

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**TUESDAY, 9 DECEMBER 1884**

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## LEGISLATIVE COUNCIL.

*Tuesday, 9 December, 1884.*

Crown Lands Bill—third reading.—Divisional Boards Agricultural Drainage Bill—third reading.—Maryborough and Urangan Railway Bill—third reading.—Jury Bill—consideration in committee of Legislative Assembly's Message.—Members Expenses Bill—second reading.—Defence Bill—second reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

## CROWN LANDS BILL—THIRD READING.

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

Question put, and the House divided :—

CONTENTS, 13.

The Hons. C. S. Mein, J. C. Heussler, T. L. Murray-Prior, J. Swan, A. Raff, W. F. Lambert, P. Macpherson, J. F. McDougall, W. Forrest, J. C. Smyth, W. Aplin, A. C. Gregory, and J. C. Foote.

NON-CONTENTS, 8.

The Hons. W. H. Walsh, A. J. Thynne, W. G. Power, J. Taylor, K. I. O'Doherty, D. F. Roberts, F. H. Hart, and G. King.

Question resolved in the affirmative.

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

## DIVISIONAL BOARDS AGRICULTURAL DRAINAGE BILL—THIRD READING.

On the motion of the Hon. A. J. THYNNE, the Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

## MARYBOROUGH AND URANGAN RAILWAY BILL—THIRD READING.

The Hon. P. MACPHERSON moved that the Bill be now read a third time.

The Hon. W. H. WALSH: Hon. gentlemen,—I wish to raise my warning voice against the passage of this Bill. I tell you plainly that you do not know what you are doing, hon. gentlemen, and that you have not given sufficient consideration to the measure. I could raise a very unpleasant debate on the subject if I wished, but I will simply say that you do not know what you are doing. You are handing over to a private company, without means—there is no subscribed capital worthy of being called a capital—not only the construction of a railway which will be a monopoly, but also the power to intrude on the Government lines as far as they wish to go, and a monopoly of the port of Hervey's Bay, for which the country is to get no *quid pro quo* whatever. It appears to me that some extraordinary infatuation has possessed the Government in sanctioning this private Bill; and I am quite sure that every one of us will regret the passage of the Bill. I shall say no more on the question. I do not think I shall even take the trouble to call for a division, because I am so disgusted; but if a division should be called for, I shall certainly vote against the third reading; and if it should come to a vote I hope the Bill will be rejected. I tell you again, hon. gentlemen, that there is no subscribed capital to carry out the work for which the measure provides—no proof of its existence has been given to this Chamber; and I am perfectly sure that when the people of Maryborough and the people of the colony are fully alive to the object of the Bill and its result—if there should happen to be a result—they will curse the day it was passed, and curse the Parliament that passed the measure.

The Hon. P. MACPHERSON said: Hon. gentlemen,—I presume I am permitted to answer these observations. When this Bill was before the Committee I produced the articles of association of this company, and I have no hesitation in saying that my hon. friend is utterly wrong when he says that this company is without capital. That assertion exists only in the hon. gentleman's imagination, like a good many other assertions he makes. I say the hon. gentleman has no right to make such an assertion.

The Hon. W. H. WALSH: I can prove what I say.

Question put and passed.

On motion of the Hon. P. MACPHERSON, the Bill was passed, and ordered to be transmitted to the Legislative Assembly with message in the usual form.

## JURY BILL—CONSIDERATION OF LEGISLATIVE ASSEMBLY'S MESSAGE.

On the motion of the Hon. A. J. THYNNE, the House went into Committee to consider the Legislative Assembly's message of the 5th instant.

The Hon. A. J. THYNNE said he would move that the Committee do not insist upon their amendment in clause 3 of the Bill. The message of the Legislative Assembly put the

matter in such plain words that there was really nothing required from him in support of it. It was not a matter which he cared to explain in ordinary language, and it was a matter of taste whether the Latin expression contained in the Bill should be allowed to stand or not. He had consented to the words being omitted out of deference to the wishes of some hon. gentlemen in that House, but he thought that in doing so he had made a mistake, and that it would have been better to let them stand. He begged to move that the Committee do not insist upon their amendment in clause 3.

The Hon. P. MACPHERSON said he was quite willing that the Committee should not insist upon the amendment. He considered the whole clause unmitigated twaddle. His hon. friend, Mr. Thynne, had reminded him that there had been a case in which such a jury had been appointed, eleven years ago. All he could say was, that a judge who would empanel such a jury must be an arrant joker. He would like to see the man who would approach their Chief Justice and ask for the appointment of such a jury.

The POSTMASTER-GENERAL said he thought the Chief Justice would do his duty whatever it might be. If the law prescribed a certain rule of conduct for him he would do it, however distasteful it might be to him, and however absurd it might appear in the present state of science. It was to prevent men of intelligence and capacity like the Chief Justice being called upon to do an act which they would feel was utterly unsuitable to the characteristics of the present day that the words had been introduced. The Legislative Assembly's message plainly stated the case. When the matter was before the Committee before it was pointed out that the law as it stood distinctly stipulated that when a woman was found guilty of a capital offence, and pleaded that she was in a certain condition, the judge had no option but to direct that a jury of matrons should be empanelled. It was to do away with such a provision as that that the clause was introduced.

The Hon. K. I. O'DOHERTY said that he believed it was upon his suggestion that the amendment was made in the clause when the Bill was last before them. He quite agreed with the Hon. Mr. Macpherson that the introduction of such an idea as a jury of matrons into their Legislature was somewhat ridiculous. It was in the belief that by leaving out the words which had been omitted, the sense of what was intended by the Legislature would be carried out, that he suggested that they should be left out, and they were left out accordingly. However, it did not appear to him to be a matter about which they should quarrel with the Lower House at all. The Postmaster-General had stated that by leaving the words in, as they were in the clause originally, they would more effectually condemn the old practice, and he did not see himself that there was any reason why they should quarrel with the clause as it stood.

