Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 24 SEPTEMBER 1896

QUEENSLAND PARLIAMENTARY DEBATES.

Legislative Council and Legislative Assembly.

FIRST SESSION OF THE TWELFTH PARLIAMENT,

APPOINTED TO MEET

AT BRISBANE ON THE SIXTEENTH DAY OF JUNE, IN THE FIFTY-NINTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA, IN THE YEAR OF OUR LORD 1896.

[VOLUME 2 OF 1896.]

LEGISLATIVE ASSEMBLY.

THURSDAY, 24 SEPTEMBER, 1896.

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

DENTISTS BILL.

COMMITTEE.

Clause 1—"Short title"—put and passed.

On clause 2—"Interpretation"—

Mr. BELL moved the omission of the word "and" with the view of inserting "or," in the 19th line.

The HON. J. R. DICKSON: The hon. member was to be congratulated upon the support he had met with in endeavouring to pass the Bill, and he hoped the hon. member would succeed in his well-intentioned efforts to do so. While he believed that a Bill of that character should have emanated from Government, as he believed the registration of those professions was a matter the Government should take in hand, he made those remarks because when he had had the honour of introducing a Bill of that character previously that had been the objection which had been taken to it. However, he was not going to discuss that question. He was glad the hon. member had substituted the alternative form, because he had received letters from country practitioners in which they apprehended that if the term "dentistry" was made to apply both to the "extracting and stopping of natural teeth" and "the fitting and adjustment of artificial teeth," they would be deprived of a means of making a living in the provincial towns.

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

Clause 3—"Constitution of dental board"—put and passed.

On clause 4—"First president and members"—

Mr. BELL had given notice of an amendment which comprised the original clause which had passed the second reading, and which it was intended to enact with some additions. He also proposed to move after the 1st paragraph to the amended form of the clause the following paragraph:—

"The president for the first year shall be appointed by the Governor in Council. For the second and third year he shall be chosen by the members from amongst themselves."

It was proposed that the Governor in Council, who were to nominate the first dental board, should also nominate the president for the first year. The nominated dental board was to exist for three years. For the second and third years, and in all future years, the board would elect their own president from amongst themselves. The board was to consist of four or more persons who were dentists, and the remainder might be —though not necessarily—medical practitioners. The last paragraph dealt with vacancies which might occur.

The HOME SECRETARY: The clause was practically an innovation upon the system now in force, in that it delegated legislative powers to an irresponsible board. The ordinary process, and the one adopted in the other colonies, was not to allow the members of this union, or close corporation, to deal with the matter without consulting the public, but to place the appointment of the board in the hands of the legislature, through the Executive, and keep it in the hands of the legislature. A similar provision was being proposed in New South Wales, and it certainly commended itself a great deal more to his mind than the clause. In his administration of the Pharmacy Act, under which the Pharmacy Board was constituted upon somewhat similar lines to those proposed by the hon. member, a case was brought under his notice in which they said they would not admit a pupil. He inquired into the matter, and thought that a very good case was made out for admission, but the board were supreme under the Act. He wanted the public to have a voice in the matter. The proposal that emanated from the dentists in New South Wales was that after the passing of the Act the Governor in Council might appoint two duly qualified medical practitioners and four dentists qualified for registration, and two persons not being either medical practitioners or dentists, to be members of the dental board, and should also appoint one of such members to be president. All vacancies were to be filled by the Governor in Council in like manner; all appointments were to be for three years, retiring members being eligible for reappointment. That was the practice in regard to the Medical Board in Queensland, which had worked well. If that board did anything that was clearly wrong there was an appeal to the Governor in Council, and they could remove the members of the board. But the proposal of the hon. member for Dalby was that the members of the dental board who managed to get in the door first should be supreme, and that they should have power to make rules and regulations, which would be like the laws of the Medes and Persians, unalterable. For instance, if a pupil had been studying for three years the board might appoint certain examinations under their regulations which would exclude that pupil from admission. Then how could he get in?

Mr. BELL: Read the Bill.

The HOME SECRETARY: He had read the Bill very carefully, and compared it clause by clause with a similar Bill now before the

legislature of New South Wales. There was certainly a clause in the Bill which said the Governor in Council might, under certain circumstances, remove the members of the board, but that would be inoperative. While he was going to give the hon. member every assistance he could to pass that measure, it was his duty, as the Minister who had had the administration of the Medical Act and the Pharmacy Act, to point out the innovation which was proposed in the constitution and powers of the board, and if the Committee accepted the proposal they would take the whole responsibility.

Mr. BELL thought the hon. gentleman was unnecessarily apprehensive of what would follow under that measure. The only way in which the awful and dire condition of things indicated by the Home Secretary—the refusal of that close corporation to admit outsiders—could happen was by their establishing examinations so critical that no ordinary man could pass them. The hon. gentleman had said that he had read the Bill, but really he should not think that he had, for under clause 22 there was full power to deal with any danger that might arise by the board so misconducting themselves as to improperly reject a candidate. Any candidate so rejected had the right under that provision to appeal to the Minister, who could order his admission. He admitted that the Bill was more stringent than the one now passing through the New South Wales legislature, but it was not more stringent than the measures which existed in Victoria and Tasmania, and there was nothing novel in its proposals.

Mr. McMASTER took it that if the Bill was passed, and a board was appointed, they would be asked to pass a sum on the Estimates to keep it going, because as a rule boards appointed by the Government expected to be paid. He would like to know if that was intended.

Mr. BELL did not think the board would be paid. Certainly there would be no charge upon the revenue, as any payments that were made would come out of the fees which would be charged according to the schedule to candidates for admission. There was nothing in the Bill which empowered the board to be paid.

Mr. McMASTER: His reason for asking the question was that the Pharmacy Board received a grant from the revenue now, and he took it for granted that this board would be similarly dealt with, whether the Bill provided for it or not.

The HOME SECRETARY: When the Pharmacy Act was passed upon similar lines to this the board said the Act had to be administered, and they asked the Government to pay rent for chambers. The result was that £100 a year had been put upon the Estimates for that purpose. Every Act that was passed imposed a liability upon the Government to administer it, and that meant expense. The object of the Medical Act was to insure that the public should not be treated by quacks who would administer injurious medicines; in the same way the object of this Bill was that persons who professed to be dentists should have some credentials. He sympathised with that object, because he had suffered very severely through a person who professed to be a dentist operating upon his jaw. He would suggest the following new clause to the hon. member for Dalby instead of the one he had moved:—

"As soon as may be after the passing of this Act, the Governor in Council shall appoint two duly qualified medical practitioners and two dentists qualified for registration hereunder and two persons, not being either medical practitioners or dentists, to be members of the dental board, and shall also appoint one of such members to be president. All vacancies shall be filled by the Governor in Council in like manner. All appointments shall be for a period of three years, retiring members being eligible for reappointment."

That would place the board upon the same footing as the Medical Board. If the Committee were disposed to accept that amendment he would be able to assist them, but if they wished all appointments after the first three years to be in the hands of the then members of the board they should accept the amendment of the hon. member for Dalby.

Mr. GLASSEY thought the Home Secretary was not quite fair in regard to the claim put forward by the Pharmacy Board. The hon. member wished to convey that that claim had been made quite recently, but the grant referred to had been made for a number of years, but it had been omitted from the Estimates from motives of economy, and had afterwards been put on again. He thought the hon. member for Dalby would do well to accept the amendment of the Home Secretary, which would meet with the approval of the Committee. It would be giving the board too much power to allow them to fill up any vacancies that might occur after the board had been once established.

The HON. J. R. DICKSON thought that the constitution of this board should be brought into line with that of the Pharmacy Board, and therefore the amendment of the Home Secretary should be accepted. They should know very plainly whether the members of the board would receive fees, because he objected to Bills of this sort being brought in which entailed obligations upon the Treasury that should only be recognised by Bills introduced by message authorising the necessary appropriation. They were now making an annual grant to the Pharmacy Board which was not contemplated when that Act was passed, and he did not think they would find any professional men who would be willing to devote their time to sitting upon a board without remuneration. The number of men who would give their services gratuitously was very limited, and they should recognise the fact that the men who should be upon this board should be men who were qualified to give wise counsel. Those men ought to be paid, and the matter should be looked in the face.

Mr. BELL: The power which the clause gave to the dentist to elect their own administrative body had been conferred upon the Pharmacy Board, and that body discharged its duties in a satisfactory manner. The Victorian board had the right of election, although the New South Wales Act, from which the Home Secretary had taken his amendment, did not give that power. All the Committee had to do was to decide whether they thought the dentists were a body of men who could be trusted with the power of electing their own administrative body. He submitted that there was no ground whatever for saying that they could not trust the dentists of Queensland with the election of the board.

The HON. G. THORN objected altogether to allowing medical practitioners or any other outsiders on the dental board. He wished to know from the hon. gentleman in charge of the Bill how long youngsters going in for the profession would have to serve, how they were to qualify themselves for a diploma, and where the dental school was to be established? Sometimes there were serious consequences in connection with dentistry, and a good dentist rarely undertook a difficult case unless he had a medical practitioner present.

Mr. BELL explained that the hospital authorities had promised that if the Bill passed, a wing of the hospital should be devoted practically to the purposes of a dental college, and all the practical work of dentistry could be carried on there.

The HOME SECRETARY: When the Pharmacy Board was constituted they made it plain that if they were to perform the statutory duties cast upon them Parliament must supply

them with money, and the dental board would do precisely the same. First of all they must have an office, for which they must pay rent. They would say that they would do the work required of them, but they would not pay money out of their own pockets to carry out the Act. He must confess that the Pharmacy Board had worked well in carrying out the Pharmacy Act, but at the same time it cost about £250 to administer the Act. The hon. member for Fassifern objected to the amendment he had suggested because it contemplated the appointment of medical practitioners to the board, but in that respect it contemplated a great deal less than the Bill, which provided that three members out of a board of seven should be persons eligible for registration as dentists, and the remainder "shall be medical practitioners."

An HONOURABLE MEMBER: "May" be. Look at the amendment.

The HOME SECRETARY: There might be more, as medical practitioners were themselves persons eligible to be registered as dentists. There was no doubt that if the Bill passed, judging by the number of dentists they had, or were likely to have, the fees prescribed would not provide anything like sufficient for the administration of the Act.

Mr. BELL: You mean the rent of the room?

The HOME SECRETARY: That was only the beginning; they must provide the necessary machinery for examining persons qualified to practise as dentists. He must say that with a patriotism he did not expect from a board the Pharmacy Board had taken upon themselves that duty to a certain extent.

Mr. BELL: This board will do the same.

The HOME SECRETARY: They may.

Mr. BELL: They will.

The HOME SECRETARY: He had told the Committee what had taken place in connection with the Pharmacy Board, and he should be failing in his duty if he did not point out the prospective liabilities under the Bill. Hon. members would see that very large legislative powers were granted to the board under clause 10. Whenever there was a disagreement with regard to the Government paying certain medical fees he referred it to the Medical Board; and he could rely upon getting an opinion which would be fairly in the interests of the public, as well as in the interests of the profession. If the hon. member was going to create a statutory board which, in addition to its legislative powers, would have the power of regulating by custom the fees payable by the public in regard to dentistry operations, it would be wise to provide that there should be represented on the board the public, who had to pay as well as the men who had to charge.

Mr. CROSS: It was very clear, from what had been said, that the consolidated revenue would have to contribute a yearly sum for the administration of the Act. If that was the case the Bill was wrongly before the Committee; it ought to have been initiated by a message from the Governor. For the purpose of allowing time to consider the matter he would raise the point of order as to whether the Bill was properly before the Committee. He had no intention to oppose the Bill; his intention was to give the hon. member for Dalby an opportunity of introducing it in the proper way. No board would discharge its duties faithfully and well unless its members were paid; and such being the case, it was just as well to know how the Bill stood.

