

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**WEDNESDAY, 25 NOVEMBER 1868**

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## LEGISLATIVE ASSEMBLY.

*Wednesday, 25 November, 1868.*

Change of Ministry.

## CHANGE OF MINISTRY.

The Treasury benches being unoccupied, the honorable members for Burnett (2), Port Curtis, and Warrego, being seated on the Opposition side of the House,

Mr. DOUGLAS said he had to intimate that the honorable member for Kennedy having been called upon to form a Government, and not having succeeded in doing so, the honorable member for Fortitude Valley had been sent for by His Excellency, and he had succeeded in forming a Government. The members of that Government were—the honorable member for Fortitude Valley, Mr. Lilley, as Vice-President of the Executive Council and Attorney-General; the honorable member for Eastern Downs, Mr. Macalister, as Minister for Lands and Works; the honorable member for South Brisbane, Mr. Stephens, as Colonial Secretary; and the honorable member for Kennedy, Mr. Fitzgerald, as Colonial Treasurer. He (Mr. Douglas) had now further to intimate that those honorable gentlemen had accepted office, and had been sworn in before His Excellency the Governor.

The Hon. R. PRING: Who swore them in? Who represented them in the Upper House?

Mr. DOUGLAS: He was not informed. The Ministry, so far, were not complete. He should now proceed to move—

That the seat of Charles Lilley, Esquire, hath become and is now vacant, by reason of his acceptance of the office of Attorney-General—

The Hon. R. PRING: The *Gazette* was the usual and proper means of intimating to the House that a new Government had been formed. He never knew such a proceeding as the present. Until the *Gazette* was laid on the table, he should not accept the intimation just given. The House could not know that his resignation had been accepted, and

that his office in the Ministry was vacant—nor did he know—till they saw the *Gazette*.

Mr. DOUGLAS formally moved, as follows:—

1. That the seat of Charles Lilley, Esquire, hath become and is now vacant, by reason of his acceptance of the office of Attorney-General, since his election and return to serve in this House as Member for the Electoral District of Fortitude Valley.

The Hon. R. R. PRING: He would not take the statement of any honorable member that he was out of office; he could not know it, until he saw the Act of State, in the *Gazette*, and he denied the right of the honorable member for East Moreton, Mr. Douglas, to come to the House to say that the honorable member for Fortitude Valley was Attorney-General. He (Mr. Pring) was Attorney-General, till he saw the Act of State, the *Gazette*, in the House.

The Hon. R. R. MACKENZIE: It was usual to lay the *Gazette* on the table of the House.

Mr. DOUGLAS said he was sure this was but a formal matter. The in-coming Ministry were anxious to return to the House as early as possible. He had merely taken the statement from those gentlemen, that they had been sworn in as members of the Government; and he gave it to the House. The absence or delay of the *Gazette* could not prejudice the case at all. The honorable member at the head of the Government, yesterday, told the House that he and his colleagues had tendered their resignations, and that their resignations had been accepted, and their offices were vacated.

The Hon. R. R. MACKENZIE: Not till their successors were appointed.

The Hon. R. PRING said he did not for a moment wish to deny that what the honorable member for Eastern Downs had said was correct; but he did wish that the precedents that had been established from time immemorial should be followed. It would be extremely inconvenient for an honorable member of a Government to be told by any other honorable member in the House that he was out of office! The proper course would have been for the honorable member to have made his statement, and to have then asked the House to adjourn till the proper Act of State was out. He wished to throw no obstacle in the way; but he desired that they should proceed regularly.

Mr. WALSH said he thought it was only due to the honorable member who had made the motion, that he was not departing, at any rate, from one example in the House; and he thought it only fair to his honorable friend, the member for Burnett, Mr. Pring, to correct him. When the late Ministry took office, he (Mr. Walsh) was deputed to announce in the House that they had done so; and he then stated that he believed a *Gazette* had been published, announcing the change, but he had not a copy to produce, and the House

accepted his word for it. He was informed that a copy of the *Gazette* would be produced in a few minutes, and he thought it would only be gracious to accept the statement of the honorable member for East Moreton, Mr. Douglas. The House were justified in doing so. [The honorable member quoted *Hansard*, vol. V., p. 116.]

Mr. DOUGLAS said he had information that the *Gazette* would be in the House in a very few minutes.

