

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 17 MAY 1871

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ERRATA.

Page 37, column 2, lines 30-31 from top, *for* "Wide Bay," *read* "Fortitude Valley."

Page 133, column 2, line 21 from top, *for* "Barnett," *read* "Bullen."

Page 228, column 1, line 16 from top, *for* "discredit," *read* "credit."

Page 236, column 2, line 18 from top, *for* "Pring," *read* "Cribb."

Page 300, column 2, line 8 from top, *for* "Secretary for Public Works," *read* "Secretary for Public Lands."

LEGISLATIVE ASSEMBLY.

Wednesday, 17 May, 1871.

Adjournment—Misreporting.

ADJOURNMENT—MISREPORTING.

The Hon. B. B. MORETON rose to move the adjournment of the House for the purpose of making a personal explanation. He found it was reported in the *Courier* of that morning, as his reason for voting against the resolution of the honorable member for East Moreton,

“That he was pledged to his constituents to oppose any railway extension which did not directly benefit them.”

Now, he had never said such a thing, and he never intended that such a construction should have been put on his words, nor did he think it was deducible from them. He did not want it to go abroad that he, and those whom he represented, were so supremely selfish as they would appear by what he had been reported to have said. What he wished to say, and what he believed he did say was, that while the benefits arising from the construction of railways was indirect, and not participated in by his constituents, they were opposed to being taxed for their construction and maintenance, and that until some correct method of proportioning the interest due on the loan raised for the making of them, so that it would be borne by those who derived the

benefit, was arrived at, he was bound by the sacredness of a promise to protect his constituents, whatever happened.

Mr. SCOTT said he rose to call attention to a report of the speech of the honorable the Minister for Works, during the debate on the Report of the Railway Commission, which appeared in "Hansard." In the last paragraph of the honorable member's speech, he was made to say, that—

"He considered that the amendment which had been proposed by the honorable member for the Leichhardt would redound to his discredit as long as he lived, but it might secure him a beneficial position when it might be determined to carry out the railway between Ipswich and Brisbane."

Now, he begged to state, from his own recollection and hearing, that the honorable member never made use of such a statement, and he had also the assurance of the honorable gentleman himself that he did not. Had such a statement come from the other side of the House, it would have been different. As "Hansard" was supposed to be a correct record of the proceedings of that House, it was only fair and right that what appeared in it should be correct. The statement he alluded to was altogether wrong.

The SPEAKER said he had called the Short-hand Writer who reported the speech of the honorable the Minister for Works before him for an explanation of how the error arose, and that gentleman said that he had had considerable difficulty in hearing the honorable member for Maryborough on the occasion referred to, and that he was under the impression that the report was correct; but that the mistake must have arisen in that way. Unfortunately, the reporters were not allowed an opportunity of correcting a mistake of that kind; but he (the Speaker) had no doubt the matter would be set right.

Mr. THORN rose for the purpose of calling attention to the very partial report in the *Courier* of what was supposed to have taken place in that House, on the previous evening, on the great railway extension discussion. He found that all the honorable members on the opposite side of the House were fully reported, whilst the honorable members on his side of the House had scarcely one of their arguments reported. It was stated that the arguments were all one-sided. In the *Courier* newspaper he found that the greatest twaddle uttered by honorable members opposite was put in, whilst the arguments of honorable members on his side of the House were so knocked about, that it was difficult to say what had been delivered. For instance, the most salient points in the address of the Honorable Mr. Ramsay's speech were omitted altogether. He did expect, on such a great occasion, that the *Courier* would have, for once, allowed an impartial report to appear in its columns; but he scarcely thought it ever would, so long as the honorable member for South Brisbane had anything to do with

the management of it. He did not wish to be hard on the honorable member, but he did hope that, if any other great discussion should arise, the *Courier* would give a fair report, which he denied had been done in the instance referred to.

Mr. McILWRAITH said that he had left the House, on the previous evening, after the motion was carried, "that the words proposed to be inserted be so inserted," and he therefore lost the opportunity of being present whilst the members of the committee referred to in the amendment of the honorable member for the Leichhardt were appointed. He found, on looking at the business paper of that morning, that his name had been placed on the committee; and to that he now wished to refer. He was not well acquainted with the constitutional law of that House, and therefore did not know whether or not he was in order in stating that he was thoroughly averse to serving on that committee. His reason was, that he was perfectly determined never to give his labors to perpetuate a farce which was commenced by the honorable member for the Leichhardt by his amendment, and which culminated in the vote of the House on that amendment.

