

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 8 APRIL 1874**

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## LEGISLATIVE COUNCIL.

*Wednesday, 8 April, 1874.*

Conference Lapsed.—Leave of Absence.—Scholarships of the Board of Education.—Standing Joint Committees.

## CONFERENCE LAPSED.

The Hon. E. I. C. BROWNE said he felt it was due to himself, and due to the House and the respect he felt for the House, that he should say a few words in explanation of what occurred last week, and to apologise for having been partially the means, as he might say, of putting the Council in a very false position with the Legislative Assembly. Honorable gentlemen would remember that he was appointed one of the managers of the Conference which was arranged to be held between the two Houses of Parliament on the subject of an address to the Queen, to congratulate Her Majesty on the Marriage of her son, the Duke of Edinburgh. Unfortunately, he was not in the House at the time the Conference was appointed; still more unfortunately—and he must say, negligently—he did not read his parliamentary

papers the next morning, nor did he read them for some time afterwards; therefore, he had remained in total ignorance of such appointment. During the day fixed for the Conference he met the Postmaster-General, and that honorable gentleman pressed upon him very earnestly to attend the House to form a quorum. If anybody had a doubt as to that honorable gentleman's desire to make a House, that day, he (Mr. Browne) could thoroughly satisfy him on that point. The honorable gentleman, no doubt, inferred that he (Mr. Browne) was aware of his appointment as one of the managers of the Conference; but he was not aware of it; and though he told the honorable gentleman that he would attend the House if he possibly could do so, yet, feeling there was very little business to be done, he did not come. The next morning, on taking up the *Courier*, he learned his mistake. He had now to apologise to the House for that mistake. Of course, he ought to have read his papers; and, then, he should not have fallen into it. But the House would believe him when he said that he had failed in his duty from inadvertence, solely, as he explained. He understood from the President that such a resolution passed by the House as that for the Conference was a sort of order upon a member to attend. Had he known it, that he was appointed, at the time, of course, he should have attended. He might observe that he had received no special order from the House on the subject;—until he had seen it in the paper he knew not of his appointment. He hoped he had put himself right with the House, now.

#### LEAVE OF ABSENCE.

On the motion of the Hon. E. I. C. BROWNE, leave of absence, for one week, was granted to the Honorable Louis Hope.

#### SCHOLARSHIPS OF THE BOARD OF EDUCATION.

The Hon. W. D. Box moved—

1. That, in the opinion of this Chamber, the recent action of the Board of Education in granting scholarships of £50 to scholars of Primary Schools is not warranted by the Education Act of 1860.

2. That this resolution be conveyed to the Legislative Assembly, for their concurrence, with the usual message.

He said he brought the motion forward for the consideration of the Council, at this early stage, in the hope that, if they agreed with him and passed the resolutions, they might be sent down to the other Chamber and considered before the Estimates were gone into by the Assembly. That would be the advantage to be derived from the House confirming his action at this period of the session. He should trespass on the attention of honorable gentlemen for a short time in giving them his reasons for moving in this matter. Some time ago he was appointed a trustee of the Brisbane Grammar School;