The Hon. W. H. WALSH said it seemed to him that it was a most unnecessary piece of adulation of the Chief Justice by the Postmaster-General that they had just heard. The Chief Justice was not going to live for ever. It was not a question of whether that Bill was for him to give instructions upon, but for all the other judges. There were other judges in the colony as well as the Chief Justice, and they got no such panegyric from the Postmaster-General. The Postmaster-General had said he was perfectly sure that the Chief Justice would do nothing but what was right and proper. The hon. gentleman had singled out the Chief Justice from their judges, but it might not be found that

what he said was strictly correct if they referred to some of the past acts of the Chief Justice. He maintained that the Chief Justice did act illegally, and he acted most illegally the other day because some unfortunate individual came between his justiceship and his nobility. There was a poor man lugged up before the Chief Justice—and His Honour was evidently not in a fit temper to try any case at the time—and charged with a certain offence, that of interrupting the proceedings of the court by driving past the place. Then—probably because it occurred to His Honour the Chief Justice that the whole proceedings were absurd—he suddenly changed his mind and punished the man for using language which did not lead to his apprehension at all. He (Hon. Mr. Walsh) would not have said anything about the matter at all had it not been for the extraordinary panegyric of the Postmaster-General, and the way in which he singled out the Chief Justice from amongst all the other judges. He maintained that the Chief Justice not only acted illegally when his temper and the circumstances permitted it, but he acted illegally on the occasion to which he referred, and had interfered with the liberty of one of Her Majesty's subjects.

The POSTMASTER-GENERAL said he had a word to say in explanation. Persons who were not present in the House might imagine, from what the Hon. Mr. Walsh had said, that he (the Postmaster-General) was of opinion that the other judges were not capable men. He had simply referred to the Chief Justice because the Hon. Mr. Macpherson had referred to him. He had the highest respect for all the judges, as well as for the Chief Justice.

The Hon. P. MACPHERSON said he could only reiterate that the jury mentioned in the Bill was entirely obsolete. He had never heard of such a jury being summoned in Australia, and he did not know by what process the sheriff could summon such a jury. Was he to take the first twelve old women he met and drag them up to the court? His hon. friend the other evening, with a considerable show of learning, had quoted "Stephens' Commentaries" against him, but the authority in "Stephens" was Sir Matthew Hale, and they all knew what a venerable and ancient lawyer he was, and what he had done in his time. He maintained that he was not an authority for moderns at all. However, he had no objection to the clause remaining as it was.

Question put and passed.

On the motion of the Hon. A. J. THYNNE, the House resumed, and the CHAIRMAN reported the resolution. The report was adopted, and the Bill ordered to be transmitted to the Legislative Assembly with message in the usual form.

## MEMBERS EXPENSES BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—All writers of eminence in politics are agreed that where there is representative government the representatives of the people should be remunerated for their services to the country. Most leading statesmen are of the same opinion, and in all the States of Europe possessing free institutions, except Great Britain, the representatives of the people are, I believe, paid. Payment of members has existed for very many years in Sweden, Norway, and Denmark, and recently, notwithstanding the powerful opposition of the Chancellor of the German Empire, the Legislature there decided that the representatives of the people should be paid for their services. In the United States of America—regarded by some as not only the freest, but the most powerful nation

in the world—the representatives of the people are paid, and in three of the leading colonies of the British Empire payment of members is the rule. In Canada members have been paid for many years, in Victoria they have been paid for many years, and in New Zealand they have also been paid for many years. This is, I think, the fifth occasion that this question has been considered in Queensland. I believe this is the fifth time that the effort has been made to compensate members of the Legislature in some way for the loss they sustain in attending to their duties in Parliament. On four occasions it has come before this House, and the desire of the Legislative Assembly did not become law in consequence of the adverse opinion of hon. gentlemen here. So far as I can learn, the objections to the principle of payment of members are twofold. It is urged that it is un-English, and that the experience of its operation elsewhere proves that it is not successful. I have never been able to understand the assertion that the principle is un-English. It is true that it has not been adopted by name in the Imperial Legislature; but I fail to see how it can be regarded as un-English when it has been adopted by the most important colony of the Empire, whose Parliament is regarded as the nearest approach to the Imperial Parliament. The Legislature to which I refer has worked under payment of members in an eminently satisfactory manner. The principle has prevailed for many years in Victoria, and, I think, with no unsatisfactory result; and it has also prevailed many years in New Zealand, where it has worked as satisfactorily as it has done elsewhere. The second objection to the principle is that it has not proved successful where it has been tried. It is alleged that, instead of getting better services from the representatives of the people, a class of professional politicians is created, and Victoria has always been referred to as the dreadful example. I believe that colony has been referred to as an example in consequence of the action that took place there some years ago, on what is popularly known as Black Thursday. The action then taken, read in the light of subsequent events, was undoubtedly an unwise one, but to my mind it had no connection whatever with payment of members. It was taken by the Governor on the advice of the responsible Ministers of the day. The Legislature of Victoria, now sitting, conducts its business and performs its work as satisfactorily as any Legislature in Australia, and it is paid. No complaint has ever been made of the manner in which the Legislature of New Zealand has performed its functions; and, as I have said, the Legislature of Canada conducts its work in a most satisfactory manner. It has, however, been urged that in America payment of members has brought an unsatisfactory state of affairs in what is called "lobbying"—that men elected to Parliament there conceive it to be their duty to get as much from the Legislature as they possibly can, both for themselves and the districts they represent. I am not prepared to discuss that point. I confess ignorance upon it; but I say if we are to be guided by results—if results are to be taken as a criterion—then no ill effects have ensued from payment of members in that country. It is unquestionably one of the greatest nations on the earth, and is an example to all nations of the earth in a large number of instances; and I say that if with payment of members satisfactory results can ensue, it is not fair to assert that the principle cannot be carried out successfully. Now, in order that a class of professional politicians may be created, the inducements must be large. There can be no fear under the Bill now submitted to the House that a man will go into Parliament for the purpose of