Mr. SANDEMAN explained that on the occasion which had been referred to by the honorable member for Maryborough, he was rather late in reaching the House, and the honorable member had anticipated his motion, that the seats of the new Ministers be declared vacant, and so far had taken out of his hands the duty with which he (Mr. Sandeman) had been entrusted. But he was very well assured, at that time, that it was necessary to have the *Gazette* in his hands, and he had delayed until he could come down to the House with it. Had he not been in a position to do so, the action of the honorable member for Maryborough would have been objected to.

Eventually the sitting was suspended for about twenty minutes. On the House resuming,

Mr. DOUGLAS stated, in reference to the remarks of the honorable member for Burnett, Mr. Pring, that he now held a copy of the *Gazette* announcing the resignation of their offices by the late Ministry, and the appointment of their successors. He therefore pressed his motion.

The resolution was agreed to, as were, also, the following:—

2. That the seat of the Honorable Arthur Macalister, Esquire, hath become and is now vacant, by reason of his acceptance of the offices of Secretary for Public Lands, and Secretary for Public Works, since his election and return to serve in this House as Member for the Electoral District of Eastern Downs.

3. That the seat of Thomas Blacket Stephens, Esquire, hath become and is now vacant, by reason of his acceptance of the office of Colonial Secretary, since his election and return to serve in this House as Member for the Electoral District of South Brisbane.

4. That the seat of Thomas Henry Fitzgerald, Esquire, hath become and is now vacant, by reason of his acceptance of the office of Colonial Treasurer, since his election and return to serve in this House as member for the Electoral District of Kennedy.

Mr. DOUGLAS said, that at the request of the in-coming Ministry, he intended to move that the House adjourn to the 19th January next. An adjournment for that somewhat lengthened period was necessitated by the fact that should it come about that there would be a contest in the Electoral District of Kennedy, the return of the writ could not take place even on that date; and it was believed that no business would be done

during the Christmas holidays. He trusted that the House would think fit to agree to the motion. He moved formally :

That this House do now adjourn until Tuesday, the 19th day of January, 1869.

Mr. WALSH said he was very sorry, indeed, that he should have to oppose the motion. He had already, this afternoon, endeavoured to show that he did not desire to do anything inimical to the new Ministry; but now he rose to maintain the privileges of the House. As an Englishman, he valued the Constitution above all things and all men; and he would never allow it to be assailed while he held a seat in the Assembly, or could raise his voice to protect and maintain their privileges. If they allowed the House to be adjourned till the second or third week in January, they would tacitly admit the right of the Ministry to spend unvoted money, which was unconstitutional. Much stronger reasons than those which had been advanced by the honorable member for East Moreton, Mr. Douglas, would not justify the dangerous course that they were asked to take. He reminded the House that when the late Government had assumed office, they met the House before two of their number had been returned. He should move, by way of amendment, that the House adjourn until Tuesday, the 29th of December next. He promised that if the new Government came down then, and asked for a vote to enable them to carry on for a short time, he would give them his assistance to get it passed. He moved his amendment as follows :—

That the question be amended by the omission of the words 'nineteenth day of January,' with a view to the insertion, in their place, of the words 'twenty-ninth day of December.'

Mr. ARCHER said he thought the incoming Ministry had asked for far too long a period. It was their undoubted duty to meet the House as soon as possible; and, if they met after the holidays, they ought to be prepared to go on with the public business, even if one of their number was not able to attend. The wisest men made mistakes occasionally; but it was not wise of the new Ministry to make such a mistake as this, their first act. He thought it would be consonant with the arrangements of the public service, in regard to payments from the Treasury—as he was informed the vouchers were only made out about the fifteenth of the month—and with the convenience of the public and of honorable members, to meet after the New Year's holidays—say the first Tuesday in January. There would be no use in meeting between Christmas and New Year. The House would not, he thought, do anything calculated to encourage any Ministry to act unconstitutionally.

The Hon. R. R. MACKENZIE said, as far as the holidays were concerned, there was the difficulty that the financial year ended on the 31st of December; and, unless money was

voted before that date, for meeting the necessary payments falling due in the following month, the Government must violate an important constitutional principle if they paid any money out of the Treasury. He saw no difficulty in calling the House together on Tuesday, the 29th of December; they could sit for three days, and adjourn on the Thursday, which would allow the New Year's Holidays to be observed. Thus, provision could be made to meet the expenses of the Government at the commencement of the year.

