

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 29 NOVEMBER 1894**

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PEARL-SHELL AND BECHE-DE-MER  
FISHERY ACTS AMENDMENT  
BILL.

## SECOND READING.

Mr. HAMILTON, in moving the second reading of this Bill, said: During the last two years great dissatisfaction has existed on Thursday Island and among the pearl-shellers there in consequence of certain provisions of the Act of 1892, and a petition, signed by 211 persons, and a Bill on the subject were some time ago sent to me. Upon the day of its receipt I took action in Parliament, but owing to the short time at the disposal of private members during the week I have been unable to get any further than this stage with the Bill. The Bill sent to me by the pearl-shellers is the one I now present to the House, and though many amendments are desirable in the Act of 1892, the Bill deals with the two principal amendments desired. Under the present Act no person can take shell from the grounds of less than 6 inches in diameter, except for the purpose of cultivation. There is a company in Torres Straits whose operations in this line have been very extensive, and it is the opinion of pearl-shellers there that the operations of the company have been prejudicial to the shellers and to the interests of the Thursday Island fisheries. They consider that what the company is doing is simply to take shell from the natural spitting ground where it thrives, and place it in a private reserve, with a result that the small shell is not protected, because a diver picking up a 5-inch shell knows that if he leaves it it may be taken by the company, and he therefore opens it to see if there are any pearls within, and then throws it back on the ground. I am informed this course is being practised extensively. If, however, by leaving the small shell they might have the benefit of it in the future when it was grown, it would be to their interest to protect instead of to destroy it. The pearl-shellers have no wish to stop cultivation, but they think it should be carried out by the removal of larger shell to the private grounds, and depending upon the spitting of those shells for the increase. The general opinion there is that the limit should be reduced to 5 inches, but they are afraid that if the practice of removing shells of all sizes continues, the result will be similar to what has taken place in connection with the fisheries at Ceylon and the Red Sea, where they are practically worked out. We are told that the ground is not being worked out because more shell was got last year than during the year before. The reason for that is that there were more boats working, but the amount obtained per boat was not nearly so great as during the year before. Another point is that small shells are the rule now, whereas years ago shells 7 and 8 inches in diameter were plentiful. I have seen letters on this subject by Mr. James Clarke. His company is a most enterprising one, and I would like to see it prosper, but at the same time, when every individual writing to me from Thursday Island expresses the opinion that the operations of the company are prejudicial to the interest of the fisheries there, it is my duty, as the representative of the district, to endeavour to carry out the views of my constituents. Mr. Clarke states that only 1,200 tons were taken last year, and he only took twenty tons for cultivation purposes; but that twenty tons was composed of small shell, and it is calculated that it represents 100,000 shells. Now, if they had been left to grow on their natural ground, they would in the course of time reach the 6-inch limit, and then all the pearl-shellers would have an equal right to obtain them. I notice that Mr. Douglas explains that not much harm is being done, because the ground is so very extensive. On that point I will read the opinion

## LEGISLATIVE ASSEMBLY.

THURSDAY, 29 NOVEMBER, 1894.

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

## PETITION.

RAILWAY FROM ROMA TO THE SOUTH-WEST.

Mr. KING presented a petition from the inhabitants of Roma and surrounding districts, praying for closer communication by rail with the South-western part of Queensland.

Petition read and received.

## QUESTION.

RAILWAY SURVEY, HUGHENDEN TOWARDS WINTON.

Mr. OGDEN (on behalf of Mr. Corfield) asked the Premier—

Is it his intention to cause a permanent survey to be made during the recess for the extension of the Northern Railway from Hughenden towards Winton?

The PREMIER (Hon. H. M. Nelson) replied—

The Government, during the recess, will carefully consider what surveys are required in the interests of the colony.

## SUSPENSION OF STANDING ORDERS.

The PREMIER, in moving—

That so much of the Standing Orders be suspended for the remainder of the session as will admit of the receiving of resolutions from the Committees of Supply and Ways and Means, respectively, on the same day on which they shall have passed in those Committees—

said: The reasons for asking the House to agree to this motion were fully explained last evening. The fifth month of the financial year will expire to-morrow. The House has already granted Supply for four months; and unless another Appropriation Bill be passed by to-morrow, the routine of the Treasury will be upset. In answer to any objection that may be raised, I may state that the motion has nothing whatever to do with the matter we were discussing last night—namely, the conversion loan. All I ask to pass this afternoon in Ways and Means, and subsequently in an Appropriation Bill, is the ordinary Estimate which the House has already agreed to.

Mr. POWERS: When do you propose to deal with the Loan Estimate?

The PREMIER: There is no hurry about that. It depends on the House—how long we sit.

Mr. POWERS: That is all I wanted to hear from the hon. gentleman. As long as it is understood that we are not in any way sanctioning the loan proposals of the Government, I do not want to get up a debate on the motion.

Question put and passed.

of a practical man, and, as he has been twelve years on the ground, I think his opinion should have more weight than that of Mr. Douglas. The letter is from Mr. Tolman, a very old pearl diver, who, in speaking of the ground which Mr. Douglas states is unlimited in extent, says—

“Mr. Douglas states that the ‘old ground’ has an area of 800 square miles, and that further seawards will be found shell in areas aggregating thousands of square miles. . . . The ‘old ground,’ strictly speaking, has an area of not more than 260 square miles—namely, an average measurement of twenty miles by thirteen. . . . This area includes sand-banks and non-payable patches which reduce the payable ground to, at the outside, 130 square miles. . . .

. . . . For twelve years I have worked on the ‘old ground’ in the diving dress, and I claim to know as much about the ‘old ground’ and the rest of the Straits as any man in the fishery. It is true that shell has been fished nearer the various islands and reefs to the eastward of the area I have defined, but these patches are long since worked out.” [The letter went on to describe ground which had been worked out or where inferior shell had been found in small patches and non-payable quantities.]