The SPEAKER stated that the honorable member was clearly out of order in refusing to serve on a committee elected by ballot; and read the following extract from "May's Parliamentary Practice" on the subject:—

"Attendance upon the service of Parliament includes the obligation to fulfil all the duties imposed upon members by the orders and regulations of the House; and unless leave of absence has been obtained, a member cannot excuse himself from serving on committees to which he may be appointed, or for not attending them where his attendance is made compulsory. In 1846, Mr. W. Smith O'Brien declined serving as a selected member of a railway committee, and the committee of selection, not being satisfied with his excuses, nominated him to a committee, in the usual manner. He did not attend the committee, and, his absence being reported to the House, he was ordered to attend the committee on the following day. Being again absent, and his absence being reported to the House, he attended in his place, and stated that he adhered to his determination not to attend the committee; upon which he was declared guilty of a contempt, and committed to the custody of the Sergeant-at-Arms."

Mr. STEPHENS wished to know what was done afterwards—what the next step was.

Mr. McILWRAITH said that, although it appeared by the constitutional law that he was obliged to serve on the committee, there were many ways in which he could indirectly refuse his services. But that was not his object;—he wished it to be understood that he was unwilling, in every way, to attend a committee for the consideration of a subject which had been forced on the House by the extraordinary combination which had been formed on the other side of the House, during

the previous evening. He had only to direct attention to the broad features of the debate, as then presented, to prove such combination. It was found that the honorable members, the supporters of the Government, on what he considered a subject of the highest importance brought forward during the present session, and those members of the Ministry who had expressed their opinions, had taken up the one line of argument. In the first place, the resolution of the honorable member for the city, Dr. O'Doherty, was brought in, the features of which were to sanction a general railway policy; but that was met by an amendment by the honorable member for the Leichhardt that, instead of going on with a general policy throughout the colony, they should consider only the formation of one line in the North——

The SPEAKER said he was afraid the honorable member was hardly in order, as he could not give his reasons for not wishing to serve on the committee without the permission of the House, and, moreover, the honorable member was re-opening a previous debate.

Mr. McILWRAITH said he would put all he could into his different reasons for saying that he did not wish to serve on the committee, for it was ruled that he was obliged to serve. The honorable member for the Leichhardt, in bringing forward his amendment, dwelt very little on the merits of the particular line of railway he wanted——

Mr. FERRETT rose to a point of order. The honorable member was going into the debate on the railway question.

The SPEAKER said he had been waiting to hear what the honorable member had to say, but if he was going into the merits of the debate of the previous evening, it would be his duty to stop the honorable member. As a rule, irrelevant discussions could take place on a motion for adjournment, but it was scarcely, in his opinion, right that the debate on the railway question should be included in it. He thought the discussion must come to a close.

Mr. McILWRAITH said it certainly was not his wish to revive the railway debate, but he wished to know whether he would be in order if he gave an additional reason why he should not serve on the committee.

The SPEAKER said the honorable member had given reasons, but they were reasons that could not be listened to by the House, because it was a rule of the House, that the honorable member should serve on the committee. He did not think that the honorable member's giving any additional reasons would tend to any useful result. He would observe in reference to what he had stated, that in the 144th clause of the Standing Orders it was laid down :—

"144. No select committee shall, without leave of the House, consist of less than five; and in the case of members proposed to be added or substituted after the first appointment of the

committee, the notice is to include the names of the members proposed to be added or substituted; but it shall not be compulsory on Mr. Speaker or the Chairman of Committees to serve on any select committee. In all select committees three shall be a quorum."

Then again it stated :—

"145. Every member intending to move for the appointment of a select committee, shall endeavor to ascertain previously whether each member proposed to be named by him on such committee will give his attendance thereupon."

But, at any rate, even an excuse on that ground would not have any application to the present case, because an honorable member might be appointed by ballot, and, therefore, the House committed itself to a certain course of action, which the honorable member was bound to carry out. If the honorable member had good and substantial reasons for being released from such service, the proper course for him to adopt, would be to give notice to that effect, which notice would come on in the usual way.

Mr. McILWRAITH asked if it was not competent for him to state his reasons without putting a notice on the table.

The SPEAKER said it was not.

