

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 1 JUNE 1871

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LEGISLATIVE COUNCIL.

Thursday, 1 June, 1871.

Personal Explanation — Misreporting. — Adjournment —
Inspector of Distilleries' Report. — Specialty and
Contract Debts Bill. — Wages Act of 1870 Repeal Bill.

PERSONAL EXPLANATION — MISREPORTING.

The Hon. W. THORNTON rose for the purpose of making a personal explanation, in reference to a report which had appeared in the *Courier* newspaper of that day, respecting the question put by the Honorable Mr. Harris, as to whether Mr. William Wilson had been an applicant for the office of Inspector of Invoices. He had been made by the *Courier* to say—

"That Mr. Wilson had called upon him relative to the appointment, whom he had referred to the Colonial Treasurer. Were he to keep a record of the various applications he received, verbal and otherwise, for Government appointments, he would require to keep an extra clerk."

Now, that might be to a certain extent correct, in one sense of the word; still it did not properly convey his meaning, and he considered it was only just to the person concerned that the whole of the facts should be stated. What he did say was, that a merchant had mentioned Mr. Wilson to him as being a proper man for the appointment of Inspector of Invoices, and a few days afterwards Mr. Wilson told him he had been advised by several gentlemen to apply for the appoint-

ment, but that he could not do so without first obtaining the consent of Captain Hart, whom he represented in Queensland. He then informed Mr. Wilson that he must decline to recommend anyone for the appointment, as it was under the consideration of the Government to combine the offices of Inspector of Invoices and Inspector of Customs Accounts in one appointment. With regard to the second part of the report, what he said was, that he did not consider it was his duty to report all cases of application to the Colonial Treasurer, but only when he thought fit to recommend an application to the Government. It was also reported that no record was kept in the Customs of applications, but he had not said so, as all written applications were duly registered. Perhaps the gentleman who reported his remarks had not heard him very distinctly; but, if so, it would have been better had he put in a statement, which unfortunately too often appeared, to the effect that the honorable member was indistinctly heard.

The Hon. G. HARRIS said that if the House would permit him, he was anxious to make a few remarks in reference to what had fallen from the honorable member, Mr. Thornton. If he was not allowed to do so, then he would have to adopt another course. Presuming he was permitted—

The POSTMASTER-GENERAL rose to a point of order. It was not his wish to prevent any honorable gentleman from speaking, but there was one thing that made him do so at present. The honorable gentleman had threatened that if the House refused to allow him to speak, he would take another course.

The Hon. G. HARRIS denied that he had made any threat.

The POSTMASTER-GENERAL: The honorable member might not have meant it, but he did threaten in the same way as the honorable Mr. Gore had threatened on a recent occasion. He thought the honorable gentleman should give some explanation, or otherwise he (the Postmaster-General) should object to his addressing the House on any other subject.

The Hon. G. HARRIS wished to know from the Chairman whether or not he was in order.

The CHAIRMAN said it was for the House to say whether they would permit the honorable member to proceed.

The Hon. G. HARRIS: Presuming he was in order to proceed—

The POSTMASTER-GENERAL wished to know from the honorable gentleman whether he had intended a threat to the House.

The Hon. G. HARRIS said he had no right to make such an explanation. If it was raised as a point of order, it was for the honorable the Chairman to decide.

The POSTMASTER-GENERAL rose to a point of order. He objected to the honorable member proceeding without making an explanation,

The CHAIRMAN said that the House had consented to permit the Honorable Mr. Harris to make his explanation.

The Hon. G. HARRIS said he would make another attempt. He might say, in reference to what had taken place, that he had not made any threat, but he meant that he could move the adjournment of the House, and proceed in the usual way. Presuming now that honorable gentleman would listen to what he had to say on the subject referred to by the Honorable Mr. Thornton, he might mention that had not that honorable gentleman addressed the House upon it, he (Mr. Harris) would have done so in reference to the question which he had put to the honorable the Postmaster-General on the previous day. He did not think, as he had then stated, that his question had received that courteous reply from the honorable gentleman to which it was entitled. Several months ago, whilst sitting in that House, he had heard that Mr. William Wilson, lately in the employment of his firm, was an applicant for the office of Inspector of Invoices. On hearing that, he waited upon the honorable member the Collector of Customs, and expressed himself in very strong terms, saying that, in his opinion, Mr. Wilson was not a fit person to hold such a position, and he supported his opinion by stating that, during the time that Mr. Wilson held an important position under his firm, he had, in various ways, and in one instance, especially—in connection with the insolvency of one David Palmer, at Bowen, caused a loss to the firm of several thousand pounds. He also handed the honorable member (the Collector of Customs) a report of the proceedings in the Insolvency Court, and asked him to look over it and judge for himself. Subsequently, he met the honorable member, who informed him that Mr. Wilson had shewn himself, from his conduct in the Insolvent Court, in such a manner, that he had rejected his application. There was no secret about the matter. The honorable member, Mr. Thornton, had told him that Mr. Wilson had signified his willingness to have the appointment, without referring to Captain Hart at all. Mr. Wilson's present position in reference to Captain Hart, had been due to his (Mr. Harris's) recommendation, but so soon as he found that Mr. Wilson had behaved to his firm in the disgraceful manner he had, he mentioned the matter to Captain Hart, and withdrew his references, leaving Captain Hart to deal with a man who had caused a loss to his firm of no less than £3,000. The application, no doubt, had been made, and so he had been informed by the Honorable Mr. Thornton, without imposing any secrecy. He had found Mr. Wilson to be anything but what he should be, and by no means fit to occupy a situation of trust in the Government service, or in a private firm.