I am perfectly certain that it would be far better in the interests of the State to encourage a number of small men who are residents in the place and have their allotments on the various islands than to encourage a company, if in doing so we consider that it would prejudice the interests of such men, and cause them to clear out. I was informed not long since that after the operations of the company commenced fifteen white shellers cleared out, with twenty-three boats. Mr. Douglas admits in his report that the majority of experienced shellers are in favour of the amendments which I propose. I shall not take up any more time, because as there is so much private business on the paper I consider that each member should have some consideration for the others, and seeing that there are only two clauses in the Bill, I would say, without wishing to dictate to hon. members, that it appears to me that the better plan would be to allow the Bill to go into committee, and then make any amendments that may be necessary. I beg to move that the Bill be now read a second time.

The PREMIER: I can hardly give this Bill my approval, because the statements made by the hon. member in favour of it do not agree with my own experience. I had an opportunity during last recess of visiting Thursday Island and interviewing as many of the pearl-shellers as I could find at the island. There were a considerable number of them there at the time, and I had several conferences with them on this particular subject. The real trouble with regard to this industry is not, I am sorry to say, with reference to 5 or 6 inch shell or cultivation, but simply from the fact, which applies to almost everything in the world at the present time, that the value of the article has suddenly depreciated. That is really at the bottom of the trouble.

An HONOURABLE MEMBER: And deep water.

The PREMIER: Not so much deep water. But, in contradiction of what the hon. member states, though I do not doubt for a moment that his authorities are authentic and genuine, all the shellers I met on that occasion were decidedly in favour of encouraging cultivation. In fact, they went so far as to petition the Government to make cultivation a part of the license—that is to say, that no boats should be licensed to go pearl-shelling except on the condition that they carried on a certain amount of cultivation; and I am sure that, if anyone looks at the matter from the point of view of a practical colonist, he will see that the vast wealth of the colony must be increased if we can only establish an industry on the basis of cultivation. The shellers go out very often at the risk of their lives, and dive down to the bottom of the sea.

At present they get a certain amount of shell. If it is only small shell, they are not allowed to use it. Even the hon. member who has introduced this measure only advocates a difference of one inch in the size of the shell allowed to be taken. The shellers may collect a large quantity of shell, and unless they can use that in cultivation four-fifths of their labour is thrown away. I am told that it is quite true, as the hon. member says, that they are sometimes induced to open some of these under-sized shells on the chance of getting a pearl in the oysters; but the chances of that are so exceedingly small that there is, after all, not very much of that carried on. I am told that you may open 1,000 shells before you get a pearl, and perhaps that pearl may be of very little value, and it is not very likely that men would destroy their own industry on the mere chance of getting one in a thousand. There is not the slightest doubt that in the interest of the colony as a whole, and in the interest of this particular industry, cultivation is the proper thing to encourage. When I was at Thursday Island the shellers were under the impression that they could not lease ground for the purposes of cultivation except by taking up large areas, but when I come to examine the Act and regulations on the subject I find that there is no minimum; the only limitation is as to the maximum, so that there is nothing whatever to prevent them taking a lease of a small portion of the sea in the pearl-shell ground, where they can bring their shell and deposit it for the purpose of cultivation. With regard to the experiments which have been attempted so far in the matter of cultivation, they are very encouraging indeed. The parts now under cultivation have been closely examined and reported upon, and there does not seem to be the slightest doubt but that the whole ground might be increased to a very large extent. So far as denuding the old ground is concerned, it seems to me that the reduction in size from 6 inches to 5 inches will increase the difficulty, because if you allow them to take small shell the greater quantity will be taken. I hope the hon. member will not press the Bill. I give him every credit for sincerity in the matter; and although he puts it on the ground of doing justice to the small men as compared with the large men, I do not think his contention is correct. The small men owning two or three boats are themselves perfectly satisfied that the encouragement of cultivation is the proper way of carrying on the industry, and it follows that if we cultivate the shell in large areas it will be procurable when it is wanted, and it will go on multiplying to an unlimited extent. Picking up small shell and throwing it overboard again seems to be an immense waste of labour; and why not deposit it in other places of cultivation? If we struck out the word “five,” the whole object of the Bill will be gone. It is simply a question as to whether we shall or shall not encourage the system of cultivation which has been so strongly advocated by many interested people.

Mr. HAMILTON, in reply: The Premier states that the real trouble is the low price of shell. No doubt that may be a very serious matter, but the shellers themselves should know what the real trouble is, because they are interested chiefly, and they state the chief trouble is as I have stated. The Premier states that all the shellers were in favour of cultivation, so they are now, but not cultivation as it is at present conducted. All the shellers are opposed to that kind of cultivation, and the Premier should attach some weight to the petition they presented to him at Thursday Island. I shall now refer to that petition. In it the shellers set forth that experience had taught them that the wholesale withdrawal of small shell for so-called cultivation purposes must at an early date denude the beds and

lead to the creation of a large monopoly which would ruin the smaller shellers. They suggested that the size should be reduced to 5 inches, that no shell smaller than that be raised for cultivation, and that cultivation be encouraged by small leases at low rentals of suitable passages which could be gradually stocked.

The PREMIER: That has been done.