Dr. O'DOHERTY said that the present seemed to be a fair opportunity for making explanations, whether in the form of complaints of mis-reporting, or of other things, and he did not see why he should not be on the list. Now, the honorable member for West Moreton, Mr. Thorn, had complained of the partiality of the *Courier*, and had taken the Ministry under his protection; but, considering that that journal was the property of the Ministers, it seemed that the services of the honorable member were rather superfluous. He considered that he (Dr. O'Doherty), like the honorable member for the Warrego, had real cause for complaint, as he, also, had been appointed a member of the committee arising out of the amendment of the honorable member for the Leichhardt. He attributed that to the honorable member for Maryborough, who had succeeded so well in "cooking" the Railway Commission, that he thought he would be equally successful with the committee. As it appeared that he was bound by the regulations of the House to serve on the committee, he should do so, if he were forced, but he would take an opportunity of testing it, by giving notice in the way suggested by the honorable the Speaker.

Mr. ATKIN said the honorable member for West Moreton had complained of the reports in the *Courier*, and another honorable member had complained in a similar way of "Hansard"; but, he thought, if any honorable member would go into the gallery, and ascertain the difficulty of hearing, the reporters had to contend with, he would not blame those gentlemen. Now, he found, in looking over the report of his speech on the railway question, as reported in "Hansard," a mistake

quite as absurd as that made in reference to the honorable the Minister for Works, for he was made to say that the honorable member, Mr. Pring, was the father of the Ipswich and West Moreton family. That error was one which even the most stupid reporter could have seen; but, as far as the reports in the *Courier* were concerned, he had fully as much cause for complaint as the honorable member for West Moreton, or any other of the opponents to railway extension. He might state that he was in the gallery on the previous evening, when the honorable member for West Moreton was addressing the House, and he paid particular attention to what the honorable member was saying, but it was most difficult to understand the honorable gentleman, even when he was speaking most plainly and distinctly, because the arguments on the honorable member's side of the House were so prevalent, that they appeared to overcome his ideas, and he spoke so rapidly and incoherently that the most skilful and intelligent reporter could not understand him, or do him that justice which his confidence in his own abilities would seem to entitle him to.

The SPEAKER stated that it was altogether unparliamentary for honorable members to discuss newspaper reports, and that, unless the honorable member wished to make a personal explanation, any further discussion was out of order.

Mr. ATKIN said the honorable member for West Moreton was not only allowed to refer to the way in which honorable members had been reported in the *Courier*, but had, also, spoken in very strong terms of the honorable member for South Brisbane, in connection with that newspaper. He (Mr. Atkin) had been speaking to the adjournment of the House, and, if he had been out of order in referring to the debate of the previous evening, and the amendment of the honorable member for the Leichhardt, other honorable members had certainly been out of order. Several questions had been brought forward on the motion for adjournment—some having reference to mis-reporting, and others to the appointment of the select committee. He had spoken on the former subject, and he now wished to say a few words in regard to the latter. He considered that any honorable member on his side of the House who allowed himself to be forced to serve on it, would justly merit the contempt of the whole country, and of his constituents, and he would like to see the majority of that House, which was obtained by honorable members having perjured themselves and violated their pledges to their constituents and the country, forcing honorable members to sit on that committee.

The SPEAKER said the honorable member was not in order, as the time for him to speak on that question would be when a motion having reference to it was before the House.

Mr. FERRETT rose to a point of order, and moved—

That the words of the honorable member for East Moreton be taken down.

The honorable member stated that honorable members on his (Mr. Ferrett's) side of the House had perjured themselves.

Mr. ATKIN denied that those were the words he used. The honorable member had been consulting with some of the honorable gentlemen opposite as to what were the words.

The question, "that the words be taken down," was put, when

Mr. STEPHENS said that before a division was called for, he would like to direct attention to Standing Order 92, which was—

"92. When any member shall object to words used in debate, and shall desire them to be taken down, Mr. Speaker will direct them to be taken down by the Clerk accordingly."

Mr. KING asked whether the words had been taken down, as the honorable member for East Moreton denied the use of them.

The SECRETARY FOR PUBLIC WORKS thought that as the honorable member had referred to the *Courier*—

Mr. ATKIN rose to a point of order—the question was whether his conduct was disorderly.

Mr. FORBES said that if the honorable member's conduct was before the House, the honorable member should retire.

Mr. ATKIN said he had not the least intention of retiring before he was ordered to do so.

Mr. KING suggested that the words should be taken down, so that they should be correctly before the House.

The SPEAKER said the honorable member had denied the use of the words, and, therefore, no honorable member should move that they be taken down.

Mr. ATKIN said he would not deny that he used the word "perjured." What he said was, that the majority of the House was formed through some of the members having perjured themselves before their constituents.

The SPEAKER said that such language was unparliamentary, and that the honorable member must retract it. The honorable member had used disorderly language, and he must ask him to retract it.

Mr. McILWRAITH said that, on a previous evening, the honorable the Minister for Works had accused the honorable member for North Brisbane of telling an untruth.

