

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 17 NOVEMBER 1885

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LEGISLATIVE ASSEMBLY.

Tuesday, 17 November, 1885.

Appropriation Bill—report of Joint Committee.—Townsville Election.—Joint Select Committee—adoption of report.—Message from the Legislative Council.—Appropriation Bill No. 2—consideration of Council's amendments.—Message from the Legislative Council—Adjournment.

The SPEAKER took the chair at half-past 3 o'clock.

APPROPRIATION BILL—REPORT OF JOINT COMMITTEE.

The PREMIER said: Mr. Speaker,—I present the Report of the Joint Committee appointed to inquire into the present condition of public business, and I beg to move that it be read by the Clerk at the table.

Question put and passed, and Report read by the Clerk as follows:—

The Joint Select Committee of the Legislative Council and Legislative Assembly, appointed on the 13th of November, 1885, "to consider the present condition of public business in consequence of no Supplies having been granted to Her Majesty for the service of the current financial year," report as follows:—

1. They have carefully considered the matter referred to them, and in particular have considered the messages transmitted by the Legislative Council and Legislative Assembly respectively, on the 12th of November, with respect to the Appropriation Bill No. 2.

2. They recommend that for the purpose of obtaining an opinion as to the relative rights and powers of both Houses with respect to money Bills a case be prepared, and that a Joint Address of both Houses be presented to Her Majesty, praying Her Majesty to be graciously pleased to refer such case for the opinion of Her Majesty's Most Honourable Privy Council.

3. They have prepared a draft Address to Her Majesty, and a draft case to be so submitted, which are appended to this report, and which they recommend for adoption by the Legislative Council and Legislative Assembly.

4. They recommend that it be an understanding that while the questions so submitted remain under consideration no appropriation of money should be included in the Annual Appropriation Bill for a purpose substantially the same as any purpose for which an appropriation has during the same session been submitted to the Legislative Council by separate Bill and rejected by them.

5. They recommend that upon the adoption of this Report by both Houses, and the adoption of a joint address to Her Majesty as herein recommended, the Legislative Council do not further insist on their amendments in the Appropriation Bill No. 2.

S. W. GRIFFITH,

Chairman.

Legislative Council,
Committee Room No. 1.
16th November, 1885.

The PREMIER: I beg to move that the Report be printed.

Question put and passed.

TOWNSVILLE ELECTION.

The SPEAKER said: I have to inform the House that I have this day received my writ from the returning officer for the electoral district of Townsville, endorsed with the return of William Villiers Brown, Esquire, as member for the said electoral district.

Mr. MOREHEAD said: Mr. Speaker,—I wish to ask the Premier, without notice, and with regard to the last statement you, sir, have made to the House, concerning the election for Townsville—to what tribunal, in the event of a petition being sent to this House against the return of Mr. Brown, would it be referred?

The PREMIER said: The present law provides that petitions against the return of members are referred to the Committee of Elections and Qualifications, and they only sit when the Parliament is sitting.

The Hon. Sir T. McILWRAITH said: Mr. Speaker,—Another question arises, more serious than that, and it is this: Mr. Brown not having arrived by this evening will possibly have been absent for a whole session.

The PREMIER: No, no!

The Hon. Sir T. McILWRAITH: Yes, he will.

The PREMIER: He will not have been a member for a whole session.

The Hon. Sir T. McILWRAITH: No; but he will have been absent during the whole of the session during which he will have been a member. In order that no difficulty with regard to his seat may arise, I beg to move without notice that leave of absence be granted to Mr. Brown.

The SPEAKER : It is questionable whether such a motion as that can be put from the chair, as the hon. member has not yet been sworn in, nor has he taken the oath of allegiance.

Mr. MOREHEAD said : Mr. Speaker,—Speaking to a point of order, I take it that the hon. member is a member of this House although he has not been sworn in. A king may be a king, although not crowned. The coronation does not make a sovereign. You, sir, having stated that Mr. Brown has been elected a member of this House—although an unsworn member—he becomes a member of this House from the moment you enter upon the records of the House that he has been returned as member for Townsville: in the same way, as has just been suggested to me by the hon. member for Leichhardt, that Mr. Bradlaugh is a member of the House of Commons, although not sworn in.

The HON. SIR T. McILWRAITH : Do I understand, Mr. Speaker, that your ground for declining to put the motion I moved, to the House, was that Mr. Brown had not come and presented himself as member for the district of Townsville? The position is this : The Legislative Assembly Act, clause 7, provides that a member shall not be absent one whole session of Parliament without the permission of the House. According to your statement that permission cannot be granted. The Act says :—

“If any member of the Assembly shall for one whole session of the Legislature, *without the permission* of the Assembly, entered upon its journals, fail to give his attendance in the House”—

And so forth. Very well, provision is made here by which the House can, at its discretion, grant any member permission to be absent for the session. In a case of this sort, taking all the circumstances into consideration, and that the House would in all probability have been prorogued before he arrived, Mr. Brown may be considered as perfectly right in not being here, and in this case I think the House will not for a moment dream of refusing the necessary permission. I think, however, there is some doubt upon the matter.

