

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 6 AUGUST 1879

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frankly state to the House, whether the Government had appointed an Executive Commissioner for the Colony to attend and be present at the great Exhibition in Sydney?

Mr. MEIN was understood to remark that he had been gazetted.

Mr. WALSH: Well, he would put it in another form. It appeared that the Government had gazetted a Commissioner. He wished to put a question, without notice, to the Postmaster-General. Hearing that the Government had appointed an Executive Commissioner to represent this colony at the Great Exhibition in Sydney, he asked—If they had undertaken to pay his expenses, or any expenses of that Commissioner; and, if so, what would be the probable cost to the country? He might mention that the matter had some connection with his motion; because he wanted to see what the country was likely to have to pay for Exhibitions.

The POSTMASTER-GENERAL: Did he understand that the honourable Mr. Walsh was going on with his motion—that he wished to move it?

Mr. WALSH: The honourable gentleman could understand anything he wished, if he pleased to answer the question put to him.

The POSTMASTER-GENERAL: He was not inclined to answer anything until the question before the House was disposed of.

Mr. WALSH: There were none so deaf as those who would not hear. He wanted the information that he asked for, in connection with his motion.

The POSTMASTER-GENERAL must appeal to the President, whether the honourable gentleman was in order? He could not answer such a question.

The PRESIDENT: The honourable gentleman was, of course, not bound to answer the question.

Mr. WALSH then moved—

That a return be laid on the table of this House, showing—

1. Under what Act of Parliament Public Servants were exonerated from their duties on the 29th instant.

2. Under what Act of Parliament public offices in Brisbane were closed against the public on same date.

3. The amount of salaries payable to Servants who were prevented from performing duties upon that day.

4. The amount of salaries or payments made to policemen and other payees of the Government whose services were devoted to the opening day of the Exhibition in Brisbane.

He need hardly remind honourable gentlemen that this matter was becoming very serious, so far as Brisbane was concerned. The previous Government had, at great expense to the country, appointed an Executive Commissioner to the Centennial Exhibition at Philadelphia, and no party in the colony seemed to be more anxious to

LEGISLATIVE COUNCIL.

Wednesday, 6 August, 1879.

Bill Reserved.—Public Servants and the Exhibition.—New Standing Order.—*Hansard*.—Electoral Rolls Bill.

BILL RESERVED.

A message was received from the Governor informing the House that His Excellency had reserved, for the signification of Her Majesty's pleasure thereon, the Wrecks and Salvage Bill.

PUBLIC SERVANTS AND THE EXHIBITION.

Mr. WALSH said, to enable him to clear the way for going on with his motion, he should like the Postmaster-General to

castigate the previous Government for that error than the present holders of office under the Crown;—none seemed so determined to bring the late Government into disrepute for employing a representative of Queensland in the United States as the present Ministers and those who sat behind them in another place. Notwithstanding that patent fact, he now found the Government doing the very same thing as that which they condemned—the incurring of such an unwarrantable and unjustifiable expenditure, and most improper in every way, as was carried on by the late Government when they employed a Mr. Angus Mackay to represent, or misrepresent, this colony in America. That very same conduct the present Government were now pursuing—that was, as far as he could see—in the first place, in employing the public means for and at the public cost carrying on the Exhibition in Brisbane; and, in the second place, as the natural outcome of that, incurring a further increase of expense and putting further burdens on the people, by sending their Executive Commissioner to New South Wales. In the face of past lavish expenditure, which no one more loudly condemned or criticised than the present holders of office, the Government were themselves copying faithfully the conduct of their predecessors. The House had a right to get some information as to the why and the wherefore of it, and that was why he moved for the return showing all the particulars that he specified in his motion. The Public Servants being exonerated from their duty on the 29th July last was a grievous loss to the colony and a great interruption to business. It was also a tax upon the people. The mere fiat of the Government closed the public offices. Under what Act of Parliament had they been closed? An Act was passed formerly defining what should be public holidays. The Government, for the sake of popularity, for the sake of getting up a show, set aside an Act of Parliament, went diametrically opposite to it, closed the public offices, and caused great inconvenience to the public generally. Again, the times were such as, according to the way the session was begun by the Government, necessitated the practice of economy in every possible way. Salaries would be cut down, and superfluous Public Servants were to be dispensed with! Thus, he was led to the third part of his motion. It was known that the whole of the Civil Service in Brisbane was thrown out of gear on the day named, and that the public officers were not doing their duty. It was known that the whole police staff were engaged in running after this or that special or fancy Commissioner, and not in attending to their own business on that day. Was economy practised in that way? It was for

