

**Record of the  
Proceedings of the Queensland Parliament**

...  
**Legislative Assembly  
18<sup>th</sup> July 1861**

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Extracted from the third party account as published in the  
Courier 19<sup>th</sup> July 1861

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The SPEAKER took the chair at twenty-five minutes past three.

**COOLIE IMMIGRATION.**

Mr. ROYDS, pursuant to notice, asked the hon. the Colonial Secretary the following question:— Whether he considers that the despatch of the Duke of Newcastle, just received, will enable employers to import Coolie labour; and whether the government will be prepared to introduce regulations guaranteeing such Coolie immigrants the protection required by the government of India.

The COLONIAL SECRETARY replied that the government would be prepared to frame regulations, similar to those in the other colonies, for the protection of Coolie immigrants, and no doubt, when such regulations were submitted to the Secretary of State, any restrictions which existed might be removed.

**MR. FREDERICK WALKER.**

Dr. CHALLINOR asked the hon. the Colonial Secretary—Whether he would have any objection to lay upon the table of this house, a copy of the letter addressed to him by Frederick Walker, dated Nulallbin Post-office, via Rockhampton, April 3rd, 1861; and also a copy of all the correspondence he has received in which the allegations preferred against the native police and others by the said Frederick Walker in the letter referred to above have been denied?

The COLONIAL SECRETARY said that the government had no objection to produce the correspondence referred to.

**LOANS' BILL.**

The COLONIAL SECRETARY moved the second reading of this measure. He had merely to observe that all its clauses, with the exception of the fifth had been copied from the bills of a similar character. The first clause empowered the government to issue debentures upon the security of the consolidated revenue. The second clause provided for the sale of these debentures beyond the limits of the colony. The fourth clause provided that all funds thus realised should be placed to the credit of the consolidated revenue. The fifth clause provided for the establishment of a sinking fund for the liquidation of these debentures. He intended to amend portions of this clause, and also of the first and second clauses, when the bill passed through committee.

The question having been put, and the bill read a second time, the Speaker, on the motion of the COLONIAL TREASURER, left the chair, and the house went into committee upon the bill.

Clause 1 was proposed, empowering the government to raise money for certain purposes by loan at 6 per cent.

The COLONIAL TREASURER explained that there was some difference of opinion as to whether the money should be borrowed at five or six per cent. He was in favor of the latter rate, as by adopting it the colony would be more likely to sell its debentures at or above par. He would leave the question to the house to decide.

Mr. RAFF pointed out that whether they fixed the rate at five or six, it was possible that the debentures might be sold below par, but of course the lower the rate the less the debentures would sell for.

The COLONIAL TREASURER thought that by fixing the rate at six they might at least calculate that the debentures would not be sold below par. The New South Wales debentures at six per cent were sold at par.

Mr. FERRETT complained that hon. members had not had sufficient time afforded them to make themselves acquainted with the details of the bill which appeared to be a very important one.

Mr. RAFF said that it appeared to him that now power was given by the bill to sell the debentures under par if the rate were fixed at six per cent.

The COLONIAL SECRETARY concurred with the hon. member that no power was given by the bill to sell the debentures under par if the rate of six per cent were adopted. From what he could see, however, of the monetary transactions of the neighbouring colonies, he thought that we should have no difficulty in disposing of our debentures at par. Of course we must assume that our credit is equally as good as the credit of those colonies. The Victorian five per cents. sold nearly at par, and the Victorian six per cents. he believed were worth, at present 108.

Mr. RAFF expressed his opinion that it would be impolitic to reduce the rate below six per cent.

Mr. R. CRIBB was averse, whatever the rate might be fixed at, to sell our debentures below par. If we wished to borrow £100, let us borrow £100, neither more nor less, upon the best terms upon which we could get it.

Mr. ROYDS recommended the reduction of the rate to five per cent. It would be more advisable to see, as in New South Wales, debentures bearing five per cent for 98 or 99, than to sell six per cent. debentures at 103 or 104.

Mr. GORE pointed out that the clause did not preclude the government from borrowing at a lower rate than six per cent., if money were forthcoming at a lower rate. it merely named six per cent as the maximum rate.

The discussion then dropped, and the words six per cent. were allowed to remain in the clause.

The COLONIAL TREASURER proposed an amendment reducing the amount of the loan by £20,000, the item for roads and bridges which on a previous evening the house had refused to vote.