The SPEAKER said that he had ruled the honorable member out of order on that occasion.

Mr. McILWRAITH: But the honorable member had used the same words twice afterwards, and no notice had been taken of them.

The SPEAKER said he had not interfered, as his attention had not been drawn to it.

Mr. PRING wished to speak—

The SPEAKER: The honorable member was out of order.

Mr. PRING: In what respect? He wished to speak—

The SPEAKER: The honorable member was again out of order. When honorable members used disorderly language, it was his duty to interfere, and when language of the highest offence was used, it was not only desirable that he should interfere, but also that the honorable member using the language should retract.

Mr. PRING thought it would be for the House to go according to the 99th rule—

"Every member against whom any charge has been made, having been heard in his place, shall withdraw while such charge shall be under debate."

Now, it often happened that an honorable member might make use of an expression which he regretted immediately afterwards, and if his attention was drawn to it, he could withdraw it, or abide by his own dictum. Now, it was well known as an English dictum, that a man should be judged only on his own words. Why, then, had those words not been taken down?

Mr. FYFE thought, in accordance with precedents given by Burke, the honorable member for East Moreton should withdraw during the discussion.

Mr. MILES said he always paid great deference to the ruling of the Honorable the Speaker, and he would suggest that the honorable member for East Moreton should withdraw his remarks; what the honorable member said was in the heat of the moment, and he was quite sure he would retract it.

The COLONIAL SECRETARY hoped that the honorable member for East Moreton would shew his usual good sense, and retract the expression. He had heard much worse language used, and no notice taken of it; but as the Honorable the Speaker had ruled that it must be retracted, he thought the honorable member would do well to withdraw it.

Mr. KING wished to draw attention to the very different manner in which offensive expressions were treated when they emanated from members on the opposite side of the House, to what they were on his (Mr. King's) side of the House.

The SPEAKER said the honorable member was out of order.

Mr. KING thought the Honorable the Speaker would decide that he was in order when he heard what he had to say, namely, that far worse expressions had been used towards himself, by the honorable the Minister for Works on the occasion of the second reading of "*The Constitution Act Amendment Bill*," but he had treated them with the contempt they deserved. Only on the previous evening, when the honorable member for Maranoa was addressing the House, an honorable member on the opposite side said that it was "utterly false," alluding to a

remark made by that honorable member. That was heard by the honorable member, who also treated it with contempt. He thought it was not manly of honorable members on the opposite side of the House, who made use of such expressions, to resent so greatly an expression which, in the heat of the moment, had fallen from an honorable member on his (Mr. King's) side of the House.

Mr. ATKIN rose to explain. He said he been a member of that House for some little time, and he thought it would be allowed that he was the last to use unparliamentary language; and that in general he clothed his ideas in proper language. He was sorry that he had used a word to touch the extremely sensitive consciences of the honorable gentlemen opposite. What he meant, when referring to the appointment of members of the committee was, that they were appointed by members who had perjured themselves—not in the sense that word was used in a court of law, but when men were pledged to their constituents to pursue one course of action, and had followed another course. That was the sense in which he had used the word; and he was exceedingly glad that he had touched the honorable members as he intended. But there was another thing he wished to point out, and that was, that honorable members on his side of the House should be allowed to reply to the calumnies of the honorable members on the opposite side. He had no desire to be placed in the custody of the Sergeant-at-Arms; for although he was prepared to be placed in any position where he could be of service to his constituents, if he was locked up he would not be able to stand up and fight their battles for them. As a gentleman, he was perfectly prepared to withdraw his words. At the same time, he trusted that the language used by the honorable Minister for Works to the honorable member for Wide Bay would not be allowed to go unnoticed. He would withdraw the expression he had used, but at the same time he was prepared to maintain the same views in a milder manner.

The SECRETARY FOR PUBLIC WORKS said that there was a great difference between language used by the honorable member who had just sat down and the words he (Mr. Walsh) used to the honorable member for Wide Bay, namely, that he had deceived his constituents. He would be the last in that House to attribute to any person the term of perjurer, as that was to accuse him of an offence against the Statute, and an honorable member must be driven to the very ends of political opposition or malice to use such a word.

Mr. MORGAN rose to a point of order. The honorable member ought to address the Chair and not the honorable members opposite to him.

Mr. PRING rose to order, not to a point of order for any captious purpose, but to say

that he understood the expression complained of had been withdrawn, and that, therefore, the subject dropped.

The SECRETARY FOR PUBLIC WORKS: If the honorable member had been in the House—

Mr. PRING: Was referring to the question on which the honorable member was speaking.