Mr. HAMILTON: It has not been done. They say that with the protection asked for and the encouragement suggested they were fully prepared to enter into shell cultivation by the transference of shell of 5 inches and over into suitable leases, by bringing in a certain quantity of shell each time they returned from the ground. The pearl-divers are in favour of true cultivation, but what they object to is the removal of shell under 5 inches. Mr. Kelly, who was a member of the deputation that waited on the Premier, supplemented the remarks of Mr. Tolman to disprove the assertion that the old ground was inexhaustible by stating that all the thickest patches of shell were obtained near the reefs from whence it was presumed it drew its food. The Premier is reported to have said that they had to go into the open markets of the world with their shell, and must consequently learn to obtain it in the cheapest manner possible; and that it seemed to him a waste of labour to have to lay down, when below, the shell which they took up to see if it were the proper size. Mr. Kelly replied that it was more advisable to leave the shell on the beds Nature provided for it than to remove it to another place. Mr. Tolman said the shellers wanted to preserve the old ground to fall back upon, and unless something were done there would be nothing to keep the divers in Torres Straits. The public beds would be ruined, and the whole of the shell would be in the hands of one or two men. The hoarding-up of large quantities of shell in a small area was not cultivation, but simply making a deposit bank of them. The cultivation should be carried out with large shells, the spat of which could be deposited in suitable places. From all this hon. members will see that the divers of Torres Straits believe that ruin stares them in the face if this present kind of cultivation is allowed to go on. Although they believe in cultivation, they object to cultivators being allowed to remove smaller shell than other people. I admit that it is a moot point whether it might not be desirable to reduce the size of the shell from 6 inches to 5 inches; but when the Premier states that the whole object of the Bill would be lost if the clause were knocked out, I do not agree with him, because the principal clause would be left.

Question—That the Bill be now read a second time—put; and the House divided:—

AYES, 22.

Messrs. Drake, Kerr, Archer, G. Thorn, Boles, Cross, Hardacre, Hamilton, Grimes, Reid, Dawson, Browne, Ogden, Powers, W. Thorn, Groom, Daniels, Wilkinson, McDonald, Jackson, Dunsford, and Fisher.

NOES, 25.

Messrs. Nelson, Byrnes, Tozer, Barlow, Cameron, Turley, Dickson, Armstrong, Watson, Callan, Chataway, Philp, Morgan, Battersby, Cadell, Bell, Stephens, Lord, Thomas, Kingsbury, Smith, Crombie, Midson, McMaster, and Corfield.

Resolved in the negative.

#### NEW SWANBANK RAILWAY BILL.

##### SECOND READING.

Mr. HAMILTON: In moving the second reading of this Bill, I may state that the select committee to whom it was referred for consideration took evidence, found the preamble to be proved, and recommended that the Bill be passed with a number of amendments, for the most part of a very trivial nature. This Bill

was first introduced by the present Secretary for Lands in 1892 towards the end of the session, and went through its second reading and committee stages in one day without any division; and the present Bill is practically the same, with a few alterations, made chiefly at the instance of the Railway Commissioners. It was stated at the time by Ministers who were in favour of it that they believed a Bill dealing with such an enterprise would be of great importance to the country, and that the works which would be opened up by the construction of the railway would give employment to a very large number of men. I move the second reading of the Bill.

The PREMIER: I have looked through the Bill very carefully, and am able to give it cordial support. That is to say, I can support most thoroughly the Bill as it has been amended by the select committee to which it was referred. In this instance the committee have done very good work, and have vastly improved on the Bill as it was originally printed. I do not know whether the hon. member intends to proceed to the committee stage with the Bill this afternoon.

Mr. HAMILTON: Yes.

The PREMIER: In that case I shall have a couple of formal amendments to make, one of which I think is entirely an oversight on the part of the committee. Otherwise I have no objection to the Bill. On the contrary, I am able to give it my hearty support.

Mr. GRIMES: The hon. member for Cook says the Bill is the same that was put before us originally, with a few very trifling alterations. It appears to me that a very material alteration has been made in the Bill since it was first presented to us. It is no less than altering the route of the railway altogether. The original Bill proposed the construction of a railway to join on to the line built by the hon. member for Bundamba, Mr. Thomas. Now it is proposed that it shall join on to a line built by the West Moreton Coal Company. I have no hesitation in saying that had the hon. member attempted to press the Bill as first introduced it would have met with strong opposition, because it is out of all reason to expect that the House would consent to running another line of railway parallel to an existing line, and only about twenty yards from it. The alteration removes the objection that would otherwise have been raised against the Bill. There are one or two small alterations yet that are necessary, but they can be made when we get into committee.

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

##### COMMITTEE.

Clause 1 passed as printed.

Clause 2 and 3 passed, with verbal amendments.

On the motion of Mr. HAMILTON, a new clause, enabling the company to deviate from the route shown on the plan, was inserted.

On clause 4, after a consequential amendment, The PREMIER moved the addition of the following:—

Provided that no regulations or by-laws made by the company shall have any force or effect until approved by the Governor in Council and published in the *Gazette*.

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

Clause 6 put and passed.

Clause 5, 7, 8, and 9 passed with verbal and consequential amendments.

Mr. HAMILTON moved a new clause, to follow clause 9, to the effect that the cost of the inspection of mines should be paid to the Commissioners by the company, and that any owner, lessee, or occupier working any portion of his

mine under the branch line without giving notice to the Commissioners should be liable to a penalty of £100 per day for each day during which the mine was so worked.

New clause put and passed.

Clauses 10, 11, 12, and 13 passed with verbal amendments.

Mr. GRIMES thought it was advisable that the Railway Commissioners should have the same running powers over this line as the company wanted over Lewis Thomas's line. He therefore moved the insertion, after the word "vehicles," of "laden or unladen, and with or without passengers." If those words were not inserted the Commissioners would not have power to run their laden trucks over the line.

Amendment agreed to; and clause passed with further verbal amendments.

Clause 14 put and passed.

Clause 15 passed with a verbal amendment.

Clause 16 put and passed.

Clauses 17 and 18 passed with verbal amendments.

Mr. HAMILTON moved the insertion of a new clause providing that nothing contained in the Act shall be construed to give the company any claim for compensation in the event of the Commissioners being at any time authorised by Parliament to construct any line of railway, the construction of which may be deemed to injuriously affect the branch line.

Question put and passed.

Clause 19 and new schedule passed as printed; and preamble passed with verbal and consequential amendments.

The House resumed; the CHAIRMAN reported the Bill with amendments.