The amendment was passed, and the clause as amended was put and passed.

In the sixth clause, "loan to be repaid in fifteen years by a sinking fund," the words twenty years were substituted for fifteen years, and the maximum amount to be deducted each year from the revenue to constitute the sinking fund was fixed at two per cent upon the revenue. These and some other amendments of a purely verbal nature were carried on the motion of the COLONIAL TREASURER and Mr. RAFF.

The remaining clauses of the bill were then put and passed, and the Chairman having left the chair and reported progress, the report was adopted, and the third reading of the bill was set down as an order of the day for Tuesday next.

### ROADS CLOSING BILL.

On the motion of the COLONIAL SECRETARY, this measure was read a third time and passed.

### GOVERNMENT SERVANTS AND PUBLIC COMPANIES.

Mr. FORBES, pursuant to notice, moved the following resolution:—"That, in the opinion of this house, it is undesirable that any person engaged on the permanent staff of the audit and

revenue departments, or any other person entrusted with the collection or disbursement of public monies, should be manager or director of any bank or public company." It was with considerable diffidence that he brought forward this resolution, and as the two gentlemen who might most materially be affected by it were his personal friends, he could not be accused of being actuated by personal motives. He approached the matter as an abstract question, without reference to particular individuals, and he desired the house to consider the resolution in the same spirit. He wished the house to express an opinion upon the point, whether it was right that officers and servants of the government should employ a portion of their time in other public offices than government offices, and should be allowed to embark in commercial undertakings upon their own account. When the appointment of Auditor-General was given to a manager of a bank at the outset of responsible government, he conceived this to be a matter of expediency and purely a temporary arrangement, not a permanent one. Now, however, the case was different. The head of this department which supervised the collection and disbursement of public money should be, more than any other government officer, above suspicion. Undoubtedly the gentleman who at present filled the office was personally a gentleman above suspicion, but persons in receipt of large sums of money, and holding exalted positions in society have so often been found guilty of peculation, that the officer, without reference to the individual, should be as much as possible placed above suspicion. He believed that the two gentlemen who would be affected by this resolution were gentlemen whose acquaintance he had enjoyed longer than any other member of the house had; therefore, he repeated, he could not be accused of private motives in bringing forward the resolution. He brought it forward in the discharge of what he conceived to be a public duty. He asked the government to assert the principle that those employed by the government should devote their time and best energies to the government service. The Auditor-General was in a peculiar position. There were some public companies to which, if he belonged, he would be placed in the anomalous position of auditing his own accounts. It savoured too much of the Holloway's Pills style of advertisement, and the recommendations of the Earl of Aldborough, to see the name of the Auditor-General figuring in the director of all sorts of new companies, in order to inspire the public with confidence in the company, and thus induce them to take shares. (Laughter.) He thought that the good sense of such an officer should be sufficient to impress him with the impropriety of such a position, and should induce him to resign it. The principle which he (Mr. Forbes) now sought to establish had been agreed to by the Assembly of New South Wales in the case of Mr. Holt, who, when appointed Colonial Treasurer, was called upon to resign his post as director in the Joint Stock Bank. Many instances of a similar nature were, he believed, on record. It was more honorable and more creditable to a public officer to resign a position which might afford the least ground for suspicion than to retain it. If this system were allowed to take root, we should next find the Surveyor-General appointed manager of a tramway company, or the Collector of Customs extensively engaged in some commercial speculation or joint stock trading company. It was the duty of the government to guard against such a system as this. It had come to his knowledge that bank directors had been appointed by the government to certain offices for particular services. He had been director of a bank himself, and had suffered merely because another director had accepted a commission. He had been compelled to resign in consequence. He had no motive, except a public one, to serve by this resolution. Not on personal but public grounds, he asked the house to interfere in the matter with which the resolution dealt.