The POSTMASTER-GENERAL moved the adjournment of the House, in order to reply to the remarks which had fallen from the Honor-

able Mr. Harris. In the first place, he would say, that he had no intention of treating, nor had he treated, that honorable gentleman with discourtesy; and he believed that there was no honorable member who would say that, whenever a question had been put to him, he had not answered it as fully as it was in his power to do. He had answered the Honorable Mr. Harris's question to the best of his knowledge; but, he thought, the House would agree with him, that no honorable member had a right to ask a question, which merely involved his own private matters. But, the present was not a public question, for there was nothing that might not have been stated before the whole world by the honorable gentleman. All he (the Postmaster-General) could say was, that he should be sorry to bring forward any gentleman's private character, where he was protected by the privileges of the House. He would remind the honorable member, that if any appointment was made by the Government, which an honorable member objected to, or considered undesirable, he always had it in his power to bring the matter before the House. He would repeat that at all times he was ready to give the fullest information to questions put to him by honorable gentlemen. With the leave of the House, he would now withdraw the motion for adjournment.

ADJOURNMENT — INSPECTOR OF DISTILLERIES' REPORT.

The Hon. C. B. WHISH moved the adjournment of the House, for the purpose of bringing under the notice of honorable members the report of the Chief Inspector of Distilleries, which had been laid on the table of that House. On the whole, he looked upon the document in question as a most improper one to have been issued by anyone at the head of a department, and he thought it was a mistake to have laid it on the table. The matter to which he more particularly referred was contained in certain charges brought against himself and another gentleman, Mr. George Raff. He was aware that, being a personal matter, all he could do was to leave it in the hands of honorable gentlemen. The paragraph to which he took exception was as follows:—

"I have to inform you that the appointment of Messrs. George Raff and Claudius B. Whish, as inspectors of the distilleries of Onklands and Morayfields, Caboolture, respectively (and who have, I believe, performed the duties required of them to their mutual satisfaction), should, in my opinion, be cancelled; such arrangements not being in accordance with the regulations which this department is expected to see carried out."

That, taken by itself, might not appear very grievous; but the context referred to certain matters which came to the knowledge of the Chief Inspector of Distilleries, on the occasion of his visit to the Morayfields distillery. If he had done anything wrong, the case would have been different; but he found nothing but a low innuendo throughout the paragraph.

He thought the subject was worthy of an inquiry; but, as honorable members were aware, he could not move in the matter himself, beyond bringing it before the House in the way he had brought it. He considered allegations had been made against him which, if true, proved that he had no business to be on the Commission of the Peace, and had no right to be sitting as a member within the walls of that Chamber. If, on the contrary, the allegations were shewn to be untrue, then the Chief Inspector of Distilleries had no right to occupy the position he now held. With the leave of the House, he would withdraw the motion for adjournment.

SPECIALTY AND CONTRACTS DEBTS BILL.

The Hon. E. I. C. BROWNE, in moving that this Bill be read a second time, said he would shortly state the mode in which it would operate. Honorable gentlemen were not aware, perhaps, of the great distinction there was between specialty and simple contract debts. The distinction between those debts was this, that specialty debts—debts under seal—were barred by the Statute of Limitation at the end of twenty years, whereas, simple contract debts were barred at the end of six years. The Bill now before the House did not intend to interfere with that distinction, but there was another which it proposed to do away with—namely, in the administration of the estate of a deceased. Specialty debts were then ranked before simple contract debts, and must be paid in full before any portion of the latter could be discharged. There was no good reason why that distinction should be preserved. It often acted with great hardship, and had now been done away with at home. He thought it was always desirable to assimilate the laws of this colony, when applicable, to those in the home country, and the Bill, the second reading of which he now moved, was brought in for that purpose.

