

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 21 MAY 1872**

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LEGISLATIVE ASSEMBLY.

*Tuesday, 21 May, 1872.*

New Member.—Supply.

NEW MEMBER.

Mr. C. J. Graham, who was introduced by the honorable the Colonial Secretary and the honorable the Attorney-General, took the usual oaths, and his seat for Clermont.

SUPPLY.

The COLONIAL TREASURER moved—

That the Speaker do now leave the chair, and that the House resolve itself into a Committee of the Whole, to consider the Supply to be granted to Her Majesty for the year 1872.

Agreed to.

The House having gone into Committee of the Whole,

The COLONIAL TREASURER moved—

That there be granted to Her Majesty, for the service of the year 1872, a sum not exceeding £1,164, to defray the salaries and contingencies of His Excellency the Governor's establishment.

Mr. STEPHENS moved by way of amendment—

That the Chairman report no progress.

The question having been put, the amendment was negatived, on a division, by a majority of 16 to 8.

Mr. KING next moved—

That the Chairman do now leave the chair.

The question was put, and negatived, on division, by a majority of 15 to 8.

Mr. MILES then moved—

That the Chairman report no progress.

The question was put and negatived :—  
Ayes, 8; noes, 16.

Mr. HEMMANT said that if they were to continue much longer, instead of dividing and dividing, without any discussion, it might be well if honorable members of the Government would explain some of the important measures that stood on the Notice Paper for a second reading. Those measures were all of considerable importance to the colony at large, and any explanation of them, at the present time, might be attended with much advantage. With the view of affording honorable gentlemen the opportunity of entering upon such an explanation, if they thought fit to do so, he would move—

That the Chairman do now leave the chair.

The amendment was put, and negatived, on division, by a majority of 16 to 8.

Mr. STEPHENS moved—

That the Chairman report no progress.

The Committee divided :—Ayes, 8; noes, 16.

Mr. HEMMANT moved—

That the Chairman leave the chair.

The amendment was put, and negatived by a majority of 16 to 8.

Mr. MILES moved—

That the Chairman report no progress.

The amendment was put and the Committee divided :—Ayes, 8 ; noes, 16.

The COLONIAL SECRETARY then said that in the absence of the honorable member the leader of the Opposition, and as he was not in possession of any information as to the course of policy which the Opposition intended to pursue, he did not see there could be any use in going on with those divisions. He would, therefore, now move—

That the Chairman leave the chair, report no progress, and ask leave to sit again.

Mr. MACDEVITT said that though, under the circumstances in which the affairs of the colony were at present placed, it was not very tempting to address honorable members of the House, still, he thought, it was due to the position he held as the representative of one of the most populous and important constituencies in the colony—a constituency that was increasing in population, perhaps, more rapidly than any other, and that suffered more than any other from the want of being adequately represented—under those circumstances, he thought, he ought to take that opportunity—the earliest that had been available for him to do so—of expressing his opinions on the present condition of affairs. As he had said, the condition of affairs was not such as to suggest observations of a very encouraging character. They had, on the one side, the members of the Opposition, with whom he had uniformly acted, pursuing a course which, though, under the circumstances, they said was necessary to be pursued, must be admitted to be unusual—to be, in fact, a severe remedy for a severe case. They had, also, on the other side of the House, the Government and their supporters, who assumed to themselves the position of strict constitutionalism—who virtually said to the Opposition—“We, who are here, constituting a majority of the members of the House, think fit to pursue a certain course; and you, though representing as you say a majority of the people, must pursue that course whether you are willing or not to do so.” Now, the present state of things had brought about, throughout the length and breadth of the land, a strong state of public opinion. The people in the North and the people in the South were actuated by feelings *pro and con.*; and so far as he could estimate the feeling of the people, he thought it preponderated very much in favor of those honorable members who sat on the Opposition side of the House. But, however that might be, it must be admitted, and he had always said so, that those who sat on the Ministerial benches, as well as the Ministerial supporters, had a considerable case. Those honorable members numbered sixteen to eight of the Opposition; but when they examined into the matter of representation, they would find that those sixteen members, though forming a large majority in the House, did not represent

