

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 9 JULY 1874

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the Civil Service of this colony should be conferred upon Queensland colonists, provided their education and conduct qualify them for the position.

2. That the foregoing resolution be transmitted to the Legislative Assembly for their concurrence, and from thence to be forwarded to His Excellency the Governor.

He remarked that the word "conferred" had been printed in the notice paper "conferred;"—whether his manuscript was used or not, he did not know, but he generally wrote distinctly. The motion spoke for itself. He must say that he felt very keenly upon the subject of it. With reference to the patronage exercised by the Government, he had known two or three cases in which great injustice had been occasioned; and there was, again, the late case of the Librarianship. Before, however, alluding to the latter, he might state that a first cousin of his own, an excellent officer, left a very remunerative position as an engineer in Canada, and came to this colony to join Mr. Fitzgibbon. He was employed on the railways of Queensland for seven or eight years, and he was looked upon as one of the first men in the service. When the railways were completed, he practised on his own account as a private surveyor, and was last employed at Stanthorpe. A telegram was sent to him by Mr. Stanley, the Chief Engineer of the Ipswich and Brisbane Railway, to come down at once; and so anxious was the Chief Engineer to get him that he guaranteed him six months' work, and nominated him resident engineer. The gentleman came down upon that offer, and surveyed the railway line to Oxley. He was looked upon by everyone in the profession as one of the best men in it. At the end of four months he received a short note from the Chief Engineer stating that his services would not be required after the end of the month: that was on the 20th current, or ten days' notice. He was naturally astonished; he was never found fault with. It turned out, upon inquiry, that the Minister for Works had happened to be in New South Wales, where he met with a friend who wanted to put his son in the service of this colony, and the Minister appointed the son to the vacant place on the Ipswich and Brisbane Railway thus conveniently made for the occasion. His (Mr. Fitz's) kinsman felt thoroughly disgusted that his services were so requited, and he was leaving the colony for New South Wales. It was monstrous to send to the other colonies for persons to fill appointments here, if there were men in Queensland fit for them. That was only a single instance; and he knew others. What did he find upon the office of Parliamentary Librarian becoming vacant? Several applications were made for the office; they were not approved of, and an advertisement in the newspapers invited applications from the other colonies. Upwards of fifty were received. He knew three applicants in the

LEGISLATIVE COUNCIL.

Thursday, 9 July, 1874.

Appointments to the Civil Service.—Bills Passed.—
Customs Duties Interpretation Bill.

APPOINTMENTS TO THE CIVIL SERVICE.

The Hon. H. B. FITZ moved—

1. In the opinion of this House, it is highly desirable that all appointments to vacancies in

colony: one was an M.A. of the University of Oxford, occupying a high social position; and the other was a gentleman who had sunk some thousands of pounds in the colony as a Maryborough sugar planter. The Reverend Robert Creyke was overlooked, and a stranger to the colony was about to be appointed. It was perfectly monstrous, and he (Mr. Fitz) had no hesitation in saying that the Government of the colony would be only doing their duty if they stepped in and prevented such an appointment being made. Honorable members knew Mr. Pugh as an old colonist, who had applied for the appointment. Although he was one of the sixteen who signed the letter stating that Mr. Pugh's appointment would be distasteful to them; he would much rather, to-morrow, see Mr. Pugh get the appointment at £500 a-year, than see a stranger from a sister colony occupying it at half the amount. He had no hesitation in saying, that a great injustice was about to be done. And, in order that it should not be repeated in future, the resolution which he proposed ought to be adopted by both Houses of Parliament. It was disgraceful to the colony, that it should seem that there was no person here to fill the office of Parliamentary Librarian. He trusted that his motion would be carried.

The PRESIDENT: Before putting the question, he must point out what he conceived might be considered a breach of privilege in the Council recommending to the Assembly, or directing the other House, to forward the resolution to His Excellency the Governor.