The motion was then carried.

WAGES ACT OF 1870 REPEAL BILL.

The Hon. G. HARRIS moved the second reading of this Bill, which, as honorable gentlemen were aware, was for the purpose of repealing an Act passed for the purpose of facilitating the recovery of wages in certain cases. That Act had been in existence for some months and had been found to work most injuriously—so much so, that brokers, capitalists, and merchants had been compelled to decline making advances, as they could not tell how they stood. There were instances that he was aware of himself, where small advances had been made to cotton growers and agriculturists, where the Act had been very considerably abused, so much indeed that when many persons found it necessary to foreclose, other parties came forward and stated that the mortgagors were indebted to them,

and the party lending the money had no opportunity of finding out whether it was the case or not. A Bill similar to the Act now in force was introduced into that House two sessions ago, and, at his instance, was rejected; and when the present Act was passed, it was carried in a very small House by a majority of only five to three. He had had an opportunity lately of speaking to the honorable the Premier, who introduced the Bill, and that gentleman authorised him to state that he was prepared to see it repealed, as he was quite certain that it was not productive of the benefits anticipated.

The Hon. L. HOPE rose to a point of order. He thought the honorable member should not refer to anything that had taken place in the other branch of the Legislature.

The Hon. G. HARRIS said he was only referring to a conversation he had had with the Premier on the previous day.

The Hon. L. HOPE thought that the private opinion of the Premier should not be introduced into that House.

The CHAIRMAN thought the honorable member was in order, as he only referred to what had been said out of doors.

The Hon. E. I. C. BROWNE thought it would be as well not to introduce the opinion of the honorable the Premier, as it might be taken as an authority to get the House to support the Bill. The honorable gentleman might not have used it with that intention, but still it might be looked upon in that light.

The Hon. G. HARRIS said he certainly had not wished it to have that effect, and he thought there was no harm in alluding to it. It was quite clear, however, that the bad working of the Act had been seen to be most injurious to the colony. That being the case, he thought it was the duty of the Legislature, or, at all events, of that House, to either amend or repeal it. He thought the best plan would be to repeal it. It was the result of very hasty legislation, as he believed it was one of the seventeen Bills that were passed through all their stages in twenty-two hours, and, consequently, had not received the attention which was generally bestowed by that House on measures submitted to them. Another objection to the Act was, that it referred to one class only of the community, and he could not see why that particular class should be protected more than any other. All he could say was, that ever since the Act had been in existence, he had declined to do business with the class referred to in it, and so also had many others, and that must have an injurious effect. He had had a conversation with a gentleman who represented a very large company, and he informed him that in consequence of the Act they had been compelled to insert a special clause in every agreement they made for advancing money—namely, that when making an advance for five years, they inquired the rate of wages paid to every man on the property, the number of persons

employed, and then deducted six months' wages, so as to protect themselves. That, he thought, would shew one of the objections to the Act. The measure was first introduced to apply to a certain part of the colony, where, perhaps, it might have been necessary; but, from his own experience, it was not suited to the colony generally, and, seeing that a similar Act had not been found to work well in the mother country, he hoped honorable gentlemen would support him in the course he now took towards its repeal. He considered, as a rule, that the farmers were the most thriving members of the community, and that there was no necessity for an Act to especially protect them. Unfortunately, the Government had taken charge of the Bill last year, but he believed that they had seen the bad working of it. He begged to move that the Bill to repeal the Wages Act of 1870 be now read a second time.

The Hon. H. G. SIMPSON could not agree with the honorable gentleman as to the advisability of repealing the Wages Act in such a summary manner as he proposed. He was quite willing to believe that it was an Act which required some amendment, and he would be happy to give any assistance in that direction. He thought, however, that as the Act had only been in operation for the short space of five months, it was hardly possible for anyone to say that it, or any measure, could, in that time, have a fair trial, or that anybody could say whether it was a good or a detrimental measure. He thought that it was only right that those who made the property of the mortgagees valuable, should be entitled to some consideration. It was quite true that, when the present Act was introduced in a different form, he was one of those who opposed it, and it was thrown out. But when it was again introduced, and applied to all industries alike, he thought it a fair question for legislation—that the laborer, or the man who kept the property of the mortgagee in its original value, should have some kind of protection for securing to him his wages. Some persons said those men should look after themselves, and the farmer had been placed on an equality in that respect with the man in a store; but he thought such a comparison could not be made, for a farmer who employed two or three men could not always pay their wages regularly, as he would have to wait to dispose of his crop, and, under ordinary circumstances, the working man would not know that he was to be defrauded. He was surprised to hear the honorable member mention such a period as five years, for the Act distinctly laid down that the mortgagee was only liable for six months' wages; and, if those six months' wages were not employed, he (Mr. Simpson) would venture to say that the property would not be as good. If the honorable member introduced a Bill to amend the present Act, instead of to repeal it, he would have his

support; but as in the form in which it went to that House five months ago, it was passed without opposition, he considered that, by now repealing it, the House would be stultifying itself. He would not be a party to that, and would move, as an amendment, that the Bill be read a second time that day six months.