anything like the number of the population that was represented by the eight members who formed the Opposition; and that, therefore, the majority brought a far smaller portion of the political power of the colony to bear upon political affairs than the minority did; and hence it was that the minority considered they were justified in pursuing the course they had adopted. But, to revert to the original position of the question, and to the strictures that had been sought to be passed upon honorable members of the Opposition by honorable members on the Government side of the House, and to the taunts that had been held out against them; they alleged that in no country, where representative institutions were respected, and especially in England, the conduct of the Opposition would not be tolerated. Then, they had from the honorable member for the Western Downs, Mr. Wienholt, a very excellent speech, exhorting them to uphold the constitution, and to observe the laws and rules that regulated debates, as regarded majorities and minorities; but when the honorable member spoke as he did, and asked the Opposition to discontinue their course of obstruction to the Government, supported as they were by a large majority of honorable members of the House, did the honorable member remember, or, if he remembered, did he at all take into consideration, that he and honorable gentlemen with whom he was associated, were now imitating that course of conduct which the Opposition had thought fit to pursue? The Opposition had taken what was acknowledged to be an extreme course, but still a course which was within the four corners of the constitution—they had taken a course of obstructing the Government, in order that they might bring about a great act of public justice. But, was there the same ground of justification for the Government in their indiscriminate obstruction of the business of the country? The Opposition obstructed business in one particular. They said that as representatives of the people, and being trusted by the people as the guardians of their rights, and holding, as they did, the strings of the public purse, they refused to loosen them until adequate representation was provided for the people. But the Government would do nothing of the kind. The Government said to the Opposition that unless they gave them those sums which they required, and thought to be necessary for the carrying on of the business of the country, they would do nothing. The honorable member for Western Downs, Mr. Wienholt, whose care for the constitution seemed to be sincere, if he would thoroughly examine the whole case, and examine his own conduct in the matter, he would find that he was supporting a Government which had abnegated its duty; and that he, and other honorable members who acted with him, would be forced to come to one conclusion, and to remonstrate with the leader under whom they acted, and

endeavor to bring about a state of affairs more consonant with his dignity, and more conducive to the progress of business, and to the welfare of the people over whom he ruled. They had a Government actually saying that not only would they not themselves govern, but that they would not allow any step to be taken in that direction—that while the Opposition said they would obstruct, the Government said they would obstruct with a vengeance. Now, he maintained, that that was a fair representation of the position of parties in the House. The Opposition refused supplies, and the Government abnegated their position; and, pursuing the course of conduct they had taken up, refusing to legislate altogether, and preventing any question being discussed there, he considered would be an abnegation of parliamentary government altogether; and then the honorable the Colonial Secretary might say to himself, "Othello's occupation's gone." Now, he maintained, that the proper course for them to pursue would be one for which abundant precedents were to be found in England. The Opposition maintained that the Government of the country must go on. They had the power of granting or withholding supplies; and if the Government would not fulfil the conditions upon which they could get the money they required, some other expedient must be resorted to. But they were now in that anomalous condition for which there was no precedent in English history; for there was no precedent in English history for a Government coming to the House and saying that unless the Government would do so and so, they would do no business. The proper course, if he might be permitted to point it out, for the Government and honorable gentlemen who supported the Government to pursue would be, if they wished to shew their sincerity for the discharge of the duties with which they were entrusted, to say that they would go on as far as they could; that they would discharge their duties as far as the laws which guided the deliberations of a Legislative Assembly, and prescribed their duties, would permit; and that if the Opposition prevented them from going farther, then they would throw up their responsibility, and see if some other means might be adopted for putting an end to such an undesirable state of affairs. Now there was much business on the paper which could be gone on with; and he thought that the Government should go on with some of those measures, the discussion of which could not at present fail to be advantageous. He spoke now more particularly to honorable members on the Government side of the House who, like himself, were moderate men; and who desired to see this dead-lock—or whatever else it might be called—brought to an end; and he would ask them, if it would not be a better course to let the business of the country go on than to continue as they were?—not, indeed, that he imagined they would in that way be able to find a remedy to their present difficulty. But he