Mr. GORE believed that there was a great deal of sound reason involved in the principle embodied in the resolution and at the first blush he was inclined to endorse it. He had had some hesitation in making up his mind upon the point, but upon mature consideration he determined to vote against it. In the application of all principles, exceptional cases might arise, and he conceived that this colony in the present instance furnished an exceptional case. The old saying that "good people were scarce," fully applied to this colony. It would be unwise policy to debar public officers of tried ability and integrity from engaging in useful undertakings, tending to the benefit of the country, simply because they held an office under government. As long as such officers discharged their duties efficiently, they should not be debarred from picking up any crumbs of private advantage in this way. He believed that there had been throughout in the legislation of that house too great a tendency to assume that all public men were rogues. This

suspicion was a wrong one, and absurd if practically carried to its extreme limit. He believed it would be time enough to deal with such evils as those which the resolution assumed might arise, when they did actually arise. The case quoted by the hon. member of the New South Wales Assembly told against himself, as the gentleman alluded to refused to resign his connection with the bank, and the attempt to compel him fell to the ground. If the resolution were just, it followed that it would be improper for a minister of the crown to hold two distinct situations. The Colonial Treasurer ought not to act as Postmaster-General, nor the Colonial Secretary as Minister of Lands and Works. It was also a curious fact that when the Revenue and Audit Bill was before the house, the point raised by this resolution was never referred to. It appeared as though transactions in another place, to which he could not do more than just allude, had had some effect upon the mind of the hon. member (Mr. Forbes). Nothing had arisen since the Audit Bill was passed to justify the resolution. The same reasons in existence now were in existence then, yet nothing was said on the subject. He begged to move the previous question.

The COLONIAL SECRETARY, as in the Audit Bill, he had not introduced any such provision as that embodied in the resolution, felt it incumbent on him to say a few words. He quite agreed with the principle that a government officer ought not to take part in any other than government business. But theory was one thing, and practice another. It was very desirable that in good public undertakings, not only capitalists of this colony should be induced to invest with confidence and freedom, but that also inducements should be afforded for the investment of capital from other colonies. People at home also had more confidence in companies managed by well-known and able men, and the resolution would have, in many cases the effect of debarring the government from securing the services of such men, or else of rendering it very difficult to secure confidence in undertakings from which the services of such men were excluded. Attempts had been made to prevent government surveyors from purchasing Crown land, but any attempt of this nature must of necessity be futile, as there were numerous ways by which, in spite of any enactment, they could be defeated. They could purchase land in the name of another person. In the same way it was impossible to prevent a person holding an office under the Crown from engaging in private speculations. He agreed also with the remarks of the previous speaker as to the difficulty of obtaining thoroughly competent men in this colony to fill certain situations. That hon. gentleman was also right in observing that this matter was not brought under the notice of the house until certain circumstances had occurred in another place. It was impossible to say—indeed he believed that no member of the place referred to could say—what would eventually happen there. (Laughter.) Whether the measure which had been elaborated by the government, and which had been discussed and sanctioned by the house, but which had been so summarily dealt with in another place, according to report (laughter)—whether this measure, he repeated, would become law that session, was problematical. At the same time he conceived that this resolution affected one officer whom he would not like to see eliminated, and he should, therefore, vote for the previous question.

Mr. MOFFATT was sorry to hear that the Colonial Secretary, whilst approving of the principle of the resolution yet intended to vote against the resolution itself. If the principle were sound and just, the sooner it was assented to by the house the better. The public servants affected by the resolutions were friends of his own, and it might be thought that by voting for the resolution he was testifying his friendship in a questionable manner, but he voted for the resolution on public grounds. He had observed with no little anxiety that in the prospectus issued by the Tramway Company the Auditor-General's name appeared amongst the list of directors. He thought that for that reason alone, if for no other, this resolution should not be characterised as premature, as it had been. He would ask was it right that this gentleman (the Auditor-General) should possess a large interest, and hold an important position, in a public company whose receipts and vouchers would all have to pass before him in his public capacity as Auditor-General for sanction and endorsement? He would not pay the colony so poor a compliment as had been done by the hon. member for Warwick, who said that the colony was so poor in men capable of filling such a government situation as this. As to the insinuations about what had taken place in the other house, he (Mr. Moffatt) conceived that even if the Audit Bill became law, such a circumstance need not affect this resolution, neither would in such a case the resolution be

premature or superfluous. There was no analogy in the least in such cases as the resolution was intended to meet, and the case of the Colonial Treasurer holding likewise the office of Postmaster-General. The Colonial Secretary had admitted the principle of the resolution to be good, and upon that admission alone it was his (the Colonial Secretary's) duty to vote for good at all times. He (Mr. Moffatt) should vote for the resolution, and his only regret was that one gentleman who might be affected by it was a particular friend of his own, but he maintained that the resolution, by placing that gentleman in the minds of the public above suspicion, would not eventually be prejudicial to his interests.