making money by it. The amount proposed to be paid to members of the Legislative Assembly is so small that it will not be worth the while of any man of any capacity to go into Parliament for the purpose of the emolument. Experience has shown that it has been almost impossible for electorates situated at a long distance from the capital to get suitable men, who know their wants, to represent them in the Legislature. Queensland is worse off in this respect than any other of the Australian colonies, as she has the largest territory and the smallest population. In the Burke district, the Cook district, the Kennedy district, and all the northern districts there has been great difficulty in getting men in whom the people have confidence to represent them, and the result has been that, failing the offering of suitable local men, many of the constituencies to which I refer have been obliged to seek the assistance of professional men residing in Brisbane who are very little acquainted with their requirements. We have seen over and over again, not only with one Government but with several Governments, men who have represented such constituencies being subsidised in a way that every right-thinking person must regard as highly improper. It is to prevent such a state of affairs existing, and with the view of giving the electors an opportunity of selecting men who will fairly represent them in Parliament, that this Bill has been introduced by the Government. It will be observed that the payments to any individual for one session of Parliament are not to exceed £200. The mode of payment is, as far as practicable, within that limit—payment for work actually done. It is proposed that a member shall be paid for the actual number of days he attends in Parliament for the performance of his duties. If he absents himself from the performance of his duties on any day a proportionate amount is to be deducted for the period of his absence. I have heard it said that the principle should be extended to this branch of the Legislature, but I myself cannot see that this Chamber is on the same footing as the Legislative Assembly. We are not here elected by any constituency. We are nominated by the Governor in Council, and we hold our position practically for life; and I take it that no person has consented to occupy a seat in this Chamber except on the distinct understanding that he was prepared to perform his duties regardless of what the cost might be to himself. We have no constituencies to represent; there are no constituencies to be taken into consideration with regard to us, either individually or collectively. Our case, therefore, is not the same as that of the Legislative Assembly. The constituencies ought, I maintain, to have the opportunity of returning men in whom they have confidence from among themselves. The principle of our law is that every free man, every natural-born or naturalised subject who has resided in the colony for six months, is entitled to be returned to Parliament; and it is really a contradiction in words if we say, in one breath, that such persons should be entitled to be returned to Parliament, and then tell the man who renders service to the country that he should not be reimbursed the expenses he incurs in giving that service. This is the fifth time the Legislative Assembly has asked this House to concur in the principle embodied in this Bill, and I think we would be acting unwisely if we refused to carry out the wishes of the Assembly, which, on all those occasions, with one exception, has been indicated by an overwhelming majority. As regards this view of the matter, I will quote to hon. members the remarks of a gentleman who has gone from amongst us, and whom we all respected and

revered—a gentleman who was opposed on principle as much as any hon. member of this House to the payment of members. But when the question came before this Chamber in 1874 he endeavoured to deal with it in what I consider was a proper spirit; and I hope his words will be regarded as applicable to this occasion. On the 20th of May, 1874, Sir Maurice O'Connell, speaking on the Payment of Members Bill, then before the Council, said:—

"When last a similar measure was under our consideration, I felt it my duty to address myself to you in opposition to it. But to-day I rise with a very different feeling, and I confess it would be to me a matter of very great regret should this House deem it proper, in its wisdom, to refuse to read this Bill the second time, and the reasons which induce me now to think that it would be more wise, and more in consonance with what is the proper and constitutional duty of this House to pass the second reading, are these:—I have not at all changed my mind as to the impolicy of the measure. It is a measure which, I must confess, I dislike, because it is a departure from what is the practice of the Parliament of Great Britain. I believe that in all changes that we make from that practice, we err. But there are as we know, in many parts of Her Majesty's dominions, in the North American colonies particularly, legislatures which are in this manner remunerated for their services; and payment of members has existed for some time in a neighbouring colony of Australia. Therefore, it is not an innovation upon all practice of legislatures in the dominions of Great Britain. It has been argued that the effect of passing such a measure would tend to destroy the independence in a great measure of the other branch of the Legislature. Now, I think, hon. gentlemen, that it is a matter which we should leave to their own judgment. We are very jealous of interference. We have been always, and I hope we shall always be, jealous of interference with measure which we consider for our own advantage. If they do not see, themselves, the objection which has been put so strongly by my hon. friend Mr. Fitz"—

Whom I may mention was the great opponent of this measure—

"I do not think it is one that we should take up. Moreover, we have already, by rejecting this measure once, expressed our distaste to it. I think when a measure comes up a second time to us, after having been passed by a large majority of the representatives of the people so recently after a general election, and the subject having been discussed by the constituencies, we are straining our powers too much by refusing to read that measure at all."

I cannot add to the force of those remarks by anything I may say; and I hope hon. gentlemen—when they have considered the matter—will come to the conclusion that it would be not only inexpedient, but that it would be also unwise, to reject this measure.

The Hon. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I am sorry that the Postmaster-General has had the trouble of making a speech upon this Bill; in fact, I should have asked the hon. gentleman, before he had done so, if I had thought of it, to have postponed the second reading for another week. Under the circumstances, all I can do now is to move as an amendment that the second reading of the Bill stand an Order of the Day for this day week. I think it is very desirable that this course should be adopted. I am not going to speak on the subject now, or to follow the arguments of the Postmaster-General. I shall reserve what I have to say for another opportunity. I beg to move that the word "now" be omitted with the view of adding to the end of the question the words "this day week."

The POSTMASTER-GENERAL said: Hon. gentlemen,—It is always customary, when an application for an adjournment is made, to give a reason for it. The hon. gentleman has given no reason for his motion. If the House has made up its mind that it will not pass this measure, it would be much more satisfactory to dispose of it at once, instead of adjourning the second reading for a week. The Bill has been

on the paper for many weeks, and has also been a long time before the country. We are now getting near the end of the session, and I venture to express a hope that our discussions will not be unnecessarily prolonged. I do not know that any more light will be thrown upon this matter at the end of a week's time. It would be much more in consonance with the precedents by which we like to be guided if we went into the matter straightforwardly and at once.

