

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 21 JANUARY 1879

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MESSAGE FROM THE GOVERNOR.

The SPEAKER announced a Message from His Excellency the Governor, forwarding the Estimates-in-Chief and Supplementary Estimates for the half of the financial year ending on 30th of June next.

On the motion of the COLONIAL TREASURER (Mr. Dickson), the Estimates were referred to Committee of Supply.

ELECTIONS AND QUALIFICATIONS
COMMITTEE.

The following members were sworn as Committee of Elections and Qualifications for the present session:—Messrs. Low, Kingsford, Persse, Beor, Morehead, Pater-son, and Macfarlane.

THE NEW MINISTRY.

Mr. McILWRAITH: Mr. Speaker,—I have to inform the House that, in accordance with the task entrusted to me by the Governor, I have submitted to His Excellency the names of six honourable members to form a Ministry; and I have no doubt that at a later hour of the evening I shall be able to announce the names of the new Ministry to the House.

The PREMIER (Mr. Douglas): In reference to what has just fallen from the honourable gentleman, I have to say that, after consultation with him, arrangements have been made for the preparation of a Supply Bill. My honourable friend, the member for Enoggera (Mr. Dickson), has prepared the requisite notices for getting this Bill through with all possible speed. I have nothing to add, except that I presume no business of importance will now be proceeded with beyond that to which I have made reference.

SUPPLY.

The COLONIAL TREASURER: In pursuance of the arrangement referred to, I beg to move—

That so much of the Standing Orders be suspended as will admit of the immediate constitution of the Committees of Supply and Ways and Means, and of the reporting and adoption of resolutions therefrom, on the same day on which they shall have passed in those committees; also, of passing a Bill through all its stages in one day.

Question put and passed.

The COLONIAL TREASURER moved—

That the House resolve into a Committee of Supply, and that Mr. John Scott do act as Chairman of Committees for this day.

Mr. McILWRAITH: Is it competent for me to move, as an amendment, that Mr. John Scott be appointed Chairman of Committees permanently instead of for this day?

LEGISLATIVE ASSEMBLY.

Tuesday, 21 January, 1879.

Member Sworn.—Message from the Governor.—Elections and Qualifications Committee.—The New Ministry.—Supply.—Election Petition.—Committee of Ways and Means.—Appropriation Bill.—Motion for Adjournment.—Government Business.—Joint Committees.—Cook Electorate.—Works on the Fitzroy River.—Chairman of Committees.—The New Ministry.

The SPEAKER took the Chair at half-past three o'clock.

MEMBER SWORN.

Mr. William Lambert Fowles presented himself, and having been sworn, took his seat as member for the Electoral District of Clermont.

The SPEAKER: I do not think such an amendment can be made without notice.

Question put and passed.

The House went into Committee of Supply.

The COLONIAL TREASURER, in moving That a sum not exceeding £300,000 be granted for defraying the expenses of the various departments for the financial year 1878-9, said: I wish to explain to the committee the position, financially, in which the country stands at the present time, so that honourable members may see that sufficient provision will be made, by voting this £300,000, to afford the new Administration adequate time to prepare their policy and to meet the House within a reasonable period. At the present time we possess in the Treasury, out of the appropriation which was granted last session, an unexpended sum of £148,000. This possibly may be reduced by the end of the present month, when the heavier payments of the month have to be provided for, to £100,000; so that the new Administration will have the control of that unexpended balance—£148,000—in addition to the £300,000 for which I now propose to ask this committee. The Estimates which are this day laid upon the table of the House will show that for the second half of the financial year 1878-9 the sum of £572,000 will be required to provide for expenditure up to the 30th June next. It will therefore be seen that the sum now asked for, together with the unexpended balance, will be more than sufficient to provide for the greater portion of the present half-year. As these matters may be referred to hereafter, I will place the Treasury Statement I have had prepared for the purpose of the present explanation, on the table of the House, for the convenience of honourable members, and to show how the unexpended balance of £148,000 is produced. I make this statement that honourable members may understand that we desire to provide the incoming Administration with sufficient funds, so that they may be perfectly unembarrassed in conducting the financial business of the country during the next three months, in forming their policy, and meeting the House within a reasonable time.

Mr. McILWRAITH: Mr. Speaker,—I am aware that there was an understanding in the last Parliament, that when the House met in January of this year it would be simply for a temporary session, in which very little business would be done beyond trying the strength of parties, and that the House would then adjourn until the time it usually meets, which has generally been about the commencement of May; and as I do not intend to meet the House before the end of April or the beginning of May, I at first considered that the proposal now made by the Treasurer—to grant only

£300,000—too little; but since I have gone into the matter with him, and have seen the statement by which it is shown that there is £148,000 appropriated which has not been expended, I think that, with the £300,000 now asked for, will be sufficient to carry on until Parliament meets again. I must remind the Treasurer that when he says £572,000 was the amount required for the first half of the financial year, that the Supplementary Estimates are not included in that. However, I am satisfied with what is now proposed.

The COLONIAL TREASURER: I may add that the total amount I would have asked for, supposing I had continued to act in my present position, would be £572,987 on the Estimates-in-Chief for the last six months of 1878-9; also £27,118 for the Supplementary Estimates No. 1 of the same financial year; making a total of £600,105—so that the £300,000 now granted represents an exact half of the appropriation required to be made for the services of the present financial year; and in addition to that, there is £148,000 of appropriation which has not been operated upon.

Mr. PALMER: I think, sir, the honourable the Colonial Treasurer has assumed a *role* that he is not entitled to. The out-going Ministry is bound to give Supply to a new one; and I do not think the style in which he said the Government are prepared to give Supply to the in-coming Ministry is justified. We are entitled to it. In my experience it has always been the custom for an out-going Ministry to give to the in-coming Ministry any Supply they asked for. I know that when I went out of office, Mr. Macalister got every shilling he asked for.

The COLONIAL TREASURER: No, no.

Mr. MOREHEAD said it was not the Government that granted Supply, but a majority of the House; and he, like the honourable member for North Brisbane, was struck with the remark made by the honourable the Treasurer, that "he" would give Supply when a majority of the House had a perfect right to demand it.

