

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 20 DECEMBER 1870

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it was beyond the power of the Council, or of the other House, to enable a committee to sit during the recess, after the prorogation; but, for the satisfaction of the members of the committee, he thought it right to put the motion on the paper, and to move it as a matter of form, so that, under the President's ruling, there might be a precedent on the subject.

The PRESIDENT: I may state to the House that, in my opinion, the motion that the honorable member has now made is one that ought not to be put, inasmuch as it would be an interference with the prerogative of the Crown. The prerogative of the Crown is, that Parliament

"can only commence its deliberations at the time appointed by the Queen; neither can it continue them any longer than she pleases. She may prorogue Parliament by having her command signified"

in various ways.

"The effect of a prorogation is at once to suspend all business until Parliament shall be summoned again. Not only are the sittings of Parliament at an end, but all proceedings pending at the time are quashed."

So that, if a prorogation should take place, it would put an end to the power of this House; and, of course, to the power delegated to, or any portion of that power possessed by, committees. I think that the honorable member will not press the motion—that he will withdraw it.

The Hon. H. G. SIMPSON said he was most happy to withdraw the motion; but, in so doing, he desired to explain that he had put it on the paper at the suggestion of the honorable the President, when he had merely wished to put the question without notice.

The PRESIDENT: Quite so. I understood that the honorable member wished to arrive at a final conclusion as to what was the law upon the subject; and I thought it better that he should do so.

Motion, by leave, withdrawn.

SUSPENSION OF THE STANDING ORDERS.

The Hon. J. F. McDougall said he desired to move, without notice—

That so much of the Standing Orders be suspended as will enable Bills to pass through all their stages in one day.

He believed he was within the rules of the House in making such a motion, if there was no opposition to it.

The PRESIDENT said the rule in this case was,

"Except in cases of urgent or pressing necessity, no motion shall be made to dispense with any Sessional or Standing Order of the Council without due notice thereof."

If the honorable member convinced the Council that this was a case of urgent necessity—

LEGISLATIVE COUNCIL.

Tuesday, 20 December, 1870.

Power of Committee to Sit during Recess.—Suspension of the Standing Orders.—Moneys for the Volunteer Force.

POWER OF COMMITTEE TO SIT DURING RECESS.

The Hon. H. G. SIMPSON moved—

That the Committee on the passenger and goods traffic between Ipswich and Brisbane be empowered to sit during any prorogation.

He said he was induced to bring this motion before the House at the request of several members of the committee, now sitting. He might mention that it had been suggested by a member of the committee who had been a long time in Parliament, the Minister for Works. His own opinion always was, that

The Hon. J. F. McDougall said, if there was no objection, the motion might pass, of course. He might state that his object in asking for the concession was, that he had to take charge of a very short Bill which would be laid on the table to-day, and which he should like the House to pass through all its stages without delay. As the principle of it had been affirmed in another place, he had no doubt it would be approved of by the Council—he believed there would be no objection to it.

The Hon. J. J. Galloway asked if the motion applied to one Bill or to all Bills?

The Hon. J. F. McDougall: As far as he was concerned, it would only apply to the Bill of which he was to take charge. If the Standing Orders were suspended, he believed all other Bills could pass.

The Hon. J. J. Galloway said he had no objection to the motion, but, under the Standing Orders, the honorable member could not submit it without an absolute majority of the Council was present.

The POSTMASTER-GENERAL said that when the honorable Mr. McDougall told him, this morning, that he intended to move the suspension of the Standing Orders, in order to allow a Bill to pass through all its stages at the same sitting, he requested the honorable gentleman to name "Bills," instead of one Bill; so that he should not have to move the suspension of the Standing Orders, also, as it was difficult to have a majority present. He might explain that it was not improbable the prorogation would take place on a day this week. There were several Bills to come up from the Assembly, the principal of which the Council would most likely accede to; and it would be a great pity if the Standing Orders were not suspended, and that the Bills should, consequently, not pass. He proposed, therefore, if it was practicable, and if the motion was agreed to, to have those Bills read a first time, to-day; to take the second reading to-morrow, and, after the second reading, to advance them through their remaining stages, and have them passed. That arrangement would give honorable members time, to-night, to read the Bills.

The Hon. J. J. Galloway: Of course, he did not wish to set himself against the opinion of the House; but the honorable gentleman representing the Government could see that honorable gentlemen could not possibly understand those Bills, which they had never read, and which were to be passed through all stages in one day. They would not have an opportunity of thinking about what they were doing, if the business was conducted in such a hasty manner. If the motion was carried he could not help it; but it was very wrong.

The Hon. E. I. C. Browne said if the motion was carried it would apply, necessarily, to all Bills that were brought up during the suspension of the Standing Orders. He objected to that very much. There might

be Bills which the House should oppose and throw out.