alluded to it, because of the remarkable words that escaped from the lips of the honorable the Colonial Secretary, when he said that until he got Supply for 1872, no business would be done. By making use of those words, the honorable gentleman put himself outside the pale of the constitution, and provoked the opposition that existed to him as the head of the Government. To make use of those words, was to put the screw upon honorable members who represented large constituencies, and who sat on the Opposition side of the House. It was an attempt at starving them into surrender. But the honorable member mistook the opinions and the firmness of honorable members on the Opposition side of the House, if he thought they would be coerced into taking any step that would be a withdrawal from the position they had taken up, by the Government pursuing such a course as that. He could tell the Government and their supporters that they were raising a very strong feeling throughout the country with respect to what was taking place within the House. There was hardly a citizen who was not taking sides upon this question. They had seen a manifestation of its existence in a quarter where they would have imagined that the responsibility that was supposed to prevail in that quarter, and the desire to look upon the proceedings of the House with calm judicial deliberation, would have prevented anything like the existence of partisanship there. Now, when such a feeling got into so high a quarter as that, they might be certain that it would descend to the people, and that sides would be taken; and when it came to that, it would be found that honorable members on the Opposition side had the preponderance of numbers and of the political power of the colony with them. Though he should regret it, yet, if it did come to that, the position must be faced, if necessary to be resorted to in order to remedy affairs. Were the representatives of the people to submit to be told by any Governor, or any honorable gentleman leading this House, that unless they would do so and so, he would not carry on the Government of the country—and not only that, but that he would not permit them to govern the country? That was a state of things that could not be tolerated. It was a matter of surprise to him to see, before he returned from the country, the speech of the honorable gentleman at the head of the Government, as reported in the newspapers throughout the colony, setting forth a long detail of the grievances that would afflict the colony in the event of the dead-lock being continued. In that speech, there were set forth, one by one, the various grievances that would fall upon Queensland if the Opposition persisted in their present course. Now, he would have thought that the honorable gentleman, being in the position of swaying the destinies of the colony, should rather have addressed himself to the amount

of good he could do by his continuing to hold the reins of government; not the amount of injury he could inflict should the dead-lock continue, but the amount of good he would do by endeavoring to avoid it. He had also seen a report of a speech that was delivered by the lately-elected member for Clermont, in which that gentleman said that he would do everything he could to put an end to the acerbity of parties in the present political position; and he hoped that that honorable member, and other honorable members, would come forward to the assistance of their respective parties, and endeavor to strike out some course by which something might be done by which the dignity of neither side of the House would be compromised, nor principles departed from. The honorable the Premier stated, the other evening, that if, during this week, the Estimates were gone into, he would consent to the second reading of the Redistribution Bill. Now, he thought it was very fairly answered to that by the Opposition that there was no concession in that at all. This Redistribution Bill was a measure which the honorable gentleman at the head of the Government promised, three years ago, to bring in. On a previous occasion, when he formed part of the Government, he promised to bring in a Bill of this nature; and, therefore, to say that he would consent to the second reading of this Bill under certain conditions, there was no concession at all. Now, considering the high state to which public feeling had gone in respect to this question, he was satisfied that if no amicable settlement of the difficulty was come to, there must be a violent one; and that would not forward the political position of the honorable gentleman at the head of the Government. If the honorable gentleman would go farther than he had said he would go, and make a real concession, an amicable settlement might be arrived at; but the offer he had made was no concession at all. He believed it was generally admitted that the Redistribution Bill was one that embodied no principle whatever, and that it only provided for giving additional representation by means of dividing the colony into single electorates. The Bill did not involve the question of a population basis, or the number of votes that every honorable member should represent. There was no principle involved in it, and, therefore, he did not see that consenting to its second reading was any concession at all; for, after all, the Bill must be considered in committee. If the honorable member at the head of the Government would allow the Bill to go through committee, and if he would withdraw from his unprecedented course, he would find abundant support to discharge the other duties he owed to the country. The people might then be satisfied that something would be done towards the performance of the promises that had been held out; and that they would not at the end of this session be in the same position as they