The CHAIRMAN: Under the Standing Orders the Committee has power to consider such measures as may be referred to it from time to time by the House. This Bill has been initiated in the House and sent to the Committee. Whether it was properly initiated is a question to decide when the Speaker is in the chair, and not at the present time.

Mr. GLASSEY said the money granted to the Pharmacy Board was a gift by the Government. They set up a reasonable claim for assistance in their efforts to protect the public, and the Government, seeing the advisability of doing so, granted them a sum of money. That was not an ordinary appropriation, but a special gift. And the dental board, being also established for the protection of the public, the public were entitled to pay a small sum per annum for their protection. It was just as necessary to protect the public in the matter of dentistry as in other directions. After the Pharmacy Board had been in operation a certain time they found the expenses were greater than they were able to meet from their ordinary contributions, and they applied, successfully, to the Government for aid. If a similar request, for a similar reason, was made by the dental board, they would be equally entitled to have it granted. The hon. member for Dalby would not do better than accept the amendment submitted by the Home Secretary.

Mr. McMASTER had no objection to the board being paid, but it should be so stated in the Bill. By-and-by, when the item appeared on the Estimates, there would be very strong opposition to it on the ground that the Bill did not provide that fees would have to be paid to the board.

Mr. FINNEY: The members of the Pharmacy Board do not get any fees. They get £100 a year for the secretary; that is all.

Mr. TURLEY: It was quite reasonable that the board should be so constituted as to safeguard the interests of the public. The best plan would perhaps be to allow the Governor in Council to appoint a medical practitioner and two outside persons, and allow the other four members to be elected by the dentists themselves. There would be nothing then to fear as far as the public were concerned.

Mr. BELL thought it wiser in the interests of the Bill, although he was not prepared to say it was wiser in the interests of legislation, to accept the suggestions that had come from various parts of the House. They might compromise by saying that the dentists should elect four members and the Governor in Council should appoint three medical men. If that would meet the wishes of the Committee he would move an amendment to that effect in the next clause.

Mr. CROSS: How many retire every year.

Mr. BELL: There was no retirement. The board sat for three years.

Mr. McDONALD was somewhat in favour of the suggestion of the Home Secretary. In fact he would go further and say there should be one medical practitioner, four dentists, and two other persons on the board. That would be a fair constitution. There was a general feeling amongst the dentists in the smaller way of business that the board would make arbitrary regulations which would interfere with their business.

Mr. BELL had not heard of that feeling. The printed amendment, instead of making it compulsory to nominate medical men, provided that they might be nominated. They need not necessarily do so. If the amendment were passed, it would give the Minister power to nominate two of the outside public to the board. If it would facilitate matters, he would be willing to strike out "and the remainder may be medical practitioners." In that case the Minister would not be interfered with in his choice.

Mr. McDONALD did not think the matter was quite clear yet. It might be definitely stated that there should be only one medical practitioner on the board. The clause as it stood would allow of four medical men being appointed

together with three dentists. If the hon. gentleman would meet the Committee in the way he suggested, the clause would be greatly improved.

The HOME SECRETARY: The hon. member must be aware that there was a flat contradiction between the amendment and the Bill. His suggestion would place the dental board in the same position as the Medical Board; that was, that the members would be nominees of a responsible Minister. The question was whether hon. members approved of the election of the dental board by the dental people.

Mr. LEAHY: Who are the dental people before the Bill passes?

The HOME SECRETARY: That was the difficulty. Of course, if it was left to the Governor in Council, they would find out who were the good dentists, and would appoint none others. The hon. gentleman's Bill was perfectly consistent, because he said the first board should be appointed by the Governor in Council, and then he made provision for subsequent elections. That scheme was perfectly coherent; and the question was whether the Committee approved of it. He thought it fair to tell the Committee that they were wasting their time unless they were prepared to understand that the Bill would be a charge on the revenue to the extent of at least £200. He did not like the idea of the board being constituted as the Medical Board unless there was a provision that the Act should be self-supporting, because the Government had to pay the Medical Board. The hon. member said that there would be no more difficulty than in the case of the Pharmacy Board; but he could assure him that he had had five or six complaints from persons in the outlying districts who complained that they could not get recognition from the board. Supposing the board decided that A.B. was not qualified, and A.B. appealed to the Minister, was the Minister to undergo a dental operation in order to find out whether the man was qualified?

Mr. BELL: Would the hon. gentleman tell him distinctly whether he agreed with the proposal that the dentists should elect four members, and that he should nominate three others? If the hon. gentleman was not prepared to accept that, then let the Governor in Council nominate the lot.

The HOME SECRETARY: He was giving the hon. member what assistance he could, but not as a member of the Government. If the hon. member thought the Bill would work with that, he would have his support, but he hoped he would not be the Minister who would be called upon to administer the Act. At any rate the hon. member's suggestion—that there should be from the first four members who should be members of the profession, and that three to represent the general community should be nominated by the Governor in Council—was a fair thing. He did not know whether it would work, because it was an innovation on the present practice, but it seemed to be reasonable.

Mr. BELL said that he would ask that the clause should be negatived. He did it regretfully, because he did not see why the dentists should be placed in a different position to the chemists, who elected their own managing body; but, so far as could be gathered from such a desultory debate, the Committee seemed disposed to adopt another course. If the clause were negatived, he intended to propose the amended clause, omitting the word "first," and making the provision apply to all boards.

Mr. McDONALD asked if the hon. member meant that the Governor in Council was for all time to nominate the board?

Mr. BELL: No; three of them.

Mr. McDONALD: And the others were to be elected by the chemists themselves?

Mr. BELL: Yes.

Mr. McDONALD: He would sooner see the first portion of the clause knocked out, and the clause in the New South Wales Act inserted, with a slight alteration. The first board would be nominated, but after that the dentists would elect their own members. That would be more acceptable to the dentists, and at the same time more satisfactory.

Clause 4 put and negatived.

Mr. BELL moved the insertion of the following new clause:—

> The members of the board shall be appointed by the Governor in Council for a period of three years. Four or more of the persons so appointed shall be persons who appear to be eligible for registration as dentists under this Act.
>
> The president for the first year shall be appointed by the Governor in Council. In future years the president shall be chosen annually by the members from amongst themselves.

The latter portion of the clause provided for filling vacancies.

Mr. TURLEY: As the clause now stood, it would really apply to all boards. Did the hon. member mean to subsequently propose that future boards should be elected by the dentists? The amendment practically was what the Home Secretary had suggested at first.

Mr. BELL: Clause 4, which had been negatived, provided that for the first three years the members of the board should be appointed by the Governor in Council. The new clause proposed that the board should always be appointed by the Governor in Council.

The HON. J. R. DICKSON gathered from the amendment that four members of the board must be dentists, and that the remainder might be laymen. He thought that was not desirable, but that the members should be either medical practitioners or dentists.

Mr. GLASSEY thought that the public at large had a right to be protected, and held that, even if three members of the board were laymen, the dentists ought to be satisfied, as they would always have a majority on the board. He did not approve of the provision which stated that if a person became insolvent he should no longer be a member of the board. A man might through misfortune be unable to meet his liabilities, but that should not be a disqualification, as he would still possess the same ability and knowledge that he had when appointed.

Mr. JACKSON would like to know what the hon. member intended to do with regard to clause 5 if the new clause were accepted by the Committee? With reference to the expense of administering the Bill, it would be more satisfactory if they had some distinct understanding as to how the fees to be paid to the board were to be provided. If the Bill was introduced in the interest of the public it did not seem to be unfair that the charge should fall on the consolidated revenue if it was not excessive; but he took it that it was introduced in the interests of the dentists, for he had never heard any outcry from the public for such a measure. The hon. member for Flinders had asked for a definition of the word "dentist." He could give him a poetical definition, but did not know whether it would satisfy the hon. member. It was as follows:—

> "A dentist, sir, makes teeth of bone
> For those whom fate has left without,
> And finds provision for his own
> By pulling other people's out."

The CHAIRMAN: I may inform hon. members that the hon. member for Dalby wishes to retain the word "first" in the clause.

New clause, as amended, put and passed.

Clause 5 put and negatived

Mr. BELL moved the following new clause:—

In the case of future boards four members shall be elected by the dentists from amongst themselves, and the remainder shall be appointed by the Governor in Council. The election of members of the board shall be held in the prescribed manner.

Mr. DRAKE did not think the new clause carried out the idea that was intended. There was no distinction made.

Mr. BELL: It says "from amongst themselves."

Mr. DRAKE: The clause meant that they should not elect an outsider; but should practically re-elect one another.

Mr. BELL: It meant that the dentists could only choose from amongst their own number.

Mr. DRAKE: It was not very happily expressed. He should like to have seen the amendment in print.

Mr. TURLEY: After providing for the election of four dentists, the clause said that the remainder of the board should be appointed by the Governor in Council. He understood that one of the remainder should be a medical man.

Mr. BELL: No; I want them to appoint whoever they like.

The HON. J. R. DICKSON thought there was a want of clearness as to who was to constitute the "electoral college," if he might use the phrase.

Mr. BELL: The members of the board were to be elected in the prescribed manner. The word "prescribed" was defined in the interpretation clause.

Mr. TURLEY: It would be better if they provided that one medical man should be on the board with two laymen. The idea of the Home Secretary was that the interests of the public, outside professional men, should be considered.

Mr. BELL thought they were refining too much. The broad principle was either election or appointment; he had departed from the principle of election to some extent, as he had consented to compromise the matter by allowing three members to be appointed by the Governor in Council. The dentists were to elect four members out of their own body, and the Governor in Council was to nominate the other three, and they would not be doing a rash thing if they left it to the Governor in Council to choose whom he liked.

Mr. DRAKE: The hon. member had better stick to his Bill. He approved of the suggestion of the Home Secretary that some person who was not a dentist should be upon the board in order to protect the people who paid. As the clause stood there was nothing to ensure that the whole of the members of the board would not be dentists, and there would be no one to protect the public.

Mr. BELL: Why not?

Mr. DRAKE: There should be somebody to protect the clients.

New clause put and passed.

On clause 6—"Term of office and removal of members"—

Mr. CROSS thought this was the proper place to introduce a new feature into the management of boards. According to the clause all the members of the board were eligible for re-election, and in such cases it was very possible that the same old board would continue in office for ever. They had had sufficient experience of the very serious mischief that might arise from the same old fossilised board continuing in office, and it might be well for them to consider the advisability of making some provision for the infusion of new blood into the board. A great deal had been said about the Pharmacy Board; but if he had had an opportunity last session of getting the Pharmacy Bill he introduced passed through its second reading, he would have made the House acquainted with some very painful and deplorable experiences connected with the conduct of that board. He hoped to be able this year to enlighten hon. members on the subject. He asked the hon. member to be kind enough to consider the advisability of providing that one of the members of the board appointed by the Government and one elected by the dentists should not be eligible for re-election until the election following the appointment and election of their successors. There might be an infusion of fresh blood under the clause as it stood, but persons interested in the business informed him that some such provision would be wise in the interests of the profession itself, and that it should be imperative.

Mr. BELL could not accept the amendment. If it was becoming a scandal that the board was proceeding in a particular groove, and that new blood was necessary, the matter could be remedied by election in the case of the dentists themselves, while hon. members could make their criticisms felt with those responsible for the members of the board appointed by the Governor in Council.