The MINISTER FOR WORKS (Mr. Griffith): The honourable member for North Brisbane says that an out-going Ministry should always give a new Ministry Supply, and no doubt they should; but that they should give them any Supply they ask for, is another thing. I have before me the speech made by that honourable gentleman when he represented an out-going Ministry under circumstances analogous to the present. He then said:—

"The House must be aware that there is, at present, no money voted to carry on with, and that some must be forthcoming before the end of the present month. I am quite prepared, therefore, whoever may be appointed our successors, to grant them three months' Supply, say

£150,000, or any other sum in reason, to enable them to carry on until they can again meet the House. I am quite prepared to do that, and honourable members must know that they could not obtain supplies otherwise, for the very moment they take office they must vacate their seats in this House, and without the assistance of the Opposition no supplies could be had. I shall be quite prepared to do, tomorrow, what I have stated my willingness to do to-day. Whilst saying that, as we are carrying on office until our successors are appointed, I may add that I am quite prepared, whoever may be chosen as Premier, to carry any reasonable vote, not exceeding £150,000, for that purpose."

They then voted three months' Supply, and on all previous occasions three months' Supply has always been understood as the amount that should be asked for.

Question put and passed; and the House having resumed, the Chairman obtained leave to sit at a later period of the day.

ELECTION PETITION.

The PREMIER, by command, laid upon the table a petition from William Graham, respecting the election for Darling Downs, which was referred to the Committee of Elections and Qualifications, the first meeting of which was fixed for Thursday next.

COMMITTEE OF WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, the House went into Committee of Ways and Means.

The COLONIAL TREASURER moved—

That in order to make good the Supply granted to Her Majesty for 1878-9, the sum of £300,000 be granted from the Consolidated Revenue of Queensland.

Question put and passed.

The resolution was reported to the House by the Chairman, and adopted.

APPROPRIATION BILL.

The COLONIAL TREASURER obtained leave to introduce a Bill to give effect to the foregoing resolution.

The Bill was brought in, passed through all its stages without amendment, and ordered to be transmitted to the Legislative Council for their assent, by message in the usual form.

MOTION FOR ADJOURNMENT.

The PREMIER: The business of the day having been, so far as this House is concerned, completed, I beg to move, sir, that you do now leave the chair for an hour, in order that the Bill which has just been passed may be considered in another place. I do so with the firm conviction that it would be undesirable, under existing circumstances, to proceed with any of the

business on the notice paper. I hope honourable gentlemen opposite will concur in that view.

Mr. McILWRAITH: It is the invariable custom of the House of Commons, on first going into Committee of Supply, to appoint a Chairman of Committees for that Parliament. It is laid down in "May":—

"At the beginning of a new Parliament the first business of the Committee of Supply is to elect a Chairman, who, when chosen, continues to preside over that committee for the remainder of the Parliament."

I think we ought to have followed that practice, and elected a Chairman of Committees, on a notice of motion given by a member. There is another reason why we should proceed with the election of the Chairman of Committees at the present time, and that is that whatever member is elected to the office, he will have quite enough work to do to become thoroughly acquainted with his duties before Parliament meets at the usual period; and it is only fair to give that honourable member enough time to become thoroughly acquainted with those duties. Without wishing to reflect on the late Chairman of Committees, I feel bound to say that within the last five years we have experienced considerable inconvenience from the fact that the Chairman has been placed in the chair without sufficient knowledge of the duties he was required to perform. It is only fair, therefore, that the Chairman of Committees should be allowed the whole period during which Parliament will be in recess to enable him to get well posted up in the duties appertaining to his position. This, as I said before, is the custom of the House of Commons, and has always been the custom here; it was only broken through when Mr. Macalister came into power, and that was simply because that gentleman's Government was strong enough to let the appointment stand over. There are two notices of motion on the paper at present respecting the appointment of Chairman of Committees, and in order to have that question settled at once, I shall oppose the motion of the Premier.

The MINISTER FOR WORKS: There is no analogy between the practice in the House of Commons and of this Parliament. The appointment here is regulated by Standing Order 123, which says:—

"A member shall be appointed Chairman of Committees of the whole Assembly, and when so appointed he shall continue to act as such Chairman during the continuance of Parliament, unless the Assembly shall otherwise direct."

It is usual before any Parliament proceeds with business, that there should be a Government before it, possessing the confidence of the House. At present we

occupy the position of holding office until our successors are appointed. The honourable member for Mulgrave has informed the House that he has sent in a list of names to His Excellency the Governor, and that he merely wants the necessary action of granting supplies before coming into office. The formation of a new Ministry ought not to be delayed one moment longer than is absolutely necessary, because there is most important business waiting to be transacted in the several departments of Government, which we are not in a position to touch, and every hour's delay is of consequence. The honourable member has undertaken the responsibility of forming a Government, and informs us that he has formed one, and yet he has adopted the very unusual course of taking part in official business without its responsibilities. He ought not to have taken any part in debate at all. This has only been done once before, five years ago, and it was severely animadverted upon by the honourable member for North Brisbane, who was then Colonial Secretary. It was admitted on all sides that Mr. Macalister made a mistake in coming to the House under circumstances similar to those in which the honourable member for Mulgrave is now placed, although he only came in to make an announcement in almost the very words used this afternoon by the honourable member for Mulgrave. On that occasion the honourable member for North Brisbane (Mr. Palmer) said:—

"I think, sir, this is straying a long way from the usual course. I never before heard it announced in the House by a member that he had accepted office. In fact, I do not think the honourable gentleman has any business in the House. It is beyond all precedent. In every instance where I have known a change of Ministry, it has been announced to the House by some member of the party; but I never knew an honourable member who had accepted office to come into the House until after he had been re-elected. I think it is exceedingly improper, and a very dangerous innovation."

I believe every member of the House agreed with those remarks, and even Mr. Macalister himself tacitly admitted that he had committed a mistake by merely formally coming into the House.

MR. McILWRAITH: When did he admit it?

