

the Publicans Act of 1863, so far as relates to the granting of Licenses and for other Purposes.

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

CRIMINALS EXPULSION BILL.

On the motion of the COLONIAL SECRETARY, the House, in Committee, affirmed the desirableness of introducing a Bill to prevent the Influx of Foreign and other Criminals to Queensland.

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

SALE OF FOOD AND DRUGS BILL.

On the motion of the PREMIER, the House affirmed, in Committee of the Whole, the desirableness of introducing a Bill to provide for the Sale of Food and Drugs in a Pure State.

The Bill was read a first time, and the second reading made an Order for the following day.

STAMP DUTIES ACT AMENDMENT BILL.

The PREMIER moved—That the House resolve itself into a Committee of the Whole, to consider the desirability of introducing a Bill to amend the Stamp Duties Act of 1866.

Mr. DICKSON said it was his intention to call the attention of the House to a question of privilege as to the manner in which this Bill was introduced, but he thought it would be better to defer his remarks until the Bill was called on for the second reading, by which time honourable members would have read it. If it was a Bill to increase taxation he should raise an objection to its coming down to the House by message from His Excellency the Governor, instead of emanating in a resolution of a Committee of the Whole House. It was a matter which they could all discuss, and he had made these few remarks because he intended to raise a question of privilege upon it.

Question put and passed.

The desirability of introducing the Bill was affirmed in Committee, the Bill was read a first time, and the second reading made an Order for the following day.

JOINT COMMITTEES.

On the motion of the PREMIER, the following honourable members were nominated members of the Joint Committees of the two Houses:—

For the Library Committee: Mr. Speaker, Mr. Douglas, and Mr. Amhurst.

Refreshment Management Committee: Mr. Speaker, Mr. Morehead, and Mr. Tyrel.

Parliamentary Buildings Committee: Mr. Speaker, Mr. Stevens, and Mr. Griffith.

The nominations to be communicated to the Legislative Council by message in the usual form.

QUEENSLAND COAST ISLANDS BILL— SECOND READING.

The COLONIAL SECRETARY said the Bill he proposed to read a second time was a very short one, and its object was known to most honourable members, and to the members of the late Government especially. It followed as a sequence to despatches which had been received from the Imperial Government on the subject of annexing certain islands in Torres Straits. He could not explain the object of the Bill better than by reading the preamble:—

“Whereas by letters patent under the great seal of the United Kingdom of Great Britain and Ireland bearing date the tenth October in the forty-second year of the reign of Her Majesty Queen Victoria her said Majesty did authorise the Governor for the time being of the colony of Queensland by proclamation under his hand and the public seal of the colony to declare that from and after a day to be therein mentioned certain islands which are described in the schedule hereto shall be annexed to and form part of the said colony And in the said letters patent it was provided that the said Governor is not to issue such proclamation as aforesaid until the legislature of the said colony shall have passed a law providing that the said islands shall on the day aforesaid become part of the said colony and subject to the laws in force therein And in the said letters patent it was also provided that the application of the said laws to the said islands might be modified either by such proclamation as aforesaid or by any law or laws to be from time to time passed by the legislature of this colony for the government of the said islands so annexed And whereas it is desirable that the said islands shall be annexed to and form part of the said colony of Queensland.”

That proclamation, he might state for the information of honourable members, was brought out after a long correspondence between the Imperial authorities and the then Ministry of the colony. It was then deemed desirable—and he quite agreed with the opinions expressed by the leader of the late Ministry—that the islands in the Torres Straits lying outside the present jurisdiction of the colony—that was to say, at more than sixty miles from the coast—should be brought within the boundary. Many of those islands, it was very well known, had become the resort of criminals from all parts of the world—a lawless set of men under no jurisdiction, except the nominal one of the Imperial Commissioner for the Pacific, the Governor of Fiji, Sir Arthur Gordon, which was to all intents and purposes none whatever. It had been considered desirable that those

islands should be brought under the jurisdiction of Queensland, but the proclamation, the preamble of which he had read, was entirely dependent on the legislature passing an Act to bring it into force. The Bill, therefore, only contained one clause, namely—

“From and after such day as His Excellency the Governor of Queensland shall by such proclamation under his hand and the public seal of the colony as is authorised by the said letters patent mention and appoint for that purpose the Islands described in the schedule hereto shall be annexed to and become part of the Colony of Queensland and shall be and become subject to the laws in force therein.”