Mr. KEOGH was of the same opinion as the hon. member for Clermont, and would even go further and suggest that two members from the dentists and one of those nominated by the Government should not be eligible for re-election. The clause would be more likely to go through if the suggestion was accepted.

The ATTORNEY-GENERAL hoped the hon. gentleman in charge of the Bill would persist in his opposition to the amendment suggested, which was nothing but a mischievous attempt to alter the Bill. The hon. member really proposed that the experienced members of the board should be disqualified from sitting on it again, because some suspicion might attach to a man who had previously held office. If that was a wise principle they should enact that no member of Parliament should be capable of sitting in two successive Parliaments. He would remind hon. members that that was seriously enacted in one particular country to which he would refer, if the Secretary for Public Instruction would allow him. During the French Revolution that principle had been enacted with the consequence that all the experienced men were left out of the incoming Parliament, and they had instead a set of incapables and lunatics. They got the new blood, but it was from the unfortunates whose heads they shore from their shoulders. The experienced men on the board should be retained, and to say that a certain number of men should not be eligible for re-election because they were qualified was a violation of every constitutional principle they held dear.

Mr. CROSS: It was very unfortunate that the Attorney-General should always assume the attitude of one who knew everything. The hon. gentleman imputed to him that he had suggested the amendment out of pure mischief.

The ATTORNEY-GENERAL: I did not intend to say that the hon. member desired to be mischievous, but that the principle of the amendment he suggested was mischievous.

Mr. CROSS: His attention had been drawn to the matter by a member of the profession. From one aspect it would be mischievous that a qualified man should not be re-elected, but there was the other aspect of the question—that the board might develop into a fossilised groove. When they came to the hon. gentleman's estimates he would point out that the trustees in a certain department had got into a fossilised state.

The ATTORNEY-GENERAL: Is that the Trades Hall?

Mr. CROSS did not mean the Trades Hall. He was prepared to assist the hon. gentleman in

charge of the Bill, and he had not moved the amendment; he had merely suggested it, not for pure obstruction, but because members of the profession believed it would be a wise provision.

The HOME SECRETARY thought the difficulty that would be raised by the amendment would be great, as he did not think there were more than four dentists in Brisbane, where the board would sit. He rose to ask the hon. member for Dalby to omit the last paragraph of the clause giving the Governor in Council power to remove the president or any member of the board. He did not know any precedent for giving such power, nor did he see any necessity for it.

Mr. BELL moved the omission of the 2nd paragraph of the clause.

The ATTORNEY-GENERAL pointed out that the precedent for the paragraph was in the Marsupial Act, under which the Governor in Council had power to remove the members of a board that failed to do its duty. That was the same power, but the difference was that it provided for the removal of the whole board.

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

Clause 7—"Quorum and chairman"—was passed with an amendment substituting "four" for "three" as the quorum.

On clause 8—"Examinations"—

Mr. HOOLAN asked how it was proposed to conduct the examinations? Was the board to travel about the country examining persons who had been successfully practising as dentists for years?

Mr. BELL: They become registered dentists at once.

Mr. HOOLAN: Nearly every chemist in the colony was a dentist. In fact, in country districts there was no one else to practise the art except an occasional travelling dentist who happened to come along. Those men did not want any board to examine them. The public had examined them and they had examined the public's teeth, and the assumption was that they were duly qualified.

Mr. BELL: Clause 17 applies to them.

Mr. HOOLAN wanted it to be made clear how the board were going to examine without inflicting expense, trouble, or inconvenience on persons who had been practising as dentists for years, and whose work, as dentists, had been stamped with the public approval.

Mr. BELL: Every man who was practising as a dentist to-day in Queensland became, on the passing of the Act, a registered dentist. With regard to the method by which the board would conduct its examinations, he had no doubt it would be the same as that adopted by the Pharmaceutical Board, which had not been found irksome in any way.

Mr. McDONALD: That was all very well with regard to those who were practising as dentists. He happened to know a young man who had served his time as a dentist, but who, not having been able to get employment at his business, had entered upon some other occupation. Some day that man might want to go back to his proper profession, in which case he would have to be examined, although probably he might be better qualified than many who became registered dentists on the passing of the Act.

Clause put and passed.

Clause 9 passed with a verbal amendment.

Mr. HOOLAN moved the insertion of a new clause providing that the board should prepare a schedule of all fees to be charged by dentists registered under the Act; such schedule to set forth the maximum fee chargeable in all cases excepting those which, under the certificate of a medical practitioner, demanded special treatment, the certificate to state the nature of the special treatment justifying the charging of higher fees than those set forth in the schedule to be approved of by the Governor in Council.

Mr. BELL said there could be no earthly reason for passing such an amendment. Surely the board could be trusted with the very small power of fixing the amount to be charged for examinations.

The Hon. J. R. DICKSON: This is for fixing the dentistry fees.

Mr. HOOLAN: The danger was in that instance that the Bill might have the effect of creating a "ring" in the teeth market. There were very few of the regular chemists who did not enter into the dentistry business, and it was quite safe to say that if such a clause was not passed the price for drawing teeth would go up from 2s. 6d to 10s. He wished to directly conserve the privileges of the poor. For the past twenty years to his knowledge there had been regular travelling dentists, who some people might term quacks, but who combined dentistry with other business and drew teeth for nothing. They drew them by the score, and there was no trouble at all and no broken jaws. They erected their caravan in a back street, and would draw every tooth in a person's head without charge.

Mr. BELL: They are not dentists.

Mr. HOOLAN: That was where the trouble came in; under the Bill poor people would not be able to get their aid. No doubt the board would use their position to put down people who travelled about drawing teeth and eradicating corns. That, of course, was free labour, and when free labour was the established custom it was as well to have it in its entirety. He did not believe that the Bill was intended to prevent lockjaw or broken jaw or the disfigurement of young ladies who had their teeth drawn, but to conserve trade to certain persons. Therefore, the Bill must be viewed with suspicion. When they looked at the question from the point of view of the poor and lowly, and when they knew that the poor and lowly would suffer by it and that it directly infringed upon their privileges, their suspicion naturally was intensified. That was the reason why he maintained that there should be certain definite charges, and that the dentists should be left to make special arrangements if they wished with their clients, just the same as the lawyers did. He could go to a pettifogging lawyer and get his services for what he liked, but if he wanted to employ the Home Secretary he had to pay him £1 1s. If persons wanted to employ a swell dentist let them do so and pay for it; if they wanted to employ a quack they should have an equal right to do so. Dentistry did not require very much skill. Anyone could go into the country and by applying a forceps to an old cow's or bullock's head and practising assiduously he could become a skilled dentist, and he could easily acquire the art of administering chloroform. Therefore the board should have power to fix fees, allowing dentists the option of making special arrangements with patrons. They were told that the Bill shut out quacks. Then to whom was the poor person to apply? The high-priced dentist who, knowing the poverty of the applicant, would be too busy to attend to him. They should at least provide for cheap dentistry. It might be nasty dentistry, but certainly people should have the option.

Question—That the new clause as read stand part of the Bill—put; and the Committee divided:—

AYES, 21.

Messrs. Keogh, G. Thorn, Glassey, Kerr, Jackson, Turley, Hardacre, Browne, Fitzgerald, McGahan, Dibley, Daniels, Cross, Newell, King, McDonald, McDonnell, Stewart, Dunsford, Dawson, and Hoolan.

NOES, 20.

Sir H. M. Nelson, Messrs. Dalrymple, Tozer, Foxton, Byrnes, Philp, Collins, Dickson, Bell, McMaster, Smith, Grimes, Chataway, Groom, Castling, McCord, Bridges, Petrie, Callan, and Stephens.

Resolved in the affirmative.

On clause 10—"Register"—

The ATTORNEY-GENERAL wanted to know whether the hon. member in charge of the Bill intended proceeding with it after the result of the division? He certainly would advise the hon. member to drop the Bill, and move the Chairman out of the chair. The principle which had been inserted in the Bill by the new clause which had just been carried was absolutely novel, and would never work. He objected to a Bill with such a principle in it, and would give no further assistance in passing the Bill. It was perfectly absurd that the board should fix the maximum fee to be charged, and it was absolutely subversive of the doctrine usually advocated by hon. members on the other side. Surely the hon. member who had moved the new clause had done it with the view of injuring the Bill.

Mr. BELL: Notwithstanding the result of the division, which he could not help, he could not abandon the Bill, which would do excellent work through the creation of a dental board and the framing of regulations in connection with the practice of dentistry. If the dental board was once got going, there would be an opportunity of amending the Bill next session, if it were found necessary. Since the division he had consulted some dentists, and he had ascertained that they wished the Bill proceeded with. He would, therefore, endeavour to make the best of it. He certainly regarded the new clause as an extraordinary one.

The ATTORNEY-GENERAL: The advice which he had tendered to the hon. member had been given with the best intentions. He regretted very much that the hon. member intended going on with the Bill, because the new clause was one that should not find any place in their legislation.

Mr. BELL: We will get rid of it.

The ATTORNEY-GENERAL: The hon. member said that they would get rid of it, but he still proposed to go on with the Bill with a clause of that sort in it.

Mr. LEAHY: Recommit it.

The ATTORNEY-GENERAL: What opportunity would they have to recommit it? The absurdity of the thing was that the dental board, in order to get round the clause, would fix the maximum fee so high that it would cover every possible case; and once fixed, it would become the custom to charge up to it, so that the last state of the public would be worse than the first.

Mr. HOOLAN: The Attorney-General said that the dental board would act dishonestly.

The ATTORNEY-GENERAL: I did not. I said it would act in its own interests.

Mr. HOOLAN: The hon. gentleman said that the board would raise the scale to an extortionate price.

The ATTORNEY-GENERAL: Not at all—at a price which will cover all possible cases.

Mr. HOOLAN: The hon. gentleman was measuring other people's corn by his own bushel, which was very wrong, either in private or in public. No one could say what the board would charge or what they would do, because no one knew who would form the board. He was glad to see the hon. member for Dalby submit to the legislature. It would have to become generally recognised that when a Bill was once submitted to Parliament it ceased to be the property of the member in charge of it, and became the property of Parliament. No insult had been offered to the hon. member by the amendment; his feelings had been regarded, and he was glad he had accepted the amendment in the true spirit of legislation. Did the Attorney-General think that everyone could afford to go to the best dentists? Everyone had not the same fine bank balance as the hon. gentleman. The Bill decidedly legislated for two classes—the rich and poor, and the amendment had been intended to protect the public.

The SECRETARY FOR PUBLIC INSTRUCTION failed to see the relevancy of the hon. member's remarks. The hon. member said that the Bill was intended for two classes—the rich and the poor; but the amendment of the hon. member placed the whole power of fixing the charges in the hands of the board, which would compel that body to fix a high scale, with the consequence that prices would be raised rather than lowered, so where would the amendment be of benefit to the poor? There was another most remarkable feature in the amendment——

The CHAIRMAN: I would like to remind the hon. gentleman that the amendment has been passed. The question now before the Committee is clause 10.

The SECRETARY FOR PUBLIC INSTRUCTION was going to oppose clause 10 for the simple reason that in passing the last clause the whole nature of the Bill had been altered. Instead of affirming principles which had special relation to dentists, they were really returning to the law of the maximum of the French Revolution, and he did not propose to support anything in which such an outrageous principle was introduced. Another reason why he should oppose clause 10 was that a portion of the last clause, as amended, put the dentists under the heel of the medical profession, because before a dentist could alter or modify those charges he had to ask some doctor or surgeon for a certificate. The Bill was no longer a Bill for dentists, but one which gave medical men the power of the purse.

Mr. McDONALD: That has nothing to do with clause 10.