were in at the end of the first session after the assumption of Government by the honorable gentleman, and the same position they were in at the end of the next session, and at the end of the last session in regard to this question. If they got the Bill through committee, they would be in a very different position at the end of this session. If some such arrangement as that were resolved on, the honorable the Premier, he thought, would escape from the anomalous and unprecedented position he now held of obstructing, on his side of the House, the general business of the country; for it must be borne in mind that he had now taken upon himself the responsibility of this obstruction.

MR. MOREHEAD: Oh, oh.

MR. MACDEVITT: He heard the honorable member for the Mitchell say "Oh, oh," but he could tell the honorable member that he heard the honorable the Colonial Secretary make use of those words—that until so-and-so was done, no other business would be allowed to be transacted in that chamber. If the dead-lock, therefore, was caused by obstructiveness, it was the obstructiveness of the honorable gentleman himself and his supporters, such as the honorable member for the Mitchell. Now, he thought that the "Oh, oh" of the honorable member for the Mitchell might go for the value of the two noughts with which they could be written—merely sound and fury, signifying nothing. If some such course as he suggested were taken, a way might be found of getting out of the present difficulty. He did not mean to say that the Government should be compelled to resort to an undignified course; on the contrary, he would be the last man in the House to take part in any proceeding that would have the effect of compelling the Government in this colony, to do anything that would be unworthy of their position as a Government. He could have no sympathy with any course that might be set in motion, with the view of humiliating any honorable member, either on one side of the House or the other; but the suggestion he would venture to make, and he would make it in all sincerity, and he hoped it might be accepted in the spirit in which he made it, was this—that if there were on the other side of the House, politicians of as violent a character as it was said by honorable members on the Government side of the House there were on the Opposition side of the House, the moderate men on both sides should come together and endeavor to find some way of settling this question, in order that something might be done for the colony. He was not blind to the evils that would follow from the existing state of things being continued. The extinguishing of the lights on the coast would very seriously affect his safety, as he had a considerable amount of travelling by sea, as well as by land; and the stoppage of supplies would also interfere with some of the departments connected with the administration of justice, and

thereby in some degree affect the profession to which he belonged; and therefore he felt as much an interest in the granting of supplies as those gentlemen who lived by the salaries they received on account of the situations they held in connection with the Civil Service. He hoped that something would be done, and that in future a temperate tone would characterise their debates. He thought honorable members must bear in mind that unless some amicable settlement of this question was come to, and the government of the country gone on with, some violent measures would be likely to be resorted to, and it was unnecessary to say that no one would benefit by that, and least of all those who were the authors of such a state of things as now existed—such a state of things as had not before marked the annals of the country—namely that of a Government coming down to the House and refusing to do anything.

MR. GRAHAM said that his object in rising on the present occasion was not because he had anything new to say, but because he did not wish to give a silent vote on the much-vexed question of the dead-lock. In the remarks he was about to make, he did not intend to give any opinion on the constitutional view of the subject, as he did not profess to be a great authority on constitutional law or practice. He could not help observing, however, that as the question was now situated in respect to the position taken up by the Opposition, it appeared to him that it could not be defended either upon constitutional grounds or upon the dictates of good sense. If the Constitution had intended to place in the Assembly—or in the hands of any section of that House—the power to compel unanimity upon any question, such power would have been very clearly stated by the Constitution. There had been in the Constitution Act a clause by which it was required that certain Bills should not be passed without a majority of two-thirds of the House being in favor of them. Now, if that majority of two-thirds was considered necessary for such purposes, and as so was distinctly stated in the Act, how much more plainly would it have been stated if, on any measure at all, it was intended that unanimity was necessary? He thought further that if it had been the intention of the framers of the Constitution Act to place in the hands of the minority the power to rule the majority, and to enforce their ideas upon it, that intention would have been stated in a more clear and distinct manner than it had been done, and they would have suggested some other plan more dignified than mere talking against time.