#### THIRD READING.

The Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence.

#### JOINT COMMITTEES.

##### COUNCIL'S MESSAGE.

The SPEAKER read a message from the Council, inviting the concurrence of the Assembly in a resolution relative to the control of the Parliamentary buildings, refreshment rooms, and library during the recess.

On the motion of the ATTORNEY-GENERAL, it was resolved that the Assembly concur in the request, and that such concurrence be communicated to the Council by message in the usual form.

#### RECONSTRUCTED COMPANIES BILL.

##### COUNCIL'S MESSAGE.

The SPEAKER read a message intimating that the Council had agreed to the amendments made by the Assembly in this Bill.

#### ELECTORAL REFORM BILL.

##### SECOND READING.

On the Order of the Day being read for the resumption of the debate upon the second reading of this Bill,

Mr. HAMILTON moved that this and the following Orders of the Day, general business, be postponed until after the consideration of Order of the Day No. 16 (relative to payment of members: *vide* debate page 1381).

The SPEAKER: I must inform the House that I cannot put that motion. I have ascertained that my action when a similar motion was moved on a previous occasion was irregular, and therefore I cannot put this motion. If hon. members wish it, I will refer them to "May," page 247. Our Standing Orders relative to the motion are identical with those of the House of Commons, and "May" says—

"A motion was formerly permitted, moved when an Order of the Day was read, that it, either singly or

coupled with other Orders of the Day, be postponed to give priority to a notice of motion, or to another Order of the Day. Such motion, however, is at variance with the provisions of Standing Order No. 14, which prescribes that the Orders of the Day shall be disposed of in their appointed order."

Mr. HAMILTON: It is my opinion—

The SPEAKER: Order! The Order of the Day has been called for the second reading of the Electoral Reform Bill. Does the hon. member wish to speak to that?

Mr. HAMILTON: I move the postponement of that Order of the Day until after the disposal of Order No. 16.

The SPEAKER: I have already ruled that the motion cannot be put.

Mr. HAMILTON: I understood that though I could not postpone the Orders of the Day *en bloc* I could postpone them one at a time, and I am now proposing the postponement of one. I believed we could not postpone them *en bloc*, but I was relying upon the precedent established by yourself the other day.

The SPEAKER: There is no difference between moving the postponement of the whole of the Orders of the Day or only one. It can only be done by leave of the House.

Mr. GRIMES: If there is an objection raised the motion cannot be put?

The SPEAKER: Certainly not. It can only be done by leave of the House. Is it the pleasure of the House that the motion be put?

HONOURABLE MEMBERS: Hear, hear!

Mr. GRIMES: I object.

Mr. HAMILTON: I move the adjournment of the debate.

The SPEAKER: The hon. member for Mackay, Mr. Chataway, is in possession of the House.

An HONOURABLE MEMBER: He is not here.

Mr. CORFIELD: Mr. Speaker—

The SPEAKER: The hon. member for Mackay is in possession of the House, and if he is not here I must put the motion of the hon. member for Cook. The question is that the debate be now adjourned.

Mr. CORFIELD: I desire to speak upon this motion.

The SPEAKER: The hon. member is at liberty to speak upon the motion for the adjournment of the debate.

Mr. CORFIELD: My objection to the adjournment of the debate is that several members desire to speak on the second reading of the Bill; and this is probably the only opportunity we shall have of doing so. There is only half an hour before the tea hour, and if members present would make their remarks upon the second reading we could then go to a vote.

Mr. ARMSTRONG: I to some extent disagree with the motion for the adjournment of the debate. I am prepared to continue the debate on the second reading of the Bill, and I believe that other members are also ready to go on with it. The hon. member for Mackay, Mr. Chataway, who was speaking when the debate was last adjourned, is not now in his place, as he did not expect the question to come on so soon. The urgency of the question is apparent to every member of the House, and if the debate is now adjourned, there is no knowing what business will come before the House. I know several members who are prepared to go on with the debate, and it will be unfair to them if this motion is carried.

Mr. FISHER? Why not take a division now

Mr. ARMSTRONG: For the simple reason that there are many members who did not know that the question was coming on now, and they are not present either to speak or record their votes.

Mr. REID: They should have been in their places whether they knew it or not.

Mr. ARMSTRONG: Anyone might reasonably expect that at the rate at which business has hitherto been transacted we would not so soon get to Order No. 3, and they are therefore to some extent to be excused for their absence. I certainly object to the adjournment.

Mr. GRIMES: I must express my sympathy with the hon. member who moved the second reading of this Bill. It was introduced on the 20th September, and from that time to this it has not advanced a single stage, yet some hon. members now wish to adjourn the debate on the second reading to the future date.

Mr. REID: We wish to get a vote on it.

Mr. GRIMES: Adjourning the debate is not the way to get a vote on the question. This will be the last opportunity we shall have of going to a division on the matter. The Bill cannot possibly get through committee, owing to the obstruction of hon. members on the second reading. There is no doubt that to the introducer of the measure it is a very important matter, though it may not be to other members. A large amount of ridicule has been thrown on the Bill, but to other members it is a matter of serious importance, and it deals with a question of vast importance to a large portion of the community. I therefore do not think it is advisable to adjourn the debate, especially as several hon. members are prepared to go on with it. I cannot recollect of any previous case in which a motion of this sort has been made in the absence of the member who had possession of the floor, and I really think that we should proceed with the debate, and, if possible, come to some conclusion on the matter.

The ATTORNEY-GENERAL (Hon. T. J. Byrnes): This being private members' day the Government do not care to intervene in regard to the order of business. The hon. member who moved the second reading of this Bill is not in his place, but those who act with him want the debate adjourned. If the hon. member for Burke had moved the adjournment I should not object, as the matter is largely one for the hon. member in charge of the Bill, but if the House wish the debate to be adjourned I think it should be allowed.