The SECRETARY FOR PUBLIC INSTRUCTION: Clause 10 affected the registering of dentists, and he understood that it had been amended.

Mr. McDONALD: No; it has only just been put before the Committee.

The SECRETARY FOR PUBLIC INSTRUCTION: At any rate, it was suggested that it should be amended by the omission of the word "alphabetical." But he would say no more with regard to the clause.

Mr. TURLEY would like to point out to the Attorney-General that the amendment which had been passed did not engraft any new principle on their law, because last year they passed a Transit Commissioners Act which gave the commissioners power to prescribe a maximum rate of charges to be made by those licensed to run vehicles for hire, just in the same way as the amendment enacted that the dental board should fix a maximum scale of charges for registered dentists.

The CHAIRMAN: I would remind the hon. member that we have passed the amendment to which he is referring, and are now dealing with clause 10.

Mr. BELL moved the omission of the word "alphabetical."

The HOME SECRETARY: The usual rule when an amendment of that kind had been carried was not to move the Chairman out of the chair, but to point out its effect on subsequent clauses; or they could discuss it at once by simply moving the Chairman out of the chair, and giving as a reason that the principle

of the Bill had been altered. Of course, they could not again discuss the principle of the amendment, but only point out its effect on subsequent clauses in the Bill.

The CHAIRMAN: I would like the Home Secretary to show me under what rule members could, on a motion that I do now leave the chair, again discuss the amendment of the hon. member for Burke. I am sure the hon. gentleman desires to get on with the business of the Committee, but if that were allowed very little business would be done.

Mr. GLASSEY thought the hon. member for Dalby was acting wisely in going on with the Bill. If there were any good features in it there was no reason why the measure should not be proceeded with, for the hon. member had stated that he had taken the readiest means to ascertain the wishes of the persons likely to be affected, and that they stated that, although they would have preferred that the amendment had not been carried, there were some good provisions in the Bill which they wished to have adopted.

The ATTORNEY-GENERAL: In discussing this Bill he did not intend to surrender his independent position as a member of Parliament to the wishes of chemists or dentists or anybody else. They had a duty to perform to the public, and he contended that the effect of the amendment, if it was carried out by the board, would have an injurious effect on the public. He had so far supported the hon. member in charge of the Bill, but, as he had said before, he could not now give him any further active support. Of course it was in the hands of the hon. member to proceed with the Bill or not, as he chose.

Mr. McDONALD: They had not to stretch their imaginations very far to find Bills which the hon. gentleman had proceeded with after amendments to which he was strongly opposed had been accepted by the Committee.

The ATTORNEY-GENERAL: When was that?

Mr. McDONALD: On one occasion the late hon. member for Maryborough, Mr. Powers, moved the insertion of a clause reserving the right to minerals, and it was carried, but the Government did not drop the Bill. The clause was afterwards omitted.

The ATTORNEY-GENERAL: I voted against it both times, and it was threatened that if it was insisted upon the Bill would be dropped.

Mr. McDONALD could mention another case. When the hon. member for Cook moved that a certain amount should be placed in the Appropriation Bill, it was carried; but the Bill was not dropped, though the hon. gentleman voted against the amendment.

The CHAIRMAN: I would remind the hon. member that the question now before the Committee is the omission of the word "alphabetical" from clause 10.

Mr. McDONALD felt all through that he was not acting in accordance with the Standing Orders; but he wished to refer to those cases in answer to the Attorney-General. He thought it was wise to go on with the Bill, and would support the amendment.

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

The House resumed; the CHAIRMAN reported progress, and the Committee obtained leave to sit again on Thursday, 8th October.

IMMIGRATION OF COLOURED ALIENS.

On the Order of the Day being read for the resumption of the debate on Mr. Browne's motion on this subject—

Mr. BROWNE rose to speak——

The SPEAKER: The question before the House is, "That the debate be now adjourned." When the motion was last under consideration the Attorney-General was speaking.

Mr. BROWNE: When this subject was last before us the adjournment of the debate was moved, as is often done in regard to private members' business, in order that we might fix a date for its resumption; but the Attorney-General, for some reason which I do not know, talked the matter out until 6 o'clock. I do not know why he did it, because we always show every courtesy to private members on the other side.

The ATTORNEY-GENERAL: It is very unfair to say that, because I might have taken up all the time this afternoon.

Mr. BROWNE: I am only relating the facts. I have nothing more to say upon the matter.

The ATTORNEY-GENERAL: It was done by arrangement by both sides.

Mr. BROWNE: I will not imitate the action of the Attorney-General by wilfully blocking private members' business.

The ATTORNEY-GENERAL: That was not the reason; you know that very well.

At 7 o'clock, the House, in accordance with Sessional Order, proceeded with Government business.

AUSTRALASIAN FEDERATION ENABLING BILL.

COMMITTEE—COUNCIL'S AMENDMENTS.

On clause 2—"Interpretation"—which the Council proposed to amend by the insertion of the words "'Council'—The Legislative Council of Queensland"—

The PREMIER: In considering the Council's amendments in this Bill it would perhaps be as well if he explained to the Committee what he proposed to do with them, taking them as a whole. The principal amendment was that which made the Council part of the elective body to elect the members of the Convention. He proposed to disagree with that amendment entirely. There were two other amendments, however, which he thought of accepting. In the 14th clause the Council had inserted the words "him and" after "by" in line 29. As it was the intention of the Assembly that the form of nomination prescribed by the Bill should be signed by both the person nominated and the persons nominating him, he thought that amendment a good one. It provided for what had been left out when the Assembly passed the clause. Then there was an amendment in the 1st schedule, paragraph 12, altering the time which was to elapse during the adjournment of the Convention after its approval of a Constitution, from thirty to sixty days as a minimum, and from sixty to 120 days as a maximum. He found that several of the colonies had agreed to that amendment; and, as it was desirable to give as much time as possible for the consideration of so important a matter, he proposed to agree to the amendment. All the other amendments dealt with the one subject—the bringing in of the Council as part of the elective body. He proposed to disagree with them all, and to tell the Council that they disagreed with them—

"Because the inclusion of the Legislative Council in the proposed scheme of voting would involve an entire departure from the main principle of the Bill, which was to provide for the choice of delegates to the Convention by that branch of the legislature which directly represents the electors in the respective divisions of the colony."

He moved that the Council's amendment in clause 2 be disagreed to.

Mr. DRAKE: Briefly following the hon. gentleman, the amendments of the Council were three in number, one in clause 14 which was an improvement, one in the 1st schedule and the other one by which the members of the Council

claimed the right to have a voice in the election of the delegates. With regard to the amendment in the 1st schedule, he did not know which colonies had agreed to the alteration.

Mr. CROSS: Victoria.

Mr. DRAKE understood the Premier to speak in the plural number.

The PREMIER: There is more than one; I think New South Wales is another.

Mr. DRAKE: The object aimed at might be attained by simply altering the maximum, so as to allow the Convention, if necessary, to adjourn for a shorter period than sixty days. With regard to the more important amendment—the one by which the Council claimed to have a right in the election of the representatives—he hardly thought the reasons the hon. gentleman proposed to give to the other Chamber were sound or logical, seeing that the Assembly, in the Bill that had been passed had distinctly disagreed to the suggestion originally made, that the delegates should be elected by the electors directly. It seemed to him, then, that they should look to some other body to send the delegates down, and it was not consistent to form the members of the Assembly alone into an electoral body. The members of the Council had very strong grounds for claiming that if representatives were not to be sent down by the electors, who were to all intents and purposes the people of the colony, they should be sent down by the Parliament as being the body charged with carrying on the legislative affairs of the colony.

The PREMIER: Do you propose to make the whole Parliament the electoral body?

Mr. DRAKE: It would be more logical.

The PREMIER: Never mind the logic. I want to know what you propose.

Mr. DRAKE: The position taken up by the Council was more logical than that taken up by the Government. If the delegates were not to be sent down by the electors at large the next best thing would be to send them down by the Parliament of Queensland. In any case there should be no falsity about the business. They could distinctly understand who the delegates from the other colonies were sent down by, and what they were charged to represent. If it was desirable—as it was considered to be by the Premiers who met in 1895—that the delegates should represent the colonies themselves, there could be no better system than election by the electors directly. As the Government had not seen fit to carry out that arrangement the next best thing, as he had said, would be that the Parliament should send them down. But whether they were sent down by the electors, or by the Parliament, or by the Government, it ought to be distinctly understood by whom they were sent down, and what they were to represent when they were down. By the system proposed in the Bill, ten gentlemen would be sent down who would be elected by certain persons, and as soon as they got below it would be falsely represented that they were representing Queensland. In fact, that had already been said in anticipation by some of the southern papers with a conservative tendency. He wanted to have it one way or the other. When the Bill was going through he anticipated that the Council would desire to have some voice in the matter, and would enter some protest against being ignored as a branch of the legislature; and he proposed that the number of delegates should be increased to fifteen, of which five should be assigned to the Council. In that way both branches of the legislature would have been to a certain extent represented—not in proper proportion, but still each would have been represented to a certain extent. That was not carried. But under the scheme of the Government, unless it was amended by the acceptance of the Council's amendment, the result would be that out of the ten delegates there would be eight who would be elected by the Government and their following in the House, and they would go down charged to advocate the views and policy of the Government; and there would be two who might, and probably would, be sent down by six Labour members sitting on that side of the House, with the great probability that they would go down, not for the purpose of discussing federation at large, but for the purpose of advocating Central separation. The amendment, if it were accepted, would no doubt have the effect of preventing those six Labour members from sending down their two delegates; and the one thing that would deter him from being in favour of accepting the amendment, would be a feeling of what he might almost call loyalty, sitting, as he did, on the same side with them, not to stand between them and the wish they might possibly have to please their constituents by sending two separation members to the Convention. But he was inclined to think that their interests, and the interests of Queensland, would be much better served by even putting them to the disadvantage of not having any representation at the Convention, and allowing the amendment to go through, by which it would plainly appear that not only eight of the ten but the whole of the ten were sent down to represent the views and policy of the present Government. He did not believe anybody had the slightest doubt that if by the acceptance of the amendment the members of the Council could be assigned in sufficient numbers to the Central division to swamp the majority sitting on the Opposition side, then, instead of eight members going down to represent the Government there would be ten. Thus the element of falsity would be entirely eliminated. If there were two members of the Labour party going down it would give hon. gentlemen opposite and southern papers the opportunity of saying, "Look, here is Queensland properly represented, even the Labour party are represented"—when they knew as a matter of fact that it was only through the merest accident that the Labour party were represented—simply because there happened to be six Central members on that side and only five on the Government side.

The SECRETARY FOR PUBLIC INSTRUCTION: Where is the Opposition?