those reasons he asked for information, and especially for the information referred to in the fourth part of his motion. He remembered that, years ago, when the present Colonial Secretary was asked to allow a few policemen to keep order at any public entertainment going on, the honourable gentleman very properly said—Yes; provided their expenses were paid. He should like to know, was the country recouped the expenses of the police who were bungling about the Exhibition on the occasion in question? From information he had received, after inquiries out of doors, there was no compensation for their services. Then, under what Act of Parliament were they taken away from their duties? If the Parliament voted their salaries, why should they be absolved from their public duties for private or special cause? Why should their cost not be defrayed? With regard to the question which he put to the Postmaster-General, as he had put it without notice, he apologised to the honourable gentleman for having done so. But he would again refer to the appointment which the Government had made, of an Executive Commissioner to represent this colony in New South Wales. He wanted to know under what authority that was done? Honourable gentlemen knew that the present occupants of office had denounced and ridiculed Mr. Angus Mackay, as the Special Commissioner from this colony to Philadelphia; not only that, but the Government had produced paper after paper, statement after statement, showing that his appointment was neither valuable in its consequences, nor in any way satisfactory. Therefore, he (Mr. Walsh) wanted to know under what authority the Government had acted, to satisfy the public, in regard to their own appointment? They heard, now, of Mr. Gresley Lukin—he was a great man, in his way, a very great man, no doubt;—and that he had been appointed Executive Commissioner from this colony to New South Wales. If the Government undertook the responsibility of going beyond the law to make such an appointment, it was very serious. At least, they should have appointed some man who was known by his position in the colony, who could have worthily represented Queensland on such an important occasion. All Europe was sending some of its best men as representatives to New South Wales on the approaching great and important occasion. Would it not have been a fitting testimony to the interests and rights of the people of the colony, to ask them or their representatives, by a vote of Parliament or by other expression of popular opinion, to say who should be the representative of Queensland at the Great Exhibition in Sydney? But by a kind of back-door, bank-parlour arrangement, a person was sent down who—

without desiring to be disrespectful to him—he (Mr. Walsh) must say did not represent the colony in any sufficient sense, considering the occasion. He ventured to say that if the people of the colony were canvassed as to his fitness, that gentleman would not get one hundred votes in favour of his appointment. The Government might have got a gentleman to undertake the duty who would worthily and honourably represent the colony. Whom had they selected? A person literally not known out of the colony; only known to the Government, probably for his services to them. They ought to have selected amongst men of eminence—men of standing in the community—whose whole properties were invested in the country, whose families had been brought up in it, whose characters were connected with its best interests, who resided in it—such as the honourable the President of the Legislative Council, who would represent this colony worthily as Executive Commissioner. Queensland was represented, by whom?—He contended that he was perfectly justified in putting the question he did put, before making his motion—it was a pertinent question. One of the most respectable and most cherished of the public men of the colony should have been appointed to go to Sydney as the Executive Commissioner of Queensland. He (Mr. Walsh) did not want to say one word in disparagement of Mr. Lukin, but simply that he was not a representative man. The Government should have sent down the President; or, they could have found half-a-dozen men in the Council, who would represent Queensland and do credit to the colony—who would do less discredit to the colony than the gentleman who was appointed.

The POSTMASTER-GENERAL said, when he first saw the motion on the business paper, he came to the conclusion that his honourable friend was endeavouring to perpetrate a joke; and after his speech, just delivered, he did not think that conclusion was incorrect. The honourable gentleman began with some observations about the appointment of the Executive Commissioner from this colony to Sydney. He (the Postmaster-General) failed to discover anything about the Executive Commissioner in the motion before the House. There was no more connection between the motion and the Executive Commissioner than there was between the House and the Ark that our ancestors occupied at a remote period of history. He could not debate the subject of the appointment of the Executive Commissioner, as he was quite unprepared for it to-day. The honourable gentleman did not give him the slightest intimation of his intention to raise a debate on the subject of the representative of this

colony in New South Wales. Therefore, he (the Postmaster-General) hoped the House would consider it no discourtesy on his part to decline to enter upon that part of the remarks of his honourable friend, on bringing his motion before the House. He must oppose the motion, because he failed to see what object could be attained by it. He could, however, inform the honourable gentleman, that the Act of Parliament under which the Public Servants were exonerated from their duties on the 29th of July was the Bank Holidays Act of 1877. Section 5, was:—

