

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 15 OCTOBER 1884

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the third reading of a Bill to speak to it. Since speaking in the House yesterday on the subject I have looked up the authorities; and—while I am of opinion that it is very inconvenient that a member who is not opposed to a third reading of a Bill, and has not given notice of an amendment on that Bill, and therefore could not propose an amendment, should speak on the subject—I find that there is an undoubted right on the part of hon. members to speak on the third reading of a Bill if they choose. But that is a practice that is very seldom carried out in the House of Lords, whose practice we follow here—very seldom indeed, unless it is intended to oppose the Bill. I therefore retract so much of the ruling I gave yesterday as to say that if hon. members choose to speak on the third reading of a Bill they are entitled to do so; but that it will be found very inconvenient in practice—unless they intend to veto the Bill. Where there is no intention of throwing a Bill out, I confess that I cannot see the use of speaking on the subject; but that there is an undoubted right on the part of hon. members to speak if they choose, I am now convinced.

HONOURABLE MEMBERS: Hear, hear!

The HON. J. C. HEUSSLER: I said a few words upon this subject last night, and I am reported to have said—

"I quite agree with the language my hon. friend Mr. Walsh has used in regard to the right of being able to speak on the third reading of a Bill."

I said something quite different. I said that I did not agree with the language my hon. friend Mr. Walsh had used, but that I did agree that hon. members had a right to speak on the third reading of a Bill. I do not wish it to appear that I agreed with the language used by the Hon. Mr. Walsh. I may take this opportunity of saying that I have great pleasure in paying a tribute to the shorthand writers in our Chamber, who generally make an excellent digest of what is said. Perhaps the error on this occasion has arisen from their not having heard me; but it is so important that I do not wish to allow it to pass unnoticed.

Question put and passed.

The Bill was then passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

IMMIGRATION ACT OF 1882 AMENDMENT BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

NATIVE LABOURERS PROTECTION BILL.

The POSTMASTER-GENERAL moved: That the President leave the chair, and the House resolve itself into a Committee of the Whole, for the consideration of the Legislative Assembly's message of the 14th instant, in reference to this Bill.

The HON. T. L. MURRAY-PRIOR said: I trust the hon. the Postmaster-General will see fit to postpone this Order of the Day until tomorrow, or, at all events, until we have a full House. Considerable discussion ensued in this House when the Bill was in committee; many amendments were made; and I think that the revision of the action of the Council ought not to be undertaken in a thin House. I therefore trust that the hon. gentleman will see the necessity of postponing the debate.

The POSTMASTER-GENERAL: I do not think the hon. gentleman has given reasons for an adjournment of the debate. There are as many

LEGISLATIVE COUNCIL.

Wednesday, 15 October, 1884.

Appropriation Bill No. 2—third reading.—Immigration Act of 1882 Amendment Bill—third reading.—Native Labourers Protection Bill.—Health Bill—committee.—Sale and Use of Poisons Bill—committee.—Maryborough School of Arts Bill—second reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

APPROPRIATION BILL No. 2—THIRD READING.

The POSTMASTER-GENERAL (Hon. C. S. Mein) moved that this Bill be now read a third time.

The PRESIDENT said: I think this is the proper time for me to mention the ruling that I gave yesterday—that is, that it was improper for hon. members who were not about to object to

hon. gentlemen present here to-day as were in attendance when the question was discussed before. There is quite as full a House now as there was then; and if hon. gentlemen do not attend to their duties in this House, it is their own fault. The hon. members who are present are, as a rule, regular attendants upon their parliamentary duties, with the exception of one or two who live at a distance from Brisbane, and, therefore, do not give such regular attendance as those who reside in town. The only members now absent who were present when the division was taken on the third reading of the Bill are—the Hon. Mr. Taylor, who very seldom attends to the performance of his parliamentary duties; the Hon. Mr. King, who, I believe, is unavoidably absent, and will not be back for two or three weeks, at the earliest; and the Hon. Mr. Walsh, who, I believe, is within the precincts of the House. These are the only hon. members who participated in the discussion on the former occasion; and I really do enter my protest against adjourning and adjourning discussions to suit the convenience of hon. gentlemen who will not give their attendance upon their parliamentary duties except when it fits in with their private business. I do think that we ought not to make it inconvenient for others by consulting the convenience of those who have really nothing else to do, and who can much more readily attend here without sacrifice to themselves than most hon. gentlemen I see surrounding me on the present occasion. Under the circumstances, unless the House is decidedly in favour of an adjournment, and better arguments are adduced in support of it, I feel disinclined to accede to the suggestion of my hon. friend.