The Hon. K. I. O'DOHERTY said: Hon. gentlemen,—I am somewhat at a loss, as well as the Postmaster-General, to understand why the Hon. Mr. Murray-Prior proposes to postpone the second reading of this measure for a week. I presume the reason is because the payment of members of this House is not included in the Bill.

HONOURABLE MEMBERS: No, no; nothing of the sort!

The Hon. K. I. O'DOHERTY: That is the most rational explanation I could find for such an extraordinary motion as that made by the hon. gentleman. I should like some reason to be given why the motion should be carried. I could understand the measure being postponed for a week in order that we might have a full explanation given to us by the Postmaster-General as to why members of this branch of the Legislature should not be paid as well as members of the Lower House. I confess that I am entirely in favour of the Bill, with that exception. I consider that it is the will of the people that hon. members who come here and devote their time to the discussion of public measures should be paid, and I fail to see any reason why this Chamber should be excepted. My hon. friend, Mr. Thynne, whose spurs are getting longer every day, tells me that it is probable that if members of this House were paid we might be regarded as pensioners. I am disposed to think that that point is worthy of discussion. For my own part, I am of opinion that there is one question worthy of consideration, and that is, whether members of this House should be paid so long as they are elected for life. There was some reason in the observation of the Hon. Mr. Thynne when he said that probably, if the principle of payment of members were applied to this House, so long as we are elected for life, it might place us in the category of pensioners, and on that ground I shall be prepared to discuss the matter with the Hon. Mr. Murray-Prior. I cannot, however, understand hon. members like the Hon. Mr. Murray-Prior standing up in this House and assuming such a tremendous high tone of superior dignity over all the members of senates, and of all the legislatures of the world, and protesting that he is a man of that superior financial position and superior dignity that he scorns the idea of even discussing such a thing as payment of members in this House. I almost regard all such assumptions or airs, as I call them, as worthy of a great deal of common-sense contempt. I say that the Hon. Mr. Murray-Prior is not in a position in this House, any more than any other hon. member, to stand up and put such airs on. I emphatically say that when we find hon. members of the Upper House in New Zealand, in France, in Germany, in Austria, in the United States, and all the great countries of the world—I see hon. members smiling when the Senate of the United States is mentioned: they are so very superior here to the Senate of the United States that, bless my soul! the thing is not to be considered for one second. I repeat that all such rot—I call it simply rot—is not worthy of the consideration of men of real genuine common sense. I insist upon it, that to perform the work required of hon. members

of either branch of the Legislature, as it should be performed, is worthy of payment; and that without payment hon. members cannot be expected to come from remote parts of the colony to perform their parliamentary duties. It is to be presumed that in this House, as well as the other branch of the Legislature, there are hon. members who are presumed to represent the extreme North, the extreme West, and other extreme portions of this colony; and to suppose that they are to be expected to come here and do their duty honestly as representatives of the people—for I presume that we consider ourselves representatives of the people as well as the members of the other House—to suppose that we are expected to come here and spend the most valuable part of the time allotted to us in the four-and-twenty hours in performing public work, and not to be paid for it, is to my mind simply a piece of nonsense. The work will not be done, and the work is not done. I insist upon it, that if I were disposed—but I am not—I could bring up instances in this and in the other branch of the Legislature of men who are there for the purpose of forwarding their own interests and not the interests of the colony; and I believe that if this were an elective House it would be greatly for the benefit of the colony—but only if those members elected by the voice of the country were paid by the country. I have had the opportunity, in the other branch of the Legislature, of expressing these opinions on two or three occasions, and in this Chamber I have done so once before; and I do believe, with all respect to the Hon. Mr. Murray-Prior, and all such superior men, that this House will have to yield to the voice of the people, and will have to pass this Bill. It is one of those measures, I consider, that this House must yield upon. The voice of the people has declared on four different occasions that it is essential, in order that an independent representative House may be formed, that this Bill should pass; and I say emphatically that in order to obtain that representative House the Bill should pass. You can never hope to get an independent representative House of Assembly in Queensland until you have paid members, and I shall, therefore, vote for the second reading of the Bill.

The HON. W. GRAHAM: Hon. gentlemen,—The Hon. Dr. O'Doherty has made a most admirable and telling speech, in which he completely refuted all the arguments advanced by this side of the House. His speech had evidently been most carefully prepared.

The HON. K. I. O'DOHERTY: No; not at all.

The HON. W. GRAHAM: But it would have been much more effective, and would have read much better in the public prints and in *Hansard*, if he had waited until some hon. member had offered arguments in opposition to the measure. So far as I am aware there has been no speech delivered on the subject by an hon. gentleman on this side, with the exception of that delivered by the Hon. Mr. Murray-Prior, who simply proposed that the Bill should be read a second time this day week. Of that speech the Hon. Dr. O'Doherty has evolved out of his inner consciousness a most admirable refutation. No one but the hon. gentleman could have done it, and no one else could have done it in such a style. I do not intend to go into the question now; I will merely say that I have always been opposed to payment of members; I have voted against it in another place, and I shall vote against it here.

The HON. W. D. BOX: Hon. gentlemen,—I think the hon. member who moved the amendment should have given some reason for doing so; and I hope, seeing that the hon. gentleman

cannot speak again without the permission of the House, that some hon. gentleman near him competent to speak will state the reason for the postponement. I do not intend to speak on the Bill now, because I shall have an opportunity of addressing the House when the main question comes forward.

Question — That the word proposed to be omitted stand part of the question—put, and the House divided :—

#### CONTENTS, 8.

The Hons. C. S. Mein, J. C. Heussler, A. Raff, W. H. Walsh, W. Pettigrew, K. I. O'Doherty, J. C. Foote, and G. King.