The Hon. H. B. FITZ: Perhaps there was something in what the President said. With the permission of the House, he should amend the motion, which might not then be amenable to objection, so as that it would read—that the resolution be forwarded to the other House for their concurrence, and “by address” to His Excellency the Governor.

The POSTMASTER-GENERAL: No doubt the resolution was perfectly sound in the abstract. At the same time, it might not be possible on all occasions to procure the services of a Queensland resident for a particular office. He advised the honorable gentleman to withdraw his motion. If he would not, the proviso—

The Hon. H. B. FITZ: It was not compulsory.

The POSTMASTER-GENERAL: The proviso might be—if Queensland colonists could be found capable of fulfilling the duties required. The other day, the Government advertised for applications from persons capable of filling the position of Engineer of Harbors and Rivers, and he did not think a single resident of the colony had applied for it. The resolution would do no good. The matter of the library was settled now, if that was the reason why the honorable gentleman had brought his motion forward.

The Hon. T. L. MURRAY-PRIOR: From the way in which the motion was worded, it might seem that any one voting against it—as he intended to do—wished that persons brought from other colonies should get the public appointments; but that the rule and the practice, as the Honorable Mr. Fitz very well knew, were different. If the honorable gentleman would only look around, he would find that the officers of the Civil Service were as a rule, colonists and the sons of colonists. For ten years that he (Mr. Murray-Prior) was at the head of the Post Office Department, he for one, always endeavored to bring into the public service young men, the sons of colonists.

HONORABLE MEMBERS: Hear, hear.

The Hon. T. L. MURRAY-PRIOR: He believed he might say that in all the other departments of the public service, it was almost the universal practice. Where gentlemen from other places had been appointed, they were the exception. The motion was not calculated to do any good whatever. On the contrary, it was liable to bring the House into ridicule.

The Hon. W. THORNTON said he could not support the motion. He objected to it on several grounds. In the first place, he did not think that the very grave and important duty devolving upon the Government of making appointments should be cramped by such a resolution as that proposed for the adoption of Parliament. If the Government made improper appointments, they were answerable for them to Parliament. Although he thought it was desirable that every encouragement should be given to native talent, yet the resolution was not the best way to ensure it. For himself, he believed that the youth of this colony might be more profitably employed, and they might provide better for themselves, than by entering the Civil Service; and it struck him that it would not be well for them to increase the many facilities for entering it. When a man entered the Civil Service his ambition was at an end, his aspirations were nipped, to a great extent. He might rise, perhaps, to a high position in the service; he might reach the top of the tree and become the head of a department; and even then he would not find himself at a giddy elevation. But he would have found, by that time, doubtless, that he had much to regret for not having turned his attention to some other mode of getting a living. There were some appointments, as the Postmaster-General had remarked, which could not be filled in the colony; for instance, the position of Surgeon-superintendent at Woogaroo. No doubt many doctors here thought they were quite competent to undertake that establishment; but, it was undeniable that to manage and treat the insane effectually a man must have had considerable experience of an asylum, and must be peculiarly fitted for the office—indeed, he must have undergone a certain amount of

special training. The resolution would put the Government in a difficulty in making the appointments to the Bench: there was a limited bar in Queensland, and it might be that the Government did not think there was a barrister fit, and found it necessary to look beyond the colony, for a judge. He did not know how far the resolution would affect the Government under such circumstances, or how far they would feel bound by it at any time. He was inclined to take the same view as the Honorable Mr. Prior in many respects. Every gentleman who had secured any eminence in the colony, had, most likely, relatives to advance to the public service, and colonists, or the sons of colonists, as a rule, were appointed. At the time of Separation, persons from other places got appointments; but they had come to settle down as colonists of Queensland. The resolutions might interfere with the privileges of Ministers. He did not see why the Council should interfere with the matter at all. One of the most important duties of Ministers was the making of appointments to the public service; and their main object was to get the best men, no matter whence they came. The exigencies of the public required that they should get the best men for the service, and to fill the appointments with the best men was of far more importance than to confine the selection to persons who were actually in the colony. He advised the withdrawal of the motion.