The Hon. A. C. GREGORY: I do not look upon the proposed adjournment as in any way interfering with the progress of business in this House. These resolutions of the Legislative Assembly, which have been sent to us in regard to certain amendments made by this House in the Bill, were only passed yesterday; they then came up to us, and the consequence is that, with the exception of those who are actually resident in Brisbane, the members of this House would have not the slightest intimation that the question was even likely to arise; having no knowledge of the resolutions which have been passed in the other House, and which have been sent up to us, they literally know nothing about it. Under the circumstances I think the proposal does not in any way defer business unreasonably. The object is simply that members of the House may be made aware of what business is going to be taken; and as this question involves the revision of our previous action, I think every hon. member should at least have an opportunity of attending. If he does not attend, then of course he could have no ground whatever of complaint; but under the circumstances I think the hon. the Postmaster-General will see that there has not been sufficient notice given to hon. members, and that he will accede to the postponement. I think it will tend a great deal to facilitate the transaction of business if he will agree to it.

The Hon. W. PETTIGREW: I do not see why we should not proceed with the business before us. There is a very large attendance of members to-day—much beyond the usual number; and as the Postmaster-General has said, with regard to the Hon. Mr. Taylor, who voted against the Bill on the previous occasion, he ought to be here to-day. It would have been a very simple matter for him to have come down from Toowoomba this morning; so that I see no reason whatever why the business should be postponed. The hon. gentleman could have been here if he had chosen.

The Hon. A. C. GREGORY: He could not have known of this question.

The Hon. W. PETTIGREW: He could have known it yesterday perfectly well.

The Hon. A. C. GREGORY: No.

The Hon. W. PETTIGREW: He could. There is telegraphic communication; and he ought to attend to his duties without any more to do about it. I am generally here every day; and I certainly object to the business of the House being detained on account of his absence.

The Hon. W. FORREST: I rise to propose that the discussion in committee be adjourned until Tuesday next. I really think the hon. the Postmaster-General ought to give way on the question, after the arguments of the Hon. Mr. Murray-Prior and the Hon. Mr. Gregory. It is very seldom that we ask to adjourn business. For my own part, I was not here when the Bill was last discussed in committee, and I have not carefully read up the debate. I was trying to do so just now, but found that I had not time; and I am not thoroughly conversant with the question. I have not yet made up my mind how I shall vote, and should like further time to consider the matter. It is not the same as if we had a tremendous lot of work to do, because we will soon get through the business there is to be done, and then I suppose we will have another adjournment. I think it would be a very graceful act on the part of the Postmaster-General to concede to the wishes of hon. gentlemen.

The PRESIDENT: I wish to point out that the hon. gentleman's amendment cannot be put in the form in which he has moved it. He can move the adjournment of the debate without fixing any time. The time may be fixed afterwards.

The Hon. W. FORREST: I thought the adjournment of the debate had been moved.

The PRESIDENT: No.

The Hon. W. FORREST: I move the adjournment of the debate.

The PRESIDENT: If the motion is carried, the hon. member, or any hon. member, may move—until some future day. He must move the adjournment of the debate first.

The POSTMASTER-GENERAL: Speaking on the amendment, I quite agree with the Hon. Mr. Forrest, that it would be a very courteous act on my part to at once accept his proposition; but the fact is that the object of the opponents of the Bill is to postpone it in order to get some hon. gentlemen down to assist in defeating the Government; and I think it would be a very soft action on my part if I deliberately assisted those gentlemen to secure opponents against myself. That is the obvious reason for asking for the adjournment. I protest now, as I did when I was sitting on the other side of the House, against these constant adjournments to suit the convenience of persons who can easily attend in this House and perform their duties, but who will not do so unless it coincides with their own private engagements. I think it is unfair to those hon. gentlemen who attend—as a large number of hon. gentlemen have done to-day, at considerable personal sacrifice—to perform their duties to the country. I always objected, and I persist in objecting, to adjournments to suit the convenience of hon. gentlemen of that description, who never will give their attendance here unless it fits in with their private engagements. The Hon. Mr. Taylor can attend to his duties here as readily as any other hon. member, and there is hardly a less frequent attendant than that hon. gentleman. However, if the House wish to adjourn the debate until Tuesday, they may do

so; but under the circumstances, and knowing the reason which has prompted hon. members—I am not alluding to the Hon. Mr. Forrest, but to the Hon. Mr. Gregory and the Hon. Mr. Murray-Prior—I cannot consent to it without a division.