It shall be lawful for the Governor by and with the advice of the Executive Council from time to time by proclamation in the *Gazette* to appoint a special day to be observed as a public holiday either throughout Queensland or in any part thereof or in any city town borough or district therein &c.

The holiday was proclaimed in the *Gazette*; and, under the same statute, also, he presumed, the public offices in Brisbane were closed. Seeing that the Public Servants obtained their holiday in accordance with law, and that their being exonerated from their duties involved no expense whatever that would not have been incurred otherwise; and seeing that the Public Servants had to do all the work which they would have had to perform had the public offices not been closed; he could not tell in what way the amount of their salaries laid before the House would be of any advantage to hon. members or the country. After his explanation, he thought the honourable Mr. Walsh should withdraw his motion for a return of a kind that, if it passed, would make the House look ridiculous.

MR. WALSH: No doubt, a return made in the spirit displayed by the Postmaster-General would be ridiculous, and its ridiculousness would only consist in its showing that the Government had gone out of their way to proclaim a public holiday which affected only a small section of the people. Not ninety-nine out of every hundred colonists beyond Brisbane were interested in it. What had the rest of the colony to do with the waste of money and time that had been expended? He doubted if other public offices were closed on the 29th; the so-called public holiday was only local. He maintained that there was nothing ridiculous in the motion. It was well that he brought it forward in order to prevent the Government from making foolish and ridiculous public holidays for local vanity. The country had a right to know what it cost.

The POSTMASTER-GENERAL: It cost nothing.

MR. WALSH: There had been a carnival held in Brisbane, under the circumstances he described. Out of that arose the necessity for sending an Executive Commissioner

to attend a great meeting of people in another colony; and a gentleman was appointed who did not represent this colony. If the House submitted to the former, they would have to submit to the latter; and if they submitted to the latter, they would have to submit to some other gew-gaw decided on by the Government. However, he thought he had obtained what he wanted. He should adopt the suggestion of the honourable gentleman, and make a separate motion about the appointment. With the permission of the House, he would withdraw his motion.

Mr. MURRAY-PRIOR: When he saw the motion, he felt sorry that his honourable friend should bring such a motion forward. From what had been said, it must be evident to the House that the honourable Mr. Walsh's one object was to bring in the Executive Commissioner. Until he became a member of the Council, they seldom saw such a motion brought forward. Doubtless, it was made more to harass the honourable gentleman who represented the Government in the House than for any other purpose. Honourable gentlemen who represented the Government in the Council had heretofore been treated with the greatest consideration; they had never been placed in what was called a "fix," merely for the sake of doing so. He (Mr. Murray-Prior) must allow that the hon. gentleman brought forward some matters that were relevant to the welfare of the colony, in which he agreed with him; but, as an old member, he could not help giving utterance to his feelings; and he would say, now, that while he did not dispute the right of any honourable member to bring forward any motion he thought fit, still the motions often brought forward and withdrawn by the honourable gentleman were not in consonance with the feelings of the House, and tended to injure and to lower him who made them. He trusted sincerely that his honourable friend would take what he said in a good spirit. It was not for what he, himself, felt that he spoke; but for the country.

Motion, by leave, withdrawn.

NEW STANDING ORDER.

Mr. HART moved—

That the Report of the Standing Orders Committee be now adopted.

The report, which he read to the House, was as follows:—

Your Committee having duly deliberated upon the matter, have agreed that Standing Order No. 58, be expunged from the Standing Orders of your honourable House, and the following new Standing Order be substituted in lieu thereof—

When a Bill is so reported, the adoption of the report may be immediately moved, or a future day appointed for that purpose.