#### NON-CONTENTS, 13.

The Hons. J. F. McDougall, A. C. Gregory, F. H. Hart, T. L. Murray-Prior, J. C. Smyth, W. Forrest, W. Graham, P. Macpherson, W. F. Lambert, W. D. Box, J. Taylor, A. J. Thynne, and W. Aplin.

Question resolved in the negative.

Question — That the words proposed to be added be so added—put and passed, and the second reading of the Bill made an Order of the Day for Tuesday next.

#### DEFENCE BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I did not anticipate that this Bill would be called on for discussion this evening, and I hardly feel prepared to deal with the question as fully and as perfectly as I could wish; and I therefore ask for the indulgence of hon. members, who will allow me, I hope, to supply any deficiencies when the measure gets into committee. It has long been felt both by persons connected with the Volunteer Force as well as the general public, that the force has for some time past been in an unsatisfactory condition, and, speaking for myself as one who has taken considerable personal interest in the volunteer movement, and made some personal sacrifices in the endeavour to make it successful, I am bound to admit that the country is not getting any adequate return for the large amount of money expended for defence purposes. I do not think it necessary to go far to discover the circumstances which have contributed to this absence of success. In the early days when the volunteers were enrolled they were supposed to be instructed without being in possession of arms; and, since that time, their treatment by the Legislature has been very capricious, and the money doled out has been insufficient to enable the men to turn out in a decent and smart manner. Originally, men were induced to join and remain in the force for five years, by the Legislature undertaking to give each man a land-order, nominally worth £40, but, in a large number of instances, worth considerably more. When that system was abolished, a large number of men, who had remained in the force in view of ultimate reward, dropped out, and from that time to the present we have been entirely dependent on persons who might volunteer to-day and withdraw to-morrow, there being no power to compel the performance of their duties after enlisting. Sometimes a large accession to the force has been brought about by the Legislature paying for what were supposed to be services rendered. The payment was, after a very successful encampment under trying circumstances, suddenly withdrawn, and a large number of the men withdrew from the force, but numbers still remained, in the expectation that by a continuance of their exertions and enthusiasm the Legislature might be induced to reconsider the matter. After a time a Bill was introduced in the Legislative Assembly by our esteemed President, but unfortunately the Legislature did not pass that

Bill in the form in which it was presented by Sir Arthur Palmer; and in its present shape it has not worked satisfactorily. Men enlist for twelve months, and regulations are allowed to be passed, nominally enforcing fines; but we are not in a position to enforce either the attendance or the discipline of the men. The maximum penalty for an infraction of the regulations is 5s., and that has to be recovered before a police court. The result is that any person having to submit to discipline, and finding discipline irksome, resigns his position, and sends in his clothes; and we have practically no control over him. Hence has grown up a tendency amongst a large number of the men to take exception to trifles. There has been a difficulty in getting recruits, owing to the men having in many cases to put up with damaged and worn clothes. But we have been compelled to do this for two reasons: the sudden fluctuations in the strength of the force, caused by numbers of men resigning and going away, and the absence of a sufficient quantity of funds. However, that is an objection that does not prevail to any appreciable extent in the metropolitan corps at the present time. Funds have been carefully stored up, and most of the men in the different branches of the service in Brisbane at the present time are well clothed; their clothing will bear comparison with that of any other volunteer body, and is in most instances superior to the clothing used by the regulars at home. As I have said, we have no control over the men. The foundation of the force, however, is composed of first-class men—men who have devoted their energies and a considerable amount of ability, under trying circumstances for a large number of years, to make the force a success. My observation, as far as the Volunteer Force is concerned, has been the same as my observation with regard to nearly all other movements in this trying climate. Whether it is owing to the enervating effect of the climate, I am not prepared to state; but I find that persons undertake new schemes and new movements in this colony with a great amount of enthusiasm, but that enthusiasm very rapidly dies out, and men do not display that energy here with regard to such movements that we find elsewhere. I do not know whether the causes to which I have adverted are sufficient to account for this, but the fact remains, whatever the causes may be. Our observations must have satisfied us that after the large expenditure of money that has been appropriated towards the construction and purchase of material, and in view of the possibility, and I might almost add probability, of the Imperial Government being sooner or later involved in troubles with other nations, it would be unwise for us to stop in our present position. That was apparently felt by the late Government, and they determined to set about introducing a more satisfactory state of affairs. With that object in view, they sent to Great Britain for the purpose of securing the services of a thoroughly experienced and qualified man. The country is to be congratulated upon the result of their exertions in this respect. They secured the services of a gentleman who has gained experience in different parts of Her Majesty's dominions, and I can safely assert that his qualifications are equal to the qualifications of any person possessing a corresponding rank in Her Majesty's Service. He has been employed in one of Her Majesty's colonies introducing a system of organisation, and the result of his exertions there has been eminently satisfactory. He lost no time after his arrival in this colony in investigating the condition of the whole force, and his conclusions and report have been before hon. gentlemen for some time. I will call the attention

of hon. members to some of his remarks. After explaining the position of the force and discussing the causes which have led to its unsatisfactory condition, he proceeds to make certain recommendations. He refers to the country in which a large amount of his experience has been gained, and concludes his observations by making the following recommendations:—

"1. The formation of a battery of artillery as a school of instruction for the force at large. The average strength of this battery to be about 100 men, of whom about 75 would be permanent; the balance—non-commissioned officers and men, for short courses of instruction. This force could also, if necessary, provide detachments of marine artillerymen for gunboats.

"2. I would recommend that for the existing volunteer force a volunteer militia be substituted, as has recently been done in Victoria, and that in the Act necessary for the purpose power be also taken for the formation of a reserve militia, on lines somewhat similar to the Canadian Act above quoted.

"3. That encouragement be given by Government for the formation of rifle corps or clubs on the purely volunteer principle in those places where there are no militia corps—arms, ammunition, and stores required, to be furnished by Government at cost price.

"4. That steps be taken with the view of enrolling as many as possible of the present members of the Police Force and pensioners as a first reserve for the militia, in case their services should be required; and that all future recruits for the police shall sign an engagement binding themselves as above.