Mr. DRAKE: Of course they did not count. Under all the circumstances he would rather that the members of the Council joined with the Government majority in the Assembly, and sent down ten members to represent the views of the Government. They were told over and over again when the Bill was going through, that the object of the Government was to select the ten best men. They were getting back then to the principle upon which the members of the Convention of 1891 were selected. In pursuance of an agreement come to in Melbourne in 1890, it was agreed that the Parliaments of the different colonies should each send down seven of their best men. On that occasion the Government of this colony sent down three men, the Opposition selected two, and the Council two. He had always admitted that the gentlemen sent down were entirely worthy to represent the colony, but the great failure of that Conference was owing to the fact that the different representatives were selected by the Parliaments of the colonies, and in order to cure that it was agreed on this occasion that the delegates should be chosen by the people directly. The Government had entirely gone back upon that, and they

had heard that their object was to hark back to the principle adopted in 1891 and select the ten best men. If that were so the members of the other House were just as qualified to select those men as that House. Many of the gentlemen of the Council were older politicians than members of the Assembly; many had sat in the Lower House for years; many of them were men of large commercial experience, and why should the Assembly say, "We are qualified to select the ten best men, but you are not." As a co-ordinate branch of the legislature, they were quite within their rights in refusing to be ignored. It was quite usual—and no doubt the Government were going to trade upon it—for the Upper Chamber, both in England and the colonies, to be looked upon with dislike, suspicion, and distrust; but if they took the history of the colony for the last four or five years, during the time that Constitutional Government had been practically suspended, they would find that the Legislative Council had been a greater check upon the bad legislation of the Government than the Opposition had been. That might not be flattering to their self-love, or it might not be complimentary to the Labour party; but it would be found that the measures which they had ineffectually tried to block the Council had blocked. Take 1891, when the Government passed an absurd Bill by which they were going to shut down the artesian bores and charge for the water. The Opposition at that time were weak, but the Council threw out the Bill. If it had become law it would have done irreparable mischief. In 1892 did they not have the Government forcing through a servile House a Bill for cutting the colony up into three and making four Parliaments? What sort of position would they have been in in 1893 during the crisis if such a thing had happened? The Council threw out that Bill also. And so on through the years they would find the Council had acted as a check upon the bad legislation of the Government, and he knew very few instances where they could be charged, during the last four or five years, with having done anything to the injury of the colony.

Mr. STEWART: What about the kanaka Bill?

An HONOURABLE MEMBER: And the Payment of Members Bill?

Mr. DRAKE: They threw out the Payment of Members Bill, certainly. They were certainly within their rights in doing so, and he was not quite sure that they were not quite justified.

The HOME SECRETARY: Are you qualifying for the Council?

Mr. DRAKE: He hoped he should always be able to give that House and any other body its due mead of justice, but when he spoke in praise of the Council it was only qualified praise, because it was only on account of the extraordinary state of politics during the last five years that he could possibly say that the Council had acted beneficially on legislation, and not injuriously.

Mr. TURLEY: What about the Early Closing Bill?

Mr. DRAKE: He knew the Council had thrown out some of those measures, but they had acted within their rights in doing so, and, no doubt, if a strong stand had been made in the Assembly, that legislation would have been allowed to go through. At all events there were many occasions during the last two or three years when the Council had exercised a distinctly beneficial effect on legislation.

Mr. STEWART: Why did they not block the kanaka Bill?

Mr. DRAKE: He did not say that the Council had taken up the position that ought to be taken up by the Opposition in the Assembly against the Government. On the contrary, he believed that if the amendment was accepted and the Council was allowed to have a voice in the choice of delegates, the probability was that, along with hon. members on the other side, they would send down ten delegates representing the views of the Government. They always expected the Council to be more conservative than the Assembly, and when they had a Tory Government in power it was only natural that they should hold very much the same views as those held by the Council. A conservative Upper House generally kept a check upon progressive measures, and when they found the Chamber, whose main function seemed to be to prevent progress, actually more progressive, less aristocratic, and less Tory than the Government of the day, it was only fair that they should give them all possible credit for it. If hon. members agreed with him that the Council had exercised a beneficial effect on legislation, could they turn round and say that that House was entirely insignificant, and unfit to exercise a share in the selection of ten men to represent the colony? The thing was absurd. He was not going to say that because a man, after he had served three or four terms in the Assembly, went to the other Chamber, he thereby became absolutely incapable of judging who were fit men to send to the Convention. The members of the Council were as fit to select the representatives as the hon. members sitting on the other side, and they would have been unworthy of the position they occupied if they had not protested against the scheme of the Government. As far as he was concerned, if the Government pressed the matter, and proposed to disagree with the amendment of the Council, he would certainly vote against them.

The HON. J. R. DICKSON: Although the opinion he was about to express might be unpopular in that Committee, he wished to say that he considered the attitude of the Council logically unanswerable. As a co-ordinate branch of the legislature, with equal powers with the Assembly except in regard to taxation, they could hardly expect that body to consent to what was practically its self-effacement. The difficulty had arisen through their departure from the principles adopted by the other colonies in regard to the selection of delegates to the Convention. If the Queensland delegates were to be elected by Parliament, the Council were within their rights in claiming a voice in the appointment of those delegates. Perhaps there never had been a Bill before Parliament fraught with so much weal or woe to the future of the colony, and the opinions expressed recently by some hon. members were hardly justified. Without wishing to descend to personalities, there were men in the other Chamber who might have been members of the Assembly but for their voluntary retirement from the more stormy part of political life. They now occupied prominent positions in the other House, and no doubt they did good service in the legislation of the country. If the Council had made up their minds to insist on their right to a share in the election of delegates, he put it to the Premier whether, if the Committee attempted to exclude the Council from any participation in the election, there was not a risk that the Bill would be lost. He considered the Bill of great importance, and he would rather consent to the amendment than risk the loss of the Bill.

The PREMIER: He had listened with a good deal of attention to the hon. member for Enoggera, and felt a good deal of surprise at the hon. member's remarks about the Council. With a vast deal of what the hon. gentleman had said about the Council he entirely agreed. He

thought it was most desirable to have a co-ordinate branch of the legislature. He could not agree, however, with the hon. member when he tried to teach the Committee logic. The hon. member said that the logic they had was no good, and that he was the only one who knew what pure logic was. The hon. member said that the proper way to choose delegates for the Convention was by the direct voice of the people. And he said that if they could not get the direct voice of the electors of the colony, the next best thing was to go to the other extreme and have the delegates elected by nominees who never were before the people. He (the Premier) said that assuming that the circumstances of the colony did not permit them to get the direct voice of the people, the next best thing was to get the voice of the representatives of the people. That appeared to him to be logical. The hon. member also talked about the legislation of the Government. He (the Premier) never knew before that the Government could legislate. He had always understood that it was part of the British Constitution that legislation was done by Parliament, and had never heard before that the Government could pass legislation. Then the hon. member said the Government were too slow—did not make progress—and that the Council, being an aristocratic body, still further blocked progress. If the Government were too slow, and the Council was still slower, he did not see how they were going to make much progress. The two hon. members who had spoken had not taken into consideration the circumstances of the colony as compared with those of the other colonies. For the purposes of this Bill they had wisely and with the full consent of the whole House, divided the colony into three divisions. If they had not so divided it, but had treated the colony as one electorate, there might have been some logic in having the whole Parliament as the electors. But seeing that they had divided the colony into three divisions, and that the Council was not identified with any one of those divisions, either Southern, Central, or Northern, he did not see how it could be asked that they should come in as electors in this matter. The hon. member for Enoggera had taken a great deal of pains to show that members of the Council were just as fit as members of the Assembly to know who was a good or bad man to send down as a delegate to the Convention. No one argued that they were not. But that was not the point. The point was how the colony was to be represented. They had agreed to divide the colony into three divisions. How were they going to divide the Council into three divisions? They were all nominees; they had not been elected by the people, and logically they were not representatives of the people. Every one of them was a representative of the whole colony, and if the colony as a whole was one electorate, then it would be logical to give them a voice in the choice of the delegates. But having, as he believed, properly divided the colony into three divisions, and members of the Council, not being elected by any part of the colony but being representatives of the whole colony, it was wise to retain the choice of delegates in the hands of what was called and understood to be the popular branch of the legislature; because in that way, if the electors were not choosing the delegates directly they were at least choosing them vicariously by means of their representatives. The hon. member for Bulimba had spoken of the rights of the Council, but he (the Premier) had shown that those rights did not come in on the present occasion. The intention of the Bill from the first was that the people should be represented.

Mr. DRAKE: We want the people represented.

The PREMIER: Well, they were not going to discuss the whole Bill over again. They were simply discussing the Council's amendments.

Mr. TURLEY: But you are saying what we do not believe to be right.

The PREMIER: He was only saying what the House had agreed to—that that Chamber was to elect the delegates, and that the colony was to be divided into three parts——

Mr. TURLEY: But not that the people are to be represented at the Convention.

The PREMIER: The people were not represented; they could only be represented by the electors; hon. members represented the electors, and the delegates would represent members. If the Committee accepted the opinions of the hon. member for Bulimba and the hon. member for Enoggera he should be greatly surprised. But he did not think they should discuss the whole scheme over again. The whole question before them was whether they would accept the amendments of the Council or ask them to revise them.

Mr. BROWNE did not think he could be accused of agreeing very often or very strongly with the Council, and he was not on the present occasion going to follow the hon. member for Enoggera and the hon. member for Bulimba in speaking their praises; but he must say that the Council were pretty well right in the amendments they had made in this Bill. Those amendments put members on both sides of the Committee in rather an awkward position as to who should form the body of electors for delegates to the Convention. As a Labour man he had always prcfessed on the platform and in the Press and in that House that every man outside a gaol or a lunatic asylum should have one vote, and one only, upon any question of national importance. Therefore, he could not consistently go back and refuse votes to a body of men who claimed them in regard to this important matter. It must be very hard, after what he had heard in Parliament during the last four years, for hon. members opposite to dispute the right of the Council. Year after year those hon. members had advocated votes for thrift, wealth, ability, and education, but in the Council they had a very personification of thrift. There was a man there who had been born poor, but by thrift he had built up large capital, and therefore if a vote was to be given for thrift it should not be denied to him. If hon. members opposite claimed that there should be a vote for ability and experience, there were men in the Council who were both able and experienced—two ex-Premiers, an ex-Minister for Lands, three Postmasters, an ex-Speaker, a K.C.M.G., a C.M.G., two medical doctors, some lawyers, and some of the largest merchants of Brisbane, besides the millionaire of the colony. By all the canons of electoral rights advocated by the other side for years those men should have votes, and the Government could not consistently refuse them. He knew the cry would be raised that this had been done with a view to knock out the chances of returning two representatives of Labour; but he was very much of the opinion of the hon. member for Enoggera that it would almost be better if it were so. When the Bill was passing through, he and other hon. members protested against the proposed mode of election, because the people were being robbed of their rights. He thought so still; and now that hon. members in another place were asking their share of the plunder, he did not see how they could be refused. In regard to Labour members being returned, he did not see that the system would be any better if eight or ten of them were elected as delegates to the Convention. The principle was wrong. The Premier had spoken about going against the

principle of the Bill, but hon. members on his side had contended all along that there was no principle in it. They had gone away from the system that had been adopted in the other colonies, and were introducing another system that had never been tried anywhere else. If the thing had no principle, he did not see how they could go against the principle.

The SECRETARY FOR PUBLIC INSTRUCTION: The United States was founded upon it.

Mr. BROWNE: The United States was never founded upon this principle. According to the Bill there might be 80,000 candidates and only seventy-two electors, and he challenged the hon. member to show him that that was the system adopted in America. In the United States the number of candidates was limited, but under this Bill there was no limit as long as their names were on the electoral rolls. There was no money deposit required or anything of the sort, but in America they had electoral colleges, and there were certain restrictions limiting the number of candidates as well as the number of electors,

Mr. LEAHY: You are confusing two things. There are no colleges at all here, and the candidates are elected by Parliament.

Mr. BROWNE: If that were so, the Secretary for Public Instruction ought to vote for the Council's amendment, because they proposed that the members of this Convention should be elected by Parliament.

The PREMIER: How are you going to vote?