THE MINISTER FOR WORKS: I believe the honourable member himself, who, as well as myself, had something to do with Mr. Macalister's Government, knows very well that he tacitly admitted it. The honourable member appears to wish to assume the responsibilities of office before being sworn in. The honourable gentleman at the head of the Government has intimated that in accordance with the usual practice he will not proceed further with the business on the notice paper, and

yet the honourable member proposes to go on with such an important piece of business as the election of a Chairman of Committees who shall continue in office for the whole of the present Parliament. There is certainly no precedent, and every principle of constitutional Government is against it. We are the Government *de facto*. We have no business to remain on these benches for one moment more than is absolutely necessary, and the honourable member for Mulgrave has no right to be in this House; it certainly is most improper of the honourable gentleman, after having agreed to accept office, that he and his future colleagues should take part in the proceedings of the House; it is improper, I repeat, and a remarkable way for a new Government to take office. The honourable gentleman may think himself strong enough to carry his views, and may exert his power to enforce them, but he has had enough experience of political life to know that the abuse of power never leads to its continuance; and I venture to say that, whatever proceedings he may now take in regard to the appointment of Chairman of Committees, his conduct will be animadverted upon by the Press of the whole of the colonies, and every gentleman who will be able to form an independent, unbiassed judgment. The course proposed is entirely unprecedented; the honourable gentleman, according to the spirit of the constitution and to the unvarying practice of the House, has no right to do anything in this Chamber until he has gone before his constituents. We have endeavoured to meet him in every way, and I trust that he will reconsider his determination. The attempt of the honourable gentleman to usurp prematurely the functions of Government will only lead to his disaster. We wish him to have every chance to carry on business, but I do most sincerely protest against the course which he purposes taking. I see a notice of motion on the business paper from Mr. Douglas that Mr. Tyrel be appointed Chairman of Committees; such a notice is usually given by the head of the Government. On the next day Mr. McIlwraith gave notice that Mr. William Henry Groom should be appointed Chairman of Committees. When that motion comes before us we shall probably hear more about it, for, as far as I can understand, the honourable gentleman does not wish to go on with it, but simply to move it, so as to enable some other honourable member to move an amendment upon it. That is a most unusual course to pursue. If the honourable gentleman were at the head of a Government which was in power, and if he intended to withdraw such a notice of motion so that some other honourable gentleman might be nominated, the ordinary practice would be to

give a fresh notice. Moreover, the election of Chairman of Committees is usually made a party question, and I believe that on this occasion it will be so treated. For a party question to be brought on after the Government has resigned, after the new Government has been virtually formed, and after the out-going Government has endeavoured to assist its successors so far as to pass an Appropriation Bill, is not only unusual, but objectionable in every possible point of view. The idea seems perfectly preposterous. If the honourable gentleman persists in carrying it out, I believe he will afterwards regret it. I hope he will allow the usual course to be taken. Although honourable members on this side are in a minority, the Appropriation Bill was passed with the understanding, on this side of the House, that no more business would be taken after it. The honourable gentleman may have a majority who will go beyond this understanding, and thrust an adverse motion down the throats of the minority under these extraordinary circumstances; but he certainly would not have got the Appropriation Bill passed in the easy manner that it was, if it had been known that an attempt would be made to go on with a party question. I repeat that the honourable gentleman has no right to go on with the appointment of Chairman of Committees under the circumstances, and that he obtained the Appropriation Bill under what I will call—well, a misunderstanding. I will further say this, that it will be a very unfortunate beginning for a new Ministry to treat the minority in the way suggested.

Mr. McILWRAITH: I cannot conceive how it can possibly be said by the Minister for Works that an understanding existed. I told the Minister for Works and the Premier—and the Colonial Treasurer was present, I believe—that I intended to go on with the appointment of Chairman of Committees to-day. The Minister for Works asked me not to do so, saying that there would be a row. I asked the Premier to move his own motion, and he refused to do so. To say, therefore, that there was an understanding by the House, is incorrect.

The MINISTER FOR WORKS: I did not say so.

Mr. McILWRAITH: What did the honourable gentleman say then? He said there was an understanding that no more business was to be taken after the Appropriation Bill had been passed.

The MINISTER FOR WORKS: I said that the understanding was on this side of the House.

The PREMIER: The honourable member for Mulgrave has referred to communications which took place between us. He was well aware that the appointment of Chairman of Committees would be a sub-

ject of contention, as he has stated, but he also said that the Appropriation Bill would be a matter of contention. He said he was not satisfied with the amount the out-going Government intended proposing, and that he would move an amendment. Wiser counsels, however, apparently prevailed in respect to that matter, and I hoped, after the Appropriation Bill passed without amendment, that in regard to the appointment of Chairman of Committees similar good counsel would be given. I hope the honourable gentleman will think better of it, and that an acrimonious discussion, such as is likely to arise if this matter be proceeded with, will be avoided.

The Hon. R. PRING: I am not disposed to take the dictum of the honourable Minister for Works as to the proper course to be pursued. If he is a Triton amongst minnows, or a Solon to lay down the law, I claim the right to raise my voice against his judgment. Is this House not to exercise its inherent right to appoint one of its officers because the honourable gentleman asserts that it will be made a party question? The Chairman of Committees is as much an officer of the House as you are, Mr. Speaker, and, whether his appointment be made a party question or not, this House has a right to say before any adjournment takes place that all its officers shall be chosen. If there is to be contention over this matter, let there be, but the officer should be appointed. What will be gained by the non-appointment? On what political principle—on what ground is the postponement justified? The honourable gentleman says there is no precedent for the course now suggested. Has he ever shown any against it?

The MINISTER FOR WORKS: Yes.

Mr. PRING: The Standing Orders quoted by the honourable gentleman contain no reference to the appointment of Chairman of Committees under such circumstances as now exist; they suppose that this House is rolling along in the ordinary course of its business without any dissension or quarrel. They never supposed the extraordinary circumstances which are going to arise; they could not provide for everything, and when extraordinary circumstances arise, this House is the tribunal to decide the course of action that should be followed. I claim the inherent right of this House, independent of the *ipse dixit* of the Minister for Works, and the speech of the honourable member for Mulgrave, to proceed instantaneously with the appointment of Chairman of Committees, if it can be carried by a majority of the House.

Mr. THOMPSON: If we are competent men at all, we are competent to appoint the officers of the House, and to do so is not exercising the functions of Government in any way. It has been the practice hitherto

to make the appointment of Chairman of Committees a party question. Why it should be so I cannot say. The matter has gradually drifted to that; the loaves and fishes which the Government has at disposal are few, and therefore, I presume, it has been found necessary for the Government to assume the *role* of making the appointment of Chairman of Committees a party question. If we look at the principle—and the practice of the House of Commons, it is not treated in that light. I understood that the Premier wished the matter to be considered irrespective of party, and that the best man should get the place. We want a good man to fill it, as the experience of the last two sessions has shown, and the sooner we proceed with the appointment the better, so that the honourable member chosen may have the recess during which to make himself fully acquainted with the duties of the office.

