

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 30 DECEMBER 1868

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LEGISLATIVE COUNCIL.

Wednesday, 30 December, 1868.

The Legislative Council Members Limitation Bill.

THE LEGISLATIVE COUNCIL MEMBERS
LIMITATION BILL.

The PRESIDENT moved the first reading of a Bill to limit the appointment of members to the Legislative Council. He would commence by stating that it was not in consequence of the appointment to the Council, as Postmaster-General, of the honorable gentleman, Mr. Douglas, that he had introduced the Bill, as the subject had engaged his attention for a long time. He felt quite convinced that

the constitution of the colony, like that of the mother country, must grow by degrees; and that, however perfect the foundations might be, it would be found necessary to add fresh safeguards from time to time. It had always seemed to him that, with the small numbers of this Council, it was a risk to place such large power in the hands of the Government. He need not look to theory alone to support his argument, for a practical illustration of it had occurred in a neighboring colony. Honorable members were, no doubt, all aware that a number of persons were, some few years back, appointed to the Legislative Council of New South Wales, upon a distinct understanding that they were to resign their seats as soon as a particular Government measure was passed. Now, while such power could be exercised by the Ministry of a colony, the duties and responsibilities devolving upon a member of the Upper House became a mere farce and delusion. Having considered the question attentively for some years, he had come to the conclusion that no better mode of remedying the evil could be adopted than to limit the number of appointments in each year. He believed that the Ministry of the day should always have the power of strengthening their influence to a certain extent, but he denied their right to the power of swamping the Council as they were now in a position to do. He had mentioned two in the Bill as the limit to the appointments in course of a year, but he did not bind himself to that particular number, and was quite willing to accept any number upon which the House might decide. He would not, at this stage of the Bill, enter into any further details, but would reserve his arguments for the second reading.

The POSTMASTER-GENERAL said he regretted to see the attempts which were made from time to time to alter the constitution of the Legislative Council before it had become apparent that any evil had arisen which it was necessary to redress. He was glad to hear that the President had not referred especially to his appointment as an infringement of the constitution of the House; but he thought one remark which had been made on the subject was rather out of place, viz., that that appointment was in contravention to a Minute passed by the Executive Council. He believed that would not be found to be the case. But in any case that could only be considered as a compact for the time being between His Excellency the Governor and his Ministry, which was only of a temporary nature, and it was, therefore, a question with which the Legislature could not well interfere. He repeated that he viewed with regret the attempts to introduce small remedies for an evil which had not yet shewn itself. The Council enjoyed all the privileges they could desire. They could exercise an independent judgment upon all questions which came before them, and he was not aware that any serious misunderstanding had

ever arisen between them and the Executive, or the other branch of the Legislature. Some few years back, when this question was discussed in a neighboring colony, it was argued that the nominative principle, applied to the Upper House, would result in establishing an aristocracy which would be destructive to the interests of the country; but experience had shewn that the nominative principle worked better than any other. Reference had been made to the proceedings in another colony, but the pressure which was there brought to bear upon the Upper House was of a very peculiar character. The House had almost come to an end from effluxion of time. Some questionable appointments were made, but those gentlemen never took their seats, and none of them subsequently were appointed to the present Legislative Council of New South Wales. He had referred to the debates which took place upon that occasion, and he found that that eminent Australian statesman, Mr. Wentworth, had addressed the House at great length in favor of the nominee principle, which he looked upon as the great safeguard of the constitution. He would beg to refer to some noticeable statements then made:—

“Sir, we have in this matter a solemn duty to perform; that duty which we owe to ourselves, our children, our posterity, our country, and our God. I call upon you fearlessly, faithfully, to perform it. We cannot recede without disloyalty and disgrace. Our only chance of success lies before us; lies, in an onward course, to the goal we have in view—the consummation of this glorious constitution. Sir, I will trouble the House with but a few more observations. This is probably the last occasion—at all events, the last important occasion—upon which this voice may be heard within these walls; and the time cannot be far distant when this tongue will be mute in death. In the short interval which must elapse between me and eternity, on the brink of which I now stand, I would ask, what low motives, what ignoble ambition, can possibly actuate me? The whole struggle and efforts of my life have been directed to the achievement of the liberties of my country; and it is with this constitution, which I now present for its acceptance, that this achievement will be consummated.”

He believed that Mr. Wentworth was still in vigorous health, and was quite satisfied with the result of his handiwork. But he particularly craved the attention of honorable gentlemen to the following opinions of this remarkable man, who might be termed the father of our Constitution. Mr. Wentworth went on to say—

“This measure, if it shall pass into law, empowers the Governor, in order to constitute the Legislative Council, or Upper House, by an instrument under the great seal of the colony, to summon to the Legislative Council such persons, being not fewer than twenty, as Her Majesty shall think fit. That, sir, is the first proposition in these clauses—that Her Majesty, or the Governor, under her direction, may summon to the Legislative Council, a body of twenty nominated mem-

bers at the least. But, sir, there is nothing in these clauses to prevent Her Majesty, if she think fit, to direct the Governor to summon a hundred such members; and it is in this expansive character of this Upper House that the real safety-valve is to be found. (Cheers.) Sir, it is this expansive character in the House of Lords which has saved England from more than one revolution. It is to this expansive character in the Upper House, proposed in this Bill, that I look forward to as a port of refuge for the Constitution at all times. Sir, any one can perceive, if the time should arrive—and most assuredly it will arrive—that there is an obstructive body in the Upper House impeding the legislation of the Lower House unnecessarily—impeding it, not for the purposes of revision or consideration, but for purposes of faction, or even from an erroneous conviction or opinion of their own—I say, if a dead-lock of this kind should ever arise, there is a remedy.”

The Hon. D. F. ROBERTS rose to a point of order. According to parliamentary practice, when the motion before the House was, that a Bill be read a first time and printed, the question should be decided without amendment and without debate.

The question was put and passed, and the Bill read a first time.

The House then adjourned until the following day at Three o'clock.