made on the other side that a division would show who supported Chinese. If the hon. gentleman who introduced the Bill had not only placed on Chinese the heavy restriction he had done, but had also gone further and imposed a residential or poll-tax of £500, or £1,000, he would have supported the Bill. He had, however, carefully considered that measure, and he believed it was quite sufficient to exclude Chinese. If he did not consider it sufficient, he would support any amendment necessary to make it effective. It had been agreed at the conference that there should be no poll-tax, and he thought they should accept that position. If, however, the Government would accept the suggestion of the leader of the Opposition he believed it would go a long way to smooth over the matters which had been discussed that afternoon. He (Mr. Lyons) was quite satisfied that the 500-ton restriction was sufficient to prevent any Chinese coming to Queensland and deluging the country. As to the argument that French or other ships might come here and land Chinese off the coast, that was too ridiculous to be considered by the Committee. If such a thing did occur it would be a very easy matter for the Legislature to introduce and pass such a law as would prevent its continuance.

The HON. SIR S. W. GRIFFITH said he had drafted the clause he had indicated just now, which, he believed, would be acceptable to the Committee. It was as follows:—

> If any Chinese arrives in the colony by water otherwise than by a ship duly entered at the Customs and not having on board a greater number of Chinese than in the proportion of one Chinese to every five hundred tons of the tonnage of such ship, he shall be liable to a penalty of fifty pounds.
>
> Proceedings for the recovery of such penalty may be taken from time to time and as often as may be necessary until the whole amount thereof is paid. And until such payment it shall not be an answer to an information or summons for the recovery of any such penalty or any unpaid portion thereof that the defendant has already been convicted upon an information or summons for the same offence, or that he has suffered imprisonment for default of payment thereof.

That would make it unlawful for a Chinese to come by a ship when it was unlawful for the ship to bring him. The Bill now dealt simply with the shipowner. He thought they should deal with Chinese as well, and that clause would act as a deterrent. He believed it would satisfy members on that side of the Committee, but he did not ask the hon. gentleman to commit himself to the exact words he suggested.

The MINISTER FOR MINES AND WORKS: You do not intend that as a substitution for clause 2?

The HON. SIR S. W. GRIFFITH: No; I say if you accept an amendment of this kind, there can be no objection to pass clause 2.

The MINISTER FOR MINES AND WORKS: As far as the principle of what the hon. gentleman has read is concerned I am quite willing to accept it, but I did not catch the exact words.

Mr. STEPHENS said he would suggest that they should postpone the consideration of clause 2 until they had passed the rest of the Bill. The Committee would then know what shape the measure would take, and clause 2 would then pass without a word. Had that course been adopted earlier in the evening it would have saved a great deal of discussion. What members

were afraid of was, wiping out present legislation without knowing exactly what they were going to get in its place.

Mr. DRAKE said he would submit that that was a very reasonable request under the circumstances. The Minister in charge of the Bill had stated that he would consent to a very important amendment further on, and therefore they might very well postpone clause 2.

The MINISTER FOR MINES AND WORKS said he had no intention of postponing the clause. The amendment, the principle of which he proposed to accept, did not in any way necessitate the omission of clause 2. If that clause was omitted the Bill would be like the play of Hamlet with Hamlet left out. It was a most absurd proposition to make, and the hon. member would not have made it if he had had more experience as a legislator.

Mr. STEPHENS: It would save a lot of time.

The MINISTER FOR MINES AND WORKS said it would not save them from making simpletons of themselves. They must legislate according to common sense, and they could not deal with a measure like that and leave the principle it embodied till the last. He was quite willing, as he said before, to accept the principle contained in the suggestion of the leader of the Opposition.

The PREMIER: The principle is in the Bill already.

The MINISTER FOR MINES AND WORKS said it simply made the Bill more effective in its operation in the eyes of some hon. members who had doubts about the efficiency of the Bill in keeping the Chinese out. To remove those doubts he would accept the amendment, but he was not willing to postpone the consideration of the clause.