The Hon. R. PRING said he was not disposed, at present, to offer any opposition to the new Government, in the administration of the public affairs of the colony, because he believed this was not the proper time to do it—a time would arrive, by-and-bye, he told them, when he should be better enabled to understand their policy. The question before the House was one of very great importance. He was always led to understand that, as a constitutional principle, the supplies for, say 1869, should be voted in 1868; though as a matter of convenience, and sometimes of necessity, it was a practice, both in the old country and in the colonies, on particular occasions, to vote a supply for a short period. And, no later than last year, in this colony, his honorable friend and colleague, the then Colonial Treasurer, asked for a three months' supply before the House adjourned for the Christmas holidays. If it was not possible, as he believed it was not, for the new Ministry to prepare their Estimates and get them voted before the close of the current year, then the only course for them was to come down to the House before the end of the year, and ask for a small vote to carry them on. He would be prepared to attend in his place in the House and assist them in it, if they would adopt that constitutional course. The honorable member for Rockhampton was undoubtedly equally anxious that the business should be done in order; but he was somewhat in error with respect to the vouchers, which could only be made out for money already voted. He (Mr. Pring) could tell the honorable member that thousands and thousands of pounds would have to be paid away before the middle of January; and if the money was not voted during 1868, it would be paid away unconstitutionally. He admitted that circumstances might force themselves upon a Government which would necessitate that Government coming down and asking for a bill of indemnity for payments made without a vote by that House; but the present was not an occasion of that kind. The new Ministry had stopped the business of the country by the action they had taken. They had thought fit to bring forward a vote of want of confidence against a Government who were numerically stronger than themselves; and now they came down to the House to ask them to agree to an unconstitutional act. If they

were not able to conduct the business of the country in a proper manner, let them retire to their old places. He did not wish to see a bad precedent established. The House did not know what sort of Governments they would have, by-and-bye; and therefore it was of the utmost importance that no such precedent should be established. If they permitted such a thing, where was it all to end? He considered he was only doing his duty by entering his protest against the request made on behalf of the Government.

Mr. DOUGLAS said he differed somewhat, not exactly on the grounds of expediency, from the honorable and learned member for Burnett, Mr. Pring; and he could not accept his constitutional dictum why the House were not to assent to the motion for adjournment. No one regretted more than himself the stoppage of the public business—those repeated delays were to be deplored; but, in the present case, it could not, in his humble opinion, be avoided, and it was essential and constitutional. In the first place, it appeared to him that it would be unconstitutional, when a member of the Administration would not have an opportunity of appearing in the House to justify his procedure, to vote supplies or enter upon financial matters. In the second place, if they adjourned to an earlier period than he (Mr. Douglas) had asked for, the honorable member for Kennedy would not have the opportunity, in the event of a contest, of attending in his place. Further, a portion of the inhabitants of the colony would not be represented in the House; and that would be a special hardship on the inhabitants for the Kennedy. With regard to the payments which would be made, for himself, he stated that no payments ought to be made without the money was voted by the House; but he was not a member of the Government, and therefore it would not be becoming in him to make any promise on the subject. Yet he had received an intimation from the Ministry, that during the short period that would elapse between the end of the current year and their meeting the House, it was not only their intention but their apparent duty that no payments should be made—not a sixpence would be expended—without the authority of the House. There might be a certain amount of hardship in that, connected with the public service—as had occurred in a neighboring colony; but there would be ample time for the House to consider whether they would give the incoming Ministry power to meet the current expenditure. He maintained that the Constitution was rather on his side than otherwise, in this question. The adjournment was a contingency they must be prepared for, and he was sure the incoming Ministry were entitled to receive that consideration from the late Government which the late Government had received from them.

Mr. PALMER said that when the honorable member for Eastern Downs, some time ago, addressed the House, he quoted a little bit of poetry. Now, he would quote another bit on this occasion. He had read that—

All the world's a stage,  
And all the men and women merely players,  
And one man in his time plays many parts.