Mr. FISHER: If the hon. gentleman who has just spoken for the Government—

The ATTORNEY-GENERAL: I was not speaking for the Government; I was speaking my private sentiments.

Mr. FISHER: If the hon. gentleman will promise that a division will be taken, this will certainly be the first business gone on with.

The ATTORNEY-GENERAL: I cannot promise anything at all.

Mr. DUNSFORD: It seems that we are between two fires. Our only alternatives are either to adjourn the debate or allow the Bill to be talked out. The Bill has been talked out no less than three times by the Attorney-General on three different days, and four times by the members for Mackay, three times by the senior member and once by the junior member for Mackay, and now the junior member is not in his place to talk it out again. What the Labour party want is to take a division on the question.

Mr. GROOM: It is quite a pleasure to hear members, apparently with a view of speaking till 6 o'clock, talk of their sympathy with the introducer of the Bill; but I think that sympathy should have been expressed some weeks ago, so that the House might have had an opportunity of expressing its opinion on the measure by voting on the second reading. Private members have sixteen Orders of the Day on that paper, and I understand that we are going to end the session to-morrow. My experience in this

Chamber has been that about a week before the close of the session the leader of the Government has consulted with private members who have business on the paper, and come to an understanding as to what business should be disposed of; and the other Orders of the Day have been postponed in order to allow that business to be reached. I think that we should have an understanding of that kind arrived at now, as there are only two hours to-day and two hours to-morrow for private members' business. I think that the proposal to adjourn this debate should be agreed to out of courtesy to the hon. member who introduced the Bill, as he is not here to hear what hon. members have to say on the subject. That appears to me one of the strongest reasons why the motion for the adjournment of the debate should be carried.

Question put; and the House divided:—

AYES, 32.

Messrs. Smith, G. Thorn, Kerr, Hamilton, Ogden, King, Fogarty, Reid, Hardacre, Wilkinson, Boles, Leahy, Bell, Morgan, W. Thorn, Cadell, O'Connell, Battersby, Groom, Cross, Bawlings, Dawson, Turley, Browne, Daniels, McDonald, Powers, Fisher, Dunsford, Jackson, Drake, and Curtis.

NOES, 14.

Messrs. Cameron, McMaster, Annear, Petrie, Lord, Crombie, Midson, Grimes, Corfield, Tooth, Stephens, Armstrong, Watson, and Philp.

Resolved in the affirmative.

On the motion of Mr. FISHER, the resumption of the debate was made an Order of the Day for to-morrow.

#### SUSPENSION OF MEMBERS.

On the Order of the Day being called for resumption of debate on Mr. Powers' motion on this subject (*vide* page 546),

Mr. HAMILTON moved that the debate be adjourned.

The SPEAKER: The hon. member for Enoggera is in possession of the House. As I understand that he relinquishes his right to speak, I will put the motion.

Motion put.

Mr. STEPHENS: As a point of order, Mr. Speaker, I wish to know whether an hon. member can move that the debate be adjourned without any debate having taken place this afternoon at all.

The SPEAKER: I think the motion may be put in this way: "That the debate be further adjourned."

Mr. HAMILTON: I move that the debate be further adjourned.

Question put and passed; and resumption of the debate made an Order of the Day for this day fortnight.

#### RELATIONS BETWEEN EMPLOYERS AND EMPLOYEES.

On the Order of the Day for the resumption of the debate on Mr. Powers' motion (*vide* page 690) being read,

Mr. POWERS: I move that this Order of the Day be discharged from the paper.

Question put and passed.

#### CRIMINAL LAW AMENDMENT BILL. COUNCIL'S FURTHER MESSAGE.

The SPEAKER announced the receipt of a further message from the Council in reference to this Bill. (*Vide* Council proceedings, page 1483.)

Message ordered to be considered in committee to-morrow.

#### LIMITATION TO SECURITY BILL.

SECOND READING.

Mr. CROSS: I move that this Order of the Day be discharged from the paper.

Mr. STEPHENS: This is a most important measure. From conversations I have had with

the hon. member, I believe he intends to give the House and the country a great deal of useful information, and I object to the Order of the Day being discharged from the paper.

At 7 o'clock,

The House, in compliance with Sessional Order, proceeded with Government business.

#### SUGAR WORKS GUARANTEE.

The SECRETARY FOR WORKS (Hon. R. Philp), in moving—

1. That this House approves of the estimate, laid upon the table on the 28th instant, of probable guarantee required for the present financial year, under the Sugar Works Guarantee Act.

2. That the foregoing resolution be transmitted to the Legislative Council, for their concurrence, by message in the usual form—

said : At present there are no debentures signed by the Government, but before the 30th June next it is very likely there will be three mills—Marian central mill, the Pleystowe central mill, and the Nerang River Sugar Company's mill—to be guaranteed. I understand that they are all busy now planting cane for crushing next year. All the conditions have not yet been fulfilled by the companies, and until they are of course the Government will not sign debentures for them.

Mr. POWERS : I called "Not formal" to the motion, and I expected the hon. gentleman would have done so. We certainly have a right to know what the Government are doing, and there is no information in the bald piece of paper giving an estimate of what will be required for three mills. What is the use of submitting this estimate or their proposals for the approval of the Parliament under the Act, unless the House is supplied with the information in possession of the Minister upon which to express their approval or disapproval of the proposals submitted? I intend next session, if anyone will assist me, to have that information before any such resolution as this is put. We should know what mills are proposed, what inquiries have been made, and what security we are getting for the guarantee. As the sum for three mills amount to only £38,000 this year, and there appears to have been some misunderstanding about it, I am not going to oppose the resolution now; but next session I will want to know what we are asked to approve of; and this motion is being submitted, I hope, for the last time without the further information that is required by the House before members can say whether they approve of the proposals or not.

Question put and passed.