MR. BELL: May I ask, Mr. Speaker, whether it is competent for me to move an amendment on the motion before the House?

THE SPEAKER: The only amendment which can be moved on a question of adjournment is one as to time.

MR. BELL: In regard to the merits of the question under discussion, I am very much of the opinion that, if the practice of the House of Commons has been to exclude the members of the in-coming Government, we should, from the experience of the past obtained in this colony, adopt as a precedent that which we have found to be more convenient than the practice existing in the House of Commons. The very discussion that has taken place this afternoon shows that the practice of the House of Commons is not a convenient one. Supposing the out-going Government had thought proper to oppose a sum of money being granted to their successors, nothing could have been more inconvenient than the absence of the prominent members on this side of the House. This side would have been at a disadvantage by their absence. I am very much inclined to believe that the precedent which this House formed during the in-coming of the last Macalister Government is far more convenient, and I am very glad that this discussion has arisen. I hope that the precedent formed by the Macalister Government will be adhered to, and that we shall never find any member of this House excluded for a single hour. What advantage would it be for these honourable members to go outside the bar of the House? It is a form and ceremonial, originally introduced, no doubt, for some good object, but our experience shows that it would be far more convenient that we should have the presence of the members of the in-coming Government.

MR. A. H. PALMER: I have listened with amazement to the speech of the honourable Minister for Works, in which he con-

tended that the members of the in-coming Government have no right to be here. It is strange that he did not take up that line of argument in 1874, when Mr. Macalister came into power. I believe a change has come over the spirit of his dream since then. I thought I was right then in taking exception to Mr. Macalister's conduct, and I think so still; but the other side having established a precedent, and it having been turned into use, we should be the greatest dullards if we did not also avail ourselves of it and learn a little wisdom from our enemies. It is very little that they have shown us, and we have a perfect right to take advantage of it. We have a right to be here, not being men who have accepted office. Certain names have simply been submitted, and further than that the matter has not gone. What then becomes of the argument of the Minister for Works? With respect to the Chairman of Committees, the Minister for Works knows that the majority have a right to elect that officer when they like. It was shown by the Premier giving notice on the first day of the present session. Ever since I have been in the House the appointment has been made a party question, and the Minister for Works knows this very well. The dominant party always made the appointment. We are the majority, as it happens; and have a perfect right to make the appointment. As for the argument that it would be assuming the functions of Government, any member of the House has the right to move the appointment of the Chairman of Committees. The Minister for Works ought to be ashamed to use such an argument. How are we assuming the functions of Government? I never heard such a weak speech, and I have listened to a few from the honourable member.

THE PREMIER: I rise to reply, and regret very much that the honourable member for Mulgrave has not pursued the course which I pointed out as the proper one—and the one of sound sense and sound constitutional practice. What is he doing? His first act indicates that he is going to govern by force. There are hundreds of things which we might do within our Constitution which we should never dream of doing, because it would destroy the Constitution. Carrying the honourable member's principles to a logical conclusion, and if he were determined to carry out the threat he employed this morning, what should we have seen? It is quite possible that we should have seen the indecent spectacle of our sitting here for a week, fortnight, or three weeks. There was nothing to prevent the Opposition—believing that they were right in their present position—forcing this House to sit for even weeks and months during a ministerial crisis. The honourable member informed us a few minutes ago that he had undertaken the construction of a Government, and that

it was probable he should succeed. I say, therefore, that his duty was not to bandy words with us—not to fight us. As a first act in the construction of the Government, he is attempting to force upon us his mere will before he has any right to do so. It is the greatest mistake for him to commence his Government in this form, when he is governing by a majority, and to force his will against the wishes of even a minority. I could enumerate many instances of powers which, if exercised, would destroy constitutional Government. We should be animated by the soul and spirit of constitutional Government, and not by the dead letter. I hope that the honourable gentleman will think better of this. He has placed upon the notice paper a proposition which must necessarily raise a great deal of discussion. Is that desirable at this moment? It is his duty to transact the business devolved upon him as equitably as possible. We have not exasperated him, but have done everything in our power to facilitate business. Surely the honourable gentleman does not wish to drive us to extremes; yet it may come to that if he means to have his way. The reason he has assigned for proceeding with the appointment of Chairman of Committees is that the gentleman whom he wishes to appoint should have some little time to learn his duties. We, know as a matter of fact, that though he has given notice that he will move the appointment of Mr. Groom, that motion will not be pursued. I understand that Mr. John Scott is the gentleman who will be nominated by honourable members opposite. Are we to be told that Mr. Scott does not know his duties? He understands them as well as, if not better than, any honourable member in the House; and that argument will not therefore hold good. I hope the honourable gentleman will not press his affirmative resolution in the direction indicated, and that we shall be permitted to complete the formal ceremonial quietly, it being all that we should deal with after the vote pronouncing against the Government. Surely the honourable gentleman does not wish us to sit here for days. I do not mean to say that we shall be driven to that extreme course. Rather than do so, and having regard to the forms and proceedings of Government, I should not give my sanction to its adoption; but I say that there is still time for the honourable gentleman to think better of it, and that, as he may still retreat with honour, he should do so.

Question of adjournment put and negatived.

GOVERNMENT BUSINESS.

On the notices of motion—Government business—being called,

The PREMIER said he simply wished to reiterate that he did not propose to proceed with any important business under existing circumstances.

JOINT COMMITTEES.

The Order of the Day for the consideration of the Legislative Council's message was postponed till the next sitting.

COOK ELECTORATE.

On the motion of Mr. COOPER, the consideration of this notice of motion was postponed till the next sitting day.

WORKS ON THE FITZROY RIVER.

Mr. NORTON moved, That there be laid upon the table of this House, a Return showing—

1. What amount of money has been expended in deepening the Fitzroy River previous to Mr. Nisbet's report thereon.
2. How much has been expended up to the present time on the works recommended by Mr. Nisbet.
3. What amount will probably be required for completion of said works; also Mr. Nisbet's report upon Keppel Bay and the Fitzroy River.

Question put and passed.

CHAIRMAN OF COMMITTEES.