He did not wish the House to pass even the second reading of the Bill without understanding that the annexation of these islands entailed some expense upon the colony, as it would be ridiculous to suppose they could assert a right over the islands without taking steps to enforce our laws there. It was absolutely necessary that the Government should have a cruiser there, both for the repression of violence on the part of the natives and for the enforcement of the law on the many people of all nations congregated on those islands. Those things had been, no doubt, well weighed by the previous Government before they recommended the annexation. He agreed to the full extent with what had been done, though he could have wished that the Island of Sabai had been left out. Under the proclamation, however, they could not draw a line, but must take all or none. The island to which he referred lay too close to the Island of New Guinea, and there was a probability they might be brought into unpleasant contact with the inhabitants there, who were credited with a taste for human flesh. That was a remote contingency, which he felt it was his duty to mention to the House. If the House agreed to pass this small Bill, it would, to some extent, become necessary that the Government should keep a cruiser. Believing that the Bill would pass without objection, as the Ministry of the day were in favour of it and the previous Ministry brought it to the condition in which it now stood, the Ministry had purchased the schooner formerly engaged in the survey of the coast, the Pearl, at a very fair, or even low, price, with the intention of sending her out there should the Bill pass. She would be manned and armed sufficiently to enforce law and order. Although there would be some charge upon the colony, he might state that the income derived from Thursday Island as a Customs port—which income would be considerably augmented by revenue derived from those islands—would more than treble, as far as they could judge, the expense. The present Customs receipts averaged

£4,000 a-year, while the expense of the cruiser in round numbers, after purchase and outfit, would be—master, £200; mate, £120; four seamen, cook, and provisions. That, as far as he could arrive at it, would be the expenditure the country would be called upon to provide. He had pleasure in recommending the House to pass the Bill, and, without further remarks, would move that it be read a second time.

Mr. GRIFFITH said he had no objection to the Bill becoming law, and it was worth notice that on this occasion the Imperial Government had recognised more fully than previously the right of the colony itself to have a voice in the annexation of territory. On previous occasions they had not been consulted, but in this instance the proclamation was made contingent on the legislation of this colony. That marked an important change in the policy of the Imperial Government toward the Australian Colonies, no doubt to be traced to the events of a few years back. It was a matter for serious consideration whether they could not decline the responsibility of taking Sabai, but with the rest of the measure he entirely agreed. It was, however, his duty to call attention to what appeared to him to be a serious invasion of the privilege of the House in the mode in which it had been introduced—by message from the Governor. The Constitution Act provided that all measures requiring expenditure from Consolidated Revenue should be introduced at the instance of the Governor; and that no Bill authorising expenditure should be introduced until the expenditure or appropriation of money had been first recommended by the Governor during the same session. By the Standing Orders of the House, the House considered, in Committee, the desirableness of introducing the Bill. Thus a Message was first sent by the Governor recommending the appropriation, and then the deliberate consideration of the House, in Committee, took place as to whether the Bill should be introduced. If carried in the affirmative, the Bill was then introduced. There had not been any resolution of the House with reference to this Bill. The Standing Orders ran thus—

“214. Every Bill shall be ordered to be brought in upon motion made and question put that leave be given to bring in such a Bill, unless such Bill shall have been directed to be brought in by resolution of the House.

“215. Every Bill shall be ordered to be prepared and brought in by one or more members named by the House.

“216. Every Bill not prepared to the order of leave, or according to the rules and orders of the House, will be ordered to be withdrawn.

“217. A Bill shall be presented by a member.”