and his honorable friend, Mr. Hart, was a trustee with him, who also would be able to give the House some information on the matter in hand. He found that according to the Education Act, the Board of General Education had the power to grant exhibitions to the Brisbane or other Grammar Schools of the colony, after competitive examinations. For a long time no exhibitions were granted because no such examinations were held; but, from time to time, boys were nominated to attend the Brisbane or Ipswich Grammar Schools as pupils, and their fees were paid by the Board of Education. The trustees of the Brisbane Grammar School moved the then Premier, Mr. Palmer, to put the Act in force; and, in consequence of their action, examinations were held, and scholarships were granted. Those scholarships were equal to the fees such as any boy would have to pay for admission as a day pupil to either of the Grammar Schools, there being but the two in the colony. This was all that the trustees of the Brisbane Grammar School wanted, and they thought it was all that the Board of Education had power to grant. It appeared that the scholarships granted at the end of 1873 were the only scholarships granted in accordance with the 9th clause of the Education Act, which gave the Board power "to set apart from the funds at their disposal" a proportion, limited in amount, for "the purpose of granting exhibitions." Those were the first, and up to that time the only exhibitions granted by the Board of Education in accordance with the Statute which created that Board, and after a competitive examination of the pupils; and he begged particular attention to this circumstance, that they were first granted at the request of the trustees of the Brisbane Grammar School. The Board of Education subsequently issued a notice that the same examinations should be held; but that instead of the scholarships being merely exhibitions to the Grammar School, they would be of the value of £50. Now, he was of opinion that the granting of those exhibitions to boys of eleven, twelve, to fourteen years of age, in accordance with the first resolution of the Board, was an excellent thing. It urged upon the boys the desirability of winning prizes early in life, and stimulated them to diligence and self-exertion. But, when it came to paying a boy £50 for success in such an examination as that in which he had to compete for such a prize—it was not a difficult examination at all, the first-class examination of the primary schools—it tended to the injury of the boy; it tended to make him think too much of himself; and the object for which the money was voted by Parliament to be expended on education was not gained. The object with which the Board of Education issued £50 scholarships, he had found, on inquiry, was to enable boys who were not living near town to attend the Grammar Schools. The fact was, that twenty-two boys won scholarships at the beginning of this

year; and that only one, a Maryborough boy, had not availed himself of his £50 scholarship. There were only two boys of the number who were school boarders, and the rest attended school from their parents' houses, paying £14 14s. a year out of the £50, the balance being for their maintenance or for their parents. At present, the funds at the disposal of the Board of Education under the Act of 1860, were so large that no scholarships were refused; but if this continued, the time might come when the difference between £14 14s. and £50 would prevent really deserving boys getting an exhibition at all; that was, the Board not being in a position to grant sufficient scholarships of £50, might have to refuse boys capable of passing the examination, though £14 14s. was sufficient to take them through the Grammar Schools. The effect of the action of the Board of Education upon the revenue was a matter which concerned at any rate one branch of the Legislature, and on that account he thought it ought to be noticed. It should cost about £300 a-year to send twenty boys to the Grammar Schools; but under the new regulation of the Board of Education, the cost rose to £1,000, to provide the scholarships. He trusted that the House would pass the resolutions. First of all, a scholarship of £50 to a boy under fourteen years of age was out of all proportion. Not more was obtained by young men of twenty years with a really good education and after a high class collegiate training. If the resolutions were passed and sent to the other House, they would have the effect of calling the attention of honorable members to the question who might not be so intimately connected with it as he was; and, when the Estimates were under consideration, the action of the Board of Education, which was not in accordance with the Act, might be checked.

The PRESIDENT suggested to the honorable member to amend his motion by the substitution of the word "House" for "Chamber."

The Hon. W. D. Box thanked the President. The needful amendment had been pointed out to him by one of the officers of the House already.

The POSTMASTER-GENERAL said he did not see what good would result from the resolutions being carried. In fact, he must join issue with the honorable gentleman who had moved them, and say that the action of the Board of Education was in accordance with the Education Act, which gave the power to grant scholarships in the way they had done, or to grant exhibitions to the Grammar Schools; but, when the Legislature passed that Act, in 1860, it was never contemplated that the funds at the disposal of the Board would reach the dimensions they had reached. He should like the honorable gentleman to move a resolution opposed to the high prizes given to the boys of the Primary Schools. He thought that if the fees to the Grammar Schools were remitted

to the scholars—£16 16s., it would answer all requirements. The Board, at present, were paying for thirty-three boys; twenty-two who passed this year, and the others previously, who had since been raised to the scholarships granted last. Honorable members must recollect that those £50 scholarships were tenable for three years; so that each of the boys would receive £150. This was all the more reason why the Education Act should be amended. He might state that he was altogether opposed to the granting of such large sums of money, or such high prizes, to boys of such tender years, and for an examination of so elementary a character as that of the Primary School pupils. He might say that a £50 scholarship was as high an amount as was paid at the Universities in the colonies; and he did not think there was any warrant for paying so high under our system of education. However, it would be wise in the honorable member to withdraw his resolutions. He had no doubt that the late Premier, when he procured the institution of the scholarships by putting in force the 9th clause of the Act, had it in his mind to outbid for popular support the Honorable Justice Lilley, in connection with the education question. However, he did not think the present Government would grant the amount in future to any more boys attending the Primary Schools. They might, perhaps, remit the fees to the Grammar Schools; and he could see very little objection to that. In fact, the whole education question wanted remodelling; but, under the circumstances, he did not see what good the Honorable Mr. Box could do by sending his resolutions down to the other Chamber. While he must oppose the resolutions, he was opposed to granting the large sum of £150 for three years to a young lad in the way that the Board of Education had determined.