Mr. McILWRAITH: I must say I have been very much surprised at the line of conduct pursued by the Government in dealing with the motion of adjournment; but I am not surprised to find that the views held by the Premier and the Minister for Works on the subject are diametrically opposite. The Minister for Works contends that the appointment of a Chairman of Committees cannot possibly be removed from the arena of party warfare.

The MINISTER FOR WORKS: I did not. Mr. McILWRAITH: The action of the Premier, however, has been quite different, as it was only a few days ago that he brought forward a motion for the appointment of Mr. Tyrel; and he then exerted all his influence not to make the appointment a party question. Had he succeeded in convincing a sufficient number in favour of the candidate he brought forward, the House would have heard very little of the leader of the Opposition employing his functions wrongly, as I have been accused by the Minister for Works of doing. The Premier would have employed his functions in exactly the same way, with a view to carrying through his candidate. I contend we have a perfect right to proceed with the appointment, and that it is the rule, according to all custom, that the notice of motion should be given as it has been. The practice here is that the Chairman of Committees shall not be elected on the first opening of the Committee of Supply. I am satisfied that is the proper way to conduct the business, and at the time I came to this determination, and first intimated to the Premier that the question

should be decided now, before the House was adjourned, my argument stood perfectly sound. As a rule, the gentleman who is elected Chairman of Committees has not acted in that capacity before, and therefore I made arrangements to bring on the subject at once. The party I then proposed—Mr. Groom—was quite new to the duties, and it would have required two or three months to coach him up and make him efficient. The notice of motion was given at the request of Mr. Groom, and in accordance with the rules of the House; but I have since received an intimation from Mr. Groom to the effect that he would not accept the position of Chairman of Committees. It will therefore be competent for any member of the House to move an amendment to my motion which I shall bring forward, not expecting it to be carried, but because it is the only regular way of bringing the subject before the House. I therefore move—

That William Henry Groom, Esquire, be appointed Chairman of Committees of the whole Assembly.

THE MINISTER FOR WORKS: I am very sorry that the honourable member for Mulgrave has persisted in bringing on a party motion under the present circumstances. It is all very well to say there is a difference of opinion between me and the gentleman who is still at the head of the Government; but what I said was that it was well known that this would be a party question, and not that the election should necessarily be a party question. I remember an occasion when the head of a former Government moved that Mr. Pugh should be Chairman of Committees, and Mr. Thompson was elected on the motion of a member of the Opposition. Then it was not considered a party question, but this year the honourable member knows that it is intended to make it a party question. If it is an improper thing for an honourable member who has accepted His Excellency's command to form an administration, and has formed one, to bring forward a motion for an appointment of this kind, it is more improper when he says that he has brought it forward, not with the idea of its being carried, but that some other member may be proposed of whose election no notice has been given to the House. Members of the House who might have been present had they known of this intention should be allowed an opportunity of being present and having a voice in the matter. The course taken is a violation of all precedent and principle, and violations of precedents do not do good to anybody. Violations of custom in mere matters of form no one is more willing to assent to than I am; but it is a violation in a matter of substance for an honourable gentleman to come into this House after having accepted

His Excellency's command, and take up a position as leader of the Opposition. The only position the honourable gentleman has any right to, after accepting His Excellency's command, is that of leader of the Government. The honourable member for North Brisbane has come round to the conclusion that he was wrong in 1874, and says that Mr. Macalister set the example for the present proposed course of action. I admit that Mr. Macalister set the comparatively innocent example of coming into the House, but it was only to say that he had accepted His Excellency's command.

MR. PALMER: Nothing of the sort.

THE MINISTER FOR WORKS: When the honourable gentleman contradicts me on matters of that sort, he is usually wrong. I will again read Mr. Macalister's words:—

"I have to announce to the House, sir, that in consequence of an invitation I received yesterday afternoon from Government House, I waited upon His Excellency the Governor, by whom I was commissioned to form a Ministry. I have, to-day, submitted to His Excellency a list of names, and I have again to wait upon him at half-past four o'clock. I would therefore suggest, sir, if it be not asking too much, that you leave the chair for, say, one hour. I think by that time I shall be in a position to announce to the House the names of the members of the Government."

If that precedent had been followed, no one would have objected. The honourable member for North Brisbane then said that Mr. Macalister was wrong, but now he says the precedent should be followed. Mr. Macalister, however, did not attempt to carry a party motion. Did anyone ever hear of a party who had been successful in carrying one want of confidence motion bringing forward another? My only wish at the present time is that honourable members on the Opposition side of the House should be free to vote according to their convictions in this matter. Party feeling there may be strong to-day, but honourable members know in their hearts that I am right. In the first place, I will ask, What is the Chairman of Committees wanted for? No other business can possibly come before the House, and there is therefore nothing on earth for a Chairman of Committees to do. The House cannot resolve itself into a committee until it meets again.

MR. PALMER: What is there for the Speaker to do?

THE MINISTER FOR WORKS: It is necessary to elect a Speaker in order to carry on the business of the House. If this motion is carried, it can have only one possible result, namely, the salary will be drawn during the period of the adjournment. The Constitution, again, provides that all the members of a new Government shall submit themselves to their constituents. I remember that on one occasion when the members of a Government went

before their constituents, none of them came back, or at least, only some of them. The result of that was that the Government never met the House at all. What a remarkable thing it would be if the party who have obtained a majority against the Government on a want of confidence motion, were to force this present vote against all precedent and principle and never meet the House as a Government. The consequence would be that this most unusual and improper course might be followed by the more unusual but not improper course of giving notice to rescind the motion of this day. If the motion were now passed under sudden circumstances of heat, the House in coolness afterwards might think proper to rescind it; so that very little would be gained by the motion. On two or three occasions similar to the present, Governments have been defeated at the opening of the session, but on neither occasion did it occur to anyone to take such a course as is now proposed, and, no doubt, such a course would not now be proposed had not circumstances arisen which led to the notice being placed on the paper. In 1870, an amendment on the Address in Reply having been moved, the Government retired, and the House was prorogued before a new Ministry was announced. On that occasion there was not the slightest doubt that if the honourable members in opposition had tried to elect a Chairman of Committees, they could have done so. In 1874, Mr. Macalister could have done so, but nothing of the kind was done. The honourable member may persist in his motion, and he may succeed or may not. If he does succeed, I venture to say that it will not be very long before he will rue it. If the honourable gentleman values his position in this House and the country, he ought to know that it is desirable to get public opinion in his favour, and he is hardly taking the right steps in that direction. The honourable member has proposed Mr. Groom for the position, but he has not given any reason in support of the motion. Some honourable members will, at least, like to know how that notice of motion got upon the paper; and others are curious to know why that honourable member is not in his place to-day. The honourable member says now, that he moves the motion, but does not intend it to be carried. Is he already tired of his new associate?