Mr. ANNEAR said since the Bill was last before hon. members he had heard the opinion of many persons who took an interest in the matter. It was a well-known fact that at the last general election the Chinese question was the paramount question, and it was then said by his opponents that the leader of the Opposition had done nothing to exclude Chinese. Now was the time to prove that assertion. He (Mr. Annear) believed that every measure ever passed for the exclusion of Chinese had been drafted and passed by the leader of the Opposition. He was of opinion that any Bill which did not include a poll-tax, would not have the effect they all desired. The hon. member for Rockhampton (Mr. Archer) had said that under the Bill not more than twenty-four Chinamen could come in in the course of a year, but that in itself would be a loss of £720 by way of poll-tax, and that when the colony was in want of revenue, and they, by the new tariff, had been increasing the cost of living. At the present time there were 8,000 or 9,000 Chinese in the colony competing with our own race. He could be borne out in that statement by the chairman of the anti-Chinese league, Mr. Watson, that that league had contended for a residential tax on Chinese; but he should like to know should those 8,000 Chinamen be allowed to compete with our own people? They had nothing in common with us; and it was well-known that before coming here they made the condition that their bones should be returned to their own country.

The COLONIAL SECRETARY: Do you want their bones?

Mr. ANNEAR said he wanted neither their bodies nor their bones. Chinamen were looked upon as the greatest pests they had in their midst and they wanted to get rid of them, but the Bill would not have that effect. The hon. member for Townsville had said that Chinese only came here from Hongkong or Singapore, but on the very borders of the colony there were now 7,000 or 8,000 Chinamen engaged on the railway from Port Darwin to Pine Creek, in the Northern Territory. Where were they going to? They would come over the border into this colony, and the only satisfaction that Queensland would have would be to imprison them for six months, feed them well, and send them back to where they came from. The Government of South Australia, no doubt, was anxious to get rid of such a source of annoyance when the railway was completed. He had heard one hon. member say that owing to scarcity of labour the large land owners found it necessary to employ Chinamen in the Northern Territory, and yet in South Australia relief works had to be established a short time ago for the white men.

An HONOURABLE MEMBER: Why do they not go north?

Mr. ANNEAR said, why should they go north to compete with Chinamen? He would be sorry to think that any member of that Assembly would like to see their own people fall so low as to compete with Chinamen. Queensland was for white men, and would be kept for white men, and by proper government would always remain a white man's country. He maintained that the Liberal party had done all that could be done to keep out the Chinese. At the time the poll-tax of £30 was imposed no more could have been imposed, as the Act would not have been sanctioned, but it had been sanctioned, and had worked well, and it was now proposed to substitute an Act that would not have nearly so good or beneficial an effect. They had a duty to perform, and he should perform that duty by voting for every amendment that would provide a poll-tax or residential tax, in order that Chinese might be effectually excluded from Queensland. He did not think that white people should be asked to compete with the low hordes of Chinese that were in Queensland, nor did he think they would consent to do so. He was informed by one hon. member that a great proportion of the lunatics in the asylums in Queensland were Chinamen.

Mr. DRAKE said he wished to say a few words with reference to the remarks made by the Minister for Mines and Works. The hon. gentleman said there was something very absurd in the proposal that the 2nd clause should be postponed until they knew what form the Bill would take when it was amended. He could not see the absurdity of it, but he could see this, that he should be doing wrong if he voted in favour of the clause before knowing what the amendments were.

The PREMIER: Do not vote for it then.

Mr. DRAKE said he was going to vote against the clause. The motion before them was to repeal the existing restrictions, and he wanted to know if they were repealed what legislation was going to take the place of them. The Minister for Mines and Works had said that he would accept the principle of the amendment which was suggested by the leader of the Opposition, and the hon. gentleman at the head of the Government, who was sitting beside him, interjected that that principle was already in the Bill. From those remarks they might infer that the amendments which would be admitted by the Government would not amount to anything at all, and would leave the Bill almost as it was. Therefore he would vote against the clause.

Question—That clause 2 stand part of the Bill—put, and the Committee divided:—

AYES, 41.

Sir T. McIlwraith, Sir S. W. Griffith, Messrs. Black, Macrossan, Donaldson, Nelson, Morehead, Hamilton, Pattison, Luya, O'Connell, Paul, O'Sullivan, Archer, Allan, Smith, Philp, Wimble, Stevens, Unmack, Gannon, Goldring, Powers, North, Cowley, Groom, Battersby, Murray, Corfield, Lissner, Dalrymple, Agnew, Perkins, Plunkett, Rees R. Jones, Adams, Lyons, Dunsmure, Crombie, Murphy, and Casey,

NOES, 17.

Messrs. Hodgkinson, Glassey, Drake, Hyne, Sayers, Watson, Stephens, Macfarlane, Grimes, Foxton, Annear, Morgan, Buckland, McMaster, Hunter, Barlow, and Isambert.

Question resolved in the affirmative.

On the motion of the MINISTER FOR MINES AND WORKS, the House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn. After private business, the business will stand in the same order as to-day.

Question put and passed.

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