#### SUPPLY.

##### RECEPTION OF RESOLUTIONS.

Mr. ANNEAR, as Chairman of Committees, presented a report from the Committee of Supply covering the resolutions passed in connection with the Supplementary Loan Estimates and the loan proposals of £2,000,000 for the repayment of debentures, etc.

The COLONIAL TREASURER: I move that the resolutions be agreed to.

Mr. HAMILTON : I move that the debate be adjourned, and I do so because, if the Colonial Treasurer carries this motion, it will be fatal to the wishes of the majority of this House, which, as hon. members are aware, have been deliberately, and I may say contemptuously, set aside by another Chamber. This is a question of money, and in all such cases it has always been ruled that the other House has not co-ordinate powers with the Assembly. They have attempted to overrule the majority in this House, and it is the duty of the Colonial Treasurer, as leader in this House, to carry out the wishes and defend the privileges of the House, and see that the majority here shall rule. The principle of

constitutional government is that the majority must rule. This is a stand which I think hon. members should take, and I hope that even members who are not in favour of my motion will assist in preventing the privileges of this House being overruled in the manner I have stated.

The SPEAKER : The hon. member is not in order in debating that question.

The COLONIAL TREASURER : This is a most extraordinary procedure to propose with regard to Supply. Hon. members were informed last night that unless we get Supply voted immediately, seeing that this is the second last day of the month, some arrangements must be made for carrying on the government of the colony, and to block Supply at this stage, after the House has approved of every item on the Estimates, seems to me to be most unwarranted. What justification can be brought forward for it I am not aware. The justification attempted by the hon. member is certainly one that this House cannot entertain. That the other Chamber should forego their rights and privileges in some way that I cannot understand in order to meet the wishes of this House, when they have never been asked to meet them in any other than the ordinary course, is certainly a matter that requires some explanation. A motion of this sort is altogether unprecedented, especially at the stage at which we have now arrived, seeing that all the House is asked to do is to formally agree to what has been done in committee. I was astonished to hear this motion proposed. As I have already stated, unless we get the Appropriation Bill through to-night—

The Hon. G. THORN : You won't get it through to-night.

The COLONIAL TREASURER : I can only ask for it; I cannot force the House to give it to me. I am only speaking for the best interests of the colony. Surely hon. members do not think that I am personally concerned in the matter. Personally it does not matter to me whether it is passed now or a month hence; but we have to consider other matters than mere personality or the Government. We have to consider what is good, what is right, and what is proper.

HONOURABLE MEMBERS : Hear, hear!

Mr. DUNSFORD : The majority must rule.

The COLONIAL TREASURER : As far as the matter to which the hon. member refers is concerned, the mere passing of these resolutions will not block hon. members in taking further action.

Mr. POWERS : It will be useless acting afterwards.

The COLONIAL TREASURER : Not necessarily. But I think it is rather a selfish proceeding on the part of some hon. members to put the whole colony to the greatest inconvenience, simply for the purpose of serving their own personal ends.

Mr. POWERS : This proposal does not justify the imputation that hon. members are putting the colony to expense or inconvenience for their own personal convenience or for the sake of their own pockets. The hon. gentleman knows very well that this House will support him, if necessary, in passing a Bill to-night for a month's Supply for the purpose of carrying on the government of the colony, and he has no right to ask for more than that until after all the business is finished. The hon. gentleman says that this is an unprecedented action. I believe it is. I do not think there has ever been a Ministry in the colony that did not carry out the will of the majority of the House clearly expressed and sent to the other House in the form of a Bill. That is an unprecedented action, and it is that which has caused this unprecedented action. If these resolutions are adopted, and an

Appropriation Bill is passed, any further action in that matter is useless. The minor question of payment of members is now sunk in the greater question as to whether this House is to rule in money matters. When Sir Samuel Griffith was in the same position, and a Bill was refused by the other House—

The COLONIAL TREASURER: He never was in this position.

Mr. POWERS: Yes, he was. A Bill was carried by the majority of the House against opposition, and was afterwards thrown out in the Upper House. That is the present position.

The COLONIAL TREASURER: That Bill was introduced by the Government.

Mr. POWERS: I do not care whether it was carried by the Government, or by a majority of the House against the Government.

The SPEAKER: I think the hon. member is going outside the limits of discussion. The question is the adjournment of the debate.

Mr. POWERS: The reason given for the adjournment of the debate is that if these resolutions are agreed to and an Appropriation Bill follows, as the hon. gentleman insists, there will be no chance of tacking the payment of members on to the Appropriation Bill, and we know by parliamentary practice that that is the only way to pass payment of members when a measure for that purpose has been refused by the Upper House.

The ATTORNEY-GENERAL: That is parliamentary malpractice.

Mr. POWERS: A gentleman of as great experience and as great ability as the hon. gentleman did it.

The ATTORNEY-GENERAL: I don't care for that.

Mr. POWERS: The hon. gentleman may not care, but I state it as a fact. It was done by a gentleman who knows as much about parliamentary practice as any gentleman here or any gentleman in any Parliament in Australia, and he thought it a proper method of carrying on the Government.

The COLONIAL TREASURER: What a love you have for him now!

Mr. POWERS: I have not been hypocrite enough to express a love for him, but the hon. gentleman took office under him after he had been opposed to him. I have expressed no love for him, and it is not a question of love but a question of precedent, and the hon. gentleman knows as well as anybody else that the law of Parliament is made by precedent and usage.

The SECRETARY FOR LANDS (Hon. A. H. Barlow): This is not a question of love; it is a question of money.

Mr. POWERS: It is not a question of love or a question of money. It is a question of precedent. It is a serious matter, and I have tried to treat it seriously. The position is one that no Ministry should take up, notwithstanding their opposition to the measure. When a measure is carried by the majority of the House the Ministry should carry it out. We are constantly told that the majority of this House must rule, but now it appears that the majority are not to rule while the present Ministry are in power. We are fighting for a right, for a principle, and the only course we can take is the one established by parliamentary precedent—one that we can safely follow. Not only is it not an open question of parliamentary procedure, but it was shown to be so correct that the electorates endorsed it, and not only endorsed it, but sent back a Parliament which increased the payment which was forced through the Upper House.