Of all the parts played by the honorable member for East Moreton, in the House, the latest was the most absurd and ridiculous. He had come before them the other night, and in unmeasured terms abused the honorable member who he now announced had taken office as Treasurer. Now, he almost put himself in the Treasurer's boots, and told the House that the Government would not spend a penny of the people's money before they obtained authority from the House. But if he pledged himself that the money would not be paid, how could he pledge himself that it would not be spent? Of all the lame and impotent speeches he (Mr. Palmer) ever heard, that beat them;—he hardly knew how to designate the proposal of the honorable member. The House were asked to consider how the former Ministry had been treated by the members of the present Ministry. The late Government met the House when two of their members were absent; and one of them represented the Mitchell, certainly a district as remote as the Kennedy. When they took office, they asked for only a month's adjournment. Were they to be twitted for not courteously treating the present Ministry—a Ministry that he could hardly find language fit to describe? It was the most absurd combination that ever had been heard of—extremes of every kind met in that Ministry, of whose policy the House never heard a word, and were never likely to hear. He believed that the Ministry would dissolve like last year's snow. They wanted, like the prisoners in the gaol, "A long day, my Lord!" He (Mr. Palmer) would not be a party to their spending a single sixpence—

The Hon. R. PRING: Not one rap!

Mr. PALMER: Without authority. Let them take example by the late Ministry!

Mr. BELL said there was considerable reason in the amendment proposed by the honorable member for Maryborough. He considered that it did not very much round out to the credit of the incoming Government that their first action should be a step which must involve a breach of the Constitution. He could well imagine their asking for as long a period before again assembling as they could get, but he could not perceive that that was any ground for committing a breach of the Constitution. The members of the new Government naturally desired to meet the House again in full strength, but if they were to be a permanent Ministry, the absence of one member could not affect their position very materially. He was afraid that this attempt to get a long adjournment foreshadowed a weakness which he regretted to

see. He regretted that such a proposition had been made, and he should certainly support the amendment of the honorable member for Maryborough.

Mr. ATKIN observed that the honorable and learned member for the Burnett, Mr. Pring, had tried to make a great deal of capital out of the action taken by the late Ministry, when they came into power. He had stated that it was entirely the fault of the present Government that affairs were in their present position, as they had turned out a Government numerically stronger than themselves. Now, if the late Government had a majority, why had they resigned? If they had given way only because the Opposition had been "hungering for place," why now interfere with them? On occasions of this kind, accusations were dispensed with. He (Mr. Atkin) thought it only courteous to the new Government to adjourn for a reasonable period; and the period asked for was not, he thought, too long. It was impossible, under any circumstances, that the writ for the Kennedy could be returned under six weeks, even supposing there should be no contest. Although the late Government had met Parliament with two members absent, that was no precedent. It was, of course, desirable that the House should meet early. If the Government did spend any money illegally, they would have to come to the House for a bill of indemnity, and that would be a sufficient guarantee that they were not likely to do anything of the sort. It was only a little time ago that he (Mr. Atkin) saw circulars sent round by the honorable gentleman, the late Premier, giving as one reason for the House not meeting, that two members of the House—not of the Government—would be absent, if the House assembled at a certain date. At that time, there were two electorates unrepresented, and consequently he had put off the session, and brought about, to a great extent, the state of things the House were now in. It was very refreshing, really, to see the members of the late Government inspired with a wish to proceed with the public business.

Mr. FRANCIS said that he was exceedingly sorry to do anything which seemed to savor of opposition to the present Ministry; but he could not avoid agreeing with the honorable and learned member for the Burnett, Mr. Pring, that they would be setting a dangerous precedent by consenting to the motion. He should have preferred to have seen the in-coming Ministry trusting to the generosity of the Opposition; and he was persuaded that, however wanting they might be in that quality, they would yet afford all necessary facilities for carrying on the business of the country in a constitutional way. He was afraid that they were in danger of drifting into a disregard of precedents. On those grounds, he was obliged, with his honorable friend the member for Northern Downs, to join with the party for

the time being against whom he had hitherto been acting, and vote for the amendment.

Mr. DOUGLAS rose to reply; but

The Hon. R. PRING objected to the honorable member speaking again.

Mr. DOUGLAS hoped honorable members would bear with him. He was placed in a very peculiar position.

The Hon. R. PRING said, that the honorable member owed it all to himself. He could not help him, if the honorable member had put himself in a peculiar position.

The question was then put, and the amendment was agreed to. The House accordingly adjourned till the 29th December.