Mr. RAFF expressed his belief that this motion was not aimed at two particular men, but at two particular companies. A similar motion in another place had been aimed at one public undertaking, and this was aimed at another. It would be difficult to get competent men to fill the post if the resolution were carried. As to the crumbs of private advantage alluded to by one honorable member, he knew that the Auditor General picked up no such crumbs by the service which he rendered to the public companies against which the resolution was aimed.

Mr. FITZSIMMONS argued that it was absurd to say that because a man held a situation in a public company he should be disqualified from holding a government situation likewise. He believed the resolution to be aimed at particular individuals.

Mr. O'SULLIVAN taunted the Colonial Secretary with having avowed his belief in the principle of the resolution, and yet, at the same time, accommodating his conscience to giving a vote adverse to a principle in which he believed. He (Mr. O'S.) congratulated the honorable member for Warwick on having made a better speech against the resolution than he had ever before delivered. He agreed with that honorable member, that good people were scarce, and he thought that the honorable member in his own person afforded another exemplification of the maxim, as he had proved in that house a dead failure. He (Mr. O'S.) did not agree with the assertion that it would be time enough to bring forward this resolution when some case of peculation had been made out against a government official. That would be acting on the principle of locking the stable door when the steed was stolen. He thought that gentlemen holding high and responsible government situations, should be placed in such a position that they would be like Caesar's wife, above suspicion. If gentlemen holding such positions had such a great deal of time to devote to private commercial speculations on their own account; it was certainly rather anomalous that they should be continually asking the house to vote the salaries of extra clerks to do the work of these departments. It had been asked why the matter had not been broached before; he could say for his own part that he did not know that the Auditor-General was dabbling in such matters until he saw his name in the prospectus of one or two recently-formed companies.

Mr. LILLEY could not, like the Colonial Secretary, assent even to the principle of the resolution. He contended that the framers of the Constitution Act did not attempt to impose such restrictions as those which the resolution would impose. That act excluded government contractors but at the same time admitted members of joint stock companies composed of twenty-five members to sit in the house, and vote even, although such companies might have a contract with the government. One hon. gentleman had said that gentlemen holding high government offices should be placed above suspicion, but he (Mr. L.) would like to know how a man could be placed above suspicion. In Brisbane, could anybody be said to be "above suspicion." (Laughter.) Another hon. gentleman had said in support of the same argument that they should be like "Caesar's wife." But it would be difficult to say that even Caesar's wife was above suspicion. Indeed to suspect a wife was often the surest way of causing just grounds for suspicion. (Laughter.) In the same way to continually be treating public officers as though they were rogues would be the surest way to drive them to the practise of roguery. (Hear, hear.) Moreover, if the resolution were passed it would prove practically inoperative. It would be found impossible to give effect to it. He felt certain that the good sense of the house would carry the previous question. They would never endorse so narrow-minded a view of a man's principles as that taken by the mover of the resolution. The hon. member proceeded to point out that at home the judges sometimes acted as trustees of Insurance Companies, and that to suppose corruption

possible to be practised in the Auditor-General's department, it must be assumed that corruption also existed in other departments. In order that the Auditor-General should be enabled successfully to practise corruption the Colonial Treasurer would also have to be an accomplice in the same mal-practices, and the successor to his office, if corruption had taken place would be sure to find it out. He contended that it was very improbable that men for the sake of some trumpety personal advantage would thus sacrifice their public character. It had been argued that an officer like the Auditor-General if paid by the government, should devote his whole time to the government work, but such officers it should be remembered were not paid like day labourers according to time, but according to their abilities. When they neglected to fulfil the duties of their office it would then be time to complain that they were engaged in other occupations precluding them from the proper performance of those abilities. This subject had never been broached last session by the patriotic gentleman who now brought it forward. The hon. member concluded by expressing his belief that this was an attempt to aim an indirect blow at the Tramway Company, although the ostensible object to attack was a praiseworthy public officer.

Mr. R. CRIBB opposed the motion, enforcing many of the arguments used by previous speakers. He denied that there was any scarcity of good men to fill government situations. He also drew a distinction between the responsible ministers and the fixed heads of departments. A responsible minister might be called upon to take office to-day, and might be turned out of office in a week's time, and it would be very hard to compel such a man to forego the fixed and substantial profits of business in which he might be engaged, for the transitory and evanescent emoluments of office. The Auditor-General, however, possessed a permanent situation and permanent emoluments attaching to it, and consequently there could be no hardship in compelling such an officer to forego the acquisition of wealth by private speculation and trade. It was equally absurd to attempt to establish an analogy between members of that house and such an officer. The members of the house were responsible to their constituents and removable by their constituents, and if the public chose to elect men largely engaged in semi-government speculations of a commercial nature, they should have full liberty to do so.