Mr. BROWNE: If the question went to a division he would vote against the Premier's motion, not for any love for the Council, but because he thought it would be right. When hon. members on his side ventured to claim rights as representatives of the people they heard scornful cries from the other side, but now when the Government were going against the Council the old feeling against the Council was raked up, and hon. members were told they were the representatives of the people. They knew that all the time. Although he represented the people of Croydon he had no right to take a vote from them and use it for himself. If the Bill did pass, he did not intend to use a vote conferred upon him by the Premier. He did not come down to be a nominee of the Government. He was going to support the amendment because he considered the Assembly had no more right to claim the votes of the people than the other Chamber. There was no right or principle in it.

Mr. HOOLAN: It was a very lamentable thing that they should disagree with anything that emanated from the other House. The other House had decided to amend this very important measure, and had not decided the matter in a hurry at all. The hon. members in the other House were a nominated body, and were there to check hasty legislation. If they considered anything sent up from the Assembly was hasty or imprudent legislation it would be a reflection upon them if they did not send it back in a modified form, in a way that appealed to themselves as fit and proper legislation upon public affairs. Hon. members ran away from the main question at issue, which was as to whether this was hasty legislation or not. He thought it was very hasty legislation, though the Government, many hon. members in that Chamber, and the Press decided otherwise, and complained that valuable time had been wasted over it. He was very glad to see that the Council and himself were at one on this matter. Though it seemed at the time to be the opinion that they had lengthy discussion upon matters which were considered trivial, it was very satisfactory to notice now that the discussion had not been long enough, and that the hon. gentlemen placed over them to exercise their functions in a checkmate way wisely decided that there had not been sufficient reflection or consideration given to the Bill. In that they might be right or wrong. He thought they were right, because to get at their exact position, as soon as he heard they had proposed this very strong amendment upon the Bill, he tried to imagine himself the Hon. James Tyson, millionaire. So far as imaginings and pure fancy could go, he had been the Hon. James Tyson for some time; and while doing a double in the character of that gentleman, he decided that he should certainly like to have the right also of being an elector of Queensland in this very important matter, and of having a chance of being one of the elect. When it came to a question of the Assembly forming itself into a constituency for the election of certain parts of itself, why should not the Council also when it had the privilege constitute itself a constituency for the election of certain portions of itself? Most decidedly it was their right, and every man had a right to exercise his right. It would be a very poor man or a very poor Council that would refuse to exercise an inherent right, and that was an indisputable right of the Council. The Premier said that the Assembly in its wisdom decided on a certain method of election. The hon. gentleman objected to the Council's amendment, and it was surprising that he should object to what had been sent to the Assembly after careful consideration by a number of hon. gentlemen of about his own age, intellect, and experience; and amongst whom the hon. gentleman would probably soon be ranked in the bonds of Council brethren. Under the circumstances they could not reasonably expect the Council to do otherwise. If they had done otherwise it would have weakened their position in the country, if they had any position in the country; and he maintained that they had. It was all very fine for the Premier to say that he decided not to take a vote of the people, and that he then went as near to taking a vote of the people as possible, under the circumstances, in taking a vote of the people's representatives; and that, as the Council were not the people's representatives, they consequently were not included in the Bill. If they did not represent any portion of the country, what right had they to sit there and construct laws affecting the public? The hon. gentleman in that way took up a wrong position; the hon. gentleman accepted the Council when it suited him, and when it did not suit him he did not accept them—they were regarded as non-existent. The Council had very wisely indeed asserted itself when the opportunity was given it, and that was the most creditable action he had ever known the Council to take. He had waited anxiously, knowing that they had the opportunity to obtrude themselves upon the public gaze in a most important measure of national legislation, to see whether the Council would be as stupid as some persons made it out to be, and allow itself to be ignored on this momentous occasion. He did not admire the Council for many reasons, but he liked to see persons assert themselves on every occasion, and certainly when persons in the State even so completely forgot their existence as to ignore them unintentionally. He did not suppose that the Government, when they formulated the measure, and most burglariously robbed the public of their rights, ever took the Council into its consideration. They had found it so useful in the past that they had come to look upon it as a kind of puppet, or as a dog willing to accept any bone thrown to it. They proceeded calmly with the Bill and sent it up to the Council——

The CHAIRMAN: I would draw the hon. member's attention to the 285th Standing Order, which provides that a member speaking shall confine himself to the clause or amendment under discussion. The question before the Committee is that the Committee disagree with the Legislative Council's amendment in clause 2, and I trust the hon. member will confine himself to that.

Mr. HOOLAN: In one way the amendment did not embrace a very wide area; in another it embraced the whole colony. It raised the widest possible scope for discussion. Although there was nobody very particularly interested in it, he ventured to say that if they were, even under the Standing Orders, they could get up a discussion that would last a week. However, to return to the point, there was no doubt the Council had a perfect right to make the amendment, and if it could squeeze two or three of its members into the Convention it might possibly do great service to the colony. Whether the Council would act in true harmony with the Assembly he was not prepared to say, but he maintained that in insisting upon having a voice in the election of the delegates they had acted within their rights, and he intended to support them.

Mr. DAWSON would say at once that he had no intention to support the Council's amendment. If it came to a division he should support the motion of the Premier.

The PREMIER: I am sorry to hear that.

Mr. DAWSON: It was not a question of the hon. gentleman's pleasure or sorrow, but whether he thought the course proposed was right or not.

The PREMIER: Stick to your party.

Mr. DAWSON: If the hon. gentleman was in the habit of putting party first, he was not. He should support the motion because he did not think the Council had any right to have special representation in such a matter. Although it might not do any immediate harm it would establish a precedent that might be very awkward in future. As far as the Bill was concerned, he held that the members of the Council were not Legislative Councillors, but merely electors in the ordinary way if they happened to have their names on an electoral roll. When the Assembly decided that a direct vote of the electors should not be taken, but that the vote of the members of that Chamber should be taken, they did so because they were the only body who could be made responsible to the electors afterwards. If the members of the Assembly, casting their vote, did something that the electors disagreed with, which they wished to take notice of, they had an opportunity of punishing those members for their wrong action; but if they admitted the Council on the same footing, for any wrong action they did they would be beyond the reach of punishment.

Mr. TURLEY: How will they know how they voted? It is to be a secret ballot.

Mr. DAWSON: When they considered that the colony was divided into three districts, and that the members of the Chamber were divided into three parties—one for each district—it was evident that when the votes were counted the public would have a very fair idea of how each member voted. With respect to the Council, it would have no responsibility at all. The people most concerned—the electors—had absolutely no control over them. He objected to placing such power in the hands of irresponsible persons, and held that the next best thing to getting the direct vote of the electors themselves was to get the votes of those over whom the electors had control. For those reasons he disagreed with the amendment. There were already three members of the other Chamber representing the Northern part of the colony, and by means of that amendment there would be nine. That was to say that sixteen members of the other Chamber, who had no interest in the North, would be casting their votes on this important question. To his mind the attitude of the Council was in one sense what the hon. member for Bulimba said—unanswerable. It was unanswerable in its absurdity.

Mr. STEWART was glad for once to have the opportunity of supporting the Government in the attitude they had adopted on this question. He was extremely glad to see that the principles promulgated by the Labour party had some influence on the House. He was surprised to hear the Premier's contention that the Upper Chamber was a nominee Chamber, that it did not represent anybody; and he would be very much surprised if after that assertion the hon. gentleman did not bring in a Bill to abolish that Chamber. While he believed it was very bad form confining the election to members of that Chamber, it would be very much worse if the Council were brought into the election. They were elected by the people and were responsible to them, but the other Chamber were entirely irresponsible. They acknowledged nobody; they could do anything under the sun and could not be called to account. He was surprised to hear the hon. member for Enoggera and other members coming forward as apologists for the Upper Chamber. He did not believe that the Upper House had any right whatever to a say in the business of the country, and for that reason he would always support the Lower Chamber when it disagreed with the Upper Chamber. He always understood the hon. member for Enoggera was an opponent of the Upper Chamber and believed in representative government.

Mr. DRAKE: Hear, hear!

Mr. STEWART: He objected as much as the hon. member did to the Federal Enabling Bill as it left that Chamber, but he chose the lesser of two evils. They were deep enough already in the mire and he did not believe in wading further into it.

Mr. LEAHY: Since that matter was before them on a previous occasion they had had a great deal of experience, and he, as a federationist, regretted the action that had been taken. Everyone who had listened to the debate in that and the other Chamber must admit that federation was dead for the present. There was no use in denying that. The Home Secretary was not a false prophet for once. There was no "business" in federation. He thought they were arguing the question altogether on wrong lines. The Legislative Council never intended seriously that they should become electors under the Bill. Why, it was talked about at every street corner, and every member of the Upper House told exactly why the amendment was introduced—to kill the Bill—to send it back to the Assembly in such a form that the representatives of the people could not accept it.

The PREMIER: You should not attribute motives to the other House. It is very bad form.

Mr. LEAHY: Did the hon. gentleman wish to say they did things without any motive?

The PREMIER: You have no right to say that.

Mr. LEAHY: He was speaking of this as a serious question. The Council wished to throw the onus upon them of rejecting the Bill.

The PREMIER: That is very bad form.

Mr. LEAHY: They all did very bad things sometimes, but it was better to stand up with the courage of one's convictions than in a courteous manner advocate things that he knew were wrong, as the hon. gentleman did.

The PREMIER: You should not accuse members of the other House of bad motives.

Mr. LEAHY: He would tell the hon. gentleman what a good many of them said if he liked; and another Minister nodded his head in approval, although he would not say who it was. The Bill was amended in such a way that it was a new Bill. They preserved the machinery, but entirely altered the principle. The members of the other House wished them to take the onus of throwing out the Bill. It was a trap. The Bill had been carried by a large majority in that Chamber, although there had been disagreement. It had got beyond a party question. It was a question of the rights of this House. He had only to say that federation being dead for the present, it was no use occupying the time of the House further with the matter, and the sooner they got on with other important business which they had in hand the better.

Mr. SMITH would be very sorry to think that federation was dead. He trusted, although the amendment had been carried in the Council, that the Bill would not be killed. He intended to vote against the amendment, and he thought the hon. member for Enoggera was going against his principles when he advocated that they should allow the other Chamber, which was not a representative House, to vote in the election of delegates. He was very much surprised to hear the hon. member preach that doctrine. If hon. members could not get a direct election by the people, they should take the next best thing—election by the representatives of the people. It was admitted that the Assembly represented the people, and therefore the only body representing the people which could elect the delegates to the Convention was that Chamber.

Mr. GLASSEY: What is the duty of the other House?

Mr. SMITH; To check hasty legislation, and in that direction it was of great benefit to the country. He intended to support the motion of the Premier.

Mr. HARDACRE: The Premier had contended on the second reading of the Bill that they were the people, because they had been elected by the people, and therefore the delegates to the Convention would represent the people, because they would be elected by those who had been elected by the people. If that was true, then the Council also represented the people, because they had been elected by the Government, who were kept in power by the representatives of the people.

The PREMIER: There is no logic in that.

Mr. HARDACRE: He admitted that it reduced the thing to an absurdity, but it was proceeding precisely on the lines laid down by the hon. gentleman on the second reading. If the Government were going to be consistent, they certainly ought to have accepted the amendment of the Council.

The PREMIER: Vote for it, then.

Mr. HARDACRE: He intended supporting the Premier's motion. If the Government would not be consistent, that was no reason why he should also be inconsistent. He considered that the people should directly elect the delegates, and for that reason he still more objected to the Council electing the delegates, as they were still further removed from the people than the Assembly. The only reason he could see for members on that side supporting the amendment was because it would make the Bill so much worse than it was already that it would become utterly unpopular, utterly unworkable, utterly unacceptable, and that it would wreck the Bill. He hoped it would kill the Bill—not because he did not believe in federation—because he hoped to see federation. He was sure that federation was the inevitable destiny of the colonies. They were one in race, in custom, in trade, in thought, in literature, in form of government, and in climate.