The HON. J. C. HEUSSLER: I think I am one of those in the position which the hon. the Postmaster-General has described. I am a regular attendant here, and have to sacrifice a good many things to attend here. I cannot for the world think why hon. gentlemen like the Hon. Mr. Taylor do not attend to their duties. If they do not do so they must take the consequences. I think we are just as well able to-day to discuss this Bill as we would be to-morrow or on any other day. I have never, since I have had the honour of occupying a seat in this House, made any fictitious oppositions; I have always taken up a measure in the spirit in which it ought to be taken up in this House, and I take up this measure now in that spirit. I hope we will go on with the business before us. In regard to the remarks of the Hon. Mr. Forrest, that we should have nothing to do if we go on with the Bill, I say, very well; and we had much better adjourn over to next week if there is nothing to do than to put off the business of the House from one day to another. In my humble opinion, that is not the way in which we ought to conduct our proceedings. I have expressed my opinion on this subject so frequently that I really need not say much on the subject now. It is our duty to do the business that is before the House, and it is much better that we should do it at once than postpone it.

The HON. T. L. MURRAY-PRIOR: The hon. gentleman is one of those members who are always in their places. I can but take what the hon. the Postmaster-General has said, although it is very likely intended for some others, as personal to myself also. I am here whenever I think it right that I should be here; I am not like that hon. gentleman, who has simply to come from his house or from his office after office-hours to spend a few, very likely, pleasant hours in the Council. It takes me a day to begin with, to drive to town; I have to sleep out of my bed. It takes me another day to be here, and it takes me two days to get back again to my home. Therefore, to conform with what the hon. gentleman says—putting me on a footing with hon. gentlemen living near at hand—I should have to stop in town altogether, and neglect my business and my family *in toto*. I therefore think that in the case of hon. members who live in the bush or away from town, and have not the privileges of town members, their convenience should, to a certain extent, be considered. If it was found necessary, or known to be necessary, that those hon. gentlemen should be in their places, I have very little doubt that they would be here; but after amendments have been made in the House, where a number of members of the Council differed from the ideas of the hon. the Postmaster-General and his Government—where a division was carried by a fair majority of this House and was not assented to in another place—I think that the hon. the Postmaster-General, who, as a rule, guards the privileges of the Council, would not, for the sake of obtaining a victory—which in his heart I do not believe he cares for—I do not think that that hon. gentleman would like that this Council should in any way appear ridiculous in the sight of the country and of another Chamber. It is much better to have a fair discussion on the amendments brought again to the House, than to pass them, even for the hon. gentleman to gain a victory. These amendments were only placed on the table of the House last night or yesterday afternoon, and it is perfectly

impossible for hon. members in the country to know anything about them. I think that the arguments of the Hon. Mr. Forrest—added to my own, which the hon. the Postmaster-General does not seem to admit—are quite sufficient to justify the committal of the Bill being delayed until Tuesday next. I totally differ from my hon. friend Mr. Heussler. It is all well and good for him. He is always in his place, and so is the Hon. Mr. Pettigrew, who as a rule always vote in one way, both of them.

The HON. W. PETTIGREW: No!

The HON. T. L. MURRAY-PRIOR: Generally. The Postmaster-General, on a previous occasion when I happened to be opposed to him in this House, got up and said to me, “When I have a victory in my hands, does the hon. gentleman think me such a fool as to give up that victory?” But I think on that occasion I was able to give the hon. gentleman a lesson, and to show him that he cannot always have the victory he thinks he has in his hands; and perhaps even at this time we may be able to show the hon. gentleman that. However, I do trust, after the arguments that have been used, the Postmaster-General will see that the most courteous way is for him to agree to even what the minority at present in the House are asking for.