The COLONIAL TREASURER: They never took such a low step as to move the adjournment of the debate.

Mr. POWERS: We are willing to give the hon. gentleman such Supply as is wanted, and the majority of this House have some right to talk upon this matter. But we have a great principle to fight for. Is the majority of this House to rule, especially upon money matters, or are we to continue to submit to this treatment?

The COLONIAL TREASURER: Take a manly step and vote against Supply.

Mr. POWERS: I am not going to vote against Supply. I am putting my views as distinctly as I can, so that it will not be my fault if I am misunderstood.

The COLONIAL TREASURER: We understand you better than you understand yourself.

Mr. POWERS: That must be very satisfactory to the hon. gentleman, but it is very rude at the same time. I am carrying out what I believe to be my duty, and whether I am right or wrong I can only carry it out to the best of my lights. If the hon. gentleman says that he will take the voice of this House at any time on this matter, and tack the vote on the Appropriation Bill if it is carried, that is all we ask.

The COLONIAL TREASURER: I shall never do anything of the sort.

Mr. POWERS: Then the only course for us to adopt is to take the step we are taking, and at the same time offer the hon. gentleman all the Supply that is necessary to carry on the business of the country while this session lasts.

Mr. MORGAN: The Premier has put his foot down upon this question, and is determined not to move it. I hope the majority of the House will express an opinion on the question without fear of the hon. gentleman, or of the consequences of carrying the vote. I have regarded the action of the Premier in regard to this question with a good deal of surprise. We have had it constantly dinned into our ears during this session that the majority should rule.

An HONOURABLE MEMBER: The Peace Preservation Bill.

Mr. MORGAN: That is a very unfortunate interjection. The majority not only ruled, but the minority was coerced by all the forms of the House, even to the length of having the most determined opponents of the measure ejected.

The SPEAKER: The hon. member is not in order in referring to that matter.

Mr. MORGAN: I say the minority were coerced, and it was insisted as a right that the majority should rule. If that was sauce for the goose upon that occasion it ought to be sauce for the gander now. The Premier has endeavoured to show that there is a distinction between the state of affairs that prevails now and that which prevailed a few years ago, and that the difference is to be found in the fact that the proposal in the first instance was introduced by the Government, while this has been introduced by a private member. But a private member has just as much right in this House as a Minister, and if the majority of the people's representatives now declare, either at the instance of a private member or a Minister, that a certain proposal was the endorsement of a majority of members of this House, it should be given effect to. The Premier laid down that doctrine very clearly the other night in introducing a very important measure. He advanced as a justification for that measure that Parliament last session affirmed that it should be brought forward. Parliament has repeatedly, in defiance of continued opposition from the Government side, affirmed this principle of payment of members, yet Ministers sit silent, and not only that, but they refuse to give effect to the wish of the House when they see that wish thwarted by the action of hon. members in another place. Whatever the consequence may be, the majority



of this House should insist upon its will being obeyed. I am not using a figure of speech in saying "the majority of the House," because if anyone has sufficient interest to look up the records of the debates upon this question of payment of members, they will find that upon all occasions a clear majority of the available voting power of the House has recorded its voice in favour of the Bill which was recently rejected in another place. Upon one occasion there were thirty-three votes with the "Ayes" and three pairs, making thirty-six in favour of the Bill, being a clear majority in a House of seventy-two, one of the seventy-two being in the chair. The position I take up in regard to this is that the Government ought to give effect to the voice of the House; and if they are not prepared to do it in the form of a "tack" to the Appropriation Bill, they ought to find other means of doing it. At any rate, they ought to give a promise that an opportunity should be given for a vote upon the question, and if an affirmative voice be recorded, they should give effect to it by bringing in a supplementary vote for 1894-5 to enable the increased payments to be made. We are told the country has no mandate to insist upon this. For my part I deny that. I assert without fear of contradiction that the electors in the portion of the country which I represent are distinctly in favour of the principle. As for the morality of members increasing their own salaries, look at the history of the last Parliament! If there is a blot upon the record of that Parliament, it is in connection with their attitude towards this very question. What was done in the first session of that Parliament, and what was done in the last session?

The SPEAKER: I do not think the hon. member is in order in going into the whole question. He may give reasons why the debate should be adjourned, but he is not in order in opening up the whole question of payment of members.

Mr. MORGAN: I disagree with you, Sir, but I will bow to your ruling. I believe upon this occasion we ought to be allowed to talk fully and freely. However, I emphasise my position by saying that I think the Government ought at least to give effect to the will of the House as expressed time after time upon this question. If they will not bring in a Bill, and will not make a "tack" to the Appropriation Bill, they ought at least to promise that we shall have an opportunity of expressing our deliberate opinion upon the subject. Let them name such a day as may be convenient to get their supporters together, and let us have a fair division, and then let action follow in accordance with the decision of the majority.

Mr. GROOM: The Premier has said that the course now being pursued is without a precedent, and I dare say that technically he is right; but there are circumstances which justify our action. It can hardly be expected that after the vote given in another place, whereby the will of the majority here was treated with contempt and disdain, we should silently allow it to pass. We represent the electors of the colony, and the question is whether an irresponsible Chamber is to rule in spite of the majority of this Chamber.

The SPEAKER: The hon. member is out of order. He must confine himself to the question, and give his reasons for or against.

Mr. GROOM: That is exactly what I am doing; and these are the reasons I am giving. The Premier has said that the action is unprecedented, and I am endeavouring to satisfy you and the country with reasons why the majority should take the action they are taking.

The COLONIAL TREASURER: The Upper House has often rejected Bills before, and the people have not risen in rebellion.