The PRESIDENT said he thought the question involved in the resolutions put before the House narrowed itself to this point:—It was asserted that, in the opinion of the Council, the action of the Board of Education in granting scholarships of £50 was not warranted by the Education Act of 1860. Now, by the 9th clause of that Act—

"It shall be lawful for the board to set apart from the funds at their disposal a proportion not exceeding five per cent. upon the whole annual amount for the purpose of granting exhibitions at some one or other of the grammar schools of the colony to such scholars in any primary schools as shall have been proved by competitive examination to be entitled thereto."

The question was, whether the board had exceeded the amount of five per cent. upon the funds at their disposal? If they had not exceeded it, they were still within the law; and it was within their discretion to grant the amount prescribed by the ninth clause for exhibitions. If they had exceeded it, they had gone beyond the law. But, of

course, the Council could not send to the other House a positive assertion that the board had exceeded the law, if they were not aware that the board had done so; and he, for one, was not aware if the amount devoted to exhibitions exceeded five per cent. upon the annual fund at the disposal of the board.

The Hon. W. D. Box: No, no. He desired, with the permission of the House, to amend his motion by striking out the words "not warranted by the Education Act of 1860," and to put in, instead, the words "unadvisable and should not be continued."

The PRESIDENT: That was a resolution to a different effect.

The Hon. W. D. Box: In explanation, he desired to state that, while he thought the Education Act did not warrant the Board of Education in granting £50 scholarships, it was in accordance with law for the board to spend five per cent. of their annual fund on scholarships to pupils who had passed the examination; but five per cent. of their total fund should not be given to twenty-two boys. Still, he was so desirous that his motion should, if possible, be accepted by the House, so that it might go before the Assembly prior to the passing of the Estimates, that he should be glad to make it meet the views of honorable members; the more so, as he understood that when the Appropriation Bill came before the Council, it could not be altered, the Council having to pass it or reject it.

The PRESIDENT: Perhaps it would be better for the honorable member to withdraw his motion and give notice of a fresh one for tomorrow.

The Hon. G. HARRIS: It appeared to him that the proceeding would be a waste of time, as the resolutions, if passed, would have no effect on the other House. No resolution passed by the Council would upset an Act of Parliament, under which, he believed, the scholarships had been granted; nor would it, even if passed by the other House also. It would be wiser if the honorable member agreed to withdraw his motion: if he would not do so, he (Mr. Harris), for one, should be compelled to vote against it.

The Hon. E. I. C. BROWNE said he did not understand the honorable Mr. Box to desire, by his motion, to repeal an Act of Parliament; and he was satisfied that the honorable gentleman was too well acquainted with constitutional law to think he could do so by resolution simply. As he understood him, the honorable gentleman wished, by his resolution, to get an expression of opinion from the Council as to the administration of the Education Act; and it was open to the House to give such an expression of opinion. A resolution of the Council might have a good effect; it ought to have the effect that the honorable member intended. And the House ought to pass a resolution, more especially after what they had heard from the representative of the Government, that the Govern-

ment were not in accordance with the late Premier on the subject of the motion.

The POSTMASTER-GENERAL: He only spoke for himself.

The Hon. E. I. C. BROWNE: Well, the honorable gentleman was one member of the Government, and of very great weight in the Cabinet; and he exercised great influence with his colleagues. What had fallen from him was of great importance; his opinion was that it was not expedient so to administer the Education Act that boys twelve or thirteen years old should have £50 a-piece for three years. In that, he (Mr. Browne) agreed with the Postmaster-General. He thought it would be competent for the Honorable Mr. Box, or, if not for him, for any other honorable member, to propose an amendment on the resolutions.