"5. That the Government provide all clothing, accoutrements, etc., required, the capitation grant of corps being proportionately reduced.

"6. That indirect assistance be given to the force by reserving appointments in the Police, Railway Department, and non-clerical branches of the Civil Service, for properly qualified members of the volunteer militia.

"The adoption of 2 to 6 will involve no extra cost, but will give us a system of defence superior to that of any colony, and make up the best parts of each. It presents the following advantages almost free of cost:—

- (a) The first line of defence may be reinforced at once by our excellent Police Force;
- (b) Create an immense reserve;
- (c) Give confidence to the people in general;
- (d) Let the enemy understand from the outset that he has the whole male population of the country to deal with, and that he cannot count on striking a fatal blow, while Parliament is being called together to confer the requisite power on the Executive."

These recommendations received, as they were entitled to receive, the very careful and anxious consideration of the Government, and they determined to embody most of them in a Bill to be submitted to Parliament. That Bill is now in the hands of hon. gentlemen. We have followed the lines laid down for our guidance by Colonel French on all points except two. We do not create the establishment of a militia by name, nor do we create its establishment in fact. As the Bill was originally introduced into the Legislative Assembly it was provided that in time of peace the Governor should be at liberty to call out men to the number of 2,000; that that number should first be obtained by voluntary enrolment of individuals, but if the voluntary enlistment did not amount to the requisite number, then the Governor might step in, and by balloting from classes, to which I shall hereafter refer, bring up the number to the prescribed amount. However, that provision was withdrawn, and in the Bill in its present shape we provide that in times of peace the enrolment of forces shall be purely voluntary. That is one departure from the recommendations of Colonel French. The second departure is that the Bill does not now embody any provision in regard to preference being given to members of the Volunteer Force to appointments in the Public Service. In all other respects the Bill in the hands of hon. gentlemen carries out the recommendations of the Commandant. I have stated that at the present time the men volunteer for one year, and practically we have no control over them to enforce attendance. The attendance is therefore

merely capricious, and we are unable in consequence to raise a thoroughly efficient force. The Bill in its present shape proposes that the enrolment in times of peace shall be for three years; and we adopt the lines of the Canadian legislation by creating a defence force comprising all the male inhabitants of the colony up to the age of sixty. That is exactly a copy of the Canadian statute. The male inhabitants up to the age of sixty are divided into four classes. The first class consists of all unmarried men, who are not the sons of widows and their only support, or widowers without children between the ages of eighteen and thirty years. The second class of men comprises all unmarried men or widowers without children between thirty and forty-five years of age; the third class consists of all married men or widowers with children between the ages of eighteen and forty-five years; and the fourth class, of all men between the ages of forty-five and sixty years. The object of classifying the inhabitants of the colony in this way is to enable the Government to have a body of men available in cases of emergency. One of the fundamental principles of the Bill is that when war is proclaimed, or an invasion is imminent, or in any case of special emergency, the Governor in Council, without waiting to summon Parliament together, can call upon the defence force which this Bill establishes, and which as I say comprises all the male inhabitants, with a few unimportant exceptions, to come out in the defence of the country in such numbers as the emergency may demand. But in times of peace there will be no call upon the inhabitants who do not voluntarily offer their services. When the land portion of the force is called out for active service it will be for all practical purposes placed upon the same footing as the Imperial forces would be under the Army Act of 1881: and the naval portion of the force will be put on the footing prescribed by the Naval Discipline Act of 1866. For the purpose of securing men in the required numbers, corps may be established by the Governor in a number of places in the colony which is to be divided into districts and divisions. An enrolment officer is to be appointed, whose duty it will be to collect the names of all persons who are open to serve according to the classes I have enumerated. It is provided that compulsory enlistment shall not be put in force, except when a sufficient number of men do not volunteer to keep the respective corps up to their proper strength. But when war or invasion takes place, the necessary number of men to maintain the corps at its proper strength is to be drawn by ballot from class to class. In other words, if the number of men required can be obtained from the first class, there will be no requisition beyond that; but if the first class is wholly not sufficient to supply the men required for the emergency, then the Governor in Council shall proceed to ballot from the second class, and so on to the third, and ultimately to the fourth class. In connection with this, we have further provided that where a man is balloted he shall have it in his power to substitute for himself an eligible party from the same class, with this proviso: that when the substitute is himself balloted to serve, the person for whom he was substituted may be called upon to serve in his place. I think these are all the important measures with reference to enrolment that it is necessary for me to refer to at the present time. Passing on from that, I come to the provisions of the 26th subsection. This is a clause which introduces a new element altogether into our legislation upon this subject. One of the great difficulties that has been felt in dealing with the force here is that we