Mr. GROOM: I wish to refer to the precedent established here, which I am very glad to see has even influenced the Imperial Parliament this session. When the Members' Expenses Bill was passed here it was sent to the other Chamber and rejected. Then the then Premier (Sir S. W. Griffith) came down with a proposal to place on the Estimates the sum of £7,000 to meet members' expenses. That amount was included in the Appropriation Bill passed by this House and sent to the other Chamber, and there the unprecedented course was taken of the President leaving the chair and the House going into committee to consider in detail an Appropriation Bill passed by this Chamber. Such a thing was unheard of; and the conflict between the two Houses resulted in an appeal to the judicial committee of the Privy Council as to whether the Upper Chamber had any authority to amend a money Bill, and the answer was given in the negative. During the last session of the Imperial Parliament the Finance Bill passed by the House of Commons was sent to the House of Lords, and the question arose as to the right of that Chamber to deal with the Bill, and the precedent established by this Chamber in opposition to the other Chamber was quoted by the Lord Chancellor as guiding the action to be taken by the House of Lords. On the following day the Duke of Richmond asked the Lord Chancellor whether he would be good enough to inform the House what were the reasons given to Her Majesty by the judicial committee of the Privy Council for giving her the advice they had given with regard to that particular case; and the answer given by the Lord Chancellor was very diplomatic. He said that when the judicial committee of the Privy Council advised Her Majesty they never gave her the reasons for the advice they gave; but he said that the precedent established in the Queensland case must be accepted by the House of Lords; and they allowed the Finance Bill to go through without alteration.

The SPEAKER: I do not wish to stifle discussion, but I think the hon. member's remarks are not relevant to the question.

Mr. GROOM: I should like to know what I am to do? I may just as well sit down if I am not to be allowed to give my reasons in replying to what the Premier has said. I am now coming to the particular point I wish to bring forward. I want to show that if the will of the majority of this Assembly prevailed in the case referred to the Judicial Committee of the Privy Council—

The COLONIAL TREASURER: Show us where they ever moved the adjournment of the debate?

Mr. GROOM: I want to show the hon. gentleman that a majority of this House can take any constitutional action they think proper to affirm their will. Either the representatives of the people have a right to take a stand on a given principle or they have not. If they have the right to affirm a principle and stand by it, they can take advantage of the forms of the House to have that principle established. In this particular case a distinct majority of the House—exclusive of the members of the Ministry—laid down the principle affirmed by the resolution embodied in the Payment of Members Bill.

The COLONIAL TREASURER: It was never made a party question.

Mr. GROOM: That strengthens our case.

The COLONIAL TREASURER: Why should the members of the Government be excepted?

Mr. GROOM: If it pleases the hon. gentleman I will leave out the members of the Government, and say that on a non-party question, in which the Government allowed their supporters to vote as they pleased, there was a clear majority of this Chamber in favour of the Bill,

then I say that the will of this Chamber has been set at naught on a money Bill affecting this branch of the legislature alone. It has been asserted that the discourteous treatment accorded to the Bill in another place was owing to the way in which the Estimates of expenditure in connection with that Chamber had been cut down, and if that is so, it adds to the strength of our claim. Suppose we allow the motion of the hon. gentleman to be carried, he will carry his Appropriation Bill to-night. It will then be sent up to the Chamber and passed in the usual way, and then the session will be practically at an end. Immediately the message comes down stating that the other House agrees to the Appropriation Bill, the Premier can put his hand in his pocket, pull out a proclamation proroguing Parliament, and lay it on the table.

The COLONIAL TREASURER : That is what you would do.

Mr. GROOM : I do not think so. I am only saying what the hon. gentleman can do, and what has been done here before, when the first Premier handed the Speaker a proclamation proroguing Parliament without giving hon. members an opportunity of replying to his remarks. When such a thing can be done it is necessary that members should take a stand, and declare that before they will allow the Appropriation Bill to be passed the Government must let it be understood that something will be done to redeem the character of the majority from the insult thrown upon them by the contemptuous way in which the Bill was rejected by the other Chamber a few days ago.

The SPEAKER : I think the hon. member is out of order in using language of that description. The other House is perfectly justified in refusing any measure that may be submitted to it; and the hon. member is not in order in saying that the action taken by the other House was contemptuous and an insult to this House. I ask the hon. member to withdraw those words.

After a pause,

The SPEAKER : I have ruled that the hon. member is out of order in using the words he has done—that the action of the other House was contemptuous and an insult to this House. I ask the hon. member to withdraw the words.

Mr. GROOM : In deference to you, Sir, and because I respect your position in the chair, if you think I should not have made use of the words, I will withdraw them.

HONOURABLE MEMBERS : Hear, hear !

Question—That the debate be adjourned—put; and the House divided :—

AYES, 32.

Messrs. Powers, Hamilton, Ogden, Wilkinson, Cross, King, Fisher, Dunsford, Dawson, Hardacre, Daniels, Battersby, Cadell, Duffy, O'Connell, Leahy, Morgan, Curtis, Boles, Rawlings, Groom, Bell, Turley, Jackson, Browne, Fogarty, Reid, Kerr, W. Thorn, McDonald, Drake, and G. Thorn.

NOES, 28.

Messrs. Nelson, Byrnes, Barlow, Philp, Dickson, Archer, Annear, Petrie, Chataway, Midson, Watson, Tozer, Smith, Agnew, Crombie, Callan, Grimes, Thomas, Corfield, Plunkett, Camcron, Lord, Stevens, Stephens, Foxton, McMaster, Armstrong, and Kingsbury.

Resolved in the affirmative.

#### ADJOURNMENT.

The PREMIER : I move that this House do now adjourn. I shall make a Ministerial statement to-morrow.

Question put and passed.

HONOURABLE MEMBERS : Hear, hear !

The House adjourned at ten minutes to 8 o'clock.