The PRESIDENT: Exactly; any other honorable member might propose an amendment.

The Hon. E. I. C. BROWNE: Then, with the leave of honorable gentlemen, he would move the amendment which the Honorable Mr. Box had himself suggested to the Council:—

That after the word "is," all the words be struck out, with a view to the insertion, in their stead, of "unadvisable and should not be continued."

The POSTMASTER-GENERAL said he had no objection to that.

The question was put, and the resolution was amended and passed as follows:—

That, in the opinion of this House, the recent action of the Board of Education in granting scholarships of £50 to scholars of primary schools is unadvisable and should not be continued.

A message in the usual form was forthwith sent down to the Assembly.

#### STANDING JOINT COMMITTEES.

The House resolved into a Committee of the Whole for the consideration of the Legislative Assembly's message of 31st March, in reference to joint committees of the two Houses. The message, besides informing the Council of the appointment and the names of the members of the Library Committee, the Refreshment Rooms Committee, and the Parliament Buildings Committee, contained the following paragraph:—

"With reference to these appointments, the concurrence of the Legislative Council is invited in the opinion of this House, that the functions of these joint committees should be held to continue, until the appointment of their successors, from session to session."

The POSTMASTER-GENERAL said the message was one that the Council could not assent to. If honorable members would look at "May" they would find the functions of such committees described, and that fresh committees must be appointed every session:—

"There is . . . an exceptional class of committees, called standing committees. The

only committee properly so termed is one whose appointment, being by standing order, is permanent, the nomination only being renewed from session to session. . . . In the same category are the committees on standing orders. . . . Occasionally a committee has been so called—not quite accurately—being re-appointed every session, as the Library Committee, now discontinued, and the Kitchen and Refreshment Rooms Committee.”

Nor would a compliance with the message be in accordance with the 8th Joint Standing Order; and, unless the Standing Orders were altered, he did not see how the House could agree to the message of the Legislative Assembly.

The PRESIDENT said he had listened to the remarks of the Postmaster-General, and he agreed with the honorable gentleman that it would be an infringement of the principles of the Constitution, and an infringement of the prerogative of the Crown, were the Houses, by resolution, to continue their sittings after the prorogation of Parliament. The effect of the proposal for continuing the committees during the recess just amounted to that. By the Constitution Act, and by the prerogative of the Crown as exercised over the Imperial Parliament, the right of closing the proceedings of Parliament rested with the representative of Her Majesty the Queen. If the House appointed those committees to sit from session to session, they might increase the number of committees, so that, in point of fact, the Parliament would sit irrespective of the Crown. It appeared to him to be a very dangerous precedent that was proposed, and one that nothing would justify the House in establishing: there was no law to warrant the Council in carrying into effect the opinions expressed in the message. It would be better, at any rate, to withhold their assent to the message of the Assembly until they were further enlightened—if the Assembly should choose to enlighten them. There was only one committee in England, the Elections and Qualifications Committee, of which the House of Commons took any cognisance, and which sat during the recess—as laid down in May’s “Practice of Parliaments.”

The POSTMASTER-GENERAL then moved—

That this committee do not concur in the concluding paragraph of the Legislative Assembly’s Message of the 31st ultimo.

The resolution was agreed to.

On the resumption of the House, the resolution was reported and adopted, and it was ordered to be transmitted to the Legislative Assembly with the following message:—

“MR. SPEAKER,

“The Legislative Council having had under consideration the Legislative Assembly’s Message of the 31st March, notifying the appointment of members of the Joint Library, Refreshment Rooms, and Parliamentary Buildings Committees, do not concur with reference to these appointments in the opinion of the Legislative Assembly,

that the functions of these committees should be held to continue until the appointment of their successors from session to session, because such continuance would be opposed to parliamentary usage, and would be an infringement on the Prerogative of the Crown.

“M. C. O’CONNELL,  
“President.

“Legislative Council Chamber,  
“Brisbane, 8th April, 1874.”