Under the existing order, now to be done away with, when a Bill was reported from Committee of the Whole without an amendment, the adoption of the report might be immediately moved; but if the Bill was reported with any amendment, however slight it might be, a future day must be appointed for the adoption of the report;—probably a delay of a week would ensue before the Bill could be advanced further in its progress through the House. The advantage of the new Standing Order was obvious. The Standing Orders Committee had carefully considered the whole subject, and had adopted the new mode of procedure from the Standing Orders—No. 130—of the Legislative Council of New South Wales, where it seemed to have worked very well for a considerable time past.

Mr. MEIN believed that he was the initiator of the change proposed. He found, during three Sessions that he occupied the position of representative of the Government in the Council, that Standing Order No. 85, especially towards the end of a Session, was the cause of delay to the progress of business; because a future day had to be named, after a Bill had passed through Committee, though only the most trifling amendment had been made, before the report upon it could be adopted by the House. It was the practice of the other House, and, as pointed out, of branches of the Legislature corresponding to the Council in other colonies, for the report from the Committee of the Whole on a Bill to be adopted on the same day that it was brought up. Practically, the existing Standing Order compelled the suspension of the Standing Orders, in order to keep pace with the legislation of the Assembly, towards the end of every session. No harm could be done by adopting the report of the Standing Orders Committee; because, if important amendments should be made in a Bill going through Committee, and an honourable member wanted further time for their consideration, the report need not be immediately adopted, but, a future day could be appointed for that purpose, and he could then, if necessary, move the recommitment of the Bill for reconsideration, or even on the motion for the third reading. The change would not encourage hasty legislation. He did not encourage hasty legislation, but facilitated good legislation; and did not care to surround the proceedings of the House with a multiplicity of forms which had not advantageous results.

Mr. MURRAY-PRIOR, as before, disagreed with the last speaker. Standing Order No. 58 had hitherto worked very well indeed. There was not so much business done by the Council that they required to hurry measures through the Chamber. As had been said, towards the end of the Ses-

sion they often suspended their Standing Orders altogether. That was as necessary as true. Any honourable gentleman who had to manage the Government business in the Council knew that was a matter of course. Generally speaking, Bills had been well considered in another place before they came up to the Council; and only trifling amendments were made in them. Sometimes, however, considerable amendments were made by the Council, and it was an advantage that by the forms of the House, honourable members had time to consider their effect one upon another. If that could be done quietly, when alone, instead of in the Chamber, often very hastily, it was an advantage to be appreciated. He should be very sorry to see any innovation; and he did not think the proposed change would work well. However, time would show. The present rule was adopted from the practice of the House of Lords, and he had satisfactory experience of it during five years that he had acted as representative of the Government. He should oppose the motion; there was no necessity for it; and if he could see a majority in the House, he should divide against it.

Mr. WALSH confessed that until he heard the honourable gentleman's lecture to him, just now, he had the idea that he must be right in being in consonance with him on the present question; but, smarting under the castigation he had received, he felt that he must have been wrong, and that the honourable gentleman was wrong. He was very sorry that he must go against the honourable Mr. Murray-Prior, and follow the advice of his honourable friend on his right (Mr. Mein).

The POSTMASTER-GENERAL said that at the time he brought the matter originally before the House, to refer it to the Standing Orders Committee, he experienced some opposition, more particularly from honourable gentlemen who ordinarily gave him their support; and he therefore promised that if after the question had been reported on by the Committee, if favourably, should there remain any strong feeling in the House against it, he would not press for its adoption. He adhered to that understanding. If there were other honourable members who, like the honourable Mr. Murray-Prior, were anxious to continue the old Standing Order, he certainly was disposed to allow it to remain in force. As, however, his honourable friend was the only dissident from the present question, the House would relieve him (the Postmaster-General) from his engagement. He thought it was desirable to repeal the old Standing Order, and to adopt the new one. It would enable the House to proceed with business without the necessity so often of suspending the Standing Orders. He might remark, on this point, that in the Legislative Assembly,

comprising fifty-five members, a quorum of fourteen could suspend the Standing Orders; in the Legislative Council, comprising thirty-one members, an absolute majority of the whole number, sixteen members, must be present to suspend the Standing Orders. So that the proceedings of the Council were surrounded by forms which prevented any Bill from being hastily considered or passed in the manner suggested by the honourable Mr. Murray-Prior. Therefore, he supported the adoption of the report.