The Hon. A. H. BROWN: It would be very unadvisable that the Government should be restricted in many cases from sending to the neighboring colonies for talent, if that talent did not exist, or was not to be found, in Queensland. He should cheerfully and gladly prefer to see gentlemen belonging to the colony filling the public appointments, if they were suitable for them, and if their doing so would be advantageous to the country; but there were circumstances in which it might not be easy to pick a suitable man from amongst the colonists; for instance, the head of an important department such as that of the railways. He believed the late Chief Engineer was a resident of the colony, and was properly promoted. When it was considered that such an officer had to advise and direct the expenditure of large sums of money, his appointment might be a very serious matter. In fact, an ignorant man in that position might involve the country in a very considerable loss. If the Government were restricted from seeking proper men, and the loss was attributed to an improper appointment, they would not be to blame, but upon those who had framed the resolutions would the onus rest. He did not think that, as a rule, other than Queensland residents were appointed to the public service. From his experience, so much pressure was brought to bear upon the heads of departments—and other honorable members could say if he was right—that they could

not help themselves. He strongly advised the withdrawal of the resolutions. There was the appointment of a judge to be made. What could be more responsible and onerous? It was not possible that there could be got in Queensland a barrister whom the Council would be satisfied to see raised to the Bench. Why, then, should the Government be restricted in their choice in making such an appointment? He was glad the honorable member had altered the last line of his motion. If passed, it would have been very distasteful and uncomplimentary to the other House of Legislature. He should, most certainly, vote against the motion.

The Hon. J. TAYLOR said he differed from the Postmaster-General and the Honorable W. Thornton, and he should support the motion.

The Hon. W. THORNTON: He wanted a billet himself.

The Hon. J. TAYLOR: He should not object to that, if the pay was good. Still, at the same time, he hoped he should not require a Government appointment for any child of his! The Postmaster-General had said there were not in the colony men competent to fill some offices. That was all wrong. The colony had had some importations, and they had not turned out particularly brilliant. The talent of the colony should be encouraged: if there were appointments open, they should be given to the youth of the colony—to those who were born in the country. The Honorable Mr. Thornton stated that the moment a man entered the Civil Service, ambition was at an end. What position had he, himself, gained? He had risen to the very highest position! He had a large salary and a seat in the Legislative Council, and he was the head of an important department. Yet he talked of ambition abandoned and aspirations suppressed! Would he have done better in any other place? He (Mr. Taylor) denied the statement of the honorable member, which could not be believed in even by himself. He maintained that every boy who entered the service at £100 a-year expected to be head of his department before he died; and quite right too. He had no doubt that the resolutions were brought forward on account of the late appointment to the Librarianship. He was sorry that the House could not interfere with it. He thought it a great pity that the appointment was made. He hoped it would turn out better than most people expected. The resolution, if passed, would strengthen the hands of the Council: it would back them up. They were simply asked to be careful in making appointments. There would be nothing binding on them in any possible way; he wished there was something to bind them. He looked upon the late appointment as placing Queensland in the most deplorable condition. At the present moment boys and girls innumerable were growing up in the colony—because every couple married got

large families here;—and what was to become of those children unless encouragement was held out to them? There were no manufactures, no business here in which they could be employed;—nothing, except the public service. He hoped the Government would be careful to give their appointments, for the future, to those who were growing up in the colony. That would be right; and the principle of the resolutions was right. Go to the schools. Where he lived there were five schools, each attended by about 300 children—1,500 in all;—and, he asked, what was to become of those children, if something was not open for them? He trusted the motion would be carried, though it was not half strong enough.