The POSTMASTER-GENERAL: As I can see that there is a fair number of the House desirous that this matter should stand over until Tuesday, I will agree to the adjournment on the understanding that the discussion will take place on that day. Hon. gentlemen may relieve their minds of any anxiety as to my desire to force any measure that is distasteful to hon. members in the House. I do not want to do anything of the sort. I want to have the question fairly discussed, but I must enter my solemn protest against adjournment being made to suit the convenience of persons who can very well attend here. I made no allusion to the Hon. Mr. Murray-Prior, and it was quite unnecessary for him to take my remarks as directed to him. I believe he does give a fair attendance to the House, unless business engagements should prevent him. I refer to other hon. gentlemen who very seldom attend, and only attend when it suits their convenience, or when some discussion comes on in which they have a strong personal interest.

Amendment withdrawn; and, on the motion of the POSTMASTER-GENERAL, the Order of the Day was postponed till Tuesday next.

HEALTH BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee of the Whole for the purpose of considering the message of the Legislative Assembly, of the 14th instant, in regard to this Bill.

The POSTMASTER-GENERAL said that the Council had made several amendments in this Bill, all of which the Legislative Assembly had agreed to, with the exception of two. The first was contained in the 23rd clause, which provided:—

“A local authority may, if it thinks fit, provide a map exhibiting a system of sewerage for effectually draining the district, and shall, whenever any sewer is made in its district, provide a map indicating the position of every such sewer; and all such maps shall be kept at the office of the local authority, and shall, at all reasonable times, be open to the inspection of the ratepayers of the district.”

The Legislative Assembly were of opinion that this provision should be restricted to covered sewers, and he could see no objection to it himself. On the contrary, he thought that if they required local authorities to show every sewer in the district which was open to the public

it would be an undoubted burden upon them. The object of the insertion made in the clause was to enable a person who wished to connect drains with public sewers to have an opportunity of knowing in which direction the sewers were going. In the case of open sewers they would have no difficulty in discovering their whereabouts, and no difficulties would be imposed on them in carrying out their wishes in regard to connection with drains. If the Council's amendment was adhered to, it might be contended that every watercourse along the side of a road would have to be indicated on a map, which he was sure the Council did not intend to imply by their amendment. He proposed that the Committee should agree to the amendment made by the Legislative Assembly in the Council's amendment in clause 23. The Bill that was in the hands of hon. members contained the amendments as they left that Chamber. The message in their journals of yesterday contained the words which the Legislative Assembly proposed to be inserted. He had already read the clause as it stood with the Council's amendment. The Legislative Assembly proposed that the clause should read as follows, beginning in the 3rd line of the clause:—

"And shall, whenever any covered sewer is made by it in its district, provide a map indicating the position of every such sewer."

The HON. A. C. GREGORY said that, as one of those who took part in the discussion on this question, he certainly could see no objection to the Legislative Assembly's amendment. The argument that the Council's amendment could apply to open sewers was an adequate reason for their not insisting upon that amendment. What he had wished to do in regard to this clause at the time they discussed it before was to provide that there should be a map of even the intended arrangements which the local authority might make. That, however, was provided in the beginning of the clause, and as it now stood he certainly saw no objection to agreeing with the amendment of the Legislative Assembly.

Question put and passed.

The POSTMASTER-GENERAL said the next amendment of theirs to which the Legislative Assembly objected was contained in clause 68. It was a matter that gave rise to considerable discussion in the Legislative Assembly when the Bill was before it in committee, and there was some discussion on the matter in the Council as to the desirability of defining what a common lodging-house was. It was a legal expression well understood in Great Britain, where there was an Act in force on which this Bill was framed, and there was no definition of the subject. In fact, his profuse searches over Health Acts and regulations of different countries enabled him to discover only one place where it had been attempted to define its meaning, and that was in Chicago. The amendment inserted in the clause was an adaptation of that definition. He had mentioned at the time that he thought it undesirable to insert a definition, but consented to it, as there was a strong desire on the part of the majority of hon. members in committee that the word should be defined. But he thought that the exception taken by the Legislative Assembly to the definition of the word was a very good one. There was a well-known meaning of the word in England, but the definition that was used in the Bill might make it extend to the respectable class of lodging-houses—in fact, to every lodging-house in the colony. It was not intended to meet the cases of respectable lodging-houses, but only those cases where men as a rule were taken in for a night or for a portion of a day. He

thought they would be wise to follow the precedent of Great Britain, and not attempt to define the expression. He moved that they do not insist on their amendment in clause 68.