All those Standing Orders had been violated by the way in which this Bill had been introduced. New members might

think this was to some extent a matter of form, but it was really a matter of substance. It was an acknowledged principle that the House could not be interfered with by any authority outside the House. The Representative of Her Majesty could recommend an appropriation, but beyond that he had no authority, conferred either by the Constitution or by the Standing Orders, to introduce measures. The idea of a Bill being so introduced had never been even suggested in England, and such a practice was entirely unknown to the Imperial Parliament. He had looked in this colony for a precedent, but as far as he was aware there was only one, which occurred in 1876. Reference had been made to the case of the 19th September, 1866, when four money Bills were sent down—"Additional Customs," "Stamp Duties," "Additional Treasury Bills," and "Government Treasury Notes" Bills. Those were introduced by message from the Governor, and were read a first time then. But they were all money Bills, properly introduced by message from the Governor, and formed no precedent of any use whatever in this case. He could not say what took place between then and 1872; but from the latter date no Bills were so introduced until 1876, when two Bills—"the Victoria Bridge" and the "Members' Expenses" Bills—were introduced on the 14th September, and ordered to be read a first time: they were both money Bills. A day or two afterwards the honourable gentleman who was lately Minister for Justice, one of the oldest members of the House, and whose opinion was much valued in such cases, took objection that the Bills could not be introduced in that way, and pointed out that they must be introduced in Committee. In consequence of that objection the Bills were both discharged from the paper. He found that on the 26th September—

"Mr. Thompson objecting that the motion was not in order, inasmuch as there had been no previous compliance with the 18th section of the Constitution Act, the Speaker gave it as his opinion that the point of order was premature until it had been seen what course would be taken by the Committee of the Whole House, were the question of introducing such a Bill referred to the Committee."

A debate ensued, and Mr. Thompson's objection was allowed to be valid. On the 27th September, on the motion of Mr. Thorn, the Speaker left the chair, and the House went into Committee. The Chairman reported the resolution to the House, when—

"Mr. Thompson objecting that if this Bill were so introduced, the provisions of the 18th section of the Constitution Act would not have been complied with, which provides that it shall not be lawful for this House to originate any Bill for the appropriation of any part of the Consolidated Revenue which shall not first have been recommended by a message of the Gover-

nor, and asking the ruling of the Speaker whether the message of the 14th instant, transmitting a similar Bill which had since been discharged from the paper, could be held to apply to the Bill now proposed to be introduced, the Speaker said that, although he could find no precedent to guide him, he was of opinion that as the Bill transmitted by the message in question had been discharged from the paper, the proposed Bill should either be introduced by another message from the Governor, or after the necessary appropriation had been recommended by message.

On that occasion it was held that the introduction of the Bill was not in order, and that not only was it necessary there should be a resolution of the Committee of the Whole House, but that there should be a fresh message. These were the only precedents that could be found in the colony bearing upon the subject. There was no precedent in this colony, and none that he knew of in Great Britain, for May's Practice was silent, as to introducing a Bill which was not a money Bill otherwise than in the ordinary form. This was an important matter; it was quite conceivable that a Bill might thus be brought before the House which the House would have declined to allow to be introduced. Their Standing Orders embodied great principles, and it was desirable that the forms of the House should be complied with. He therefore felt it his duty to raise the point. The usual forms had been dispensed with in this instance, and the Bill had been introduced without the necessary notice. He remembered a case where the House had refused to allow a Bill to be brought in.

The COLONIAL SECRETARY said, without going back to the dark ages he thought that if he had followed a bad precedent it had been one laid down by the late Attorney-General, when in 1878 he introduced a Bill precisely similar in character to the one before the House in the same way as this was being brought in. He found that on the 9th May, 1878, a message was received for the introduction of a Bill to provide for the Construction of Drains and Sewers in South Brisbane.

Mr. GRIFFITH: That was a money Bill.

The COLONIAL SECRETARY said it was a money Bill, as this was incidentally a money Bill. This Bill would involve the expenditure of money, although there was not a word about money in it. The Bill was thrown out on its merits—not on a point of order, but on a division by 19 to 16. If he had gone wrong, he had only followed the bad example of the late Attorney-General. He should leave the question entirely to the Speaker.

Mr. GRIFFITH said that in the case referred to, in 1878, the correct practice was followed; the Bill was recommended by message, was considered in

Committee, and the Committee affirmed the desirability of introducing it, and it was then introduced.