The Hon. E. I. C. BROWNE: After what had fallen from the honorable gentleman who had just sat down, he did not see the value of the resolutions. The honorable gentleman said they would not bind the Government in any possible manner. Then what was the use of impeding them with resolutions, if their principle was abandoned? The resolutions were good enough in principle; and it was fair that, all things being equal, applicants belonging to the colony should have the preference to public appointments. But supposing that the Parliament passed the resolutions: what then? What would the Government say if the House took umbrage at any appointment they made? They would rely on the proviso, and say that it prevented them giving the appointment to a Queensland colonist:—

“Provided their education and conduct qualify them for the position.”

The Hon. H. B. FITZ: Get an honest Government, and it would be carried out honestly.

The Hon. E. I. C. BROWNE: Was it worth while for the Council to pass a resolution that the Government could just put on one side and laugh at?

The Hon. H. G. SIMPSON: Hear, hear.

The Hon. E. I. C. BROWNE: He perfectly agreed with the principle, that colonists and the sons of colonists should have the preference of Government appointments; that principle, it seemed to him, must be admitted by every reasonable man; but as the motion was framed, it could not bind the Government in any way.

The Hon. H. B. FITZ: It would be binding on an honest Government.

The PRESIDENT confessed that he did not like the Council to speak when their voice was not likely to be attended to. They had heard from his honorable friend, Mr. Taylor, that the resolution, if passed, would not bind the Government. It was quite useless for them to give their opinion, unless their opinion could command attention. It was useless to forward formally to the other House an abstract proposition, which they did not expect would be attended to, and

which they did not insist should be acted upon. If the Council expressed by resolution that they wished so-and-so, they ought to insist upon effect being given to their wishes, and upon their resolution being obeyed. Therefore, he did not wish the House to express an opinion that they could not command attention to. As was said by the Honorable Mr. Prior, it was the practice that the patronage of the heads of the public departments was bestowed upon the sons of the colonists. He was sure that he should always give it so, if he had patronage—which, he confessed, was always a great nuisance. The principle contained in the resolution was one that commanded his fullest sympathy. He had always in the course of his public career—and he should in future, if it occurred to him again to have patronage to bestow—given what assistance he could to those who were colonists of Queensland. But, as he had said, the resolution seemed to be an unnecessary expression of opinion in an abstract manner which it would be wiser to withhold. The motion ought to be withdrawn.

The Hon. H. B. FITZ: No; he would press it.

Question put, and the House divided:—

Contents, 3.	Not-Contents, 14.
Hon. D. F. Roberts	Hon. W. Wilson
„ J. Taylor	„ W. Thornton
„ H. B. Fitz.	„ F. H. Hart
	„ G. Harris
	„ E. I. C. Browne
	„ H. G. Simpson
	„ W. F. Lambert
	„ A. B. Buchanan
	„ T. L. Murray-Prior
	„ W. H. Long
	„ G. Thorn
	„ J. F. McDougall
	„ F. T. Gregory
	„ A. H. Brown.

Resolved in the negative.

BILLS PASSED.

The following Bills were advanced through all their remaining stages and passed:—

Crown Land Sales Bill;
Audit Bill;
Crown Remedies Bill.

CUSTOMS DUTIES INTERPRETATION BILL.

The House went into committee on this Bill.

The Hon. G. HARRIS moved that the first clause be postponed until after the consideration of the schedule.

The POSTMASTER-GENERAL: If there were some articles omitted from the schedule—and he granted that there were many—they were provided for by Schedule B of the Customs Duties Act of 1874. The Bill now under consideration could merely enact that certain articles enumerated in its schedule should come under the exemptions of the Customs Act, they being articles that there were doubts about. The articles mentioned by the

honorable gentleman yesterday would come under Schedule B of the Act. The Bill would not enact that only the articles mentioned in it would be exempt. Again, he urged that it was not competent for the Council to interfere with the Bill. The Assembly would look upon the interference of the Council as an infringement of their privileges; and that position was the weakest that the Council could take up. The two Houses of Parliament should not come into collision on a question of taxation. The Council had no more right to take burdens off the people than to put them on.