Mr. MCDONALD: What?

Mr. HARDACRE: Practically there was no great diversity of climate between the various colonies. No great barrier separated the different communities, and therefore federation was their destiny. Still he would much prefer to wait until they could get a Convention elected directly by the people, which would frame a Constitution on popular lines. One great argument against the acceptance of the Council's amendment had not been brought forward. The Secretary for Public Instruction knew all about the doctrine of State rights. He thought Freeman, in his "History of Federal Governments," went rather fully into the question of what a Federal Government was. A federation was really a federation of the people, not so much of States.

The CHAIRMAN: I would remind the hon. member that he is going very deeply into that question. The hon. member must have forgotten that the question before the Committee is "That this Committee disagree with the Legislative Council's amendment in clause 2."

Mr. HARDACRE: If they accepted the doctrine of State rights, the Council, having under their Constitution equal rights with the Assembly, had a perfect right to elect the delegates; but he did not take that position. He held that if ever a Federal Government came about it should be a real live Government, having direct control over the rights and liberties of the people in the whole federation; and for that reason no Federal Government should be formed, except directly springing from the consent of the people who would have to be under that Government. That was a principle everyone in modern times recognised—that Government should be founded only on the consent of the governed. On account of that he strenuously objected to a nominee Chamber having any share in the election. He might point to the terrible effects that had arisen in America from ignoring that vital principle of government. It was quite true, as the Secretary for Public Instruction had said, that the Federal Constitution of the United States of America, which was adopted after the Confederate Government had broken up, was framed by delegates from the States. But what was the result? The Civil War of America was directly traceable to the ignoring of the rights of the people in the formation of the Federal Government. He would just read an extract from Patrick Henry, showing the enormous importance of that matter.

The CHAIRMAN: The hon. member will see that he is not in order in reading extracts of that kind on the question before the Committee. I do not think Patrick Henry has anything to do with this question.

Mr. HARDACRE: The extract bore directly on his argument and on the question before the Committee. He was supporting the Government, and his contention was that the further they got from direct representation of the people the further they would get into the mire. As far as that Bill was concerned, he did not care if they got into a bog and never got out of it, because the way the delegates were going to be elected would not be for the future benefit of the colony. The extract he wished was pertinent to that point. [The hon. member here read an extract from Patrick Henry to the effect that while he had the highest veneration for the gentlemen who composed the Federal Convention in America, he demanded to know what right they had to say,

"we, the people," and "we, the States," since the people had given them no power to speak in their name.] He strongly objected to taking the election of delegates any further away from the people than was originally proposed in the Bill.

Mr. KEOGH objected to the Council's amendments, not because the members of the Council were not representatives of the people, but because he believed that if a plebiscite of the colony were taken the vote would be decidedly against federation. The Northern portion of the colony might be in favour of federation, but he was perfectly well satisfied that for a long period to come federation would not be beneficial to the Southern part of the colony. He therefore opposed the amendment simply for the purpose of throwing out the Bill altogether.

Mr. DANIELS did not see why the members of the Council should not have a vote in this matter, seeing that they were members of Parliament. The Premier said that they did not represent the people. He always understood that they represented the people in that branch of the legislature, and it was only natural that they should want a vote in the election of those delegates, the same as everybody else. He should very much like the Premier to tell them whom the Upper Chamber did represent.

The PREMIER: I told you that they represent the whole colony.

Mr. DANIELS would like to know what proof could be given that delegates elected by the Assembly would meet with the approval of the electors of the colony any more than delegates elected by the other Chamber. The Assembly had absolutely no authority from the electors to elect delegates to the Convention any more than the Council had, and the other Chamber were therefore within their rights in making the amendments they had done. Surely they did not mean to insinuate that hon. members of the other House had not sufficient intelligence to vote. The Premier said the reason why they should not vote was because they were only a nominee Chamber. But he was very much afraid that all the members who would be sent down to this Convention would be nominees. If the Premier liked he could nominate eight out of the ten members himself, so that they would be nominees.

Mr. JACKSON: Some hon. members on the other side seemed to be rather disgusted with the encomiums passed upon the Council by the hon. member for Enoggera. He did not see why the Council should not do right sometimes, even if accidentally, but on this occasion he was going to support the Government. The real point at issue had been somewhat obscured. Hon. members seemed to take up the position that the Council had no right to make any amendments to this Bill, but the Premier had given as his reason that the principal amendments were against its principle. The amendment made to the schedule was a very good one. The mode of election provided in the Bill as it left the Assembly was utterly unfair to his side of the House, and to the country, but it was not exactly ridiculous or absurd. It was not as absurd as the amendment of the Council, which was utterly grotesque, and he could not see any reason for inserting it except to wreck the Bill. But the member of the Council who was instrumental in introducing the amendment denied having any such intentions, and stated that if he thought it would have that effect he would withdraw it. The Council was perfectly within its rights in making any amendment it thought fit, as it was a co-ordinate branch of the legislature, except in regard to matters of taxation. He did not challenge its right, but he challenged the reasonableness of the amendment, and upon that ground he intended to support the Government. The hon. member for Burke asked if the Government had any right to ignore the Council, but the reason why the Labour party and the Opposition did not advocate that the Council should have a say in the matter was that they thought it possible an amendment might be carried providing for a direct vote of the people. When they failed in that they ought to have washed their hands of it altogether, or have advocated that the Council should have had a say in the matter. The hon. member who introduced this clause in the Council was a very able man, an ex-Minister, and an experienced journalist, and yet in spite of his ability his speech was a very weak and unsuccessful one. One of his reasons was that the Assembly would not represent the choice of the constituencies, but he did not prove that by giving the Council a say in the matter that would be remedied. Two wrongs did not make a right, and the hon. member did not improve the matter. In one part of his speech he said that Parliament as a whole should elect the representatives to the Convention, and pointed out that six years ago resolutions were moved in both Houses of Parliament in which the members whom it was desired should be elected were named, and hon. members made their choice. Members elected upon some such principle would occupy a position which no one would dispute. If the same amendment had been moved upon this occasion he should have supported it, but that hon. member contended that the status of the representatives would be improved by their being elected by both Houses. That might have been said if they had been elected by joint resolution, but he could hardly see how their status would be improved by the method proposed. He should therefore support the Government.

Mr. McDONALD: Upon this occasion he intended to support the Council. Hon. members might laugh, but he would do so because it was an extension of the franchise. At present the franchise consisted of the seventy-two members of the Assembly, and the Council wished to extend the franchise by adding another thirty-nine members; therefore, from a democratic standpoint, he was taking up a correct position. If the amendment were carried, the Government would be perfectly happy; if it went the other way, they would be happy also, because in any case the Bill would be killed, and that was exactly what they wanted from the very first. Although this amendment only inserted the word "Council," and defined what the word meant, it opened up the whole question, and they could discuss it at once. The Premier had told them that the Council was not representative of the people. While advocating the Government form of representation under the Bill, when it was last before the Committee, the hon. gentleman told them that the delegates would be representatives of the people in an indirect way, and that the Council indirectly represented the people. First of all the hon. gentleman told them there was the people; then the electors who represented the people; then there was Parliament representing the electors; after that they had the Government and their supporters representing Parliament; then the Government represented their supporters, and consequently they represented Parliament, the electors, and the people. The Government directing their supporters, and with their supporters directing Parliament they directed the body that was running the electors, and the electors were running the people. That was the Premier's logic; and the Government nominating the Council, the Council might be said to be representative of the people only one

degree further away than the Assembly. Personally he would have liked the Council to have extended the franchise to the whole people; but in their modesty, perhaps, they did not desire to see too large a body of electors—though the choice of candidates had been narrowed down to about 80,000 persons and the electors of those candidates numbered seventy-two. In the other House Mr. Buzacott dealt with the amendment fairly well. He was not saying that Mr. Buzacott was right in what he said, as he did not believe that two wrongs made a right; but if the hon. gentleman was of the opinion, as was shown in his speech, that the colony should be represented on the same grounds as the other colonies, instead of moving the amendment he did move, he should have moved an amendment providing for the election of the delegates by the direct vote of the people. He did nothing of the kind, and what did he say——

The CHAIRMAN: I point out that the hon. member will not be in order in quoting from a debate that took place in another Chamber. "May," at page 308, says—

"A member while speaking to a question may not allude to debates of the same session upon any question or Bill not then under discussion, nor speak against or reflect upon any determination of the House, unless he intends to conclude with a motion for rescinding it; nor allude to debates in the other House of Parliament."

Again, at page 310, he says—

"The rule that allusions to debates in the other House are out of order prevents fruitless arguments between members of the two distinct bodies, who are unable to reply to each other, and guards against recrimination and offensive language."

I am sure hon. members will observe that rule. Since I have been in the House I have never heard a debate read from *Hansard* in Committee, and if I am desired to give a ruling upon the matter I shall have no hesitation in doing so.

Mr. McDONALD: He would have liked the hon. gentleman to have read a little more of the extract, and he would continue it from the place at which the Chairman left off, as the whole paragraph put a different construction upon the first sentences. After the word "language," the paragraph went on—

"In the absence of the party assailed; but it is mainly founded upon the understanding that the debates of the other House are not known, and that the House can take no notice of them. The daily publication of debates in Parliament offers a strong temptation to disregard this rule. The same questions are discussed by persons belonging to the same parties in both Houses, and speeches are constantly referred to by members, which this rule would exclude from their notice; and although there are few orders more important than this for the conduct of debate, and for observing courtesy between the two Houses, not one perhaps is more generally transgressed. An ingenious orator may break through any rules in spirit, and yet observe them to the letter."

He might make other quotations, if necessary, to show that it had absolutely been done in the House of Commons at a very recent date. This question had cropped up many times in the House, and it was desirable that they should settle it.

Mr. LEAHY thought it of great importance that they should establish a proper mode of procedure. On this point he had looked up the question some time ago, when it was raised by the late member for Toowong, Mr. Reid, and before he sat down he would show that the hon. member was perfectly in order.

The HOME SECRETARY: In reading from the report of debates in the other House?

Mr. LEAHY: In reading the *Hansard* report of debates in the Council. Our own Standing Orders did not deal with the question at all; they had therefore to depend upon the practice of the House of Commons, and he could promise to make good the statement that the same thing was done in the House of Commons almost every week. According to the quotation read by the hon. member for Flinders, the rule was founded entirely on the practice of the House of Commons, and the House of Commons was supposed to be entirely ignorant of what passed in the House of Lords. It was still against the law of England to publish the debates at all, although it was done every day. That was not the case in Queensland, where they were published by official authority.

The CHAIRMAN: I trust the hon. member will be brief in his remarks. I would remind him that when I stood up the hon. member for Flinders had mentioned a member of another place by name.

Mr. LEAHY had nothing to do with what the hon. member for Flinders said or did. He intended to make good his contention before he sat down, and the House had never yet refused him a hearing.

The HOME SECRETARY: I thought the hon. member wanted to get on with more important business, the Land Bill.

Mr. LEAHY: The procedure of the House was of more importance than anything else they could consider.

The HOME SECRETARY: It is altered almost every day.

Mr. LEAHY: None of their Standing Orders governed the business; it was governed by the practice of the House of Commons. Look at the debates in the House of Commons!

Mr. STEPHENS: You are out of order now, and you know it.

Mr. LEAHY: The hon. member is out of order himself.

Mr. STEPHENS: I rise to a point of order. What is the question before the Committee, and have you absolutely given your ruling or not?

