

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 10 MAY 1865

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LEGISLATIVE COUNCIL.

Wednesday, 10 May, 1865.

The Clerk of the Council.—Constitution of the Council—
Absent Member.

THE CLERK OF THE COUNCIL.

The House having granted leave to the Standing Orders Committee to bring up their report on the case of the Clerk of the Council, which was referred to that committee on the 3rd instant, the report was presented accordingly, and read by the Acting Clerk.

The Hon. J. BRAMSTON, in moving "That the report be adopted," observed that the Standing Orders Committee had given the somewhat painful case which was referred to them their most attentive consideration for two days, and they believed that in making the report now brought up, they were acting in the kindest way possible to Mr. Johnson, and, at the same time, recommending a course to be taken which would secure the performance of the Clerk's duties during this session, and give Mr. Johnson an opportunity of recovering his health, and returning to his duties at a future time. He would further suggest that the arrangement was one which would entail no expense on the public purse.

The Hon. W. WOOD suggested that this matter ought to be postponed till next day. He had not seen the minutes of the committee, and he knew nothing of the facts of the case. The House knew nothing of the evidence.

An Hon. MEMBER: It is all in the report.

The Hon. W. WOOD: He supposed that the evidence taken was, after all, very slight. If there was really no more than was stated in the report, it might not be worth while to postpone the question.

The PRESIDENT said: Perhaps, before the question goes to the vote, the Council will allow me the privilege of stating my opinion upon this subject. The committee, of course, approached the consideration of the question seriously affecting the interest of an officer who has served this Council for five years—from the very first day of its commencement up to the present time—with a very sincere desire, which I am sure the Council will admit was natural, that his case should be treated with the utmost leniency that the circumstances would admit. At the same time, the committee were impressed with the great responsibility attached to his office, inasmuch as it is not only important to this Council, but to the community at large, that the matters passing under his guidance should not in any way be injured by want of power or ability on the part of the officer performing the duties of Clerk of the Council duly to carry them out. The Council is aware that the Clerk of the Council is also Clerk of the Parliaments, and that to him is entrusted the enrolment of all the Acts passed by the Parliament, which is not only of importance to this Council, but to the country at large. It is important to the Council itself that its minutes should be correctly drawn, and that the record of its proceedings should not at any time be liable to question. Under these circumstances, having received the statement of the officer himself, and his medical attendant—at his own desire, it is presumed, because the medical man was not called by the committee—having certified on his behalf, and the medical testimony being that Mr. Henry Johnson was not in a proper state for the performance of his duties, the committee had no alternative but to recommend either his removal from office, or that a period of leave should be given to him, to enable him, if Providence should so allow, to recover his health, and to return to and continue his duties as Clerk of the Council. The medical adviser stated, as will be seen when the proceedings of the committee are printed, that he was of opinion that six months leave of absence was absolutely necessary; but he would not say, under the circumstances, that he had any positive hope of ultimate recovery. Still, there is a chance that such may be the case; and the committee, feeling that they would otherwise have thrust upon them the necessity of providing, in some way, for an officer who had been such a length of time in the public service, and probably imposing on the revenue a charge which might be objected to elsewhere, deemed that, as there was this chance or hope of probable recovery, the wisest step was to recommend that Mr. Johnson be granted

leave of absence, and that I should be charged with the duty of communicating with the Executive, in order that the clerical duties of the Council shall not suffer during the present session. I confess I think myself that Mr. Johnson has been dealt with by the committee with an evident desire to do him all the justice that he can expect to receive at their hands; and I trust that the duties of the Clerk of the Council will not suffer, if I am enabled to bring under the consideration of the Executive the arrangement I propose for carrying out those duties during the remainder of the session.

The question was then put and passed; and, on the motion of the Hon. J. BRAMSTON, the report was ordered to be printed.

CONSTITUTION OF THE COUNCIL.

On the question of the first reading of "A Bill to amend the Constitution of the Legislative Council of Queensland,"

The Hon. R. J. SMITH rose and offered some observations on the importance of every member giving his opinion as to which side of the House he would take upon a question involving an alteration of the constitution of the Council. There had been some misapprehension in the public mind with regard to the constitution of the Council; and when he found gentlemen connected with the press of the colony, who ought to be best informed on the subject, expressing an opinion of the "Ministerial" and the "Opposition" sides of the House, this showed how far the misapprehension had extended. For himself, he did not know which was the "Ministerial" side, or which was the "Opposition" in the Council. He imagined, and he believed, that the Council had been called together by His Excellency, and constituted in such a manner as to ensure its high respectability and thorough independence, and to place it beyond the influence of any political feeling that was liable to bias honorable members in a chamber not constituted with those objects; and he gave this opinion with no bias as to "Ministerial" or "Opposition" sides. He would like to hear from the Council, whether he was right in his opinion?—was there a "Ministerial" or an "Opposition" side in the House? He had looked into the Bill, and was quite prepared to support it in its various stages.

The Hon. D. F. ROBERTS: We have not seen it yet.

The question having been put, and passed,

The Hon. J. BRAMSTON said he would congratulate the Council on the extreme foresight of one of the members, who knew all about the Bill before it came before the Council. He trusted that between this and the second reading, honorable members would give it their greatest attention. There were two or three points which required careful consideration; the rest was merely formal

matter, proposing to give to the new Council the powers of the present House.

ABSENT MEMBER.

The Hon. J. BRAMSTON, in withdrawing the following motion standing in his name on the Notice Paper for this day, said he thought it was possible the Council might be able to do without the necessity of going to a committee on the circumstances:—"That an Address be presented to His Excellency the Governor, bringing under his notice the fact that a certain honorable member has been absent from this honorable Council for a period of two successive sessions, contrary to the 5th section of the 17 Victoria, No. 41, and praying His Excellency to submit the legality of the seat of the undermentioned honorable member to the consideration of this House, viz.:—The Honorable William Landsborough."

The Hon. W. WOOD did not know whether he was out of order in rising at this stage, but he would like to ask the honorable gentleman a question.

The PRESIDENT: If the honorable member chooses to answer it.

The Hon. W. WOOD said he wished to ask whether the honorable member was aware if the honorable gentleman, whose name was at the bottom of the motion proposed to be withdrawn, was a member of this Council?—because it was within his (Mr. Wood's) knowledge that the Principal Under Secretary had not received any answer, eighteen months after his appointment, that the honorable gentleman had accepted his seat.

The Hon. J. BRAMSTON could answer that the honorable gentleman (Mr. Landsborough) had presented himself in pursuance of his summons, and taken the oath and his seat as a member of the Council.

The Council adjourned until Wednesday, the 17th instant.