The Hon. W. THORNTON: There could be no doubt about the articles which had been mentioned by the Honorable Mr. Harris; they were undoubtedly machinery, and would come under Schedule B of the Customs Act. The Bill did not propose to repeal that Act, but only to specify articles about which there were doubts. If it should not pass, the Government, having had an expression of the opinion of the other House, would embody the articles named in the schedule, and most of those—not tanks—mentioned by honorable members of the Council in the Customs Regulations for the guidance of the Customs officers.

The clause was postponed, as was also the second clause. Then the schedule was put. The discussion of the question was renewed; and, at length,

The Hon. W. THORNTON asked for the Chairman's ruling on the question—Whether it was competent for the House to interfere with the Bill in any way, or to alter or add to the schedule?

The CHAIRMAN said he was asked whether it was competent for the House to interfere with the schedule to the Bill, or in any way to alter or add to it. The question was very indefinitely put.

The POSTMASTER-GENERAL: Definitely.

The CHAIRMAN: The House were in committee now. It was a question of great difficulty, and one which had often arisen and caused discussion between both Houses. He was of opinion that it was competent for the House to do so: the schedule could be amended.

HONORABLE MEMBERS: Hear, hear.

The CHAIRMAN: Of course, the honorable member would understand, if he differed with that ruling, that he could move the Chairman out of the chair, and put the question to the President.

On the motion of the POSTMASTER-GENERAL, the House resumed, and the Chairman reported the point of order that had arisen in committee.

The PRESIDENT said: The question submitted to me is—"Is it competent for this House in committee to interfere with the schedule to the Customs Duties Bill, or in any way to alter or add to it?"

The CHAIRMAN: "Correct."

The PRESIDENT: It is immaterial—"correct" or "competent:" correct is a word which is used, of course, with various interpretations. In answer to the question put to me, I can merely read the clause of the Constitution Act. We sit under a written Constitution, and the second clause provides:—

"Within the said Colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever. Provided that all Bills for appropriating any part of the public revenue for imposing any new rate tax or impost subject always to the limitations hereinafter provided shall originate in the Legislative Assembly of the said colony."

The proviso in that clause extends merely to the origination of all Bills "for appropriating any part of the public revenue, for imposing any new rate, tax, or impost," which "shall originate in the Legislative Assembly;" subject always to the provision which the other House are subject to in a subsequent part of the Act, that such appropriation shall be recommended to them by message from the Crown. Therefore, there is nothing to prevent this House dealing with any Bill, whether a Bill to appropriate taxes or otherwise, when before it; except its own sense of the most desirable mode of carrying on what is called Parliamentary Government. Parliamentary Government is carried on by maintaining a good opinion between these two branches of the Legislature. By our Standing Orders it is provided that in all cases not mentioned therein, recourse shall be had to the practice of the Imperial Parliament; and we know that, for a long number of years past, the practice has been—though I remind the Council that the House of Lords never has relinquished the right that we under our Constitution Act hold—to refrain from interfering with taxation. But, it seems to me that the Bill now under consideration is not one which need lead this House to abstain from dealing with it, if the Council in its wisdom thinks fit.

HONORABLE MEMBERS: Hear, hear.

The committee resumed.

The Hon. G. HARRIS moved the omission of the third line of the Schedule:—"Belting leather for machinery." The article was largely manufactured in the colony, and as good as imported; and all other kinds of leather paid duty.

The Hon. W. THORNTON: It was proposed to be admitted on the same ground as centrifugals for wool washing. The honorable member must put aside all feeling for protection.

At a later stage of the proceedings,

The Hon. G. HARRIS called attention to the state of the House.

The PRESIDENT took the chair, and ascertaining that there was "no quorum," adjourned the House.