The Hon. H. B. Fitz said he wished to point out to the Postmaster-General that once the House suspended the Standing Orders, they might pass a dozen Bills, as readily as one. He thought it was a dangerous practice to suspend the Standing Orders. He had heard it remarked that there were more amended Acts on the Queensland Statute Book than in any of the other colonies. There was no doubt that that was because of the Acts being passed in such a hasty way. The Standing Orders were suspended towards the close of the session, and Bills were passed through all their stages in one day. It was not a practice to be encouraged; yet he would be very sorry to offer any obstruction under present circumstances.

The Hon. J. F. McDougall: He took it that though the Standing Orders were suspended, yet it was always in the power of the House to prevent a Bill passing—to obstruct it at any stage.

The POSTMASTER-GENERAL: If Parliament were prorogued on Friday or Saturday, it would be impossible for the House to pass any Bills that should come up after to-day. He had stated the course that he should take with those Bills already passed by the other House and now ready for the consideration of the Council—that he would move for only the first reading at the present sitting; and he hoped that his honorable friend, Mr. McDougall, would not attempt to pass his Bill through now.

The Hon. J. F. McDougall: He should not mind putting off the second reading till to-morrow.

The Hon. H. B. Fitz: In putting off the second reading, there was no occasion to move the suspension of the Standing Orders.

The POSTMASTER-GENERAL: Yes; that would apply afterwards, to the subsequent stages of the Bill.

The Hon. W. Thornton said he thought the explanation of the Postmaster-General was satisfactory. When a Bill was read a second time, it appeared to him to be, to all intents and purposes, disposed of: the committal, and the third reading were not much after that. He did not know whether it was in accordance with parliamentary usage to ask the honorable gentleman, what Bills he wished to pass? It might be that they were all of the formal character of the Customs Act. He saw no danger in the suspension of the Standing Orders.

The POSTMASTER-GENERAL said that among the Bills which would be sent up, and many of which he desired to pass, were the following:—The Brisbane Waterway Bill, the Gladstone Exchange of Land Bill, the Governors' Salary Bill, the Country Public Houses Bill, the Savings Bank Bill, the University Bill, the Gold Fields Homestead Bill, the Constitution Act Amendment Bill,

and several others. They might come up, perhaps, on the last day before the prorogation; and it might be necessary then, if a Bill was to pass, to pass it through all its stages in one day. And, whenever there was a possibility of doing it, they might pass a Bill that was not opposed through all its stages in one day.

The Hon. C. B. WHISH said he judged from the remarks which had been made, that it was a very small compliment to the House, that all those measures which had been named had simply to be put before the Council, read out at the table, and passed; or else it was a very fine compliment, to suppose that honorable members had the capacity to dispose of those measures as they ought to be disposed of without time for reading or considering them. He had no wish to oppose anything that would further business. He supposed that most of those Bills had been well discussed in the other Chamber, where they had originated. However, he should ask the honorable the President what would be the result, supposing that the motion was negatived and that the Standing Orders were not now suspended?—Would the House be only obliged to sit extra days? He would rather do that, than hurry through the business without due time for consideration.

The POSTMASTER-GENERAL said he thought the result would be that many of the measures would be lost, while some could not wait till another session.

The PRESIDENT: After this somewhat irregular discussion, he presumed that the House had a right to the question being put after motion made. If carried, the result would be that any number of gentlemen in charge of Bills would be entitled to move that they pass through all their stages, consecutively, as fast as the House would allow.

The Hon. J. J. GALLOWAY: But, on the promise of the Postmaster-General that he would not do so to-day, he would withdraw his opposition. That honorable gentleman had promised most distinctly that the motion should not take effect until after the Bills had passed their second reading. The honorable member had the management of all the Bills.

The Hon. E. I. C. BROWNE: The honorable gentleman had not the management of all the Bills. There were a good many in the list he had read that were not in his charge. There was the Constitution Act Amendment Bill. He should not suspend the Standing Orders for dealing with that measure in one day.

The PRESIDENT: If there was any opposition, he could not put the question. The honorable member, Mr. McDougall, would have to give notice of his motion for tomorrow. He (the President) thought a motion on the subject ought to come properly from the honorable member representing the Government.

The POSTMASTER-GENERAL: It had been suggested to him that he ought to confine himself to Government Bills only.

The Hon. J. F. McDUGALL: It would be necessary for him to give notice of his motion, and to make it apply to one Bill only.

The Hon. H. B. FITZ wished to have the President's ruling:—If, when the suspension of the Standing Orders was moved for the passage of one Bill, could any other Bill then be passed through by the Government or any other honorable member of the House?

The PRESIDENT: I think, if they are suspended for a special purpose, they are suspended for that purpose only.

The Hon. E. I. C. BROWNE: No purpose was mentioned. The honorable gentleman now said "a Bill."

The Hon. H. B. FITZ desired to know what Bill? It could be named in the notice of motion.

The PRESIDENT: It was not on the table.

The Hon. J. F. McDUGALL: He could name it, if not irregular. It was the Settled Pastoral Leases Bill—to amend the Act of 1868.

The Hon. H. B. FITZ: He regretted that the Bill should not be on the table before the honorable member made the motion. He should give notice of it.