MR. MOREHEAD rose to a point of order. He was not aware that a Chairman of Committees was by virtue of his office the associate of a Minister.

THE SPEAKER: There is no point of order.

THE MINISTER FOR WORKS: I will ask, then, whether the honourable gentleman is tired of his new ally? We were lately told that the Downs party have all joined

the honourable member for Mulgrave. Has that little combination—the coalition of two distinct antagonistic parties in the colony, to which I so recently alluded—already broken up? For my own part I should have been very glad to have seen this change of Government take place as friendly and amicably as it could be; but it seems now as though it would give rise to a large amount of ill-feeling. I am surprised that the honourable member for Leichhardt should consent to be made the vehicle for a discussion of this kind. I rose with the intention of moving an amendment, but will allow some other member to do so. The motion, however, will not be allowed to go to a division if the honourable member insists on pressing it without something more being said on the subject. The honourable member for Fortitude Valley has made a speech, in which he states that he will not follow my dictum; but I have not asked honourable members to follow any dictum of mine, but to follow the dictum of their own consciences. It is well known that any honourable member has a perfect right to move whatever he likes; the only thing improper is, that a member who has received His Excellency's commission to form a Government should take part in party warfare when, as a matter of fact, the Government ought to be out of office. We have tendered our resignations and are anxious to go out of office. The honourable member's motion now is to appoint an officer who will be of no earthly use for the next three or four months.

MR. BELL: I agree with my honourable friend, the member for Mulgrave, in the course he has pursued in reference to the question of the appointment of a Chairman of Committees. I think it is his duty, at this time especially, to make the best use of the majority which he finds at his back; and I think he would be neglecting his duty if he did not make every use of the position in which he now finds himself. He may look forward, on our return to Parliament after the recess, to a different state of things. It is quite possible that his position may not be so suitable for the appointment of the officer as it is to-day. Honourable members on this side expect that he will use every legitimate means in his power to put in force our position as the majority of the House to-day. Therefore I agree thoroughly with the course he has adopted on this occasion. It is now my agreeable duty to move, as an amendment, that Mr. John Scott, one of the honourable members for the Leichhardt, be appointed Chairman of Committees of this House. It is my agreeable duty to undertake this motion, not from any personal feelings I entertain towards Mr. Scott, but more because he has given us warranty of his thorough ability to carry out the functions of the office he has accepted.

And I think that, when we look back at the time when the honourable member for the Leichhardt held office as Chairman of Committees in the House, it shows he was capable of performing his duties satisfactorily, and that he invariably carried out what he was required to do. I well recollect that Mr. Scott invariably did his duty, and therefore I should be employing unnecessary words if I alluded any further to the honourable member's fitness to fill the position. I therefore move, as an amendment, that the name of Mr. John Scott be substituted for that of Mr. W. H. Groom as Chairman of Committees.

MR. PRING: I also cordially approve of the nomination of Mr. John Scott as Chairman of Committees of this House, for he is thoroughly fit to take the management of those committees. And I concur in the reasons given in favour of the honourable member by the last speaker. I have sat in the House during the session, or two or three sessions in which Mr. John Scott was in the chair during the Palmer administration, and I can testify to his fair and just rulings. Therefore I am glad to second his nomination. And now I have something to say to the Minister for Works. I have been in this colony a good many years, but I do not think that my memory is much worse now than it was twenty years ago. I never remember any members being sent for by the Governor to form a Ministry who went to their constituents and were all rejected, and the Ministry could not be formed; but I do recollect that Mr. Herbert and Mr. George Raff were appointed two members of the Executive Council, and Mr. Dalrymple, Mr. Mackenzie, and myself were appointed to form an administration, for the time being, and in that way we went before the constituencies. I lost my election at Ipswich through a gentleman called Reed—who turned out very badly afterwards—and the Governor afterwards accepted the resignations of all. I happened to cross the honourable member for Dalby posting down to Brisbane—after I had been defeated at Ipswich—and found on my arrival a Ministry already formed. In fact, I was made the scapegoat. That is the only time I ever recollect any such circumstance as that alluded to by the Minister for Works. There is another matter to which I wish to refer, and I take this example. It is perfectly clear, or if not it ought to be, to the Minister for Works, that the out-going Government are bound in honour no less than as a matter of duty from which they cannot go, to perform certain things or a certain amount of work necessary for the good constitution and good carrying on of the public business. Having held office for four or five years continuously, they are bound in duty to facilitate in every way the business of the

country, and to place their successors in such a position as will permit or enable them to carry out the ordinary work of the government of the colony. Now their first business when Parliament met, after the honourable member for Mulgrave had accepted office, was to put them in a position to carry on that business, and to find the money. This has been done, but it is useless for the Premier to talk about what might have been done. Had he refused to supply the money, he would have been scouted. They were bound to ask for that money, and then, when that was done, what can be more natural or more proper than that the House should exercise its right to appoint its own officers? It does not matter, as I take it, whether the money vote has been passed or not, but that there is an actual necessity for the appointment of a Chairman of Committees no one will deny. That is a matter which is not to be got over by any argument, and I hope that it will be so taken.