Dr. CHALLINOR thought that the principle urged by the hon. member (Mr. Lilley) as to officers of the government, would apply to the representatives of constituencies; but such was not the case at present, as he knew that a person holding an office of profit under the crown—though of only £20 a-year—was excluded from a seat in that house. Before going any further, he thought it right to say, that the reasons adduced why the resolution should not be carried,—namely, that the present occupant of the office was beyond suspicion, was a sufficient reason why it should be carried, as it would have the effect of placing any occupant in the same position, and therefore the sooner this was carried into effect the better. Another reason was, that the salary allotted was sufficient compensation for the office. If he was too hard worked he should receive compensation, or the staff under him should be increased. He thought it was a most objectionable principle to admit that until some evil has occurred there was no occasion to take action. The Auditor-General had greater opportunities of defrauding the revenue than the Colonial Treasurer, for if he, for instance, passed the tramway accounts, there was no check upon him. The principle advocated by the hon. member for Warwick (Mr. Gore) was “men, not measures,” but he believed the true one to be “measures, not men.” He thought that a most dangerous principle had been enunciated by the Colonial Secretary when he said that it was undesirable that public officers should be excluded from taking part in public companies which might be of benefit to the colony, and for the genuineness of which their names might be a guarantee. He knew of philanthropic institutions and societies, but had never heard of philanthropic companies.

Mr. LILLEY observed that at home there were philanthropic baths and washhouse companies.

Mr. FERRETT said that the motion appeared to have been brought forward at that particular time for the special purpose of throwing out a great public undertaking.

Mr. FORBES, in reply, said it was his intention to have brought forward an amendment to the same effect when the Revenue and Audit Bill was under discussion, but having been prevented from doing so, he was induced to bring forward the present resolution. He disclaimed

any opposition to the gentleman who had been referred to during the debate, he being a gentleman with whom he had lived for fifteen years on terms of perfect amity. There was no moving power behind the scenes that had prompted him to take the step, nor was he guided by the motives imputed to him by the honorable member (Mr. Gore). He did not consider the motion inopportune, as it was better to provide for evils that might occur, for which at present there was no remedy. In reply to the honorable member (Mr. Lilley) he denied that the resolution detracts from the character of government officers, or injured the gentleman affected by it. He trusted that those gentlemen who had promised him support would not desert him.

The question was then put and negatived upon the following division:—

Ayes, 8.		Noes, 11.	
Mr. Royds		Colonial Secretary	
B. Cribb		Colonial Treasurer	
Forbes		Mr. Taylor	
Fleming		Edmondstone	
Challinor		Fitzsimmons	
O'Sullivan		Raff	
Moffatt	} Tellers.	Coxen	
R. Cribb	}	Ferrett	
		Gore	} Tellers.
		Lilley	}

### BENEVOLENT ASYLUM BILL.

On the motion of Mr. ROYDS, the house went into committee on the Benevolent Asylum Bill.

Clauses 1 and 2 were passed without opposition.

Mr. ROYDS proposed the postponement of clause 3, and that clause 4 stand in its place. He said that one or two amendments had been made in it which gave to the managers of benevolent asylums or hospitals, the power of making rules for their guidance, with the consent of the executive.

This clause was passed without division, and Mr. ROYDS proposed a new clause in its place, which he withdrew after a short discussion.

Clause three was then proposed and carried, without discussion.

On the motion of the COLONIAL SECRETARY a clause was passed intituling the bill the "Benevolent Asylum Wards Bill of 1861," and the third reading fixed for Tuesday next.

### MASTERS' AND SERVANTS' BILL.

On the motion of the COLONIAL SECRETARY this bill was recommitted, for the insertion of a new clause after clause ten, and the further consideration of amendments in clauses ten and fifteen.

The proposed clause having been agreed to and the amendments made, the COLONIAL SECRETARY moved the third reading of the bill for Tuesday next.

There being no business on the paper for to-morrow (this day), the house, on the motion of the COLONIAL SECRETARY, was adjourned at 25 minutes past 6, until 3 o'clock on Tuesday next.