have no model upon which to form ourselves. Men here have no models in the shape of permanent forces, either for the purpose of instruction or for the purpose of guidance; and experience has shown elsewhere that a small force or permanent corps, officered by experienced military men, is of great use both for the purpose of manning forts and looking after material, as well as for serving as a school of instruction to officers and men who can devote sufficient time to avail themselves of it. It has worked well in Sydney, where it has been in force for a large number of years; and in Canada, where it is working with great success. Victoria has also recently introduced it. We propose to introduce the principle here, and by the 26th and subsequent clauses it is provided that a permanent force, to provide for the care and protection of forts, magazines, and warlike stores, and to secure the establishment of a school for military instruction in connection with the defence force, shall be established, provided that the number shall not exceed 150 men. This will consist of a battery of artillery; I do not know that I should give reasons as to why it should be artillery, but if any question subsequently arises out of this it can be discussed hereafter. We propose to follow the recommendations of Colonel French, and provide that men who have been in the permanent force may be drafted out into a permanent force reserve which may be attached to some volunteer corps; and in order that their services may be available if subsequently required, they will be paid a sort of annual retaining fee, the receipt of which by them makes it obligatory upon them to come in again and join the permanent force when required by the Government. We also provide that every man who hereafter joins the Police Force shall be practically a member of the defence force, and that those men at present in the Police Force who are willing to make a declaration that they are prepared to serve upon the active defence force, if called upon to do so, will get preference in the matter of promotion or appointment over men who refuse to give that undertaking. There are a large number of provisions with regard to discipline, training, and other matters which I shall not weary the House by any reference to. There is one matter, however, which I was very nearly overlooking, and it is of great importance. There are a large number of provisions in this Bill for the marine forces. Some time ago, following up the recommendations of Sir William Jervois, the late Government ordered two gunboats and a torpedo-boat from England for the purpose of assisting in the defence of the coast. The torpedo-boat has already arrived, and the gunboats will shortly arrive. There is no provision in our law at all by which we can provide for their being manned and the men being subject to discipline; but the Imperial Legislature passed an Act in 1865 called the "Naval Defence Act," which authorised the Colonial Governments to establish laws regulating volunteers, and providing for the creation of small navies, and authorising the Admiralty to accept the services of gunboats in connection with their different fleets, if the laws of the colony offering the services of the gunboats made proper provisions as to the discipline and management of the crew. The Government, having no present necessity for the services of one of those gunboats, some time since wrote to the Secretary of State for the Colonies, stating that they were prepared to place the largest of those vessels under the control of the Admiralty, in order that it might be attached for the purpose of instruction and for other purposes to the fleet sailing in colonial waters. A telegraphic message has since been received from the



Imperial authorities stating that the offer could not be entertained, unless we make provision in our statutes of the character indicated in the Naval Defence Act of 1865. We therefore propose to deal with this matter in the Bill before the House. These provisions were afterthoughts, and did not present themselves to the Government when the Bill was first framed, and we therefore found it necessary to supplement the provisions the Legislative Assembly have made in this respect; and I intend to move certain amendments in connection with this matter, which are already in print, and have been circulated among hon. members. The object of the amendments will be to make the Bill as complete as possible in order that we may have thorough control over our marine forces, and that they may be properly utilised on board of our vessels, and have the benefit of the experience which our men will gain by serving with the Imperial Navy. The provisions with regard to drill and training in both branches of the service are much more stringent than those in the present law. I have already stated that when a man volunteers under this measure he will volunteer for a period of three years, and will be amenable to discipline; and in order to secure efficiency the Bill provides that he must attend a stated number of drills per annum. I do not know that I need specially refer to that. There is a blot on our present statute with reference to training, as it only provides that there shall be a continuous period of training at Easter. Easter, as hon. members know, is in most instances a very inconvenient time for training, as the weather is very unsettled at that period of the year, and it has been found that all our forces cannot be brought together at that particular time. The result has been that isolated branches of the force have not had the benefit of the instruction and supervision of the staff. No provision is made in this measure for continuous training at any particular period; that will be regulated according to the requirements of each district; and proper arrangements will be made for the instruction and supervision of the whole force. I do not think hon. members will require any further explanation of the Bill from me at present. I was somewhat taken by surprise at being called upon to move the second reading of the Bill this afternoon. I feel that my remarks have not been sufficiently explanatory of the subject, and I will be very happy, when the Bill is in committee, to afford any information on any point that the House or any member of the House may require information about. I move that the Bill be now read a second time.

The HON. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I am glad to be able on this occasion to cordially agree with what has fallen from the hon. the Postmaster-General. Although the hon. gentleman says he has not had much time to look into the Bill he has explained it very ably. I think that all those persons who can bear arms should be ready and willing to do so in defence of their country, and I am of opinion that it will do a great deal of good to young men to be under discipline; and I shall most cordially support the Bill. I believe it is a good one for the country and all who are in it.

The HON. A. C. GREGORY said: Hon. gentlemen,—After the able explanation of this Bill we have had from the Postmaster-General, I think there is not much more to be said on it, except that it is an undoubted fact that if we are to have any sort of a defence force it must be subject to discipline. Our legislative enactments hitherto would not be effective in time of war, and under these circumstances I think it is very desirable that some measure of this

kind should be passed. There is, however, one small matter in the Bill to which I wish to draw attention. I do not take exception to it, but merely refer to the matter in order that it may be brought under the notice of the Postmaster-General before the Bill is considered in committee. It appears from clauses 55 and 56, that the men may be required to serve, not only outside the colony, but also beyond the limits of Australia. I think this is a matter which must have been overlooked, and I simply draw attention to it with the view of having it looked into to see whether my interpretation is correct. If it is correct then the question should be carefully considered, as it is a very important one. I think that elsewhere the militia, or the defence force which takes the form of a militia, is practically limited in its service to the country in which it is raised. In the case of Canada, I believe there is an exception made with the view of enabling the force to operate on the frontier, where they might be required. In India the rule has been that no part of the army raised in India should be removed from the country without the consent of the men composing the force. However, I will not delay the House by discussing this question now. It is not a matter to which I take exception, but it is one which, in my opinion, is deserving of consideration. I shall, under any circumstances, cordially support the Bill.

The HON. A. J. THYNNE said: Hon. gentlemen,—I cannot allow this Bill to pass without having a few words to say upon it. My hon. friend the Postmaster-General has alluded to his experience in connection with the Volunteer Force. Perhaps my experience goes back to a date anterior to his. I remember in 1867 having taken part in the formation of a rifle corps, which has grown into the regiment which the hon. gentleman now commands. My experience from that time up to the date when I ceased to take an active part in the Volunteer Force gave me very little confidence in the manner in which the Volunteer Force of the colony has been conducted under the system in force up to the present time. I see that the Bill which has been introduced is framed in a way which will relegate to complete obscurity the very idea of a purely volunteer force. For many years it has been said that nothing can come out of an institution unless it is a paid one. I say that the spirit which suggests that statement, and the action which the Government propose to take upon it, is in itself one of the greatest slanders—one of the greatest injustices on the people of Queensland and of Australia generally—that any Government or anybody else could inflict upon them. I contend that the people of this colony have, if possible, a stronger feeling of patriotism, and of readiness to undertake their duties, than is manifested in the old country; and I say further, that if the volunteers had been allowed to conduct their affairs up to the present time without the meddlesome and injurious interference of people whose sympathies were absolutely against their existence, there would have been to-day a strong force of useful men, who would have been the pride of the colony as the Volunteer Force is the pride of Great Britain. The volunteers of Great Britain—there are none in Ireland, I am sorry to say—are a source of greater pride, of greater assurance, and of greater confidence than even the regular army, and they have impressed themselves more upon the ideas of foreign nations than the regular army has done. It has been the practice up to the present time, at odd irregular intervals, to establish volunteer corps. I remember that formerly volunteers were to be allowed sufficient to cover the expenses of the various corps—sufficient to pay for uniform, etc.; and their arms were supplied. That was done for a