The PRESIDENT: Then, the motion being opposed, the honorable member must give notice of it.

Notices of motions were accordingly given by the Hon. J. F. McDUGALL, and the POSTMASTER-GENERAL, for the next sitting.

MONEYS FOR THE VOLUNTEER FORCE.

The PRESIDENT moved—

That there be laid upon the table of this House, a Return shewing what moneys have been paid from the Consolidated Revenue, from Separation up to the present time, towards the support and maintenance of the Volunteer Force of this colony; specifying the amount in each year, and the particular service for which each payment is made.

He said: I will briefly explain, honorable gentlemen, the motives which induce me to ask the consent of this House to the ordering of these returns. As you are all aware, I have been, for about ten years past, the officer commanding the volunteer forces of this colony; and, latterly, I have had the misfortune to see very many animadversions upon the various qualities of that force, which, I think, have been unjust. My opinion is, that it has suffered—that it has been inefficient—chiefly because the Legislature has never awarded it a fair amount of support. Now, many of you whom I see before me are accustomed to military forces, and know very well what they are, and know that no military force can be organised unless attention is paid to all its varied requirements. There is no use in drilling men in the platoon and manual exercises unless

you put military officers to command them who are competent to drill them. It is useless to expect that you can bring the force to the highest state of discipline, unless you are willing to put into their hands arms as efficient as those which are likely to be found in the hands of any enemy opposed to them. Now, I can shew, I think, when I get these returns, that none of these precautions have been taken with reference to the volunteer forces of this colony. The arrangements made, each year, have been accidental: somebody, it may be the Minister of the time, has put something on the Estimates, and has thrown this towards them, to make the best they could of it, as a bone is thrown to a dog. There has never been a thoughtful arrangement of Estimates for the volunteer force, no careful provision, so that there was not actually a chance of making the force efficient. I was, myself, selected for the command of that corps, many years ago; and, I think, I am entitled to say that my military education and antecedents fully justified my selection for that position. I joined the army at sixteen; I was adjutant at nineteen; I raised and organised, and had command of, a regiment at twenty-six; I have served in various capacities and held staff appointments, including that of military secretary; and, I think that, unless I was a very stupid fellow indeed, having that experience, I was qualified to hold that position. And, I think it would be only right that I should have been consulted in the arrangements made with regard to the proper provision for, and organisation of, the volunteer force. I have never been so consulted; therefore, I feel no responsibility resting on my shoulders. I could not force the Legislature. I did once lay before the Colonial Secretary, in 1869, a report which I drew up with reference to the volunteer force, and the provision necessary to be made for it, that year. The Ministry never took it into consideration, to my knowledge: it never was acknowledged, and I heard no more of it; but, through the Council, I got it printed, and it is on record. The honorable member representing the Government in this House at that time consented to lay it on the table, and in that way it was printed. In that, I put it to the Government to consider what was the object to be attained, and what we should attempt in providing for the defence of this colony. I pointed out that of course it would be useless, with our means and our finances, to attempt to provide against any large attacking force. I said:—

“Looking at the great distance of the Australian continent from the dominions of any probable enemy of Great Britain, it is not likely that any large fleet could sail from either Europe or America, for the purpose of attack, without attracting the attention of the Home Government, and being at once followed by an adequate force under our own flag.”

I look upon that always as a great protection to the Australasian colonies in general—that no large enemy's force would cross the ocean without having attracted the attention of the Government of England. They have promised to protect us, and of course it would be their policy to take care, if a bold foe should meditate an attack, to protect the colonies from such attack. I went on to say:—

“The danger, then, of an attack from an enemy, in large and overwhelming numbers, is one we need not, and indeed are wholly unable to provide against; but, from the risk of injury to the lives and properties of the colonists, by any force consisting of one or two expeditionary vessels, and, say, anything at or under one thousand men, I think we are in duty bound to provide, as best we can.”

That, I take to be all that this colony can be expected to provide for. My object in bringing this question forward, now, is, that I think it is one that we shall have to take earnestly into consideration. The news we have received, this day, by the mail from England indicates that it is a question which cannot be allowed to sleep. We have been fortunate for very many years in the enjoyment of peace;—but it does not seem likely that these peaceful times will continue. We must, therefore, turn our best thoughts to the means of providing for such defence as we are capable of. If I obtain the returns, which, I understand, there is no objection to produce, I think there will be some foundation upon which to base resolutions which, at some later day, I shall bring under the notice of the Council. But, before concluding, I would say that I think the officers and men of the volunteer force of this colony have really adhered to their work, and have endeavored to learn well their duty, with a perseverance for which they deserve great credit. They have been, under certain circumstances, blamed for not turning out in sufficient numbers on parade; but, on comparing them with the volunteers of other colonies, and in proportion to their respective populations, that blame should not always attach to them. They have not been provided with uniform, and men naturally do not wish to turn out and take part in a demonstration without their clothing is in proper order. I know that has prevented many of them from attending parade.

The question was put and passed.