Question put and passed.

HANSARD.

A message from the Legislative Assembly was received to the effect that instructions had been given to Mr. Senior, an officer of that House, to attend to be examined before the Select Committee of the Legislative Council on *Hansard*.

ELECTORAL ROLLS BILL.

A message was received from the Legislative Assembly, informing the Council that

The Legislative Assembly having had under consideration the Legislative Council's amendments in the Electoral Rolls Bill,—*disagree* to the Council's amendment in Clause 7, because it is beyond the purport of the Act, and imposes functions upon postmasters which are quite inconsistent with their duties; and *agree* to the remaining amendments in other parts of the Bill.

The POSTMASTER-GENERAL moved that the President leave the chair, and the House resolve into Committee of the Whole for the consideration of the message. He said he did not anticipate any opposition to the motion. The matter was a very simple one, or he should be willing to defer it for another day.

Mr. WALSH suggested that, as the honourable gentleman who moved the amendment disagreed to by the Assembly was not present, the Postmaster-General should out of deference to him postpone the consideration of the message until the next sitting of the House.

The POSTMASTER-GENERAL, with the permission of the House, stated that he had had a conversation with the honourable Dr. O'Doherty, the mover of the amendment, who perfectly understood why the other House had refused to agree to it. He was sure that honourable gentleman would not be taken by surprise if the Council dealt with it at once. There was an urgent necessity for the Bill to come into operation, and further delay was not at all desirable as it might entail expense on the country for the collection of the electoral rolls under the existing law.

Mr. MEIN said this would be a convenient point for discussing a matter which

had often suggested itself to him, and which to his mind had not been satisfactorily solved—that was, the mode in which the Council discussed messages from the Legislative Assembly. He knew that it was the practice when he entered the House to consider all messages in Committee of the Whole. But, as a matter of fact, messages sent up from the Assembly were not the messages of the committee, but the messages of the House. The Council in resolving into Committee of the Whole had to go through a multiplicity of forms, and, afterwards, when they sent a message in return, it was not the message of the Committee, but the message of the House. It struck him that it would be convenient, if they discussed the message in the House. There would be only one disadvantage—honourable members, instead of speaking several times, would be confined to one speech on one particular subject. His attention had been directed to Standing Order No. 65 :—

When any Bill is returned to this House with amendments, such amendments shall be considered in Committee.

But he was only speaking generally on the whole subject of messages from the Legislative Assembly. For instance, when a message was sent up from the Assembly requesting the approval of the Council to certain lines of railway, it was the invariable practice to consider such message in Committee of the Whole. He might say that he suffered very severely, once, in consequence of that arrangement. The business was blocked, though he had a majority at his back, by the honourable Mr. Murray-Prior, who generally stood up for observing all the forms of the House, and who, assisted by a numerous body of friends, kept him up until four o'clock in the morning, resisting his motion, in order to get recruits down from the country. Taking the most rational plan, if the message had been considered in the House, that state of things to which he alluded could not have occurred. As there was not likely to be a difference of opinion, that plan might be followed now. He thought it was the most logical and the fairest way of dealing with the message.

The PRESIDENT: It would be doing away with one of those means of obstruction which were held to in each Chamber, as a necessity. The fact of the honourable gentleman being kept in check when he represented the Government in the Council showed that salutary means to check haste or to stop legislation which the House could use whenever they thought proper; and on that occasion they did think proper to avail themselves of it. He thought it would be highly inconvenient if the details of messages should be discussed in the full House, where only one speech could be

made by any honourable member on one subject; it would be doing away with the advantage secured by a discussion in Committee of the Whole, where the details of a measure would be repeatedly spoken upon by every member. He was sorry to differ as he did from the honourable gentleman.

Mr. MURRAY-PRIOR, referring to the occasion alluded to by the honourable Mr. Mein, said he knew he had a majority against the honourable gentleman, and having asked him to postpone the measure and his request having been refused, he availed himself of the forms of the House to obstruct its progress; and he actually carried his object. He trusted that there would not be another alteration of the Standing Orders, to-day; but that honourable gentlemen would be content to follow what the President said.