Mr. DOUGLAS, speaking to the question of order, said the assertion made by the Colonial Secretary—that it involved the expenditure of money—would apply to all Bills; there was hardly a Bill brought under the notice of the House which did not involve some expenditure of money; and, if so, then all Bills should be introduced by message; but, unless there was a specific reference to the raising of money, the ordinary course would be to introduce in the way described by the senior member for North Brisbane.

The SPEAKER: With reference to the point of order raised by the senior honourable member for North Brisbane, I understand it to be that our Standing Order 214 provides that no Bill shall be brought in except upon a motion or by a resolution of the Committee of the House. The Standing Order is certainly precise, but it will at once strike everybody that it does not refer in any way to Bills received by message from the Legislative Council. During every session we have Bills originated by the Council sent here and accepted without leave being first obtained, thereby clearly showing that the 214 Standing Order does not affect the privileges of the Legislative Council with regard to the introduction of Bills here without leave being first obtained. It is consequently evident that, as the Legislative Council has this privilege, the Crown, also, may have a like privilege. With reference to the distinction drawn by the senior member for North Brisbane as to the introduction of money Bills and those which are not money Bills, I may point out that, in the beginning of Parliamentary Government here, it was not the custom to send down money Bills; but it was customary to bring down a message for the necessary appropriation. The objection seems to me to be on a technical ground. We are bound to receive a message from the Crown on any subject. In admitting this Bill it seems to me that the Crown does directly that which it might have done indirectly, since every Bill which is introduced by Ministers would first have to receive the sanction of the Executive Council;—there is therefore not sufficient ground for ruling that the Crown cannot introduce a Bill in the absence of any express enactment. The law to which the honourable member has referred with respect to money Bills does not appear to limit the Crown from recommending other Bills. I certainly should not think of giving a ruling which would restrict, on purely technical grounds, the privilege of the Crown of referring matters to this House. There is no substantial difference between a recommendation to consider a particular subject, a Bill dealing with it

being introduced shortly after, and a message direct from the Crown enclosing a Bill. In the absence of any express authority declaring that such course is forbidden, I see nothing to prevent the course adopted in this instance being sanctioned.

Mr. DOUGLAS, speaking to the general question, said that the Colonial Secretary had stated all that was necessary in explaining the scope of the Bill. It was very desirable in itself that certain islands close to the Queensland coast should be incorporated, and the boundary proposed in the Bill was much beyond that at present in force. Sixty miles from their shores was a somewhat indefinite distance, and, therefore, the boundary proposed was better for every purpose. He noticed that it included Murray, Darnley, Talbot, Deliverance, and Sabai Islands, which were near the coast of New Guinea. It was not likely, however, that they would get into hot-water by embracing those islands; it was not likely that their incorporation would interfere with any number of natives, though a few from New Guinea resorted to Sabai and Talbot islands. There were good and fertile islands on our coast which it was desirable to incorporate; and in reference to the report that a band of Italians were on their way to colonise New Guinea, he might suggest that here was an opening for the Colonial Secretary to make a good bargain. For an advance party one of the islands named was more suitable than the coast of New Guinea. The islands were really eligible sites for a colonising party, and the same might be said of many others still unoccupied. Inducements might very well be held out to people to occupy some of them, and he was quite sure, if the information was made known generally that they could be occupied, that many persons would be found who would take up their residence on them. With regard to the cruiser which had been purchased, she would be sufficient for all present purposes; but the "Pearl" was not a smart sailer, and it would probably be found desirable to have a smart schooner, or a screw steamer like the "Ellangowan" or the "Laura." In the meantime, the "Pearl" would do the work very well, but he did not think it would be for long. He had much pleasure in supporting the Bill.

The question was put and passed, and the committal of the Bill was made an Order of the Day for Tuesday next.

IMPOUNDING ACT AMENDMENT BILL.

The COLONIAL SECRETARY, in moving the second reading of this Bill, said it was very short, but still it was one of very considerable importance in dealing with this question. It had been introduced almost entirely on the recommendation of the Inspector of Brands, who had been asked to model a Bill of this sort by many persons