THE PREMIER: I regret that the course which the honourable gentleman has thought fit to adopt should have been taken by him. In alluding to the candidature for the Chairmanship of Committees, it would have been wiser for him to have abstained from forcing the matter to an issue. It is rather a humiliating spectacle to see at the present time an honourable gentleman now in the act of forming a Ministry imposing an affirmative resolution in this form, having already intimated to the House that the gentleman mentioned in it has requested to be withdrawn from the candidature. The prominent position the honourable member for Mulgrave now holds should have deterred him. The knowledge that Mr. Groom does not intend to come forward as candidate for Chairman of Committees—and it was generally known to others besides the honourable gentleman—should have deterred him, and it does not redound to his credit, and does not presage a wise course of action. The honourable gentleman should never have pressed the amendment, either in the manner or at the time that he did so, and such an amendment should have been avoided altogether. Why does he not withdraw Mr. Groom's name? Simply because by retaining the proposal he has made in this form, he enables his friends at his back to come forward and move an amendment, and decide by a side issue a question I do not think he is justified in dealing with in this way. It was well known that the honourable gentleman opposite had no intention of moving that Mr. W. H. Groom should be Chairman of Committees for this Parliament; and I have no wish to discuss now either his merits or demerits. We have known the honourable gentleman a considerable time; his name has most

unjustifiably been brought under our notice, and, as he has signified that he did not intend to press his candidature, the proper course for the honourable member for Mulgrave to pursue would have been to withdraw it. I should have opposed his candidature, although I do not think that in respect to his ability to perform the duties which devolve upon the Chairman of Committees, he would bear unfavourable comparison with Mr. Scott. He is quite as competent, as far as ability goes, to take the chair of this House; but there are reasons which I should not have shrunk from assigning had it been necessary for me to speak, for my opposition to his candidature. I shall, however, content myself with moving, as an amendment, in the terms of which I have already given notice, that Mr. John De Poix Tyrel take the chair of this House. I believe he is favourably and well known to many members present, and if he does not already possess the knowledge which would be necessary to complete his education as Chairman of Committees, he would obtain the opportunity to perfect himself in the knowledge of the duties of the chair during the recess. I esteem him as a friend, and I consider him capable of performing the duties. I move, as an amendment, that John De Poix Tyrel be Chairman of Committees for the whole Assembly.

THE SPEAKER: The question now is, that the words proposed to be omitted stand part of the question: the words are Mr. W. H. Groom.

MR. MOREHEAD: I am not surprised at what the Premier has said, and I fully expected to hear that honourable gentleman make reflections on the character of Mr. W. H. Groom. It is admitted that Mr. Groom is well qualified to take the chair, but the point which should be most brought out on this discussion with reference to Mr. Groom is, who first brought the claims of that gentleman into prominence, and who gave the incentive to the possibility that he should become the Chairman of Committees of this House—by giving him a position which placed him beyond objection for the office he lately was nominated for. The appointment was made by the members of the Government of which the honourable member is the head. I am not surprised to find that the honourable gentleman who leads that Government should, in his usual way—

"Damn with faint praise, assent with civil leer,
And without sneering teach the rest to sneer."

If the honourable member thought Mr. Groom was the proper person to hold the responsible position of Chairman of Committees, it was perfectly certain that when he was proposed by the leader of the Opposition that he was equally as fit. I do

not like the way in which the matter has been spoken of at all. It was perfectly well known Mr. Groom had retired from his candidature, and what if it was? This is a question which ought to have been taken away altogether from the arena of party politics. It is not a party question at all. I do not for a moment take any exception to the candidate who has been proposed by the Government, but I hold that the claims of Mr. John Scott must be admitted, not only by both parties, but by the House. The honourable member for Leichhardt has been for many years before us, and against him no man can point the finger of scorn or utter any word of reprobation. I think that it would be well for the House and for the country if the appointment of Chairman were divested of its party aspect. When a gentleman has served the country in the way in which Mr. Scott has done, and has given such universal satisfaction in the way in which, when in the chair, he has conducted the business, I think he should not be opposed in the way in which he is. Mr. Scott has never been a strong party man, like myself and some others; he has never been a strong-speaking man, who debated various party questions with warmth; and I, therefore, regret that the Government have opposed him on the present occasion. As to the immediate question, it is open for either side of the House to discuss the election of Chairman, and, in my own opinion, it is proper that the appointment should be made now. I trust that Mr. Scott will be appointed, and if it should come to a division, that the votes, as there are two gentlemen before the House, should not be considered as a sign of disrespect to either of them.

MR. TYREL: I hope it may not be considered unseemly in me to speak on this question, being one of the parties nominated. I never asked the position, neither have I asked to be withdrawn from it. But I now ask the permission of the House to withdraw from the candidature. I thoroughly endorse what has been said by the honourable member for Mitchell in favor of Mr. Scott, and I shall certainly not stand against him, since he has been nominated.

THE PREMIER: After the explanation which has just been given by the honourable member for Stanthorpe, I shall withdraw my proposition.

THE ATTORNEY-GENERAL: In reference to the question which has been raised, I have no intention whatever of saying anything against the honourable member for Leichhardt, as it is a matter of repute that, when Chairman, he performed his duties with satisfaction; but I do condemn the action of the leader of the Opposition in bringing this matter on for discussion at all. It is a mistake, and the honourable member for Mulgrave will yet see it. I do

has been made perfectly clear by the Minister for Works that as little business should be done by the Ministers elect as could be done. All that can justly be asked for from us is the amount of Supply necessary to carry on Government, and for an adjournment, when Supply is granted, over such a time as would enable them to go to their constituencies and seek re-election, and then prepare and place their programme before the House. Except for such purposes, no business should be sought by the Ministers elect. We have referred to and respected past precedents in this matter, and we have been quite willing to act up to those precedents—beyond that we cannot go—and give the coming Administration a fair and requisite amount of Supply. The adjournment of the House has, of course, formed part of the object of discussion, but it has been pointed out very effectively that there is nothing for the Chairman to do during the adjournment. There is absolutely nothing for him to do if we adjourn—and the honourable member for Mulgrave has intimated that he will not meet the House again till the end of April. Why then does he seek to force the election of Chairman of Committees on us? Simply because he desires that that officer shall get his salary from this time to the end of April, or whenever Parliament may be called together. The honourable member for North Brisbane asked just now what we wanted with a Speaker. That is a different matter altogether, and it only requires a minute's consideration to show that we do want a Speaker. We have no standing until there is a Speaker. In other words, no honourable member can speak in this House until the Speaker has been elected, and there is therefore, I say, every necessity why a Speaker should be appointed; but there is no necessity for a Chairman of Committees, especially as the work he has to do, and for which his election might have been urged, has been performed, and there is now nothing for him to do until this House meets again. Again, the honourable member for Mulgrave has not dealt fairly with the honourable member for Drayton and Toowoomba in proposing him after he has withdrawn from the candidature. It is dealing very unfairly by him after the announcement made earlier in the evening. There was no other course, after the honourable member for Drayton and Toowoomba had retired from the candidature, but for the honourable member for Mulgrave to announce the fact, and the matter should have ended there; but instead of that he takes another course, and proposes the motion in opposition to the withdrawal, in order that some other honourable gentleman may have the opportunity of moving an amendment, that