Question put and passed.

The POSTMASTER-GENERAL moved that the Chairman leave the chair, and report to the House that the Committee did not insist on those amendments to which the Legislative Assembly had taken exception.

Question put and passed, and the House resumed.

The CHAIRMAN reported the resolution, and the report was adopted.

On the motion of the POSTMASTER-GENERAL, the following message was ordered to be transmitted to the Legislative Assembly:—

Legislative Council Chamber,
Brisbane, October, 1884.

MR. SPEAKER,

The Legislative Council having had under consideration the Legislative Assembly's message of date 14th October, relative to the amendments made by the Legislative Council in the Health Bill, beg now to intimate that they agree to the further amendments made by the Legislative Assembly in clause 23, and do not insist on their amendment in clause 68.

A. H. PALMER,
President.

SALE AND USE OF POISONS BILL —COMMITTEE.

On motion of the HON. P. MACPHERSON, this Order of the Day was postponed till Wednesday, 5th November.

MARYBOROUGH SCHOOL OF ARTS BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I do not think it necessary for me to detain the House at any length in moving the second reading of this Bill, the object of which is to rectify an omission made when the Maryborough School of Arts Land Sale Act of 1876 was passed. At the time the land was granted to the trustees of the School of Arts, Maryborough, no provision was made for selling or disposing of the property. A building was erected by the trustees about the year 1861, on part of the land contained in the grant; but this building is now totally inadequate to the growing requirements of the town; and the Select Committee which inquired into the matter have ascertained that they can profitably sell the old building and the ground on which it is erected, and have sufficient land left on which to construct a building suited to the present condition of the town. But though the Act of 1876 authorises the trustees to sell the whole of the land, it does not authorise them to sell a portion; and the object of this Bill is to confer similar powers to those conferred by the Act of 1876, with the additional one of selling a portion of the land, and applying the proceeds to the erection of a building on the remainder, which will be held subject to the conditions of the original grant. I apprehend there will be no objection to the motion. The land is very valuable, and the amount realised by the sale of a portion will be sufficient, with the funds now in hand, to enable a suitable building to be erected on the remainder. I beg to move that the Bill be now read a second time.

The HON. W. H. WALSH said: I am not going to oppose the passage of the Bill; but I must protest against Parliament being made use of by trustees to enable them to divert grants from the purposes for which they were made. I do not think it has been shown in this instance whether the land originally granted was from the Crown, or whether it was the result of a private

investment; but, whichever way it was, I maintain that Parliament ought not to allow itself to be made use of to enable certain trustees to divert grants from their proper uses. Only yesterday, I am perfectly sure that we did what was wrong in allowing the trustees of a race-course to divert its property from what was the original intention of the donors, whoever they may be. I simply call attention to the fact that sufficient light has not been thrown on the subject to justify us in agreeing to these proposals, even though they may be introduced by my hon. friend the Postmaster-General.

THE HON. A. C. GREGORY said: Hon. gentlemen,—I think it was in 1861 that Parliament passed an Act empowering the trustees of public lands to mortgage the lands held under trust, and I know that a great many trustees took advantage of that Act. This is one of the trusts that existed at the time that Act was passed, and had the trustees taken advantage of it they could have got rid of their trust and done as they liked with the money. But they did not do so; and I do not see why, because they did not do so, we should throw difficulties in their way, now they ask for special authority to do what they could have done long ago. Under the circumstances, and especially as the previous Act gave them the power to sell the whole of the land, I do not see why we should not extend their powers and assist them in advancing the interests—the public and important interests—which they have in hand. I shall support the second reading; and I trust the Bill will become law.

Question put and passed; and committal of the Bill made an Order of the Day for the next day's sitting.

ADJOURNMENT.

THE POSTMASTER-GENERAL said: As there is nothing for us to consider to-morrow but the Maryborough School of Arts Bill, it will be convenient to adjourn till Tuesday next; and I hope some hon. gentleman will move an amendment to that effect. I beg to move that this House do now adjourn.

THE HON. T. L. MURRAY-PRIOR said: I beg to move that this House adjourn till Tuesday next.

Amendment agreed to; and question, as amended, put and passed.

The House adjourned at nine minutes to 5 o'clock.