The CHAIRMAN: I told the hon. member for Flinders that he would not be in order in quoting from *Hansard* a debate that occurred in another place, and I gave my authority for what I considered would be my ruling should I be called upon to give one. It is laid down in our Standing Orders that when a point of order is raised, the Chairman, before giving his ruling, can ask the assistance of hon. members. The hon. member for Bulloo—I am sure he will be brief—is quite in order in assisting me to decide this question.

Mr. LEAHY: In the House of Commons on 19th May, 1891, in a debate on the Title Rent Charge Bill, Mr. Tomlinson raised a point of order whether it was in order for a member to quote from debates in the other House during the same session. Sir W. Harcourt asked the Speaker whether, on consideration of Lords' amendments, it was permissible or not to discuss the grounds upon which an amendment was adopted in another place. The Speaker said—

"No doubt it would not be the proper parliamentary course to refer at length to debates in another place, but it may be necessary to refer in some form to a statement upon which an amendment was founded."

Then Mr. J. G. Talbot said—

"I understand you to say, Sir, that it would be out of order to quote words used in debate in another place, though an hon. member has a right to refer to arguments used."

To that the Speaker replied—

"I did not say it would be irregular or unparliamentary. I said to follow in detail the arguments used in another place would be irregular, but to simply quote words used would be to quote the foundation of the amendment."

Then Mr. S. T. Evans, whose former remarks had given rise to the discussion, proceeded to quote at length a speech made by Lord Selborne in the House of Lords.

The PREMIER: There was a special reason for that.

Mr. LEAHY: It is a common practice in the House of Commons.

The PREMIER: You have shown one case.

Mr. LEAHY: He could show a whole column of them, but he did not want to detain the Committee. How could they discuss amendments of that kind without referring to what took place in the other House. It was just as well to have their procedure in the matter settled as soon as possible; and he submitted that the hon. member for Flinders was quite in order.

The CHAIRMAN: I do not know whether it is the wish of the Committee that I should give a ruling on the point raised.

HONOURABLE MEMBERS: Hear, hear!

The CHAIRMAN: The question will probably be raised again, but I will say now that I do not agree with the hon. member for Bulloo, and I am guided by a higher authority than any he has quoted—Sir Erskine May's "Parliamentary Practice." I rule that it is not in order to quote from *Hansard* a debate which took place in the Council during the same session.

Mr. LEAHY: I shall discuss that another time, and take the sense of the House upon it.

Mr. McDONALD would not pursue the question further at present. There was not the slightest doubt that the whole of the trouble in connection with the Bill was owing to the action of the Government. If the Bill was wrecked on the amendment, and if Queensland was not represented at the Convention, there would be no one to blame for it but the Government.

The PREMIER: Hear, hear!

Mr. McDONALD: The Government were to blame, for the reason that had they conformed to the general desire of the other colonies those amendments would not have been introduced. Whether they allowed the amendments to be carried or not, the Bill was going to be wrecked; nobody could state that it would be otherwise. Nobody would be more pleased to see the Bill wrecked than the members of the Government.

Mr. CROSS: If a division were taken he intended to vote with the "Ayes." He was astonished at the attitude taken up by the hon. member for Enoggera. He certainly did not see the virtue in the Upper House that the hon. gentleman seemed to see. They might possibly have done something which had the appearance of giving satisfaction to a certain section of the House, but he was perfectly certain they were pronounced opponents of democratic legislation. So long as he remained a member of that House he would maintain the position that the Upper House had not the ability to improve upon anything which had come under the consideration of the Lower Chamber. He would vote for the "Ayes" on the principle that the Assembly was supreme in its ability to deal with legislation of all kinds. He did not think the hon. member for Enoggera was in any way justified in saying that the two members who would go to the Convention from that side would go down as representatives of Central separation. That two Labour members might go down to represent Central Queensland he did not deny. It would be very wrong if they did not, but it would be reducing the proceedings of the Convention to a very low level if two men went down to represent the colony on that one point. It had been the aim of the Labour party to have the colony represented upon as democratic a basis as possible, and that they had not succeeded in doing so was no fault of theirs. Whatever might be the result, the whole of the blame rested on the Government. As had been pointed out, it was necessary that Queensland should be represented at the Convention. It bound them to nothing, and it was their duty to get the best representation possible. The members of the Labour party could not very well vote for the amendment, because they held that the greatest stumbling-block to progressive legislation was the existence of a nominee Chamber, and so long as his party held to that principle he should oppose any amendments made by the Legislative Council. Occasionally the Legislative Council had done what seemed a satisfactory thing, but he was sure it was not done through their belief in any democratic or progressive idea whatever. It was admitted on all sides that the gentlemen in another place represented nothing but their own interests. He therefore intended to vote with the "Ayes."

Mr. KIDSTON: There seemed to be a great deal of confusion between the two sides of the House—a sort of change of position with regard to the Council. The hon. member for Croydon twitted the Government and members on the other side of the House with objecting to the Council's amendments while he justified the Council taking part in active legislation.

Mr. BROWNE: I never recognised the Council as a body. I said that as individuals they should have votes on this question.

Mr. KIDSTON: It was a wrong principle that members of the Council should use their position as members of Parliament to advance their private claims as citizens. The whole difficulty had arisen through the initial mistake made by the Government in refusing to allow the people to choose their own delegates. Members on his side very strongly objected to the position the Government took up, and did their best to get them to allow the people to choose their own representatives. When they had been unable to carry that it was said that they should refuse to have anything to do with the Bill, but their principle was that the majority in Parliament should rule. From the point of view of the Council they might have been justified in making the amendment, but from the standpoint of the Government it was inconvenient to have the election directly by the people, and that the next best thing was to have the election by the representatives of the people. Although hon. members on his side did not agree with the Government in that, still the position was an understandable one to take up, and that being the principle of the Bill they could not allow an infraction of that principle and change the election to an election by ballot. He had simply risen to give his reasons for supporting the Government in their refusal to accept the Council's amendment. In the first place it would nullify the principle of the Bill, and in the next place it would in a measure disfranchise the majority of the electors in the Central districts. As a Central Queenslandman, that was a perfectly legitimate reason for his refusing to agree to the amendment. The hon. member for Enoggera had pointed out that if the Bill were carried as it left the Assembly the result would probably be that two separationists would be sent down to represent the Central division. Well, as a vast proportion of the people in Central Queensland were separationists, it was only right that they should be represented by separationists, but if the amendment were accepted two Southern men would in all probability be sent to represent them. There were only three members in the

Council who were in any way connected with the Central division, but the Council's amendments would allocate six members to that division, who would simply swamp the representatives of the people for that division, and for that reason he intended opposing the Council's amendments.

Question—That the Committee disagree with the Legislative Council's amendment in clause 2—put and passed.

The Council's amendment in clause 14 was agreed to.

The Council's amendments in clauses 16, 17, 20, and 21 were disagreed to.

The PREMIER moved that the new clause inserted by the Council to follow clause 16—"Members of the Council assigned to the electoral divisions"—be disagreed to. A rather serious objection to the clause was that it assumed that the number of members of the Council would be thirty-eight, but there was no exact number of councillors. There might be forty, and some time ago there had been forty-one. If there happened to be forty or forty-one at the time of the election, certain members would be left out. The members of the Council were supposed to represent the whole colony, and could not be assigned to any particular district.

Question put and passed.

The PREMIER moved that the Council's amendment in the 12th paragraph of the 1st schedule, which increased the minimum duration of an adjournment of the Convention from thirty to sixty days, and the maximum duration from sixty to 120 days, be agreed to.

Mr. DRAKE suggested that the Premier might keep to the minimum of thirty days. It could do no possible harm. If the Convention decided that something less than sixty days was sufficient, he did not see why they should not have power to adjourn for a little less than sixty days. Probably, if the hon. gentleman accepted his suggestion, the Council would be willing to agree to it, as they would have got a part of their amendments through.

The PREMIER did not think the matter was of sufficient importance to disagree with the amendment of the Council. The different colonies would not all fix the same time, and the Convention would have to be guided by the opinions of the majority of the delegates present.

Mr. DRAKE: I want to give as much scope as possible, by making a lower minimum and higher maximum.

The PREMIER: The amendment would give sufficient scope. He thought the Council was not far wrong, as it was a matter they ought to have plenty of time to consider. It did not seem unreasonable that they should have sixty days to consider the Convention Draft Bill.

Mr. GLASSEY: There was very little in the amendment; it was not worth while cavilling over it. He was quite sure that they had seen about the last of the Bill, and that there would be no delegates sent to the Convention. At any rate, he hoped there would not on the lines embodied in the Bill. It was a great pity that the Government had not carried out to the letter the terms of the understanding arrived at by the gentlemen at the head of the various Governments, and that the people of the colony had not been consulted and asked whether they were in favour of federation or not. Had that been done the delegates could have gone down to the Convention with the confidence that they were armed with the authority of the whole of the people. But under present circumstances they could not say that they had that authority, and he believed that federation, if not dead, would sleep for a long time, as far as Queensland was concerned.

The PREMIER said he was informed by his correspondent that the members of the Federation League entirely disapproved of the action taken by some people in the southern colonies with regard to the mode they had adopted for the election of delegates. He knew that the feeling of the people of Queensland, as far as he had mixed with them, was that the attempt which had been made to interfere with them in that matter was a foretaste of what they might expect when federation took place—that the larger colonies would dictate to the smaller ones; and he thought that unless the other colonies would meet them in the same spirit as that in which they would enter the Convention they had better not join in federation.

Mr. GLASSEY quite believed that the hon. gentleman met many persons in his travels in the colony and conversed with them on that matter, and the hon. gentleman would also give him credit for knowing something of the opinions of the people of Queensland. So far as he was able to gauge their opinion, it was not in favour of federation, and if there was any attempt to dictate to them by the other colonies both sides of the House would resent any such dictation. If there were a desire on the part of some persons in the different colonies to endeavour by amicable and peaceful means to bring about a general scheme of federation it would not be interference. So far as he knew there was no interference on the part of politicians in this colony or anywhere else to dictate to the people of Queensland. This was a vast and serious question, one which should not be considered lightly; and before any Constitution was framed the people at large should have an opportunity of choosing the persons who were to frame that Constitution. He had not spoken upon the second reading, because he thought it was a lifeless matter, but if he thought there was any vitality or sincerity in it he would not shirk his duty. He trusted that if a Constitution were framed it would be framed upon the broadest lines of freedom, not only for those who lived now but for those who came after them; and that the most competent and capable delegates would be chosen. It was not a work that was to last for only a few years, but no man could tell for how long.

Question put and passed.

The House resumed; the CHAIRMAN reported that the Committee had agreed to some of the Council's amendments and disagreed to others.

The PREMIER moved that the Bill be returned to the Legislative Council with the following message:—

"The Legislative Assembly having considered the amendments in the Australasian Federation Enabling Bill made by the Legislative Council, agree to the amendments in clause 14 and in the 1st schedule; disagree to the amendments in clauses 2, 16, 17, 20, and 21, and to the proposed new clause to follow clause 16, for the following reasons, to which they invite the attention of the Legislative Council: Because the inclusion of the Legislative Council in the proposed scheme of voting would involve an entire departure from the main principle of the Bill, which was to provide for the choice of delegates to the Convention by that branch of the legislature which directly represents the electors in the respective divisions of the colony."

Mr. McDONALD asked if the amendments in clause 21 referred to the erased number or to the number which is not erased? If they referred to the amendments in the erased number, then clause 22 ought to be included.

The PREMIER: The Council had inserted a new clause, and that altered all the succeeding numbers. This House had struck out that clause, so that the subsequent clauses went back to their original numbers.

Question put and passed.

The House adjourned at 10 o'clock.