the honourable member for the Leichhardt be Chairman of Committees. How curious this appears, too, beside what we were told—that the honourable member for Drayton and Toowoomba was the very man of all other men for this position. The only excuse that the honourable member for Mulgrave makes is that the honourable member may have an opportunity of becoming acquainted with his duties. Upon my word, the honourable member must have imagined that we are satisfied with very poor stuff, if we take such a poor excuse. The honourable member has been accustomed to say a great deal to us on this side of the House, and that we retained our majority by our great servility. That was what honourable members frequently said of us; but, after reviewing this matter, I think that the servility lies elsewhere. It has been clearly demonstrated that there is no necessity for a Chairman, but the question is pressed. Now the honourable the junior member for North Brisbane has said he is always willing to learn; but if we on this side have learned anything, it is the servility of the honourable members who sit on the Opposition benches. One reason given, as I have said, was that the honourable member for Drayton and Toowoomba may learn his duties. I can well picture to myself the honourable member for Mulgrave in a *tete-a-tete*, telling the honourable member for Drayton and Toowoomba that reason. Why, sir, the honourable member for Drayton and Toowoomba calls himself the father of this House. He is constantly alluding, here, to his fourteen years' experience; and yet a further opportunity of learning his duties is required for him, by the honourable member for Mulgrave—a further opportunity beyond the fourteen years' experience of which we have been so often told. As I have said, I believe the honourable member could teach the honourable member for Mulgrave his duties; and, so far from requiring a further opportunity of learning them, he could do them far better than the honourable gentleman himself. But we have had the true reason given to us by the honourable member for Northern Downs. He did not advance the reason given by the honourable member for Mulgrave, but he stated plainly his reasons. "We," he said, "have a strong majority, and we mean to use it." Which of these reasons are we to believe? Are we to assume that the honourable member for Northern Downs, if not in the Cabinet, is to be a sort of adviser to the Government? This is an office for which I see two or three aspirants, and I am sorry the honourable member for Blackall is not here, for he too may assume that position, and endeavour to play that role, and I have no doubt would do so with considerable ability. But the honourable member for Northern Downs told

us what he meant when he said that if they do not do it now, it is just possible that they may not be able to do it at all. That is just our reason for objecting; for it is very likely that honourable members opposite may not be able to do it at all. It is just for this reason—that they have not been before their constituents, and may not be able to come again with the same majority to do what they now propose to do, that we object to this proceeding. The light has been let in upon us by the speech of the honourable member for Northern Downs; and upon his speech alone it ought to be apparent that honourable members opposite are not proceeding constitutionally in trying to force this vote upon us.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question then—That the words proposed to be inserted be so inserted—put and passed.

Question—That John Scott, Esquire, be appointed Chairman of Committees of the whole Assembly—put.

The MINISTER FOR WORKS said he was anxious that a division on this question should be placed on record, and he would therefore move the "previous question." He had no objection whatever to the honourable member for Leichhardt, as a man, as Chairman of Committees; and if that honourable member was elected under ordinary circumstances, he should be glad to congratulate him. But as under the present way of putting the question it might appear that the House were unanimous—in order therefore, to protest against what he considered an improper and even indecent proposal—he would, by way of amendment, move the previous question.

The previous question was put, and the House divided.

AYES, 30.

Messrs. McIlwraith, Thompson, Palmer, Bell, Hill, Sheaffe, O'Sullivan, Archer, Low, Stevens, Simpson, Perkins, Norton, Stevenson, Morehead, H. W. Palmer, Pring, Deane, Lalor, Amhurst, Persse, Cooper, Walsh, Kellett, Baynes, Davenport, Swanwick, Beor, Hamilton, Tyrel.

NOES, 16.

Messrs. Garrick, Douglas, Dickson, Griffith, McLean, Rae, Grimes, Hendren, Kates, Horwitz, Fowles, Rutledge, Price, Kingsford, Meston, Macfarlane.

Question—That John Scott, Esquire, be the Chairman of Committees of the whole Assembly—put and passed.

THE NEW MINISTRY.

Mr. BELL announced that a new Government had been formed, consisting of the following gentlemen:—

Thomas McIlwraith, Esq., Premier and Colonial Treasurer.

Arthur Hunter Palmer, Esq., Vice-President of the Executive Council, Colonial Secretary, and Secretary for Public Instruction.

James Malbon Thompson, Esq., Minister of Justice.

Charles Hardie Buzacott, Esquire, Postmaster-General.

John M. Macrossan, Esq., Secretary for Public Works and Mines.

Patrick Perkins, Esquire, Secretary for Public Lands.

The honourable member laid on the table the *Government Gazette* announcing the appointment of the new Ministers, and moved—That the seats of Messrs. McIlwraith, Palmer, Thompson, and Perkins be declared vacant.

Question put and passed.

Mr. BELL moved—That the House do now adjourn till three o'clock to-morrow.

Mr. GRIFFITH said he rose to remark that this was a day of surprises. He was desirous of pointing out that a precedent had been created which was now heard of for the first time in any country governed on constitutional principles. He noticed that an honourable gentleman had been gazetted as Premier—an office unknown to the English constitution. Another curiosity in the document just laid on the table was in connection with the name of the Minister for Works. That gentleman, when in the House last Parliament, used to sign his name as "John Murtagh Macrossan;" he was now appointed by a part only of his name. He trusted that the gazetting of a gentleman as Premier was not a specimen of the innovations they might expect from the new Department of Justice.

Mr. BELL said he did not exactly follow the technical conclusions which the honourable member had arrived at, but he had frequently heard the honourable member speak of the head of his Administration as the Premier. The incoming Ministry intended to call a spade a spade; and to call the gentleman at the head of the Government the Premier was only to apply to him the term by which the holder of this office was known in Queensland. The main effort of the late Administration seemed to be the bringing back of this young colony to the very oldest stages of the British Constitution. But small objections of this kind would not in the slightest degree affect the determination of the great majority of the members of the House to entrust to the new Government the legislation of the colony.

Question put and passed.

The House adjourned at twenty-eight minutes past seven o'clock.