year or two, and then the arrangement was capriciously altered. Sometimes, as the Estimates submitted to Parliament will show, for years at a time there was no money voted of any practical use to the volunteers. I remember that for some years the only vote passed was for the commandant, which was a small sum of about £100 a year, and which was only sufficient to cover the cost of forage and other expenses of a trifling character. Now we are going into a more comprehensive system, and we should, I think, consider whether it is desirable to adopt a scheme which will entirely destroy the spirit of the volunteer system. This Bill contains but one solitary clause with reference to a volunteer force. I will read it to hon. gentlemen. Clause 52 provides that "the Governor may sanction the organisation of rifle corps or clubs, and of associations for purposes of drill, under such conditions as may be prescribed, and may provide arms and ammunition for them." According to that, the Government may sanction the formation of rifle corps, but no provision is made for enforcing discipline among the men.

The POSTMASTER-GENERAL: The regulations will provide for that.

The Hon. A. J. THYNNE: The regulations will do nothing of the kind. The regulations will be framed to forward the purposes of the Bill. The clause which I have quoted simply gives the Governor power to accept the services of volunteers; he cannot make regulations to bind a man to submit himself to a court-martial if he committed any act of disobedience.

The POSTMASTER-GENERAL: The clause says, "under such conditions as may be prescribed." What is the meaning of that?

The Hon. A. J. THYNNE: That is a mere negative provision, and will not answer the purpose. I say there ought to be a distinct enactment providing for the enrolment of volunteer corps; and my reason for taking this view is the result of my experience in connection with the Volunteer Force of this colony. The Postmaster-General attributes the causes of failure of the present volunteer system to the climate, and to the rapid dying-out of enthusiasm among the men. I say that the reason so many men have withdrawn from the force is attributable to the mismanagement of the force. I remember very well that some few years ago, in the company with which I was connected, we had a large muster of men every week, from fifty to seventy men attending drill regularly. I do not think that the hon. the Postmaster-General, with his whole regiment of four companies, can now reckon on that number of men regularly attending drill, although they are paid. Payment was introduced as one of the nostrums which were recommended by a gentleman whose advice the Government took in connection with the defence force of the colony. The result of the introduction of the system of payment was the immediate dropping off in the attendance of the men, from fifty and seventy down to about twenty in the company to which I belonged; and although I used every exertion in my power to keep them together, it was of no avail. The men felt that the introduction of payment was an insult to them, and they felt degraded by payment, and refused—many of them—to continue in the force. I confess myself that I have felt more degraded in giving those men their half-crowns for a Saturday's afternoon drill than I would care to submit to very often. The consequence of that system, as I have already intimated, was that all those men who had any self-respect left the force; and

when those men who did not leave were asked shortly afterwards in public meeting whether they would vote for the continuance of the pay, what was the answer? The unanimous answer of the company to which I belonged was this: "Abolish the pay; we do not want it." The Postmaster-General shakes his head, but I remember the circumstances very well. I was presiding at the meeting, and I have a clear recollection of the great pleasure with which the men voted for doing away with the payment which was keeping away some of the best young men in the city, who would not join in consequence of payment being compulsory. Another system of payment was introduced recently, and a large number of those men who had voted against the continuance of payment have since retired from the force. The men who were engaged in warehouses and offices, or had small places of business of their own, retired because they felt that if they were honestly to perform the duty for which they were paid they ought to hold themselves ready to come out on every occasion, and that was incompatible with their employment. Some of the best men of the rank and file have left the force, and are still out of it, in consequence of the system of payment having been introduced. If the Government were to say that those men who were paid must do their duty as paid men they would have a much better force than they have now. As matters stand at present, however, the men, although paid, look upon themselves as volunteers, and give themselves the airs of volunteers; hence comes the difficulty of enforcing discipline. I shall insist on proper provision being made in this Bill for the due recognition of the volunteer system, not only in the country districts where there is no militia force in existence, but also in the towns where men will give attention to their duties without payment. If that is provided for, then there is very little else in the Bill to which I have any objection. I think it is well to make some such provision as is proposed for enrolling the population of the colony. I do not know that the principle will stand the test of experience, but we can try it. I do not intend to say anything more on the subject at present, as I believe there is a desire to adjourn before tea. There are one or two other matters to which I wish to address myself, but I shall reserve my remarks on them until we get into Committee.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the committal of the Bill was made an Order of the Day for next sitting day.

#### ADJOURNMENT.

The POSTMASTER-GENERAL said: Hon. gentlemen,—In moving that this House do now adjourn, I may say that I am entirely in the hands of hon. members with regard to sitting to-morrow. I am prepared to sit to-morrow if it is thought desirable, but seeing that we have got through the second reading of this Bill, and that the Members Expenses Bill has been postponed till next week, I think we might adjourn over to-morrow, especially as the Legislative Assembly will not sit again till Thursday. If it is the wish of the House that we should adjourn over to-morrow, I shall ask some hon. member to move an amendment to that effect.

The Hon. A. C. GREGORY moved as an amendment that the words "until Thursday next" be added to the motion.

Question, as amended, put and passed.

The House adjourned at 6 o'clock.