HONORABLE MEMBERS on the Government benches: Hear, hear.

MR. GRAHAM: It was on that ground that he did not consider the Opposition were acting in a constitutional or reasonable manner. He did not deny that they had the power, because they were now exercising it; but he

thought that, seeing that that power existed, it was in spite of, rather than in accordance with, the wisdom of the framers of the constitution. If he looked at the question rather in its practical bearings, he found that the position assumed by the Opposition was illogical and contradictory. On the one hand, it was stated that they were taking advantage of a very ancient right—were using a very old weapon—by refusing supplies until grievances were redressed; but, on the other hand, it was plain that they were not refusing Supply at all, as they had offered the Government some £80,000, at the same time abrogating their right to superintend or control the expenditure of that money. Even supposing the Government were inclined to accept that offer, however, he, as an independent member, could not allow them to spend money without that control being exercised by the House, which he considered was the first duty of every member of Parliament. At the same time, the position taken up by the Opposition was paradoxical in the extreme; for even, according to the speech of the honorable member for the Kennedy, the Opposition considered they were refusing Supply, whilst at the same time they were offering it; so that their position was paradoxical, as they refused and offered at the same time; therefore, he could not go with the Opposition on that question. Taking, for the sake of argument, that the Opposition view of the conduct of the Government was a correct one—that their only object was to do nothing—it appeared to him that the Opposition, in the course they were pursuing, were playing into the hands of the Government, and, therefore, their conduct was the more extraordinary. If the Government were really anxious to carry out the measures they had promised, it was only reasonable to suppose that they would be very much put out by the conduct pursued by the Opposition; but, on the other hand, if they were degraded men—if they did not desire to carry out those promises, and wished to keep the progress of the country back—what more could they desire than that they should be able to stand before the country as patriotic men, and say that they were anxious to get on with business, but were prevented from doing so by the conduct of the Opposition? As a new member he wished to express his views, and to explain his reasons for voting with the Government on the present occasion. He might say, however, at the same time, that he would most cordially join with the honorable member for the Kennedy, or any other honorable member, in endeavoring to find a loophole by which they could get out of the present unsatisfactory state of things. He was most anxious to see the business of the country proceeded with, and he could say that he had received the personal assurance of the honorable the Premier that if the Opposition were prepared to go on with business, he would give two days to Supply and two days to the

Redistribution Bill until they were passed. Now, if the Opposition would accede to that arrangement, and he thought they should, they would still retain the power they now possessed to obstruct business, for several weeks to come, as they would find that the Redistribution Bill would be passed through both branches of the Legislature before Supply could be disposed of. So that, if they would take the two together, the redistribution question would, he believed, be finished first. Both sides of the House were pledged to that measure; and if some such arrangement as that he had mentioned were agreed to, they might yet be able to get through much business during the present session.

Mr. MACDEVITT said that before correcting an error the honorable member for Clermont had fallen into in regard to some remarks made by himself, he would express his satisfaction at the great acquisition which that honorable gentleman promised to be to that House; and he was sure that the honorable member would allow him to offer him his congratulations upon the excellent speech he had just delivered. The honorable member had accused him of stating what was paradoxical; namely, that the Opposition considered they were refusing Supply, whilst at the same time they were offering it. Now, he thought the honorable member should remember that it was perfectly competent, wise, and in accordance with common sense, to offer Supply on certain conditions, and then to withdraw it if those conditions were not fulfilled. He considered there was nothing paradoxical in that.

The motion was carried, and the House resumed.