The Hon. C. B. WHISH said the honorable the mover of the Bill had already mentioned a good many objections to the present Act. It appeared that it had had the effect of checking the circulation of money in the colony, and that it legislated for a certain class to the serious disadvantage of another class, and that a very large class. If the circulation of money was to be checked in the way in which he was informed it had been by that Act, it would soon be found that there were no employers. If the persons alluded to in the Act were to be protected, then the merchants who supplied a station with rations should be protected, as there were few men who left a station without owing a store account; therefore, the wages and store account should be equally provided for. He should certainly vote for the repeal of the Act, as it legislated for one class only.

The POSTMASTER-GENERAL said that the Act was one of the seventeen Bills alluded to as having been passed at the end of last session, but he must differ from the honorable the mover of the present Bill in one respect, as he thought that there was not an honorable member of that House who did not know what he was doing when he supported the measure. Speaking as a private member, he believed that a man's wages for six months should be guaranteed to him. It was not his intention to make any remarks on the Bill now before the House, except to say that it was his intention to oppose it.

The Hon. W. THORNTON said he had supported the present Act in its amended form some months ago, and he was not going to support its repeal after having been in existence for only five months, on the representation of a capitalist and mortgagee that it worked injuriously to them. They must recollect that there were other classes who had to be considered, and there had not yet been any opportunity afforded, except by the statement of the honorable the mover, of ascertaining how the Act had worked. If the honorable gentleman could mention one case where a capitalist had been injured by the present Act, he (Mr. Thornton) could mention a great many instances where men had lost their whole year's wages from the want of such an Act, which was a greater hardship to them than the loss to the capitalist was to him. The Honorable Mr. Whish had wished the Bill to be passed, as the present Act checked the circulation of money—now, he did not think that the fact of six months' wages being due on a station, would prevent a mortgagee taking possession of it. And, again, he considered that the laborer

required more protection in the remote districts, to ensure his not losing his hardly earned wages. Honorable gentlemen knew very well that men generally employed in sheep farming, were not in a position to ascertain whether their masters were insolvent or not, as even if they were paid their wages they would not know what to do with them; and, therefore, they let them increase, until perhaps when they wanted the money they found out that they would not be paid. It was to protect those men that such an Act was necessary. Generally a mortgagor was insolvent to all intents and purposes at least six months before possession was taken; and if the men did not know that they would be protected, they would very probably seize the sheep and pay themselves. The honorable member had termed the Act class legislation; but it should be remembered that the class in question were very much in the position of sailors, who were specially provided for, as they were frequently a long distance away in the interior, and could not possibly be informed as to what changes were being made. He should support the amendment.

The Hon. E. I. C. BROWNE said his honorable friend who had just sat down could not believe that the Act had had the effect of stopping the circulation of money, but he might inform the honorable gentleman that he had been astonished at the check it had had upon advances being made for agricultural purposes—in fact, it had almost put a stop to them altogether. He had been very sorry to see it, as he was not in favor of repealing an Act which he had supported when it was before the House, because it promised to protect the poor and laboring man. But it was possible that the laboring man might have to call out and say, "Protect me from my friends," as the Act might put a stop to his receiving wages altogether, or to his being employed. He should support the motion for the second reading of the Bill now before the House; as then it would go to another place, and there would be an opportunity of the working of the present Act being more ventilated, and more general opinions respecting it expressed.

The Hon. J. C. HEUSSLER thought that, instead of sending the Bill to another place, it would be better to inquire into the working of the present Act by the appointment of a select committee, and he would make a motion to that effect. He had endeavored, when outside of the House, to get at the truth of the reports respecting the Act, but could not do so; and he did not like to vote for its repeal, as there were many good points in it. Therefore he thought, if it was referred to a select committee, it would avoid repealing the present Act, and perhaps having to bring in a similar measure next session. [*Some conversation here ensued between some honorable gentlemen as to adjourning the debate.*] To meet the wishes of some honorable gentlemen, he would move the adjournment of the

further consideration of the Bill until Wednesday next.

The POSTMASTER-GENERAL thought the suggestion for adjourning the discussion a very good one; and, as he had supported the amendment of the Honorable Mr. Simpson, who had left the House, he would take upon himself the responsibility of withdrawing the amendment.

The motion for adjournment was then put and carried.