Mr. WALSH said he must confess that he could not see that the Committee of the Whole had anything to do with the message. The other House had sent up a message saying that they could not agree to an amendment in the Bill that was made by the Council. The Council had simply to return an answer, whether they adhered to their amendment or gave it up. If the Assembly had made an amendment on an amendment of the Council, then it would be necessary to go into Committee to consider it. But there was nothing of that sort disclosed in the message. He felt that it was not the practice of the other Chamber to consider messages in Committee.

The PRESIDENT directed attention to the 65th Standing Order, which the honourable Mr. Mein had quoted.

Mr. WALSH: There was no amendment; therefore the House were not in the position to remit its consideration to the Committee. The message said the Assembly had agreed to the amendments of the Council with the exception of one in clause 7. It was not now for the Committee but the Council to say whether they would hold to that or let it go.

The PRESIDENT: The honourable gentleman would see, from the fact of the Council inserting that amendment in the Bill, before they sent the Bill down to the Assembly, that it was an amendment. Now the Bill came back with it, it was still an amendment. The Standing Order made no distinction as to amendments. It did not follow that, because there was little for consideration, now, very important matters for consideration might not arise on other occasions for the Committee of the Whole.

Mr. WALSH: Of course, he would not argue the matter further.

Mr. MEIN pointed out that as the President ruled in regard to the Standing

Order No. 65, it must be read in connection with No. 95 :—

Unless otherwise directed, amendments made by the Assembly to public Bills shall not be considered in Committee on the same day on which such amendments may be brought up to the Council.

So that if the House should go into Committee now, they would suspend that Standing Order. The Standing Orders could not be suspended without notice, unless there was an absolute majority of the House present.

The PRESIDENT: He understood that the Postmaster-General had put the motion to the House with their consent, as there was nothing important for long further consideration, and as he was anxious to get the Bill through. If there was any objection to his motion, of course, he should have to rule that it was contrary to order.

Mr. MEIN: As there was really no amendment by the Assembly to come before the House, but only one that the Council had made in the Bill, it was perfectly competent for the House to deal with the matter at once or to go into Committee on another day. He admitted the convenience of considering details in Committee of the Whole, as laid down by the President.

Mr. WALSH could now state authoritatively that the Committee could not alter or amend their own amendments in any way, after they had been reported to the House.

Mr. McDougall considered it would be undesirable and unjustifiable to depart from the practice of the House which had been followed hitherto.

The POSTMASTER-GENERAL: There was nothing in the Standing Orders to prohibit the House going into Committee. The Council could either dispose of the message at once, or go into Committee of the Whole upon it. On the whole, he preferred the latter course.

Mr. MURRAY-PRIOR: Postpone the question until to-morrow.

Mr. WALSH: The simplest way would be for the honourable gentleman to move that the House do not insist upon their amendment, and the motion would be agreed to. If he obstinately insisted upon going into Committee, he could be met by a question put to the Chairman.

In answer to Mr. MEIN.

The PRESIDENT read to the House the 95th Standing Order, and said he was distinctly of opinion, now, that the amendment was not an amendment "made by the Assembly."

Question put, for the House to go into Committee :—

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The Postmaster-General, Messrs. Hart, Turner, and McDougall.

NOT-CONTENTS, 7.

Messrs. Walsh, Prior, Swan, Foote, Dr. O'Doherty, Messrs. Heussler, and Mein.

Resolved in the negative.

The POSTMASTER-GENERAL then moved—

That this House do not insist on their amendment in clause 7.

He said he was inclined to think that the honourable Mr. Walsh's suggestion was the correct one.

Mr. MEIN observed that if the honourable gentleman had not been so determined, the country would have been saved a little expense, and honourable members would have saved their time. He did not object to the motion at all. The amendment would only have offered inducements, as he stated before, in Committee, for public officers to become electioneering hacks. However, he hoped the Government would, by a liberal distribution of printed forms throughout the country, enable every one entitled to the franchise to send in his claim to registration, and to place himself in a position to exercise his rights as an elector.

Mr. MURRAY-PRIOR said the result of the division was not what he looked for when he called for the votes to be taken. He wanted to prevent what was now safe of accomplishment, the immediate decision of the question.

Question put and affirmed.

The Bill was ordered to be returned to the Legislative Assembly, with a message informing that House that the Council do not insist on their amendment.