The SECRETARY FOR PUBLIC WORKS: If the honorable member had been in the House at the commencement of the debate he would have known the object of the adjournment of it, and he should not interrupt the debate when he was not in order. The honorable member, no doubt, had had a great deal of trouble during the last few weeks, from which he was happy to learn the honorable member had been that day relieved—

The SPEAKER asked the honorable member what question he was speaking to.

Mr. ATKIN said he was on the floor of the House when all the fuss began.

The SPEAKER said that an explanation had been given by the honorable member for East Moreton, and the House had accepted it. With reference to the statement made, that the honorable member for Maryborough had used words which were not in order, he would mention that his attention had not been drawn to them; but if honorable members would permit language to be used not within the rules of the House, it was scarcely to be expected that on all occasions he should interfere, but he certainly should always interfere when called upon, let the language come from which side of the House it might.

Mr. ATKIN rose to address the House, when—

The SPEAKER said the honorable member was out of order, as the House had accepted his explanation.

Mr. DE SATGE rose to a point of order—that he, as one of the members of the House, would not accept the explanation of the honorable member, as the explanation was infinitely worse than the language originally used.

The SPEAKER said the explanation had already been accepted.

Mr. HANDY rose to a point of order in reference to something which appeared on the notice paper of that day. In the division of the previous evening he voted with the minority, against the amendment of the honorable member for the Leichhardt, and he had done so simply because he looked upon it as a farce, and as an insult to the North. At the termination of it the honorable the Speaker called for a ballot for the election of members to serve on the committee, and as he (Mr. Handy) could not remain in the House after what had occurred, he left. Yet in the face of that, and against his will, his name had been put on the committee. He did not wish to be guilty of contempt of the House, but he would say that he looked upon it as a farce, as the committee would never sit.

The SPEAKER said the honorable member was out of order in speaking of any committee in a disrespectful way.

Mr. HANDY continued: When he left the House he disapproved of the election of the committee by ballot, and he had been put on it for a certain purpose, and against his will; but as he remarked just before, the committee would never sit, and the honorable member for the North had been simply sold.

Mr. KING rose to a point of order. His object in rising again was to endeavor to do what had been done by the honorable member for North Brisbane a few evenings ago, namely, to pour oil on the troubled waters. A great deal of objection had been taken by honorable members to having their names placed on the committee, after having left the House. It was usually the practice for the consent of honorable members to be obtained before their names were placed on a committee, but that course had not been followed by honorable members opposite. Those honorable members were more apt to deal with Polynesians, and perhaps they considered they could treat honorable members on his (Mr. King's) side of the House in the same way as they would Polynesians. With regard to the honorable member, Dr. O'Doherty, that honorable gentleman had received a lesson as to behaviour a short time ago, when on a commission, and he trusted he would attend on the committee, and give some lessons to the honorable the Minister for Works.

Mr. DE SATGE was desirous of stating that he considered the whole discussion had been an insult to honorable members on his side of the House. The honorable members opposite were sore with their defeat, and talked about the North being sacrificed, but he would ask what interest they had there. The honorable members for the Mitchell and the Kennedy, had not a stiver of property there, whilst as to the honorable member for Rockhampton, he would leave the House to draw their own conclusion. When they talked about the North, he considered it was surprising that the North had been able to pass any resolution on the previous evening, and he thought it was a great triumph.

The SPEAKER reminded the honorable member that the question before the House was that of adjournment.

Mr. DE SATGE said he was only surprised that the honorable member for East Moreton should insult the honorable members on his side of the House, and on being called upon to retract, should make the insult worse.

Mr. FYFE rose to order. He thought he should not be told by the honorable member for Clermont what was right for him to do, as he was best able to judge for himself, and to vote as he considered best for his constituents. Had he voted for the amendment, he would have backed railway extension altogether, and so he supported liberal legislation.

The question was then put—"That this House do now adjourn," and the House divided with the following result:—

Ayes, 14.	Noes, 14.
Mr. Fyfe	Mr. Ramsay
" King	" Palmer
" Atkin	" Thompson
Dr. O'Doherty	" Cribb
Mr. Groom	" Moreton
" Edmondstone	" Miles
" Morgan	" Walsh
" Handy	" Forbes
" Jordan	" Thorn
" Stephens	" Wienholt
" De Satgé	" Royds
" Scott	" Perrett
" Bramston	" Melliwraith
" Bell.	" Johnston.

The SPEAKER said that as it became his duty to vote, he should vote with the Noes, in order that business might be proceeded with.