The PREMIER : No ; there is no doubt.

The HON. SIR T. McILWRAITH : That is the point on which I differ from the hon. member ; and nothing wrong can be done by granting leave of absence. If we do that we can make ourselves perfectly safe. I am in doubt whether, being a member for only a portion of the session, and being absent during the whole of that portion, Mr. Brown might not be brought under the liability of the 7th clause of the Legislative Assembly Act. I do not care how it is myself, but I wish the House to put itself right ; and it is only fair Mr. Brown should get leave of absence in order that he may be in a position to take his seat next session.

The PREMIER said : Mr. Speaker,—I should be sorry to think any member would lose his seat in the manner suggested, but it seems too absurd to ask us formally to state on our records that we think it possible that a man who has only been a member of the House one day can have been absent for a whole session. How can a member be absent when he is not a member? How can it be said that he was absent during all the session when he has been a member for only part of it? I remember that the hon. member for Rockhampton (Mr. Ferguson) was elected before the close of one session, and did not take his seat till the commencement of the next session, but nobody ever suggested that he had thereby vacated his seat.

The HON. SIR T. McILWRAITH said : The hon. member considers it perfectly clear that the

seat will not become vacant, but I do not consider it plain at all, because Mr. Brown is a member at the present time, and has been absent during the whole of the session. He will have been absent during a portion of the session while he was not a member, and during another portion while he was a member ; and, as it is a matter of doubt, I think we ought to make ourselves perfectly right by granting the permission I have asked. Did you rule, sir, that the motion I moved could not be put because Mr. Brown has not yet presented himself to be sworn?

The SPEAKER : The hon. member misunderstands me. I said it was open to doubt whether leave of absence could be granted to Mr. Brown, as he has not presented himself here to be sworn and to take the necessary oath of allegiance. In the case of Mr. Bradlaugh, though that gentleman is a member of the House of Commons, having been elected by a constituency, he has never taken the oath of allegiance, and he has never been allowed inside the bar. A similar case occurred in the year 1851, when Mr. Alderman Salomons was elected member for Greenwich. He refused to take the oath—“on the true faith of a Christian”—and was ordered by the Speaker to be removed by the Sergeant-at-Arms outside the bar. Of course I only gave the House my opinion. If the House pleases to give Mr. Brown leave of absence it can do so. The Speaker is only the servant of the House, and must carry out its will.

The HON. SIR T. McILWRAITH : I understand, then, sir, that you have no objection—provided the House has none—to the motion being put ; and I now move that leave of absence be granted to Mr. Brown for the remainder of the session.

The SPEAKER : Is it the pleasure of the House that the motion be put?

The PREMIER : I do not object to the motion being put, if it pleases any member of the House to move such a motion ; but I protest against its being supposed to be arguable that a man who has been a member only a portion of a session can be said to have been absent the whole session. He has been absent exactly in the same sense in which I have been absent from the Legislative Council—of which I am not a member—for the whole session.

Mr. MOREHEAD : Mr. Speaker,—Surely the hon. member is in error. So far as Mr. Brown is concerned, he will have been absent the whole of the session, because so far as he is concerned the whole of the session is included between the day you, sir, announced the return of the writ of his election and the day the session ends.

Mr. SCOTT said : Mr. Speaker,—It is quite clear that he must be either present or absent, and we know that he has not yet been present during any part of the session. We know very well that there has been sharp practice in similar matters in this House before. There was on one occasion a session of only one day, when it was impossible for Mr. Gordon Sandeman to get down in time, and he lost his seat because he was absent the whole of the session. As there has been sharp practice in one case, the same thing may happen in another.

Mr. STEVENSON said : Mr. Speaker,—The Premier's argument is that because Mr. Brown has not been absent during the whole of the session he will not lose his seat. But suppose he was elected a few days after the session began he could have been absent the whole of the session just the same as he is now. It is simply a matter of degree ; therefore I think the motion of the leader of the Opposition ought to be put

THE HON. SIR T. MCILWRAITH: I moved the motion because I thought it a grave matter of doubt, and because in my opinion the law demands that Mr. Brown shall have leave of absence.

THE PREMIER: I have no objection. I said I had no objection.

Question put and passed.

JOINT SELECT COMMITTEE— ADOPTION OF REPORT.

THE PREMIER said: Mr. Speaker,—Before we proceed to the Orders of the Day, I wish to move, without notice, the adoption of the Report of the Joint Select Committee laid on the table this afternoon; also the adoption of the Address to Her Majesty, recommended by the Committee. Hon. members will observe that the Report of the Select Committee recommends—

“That, for the purpose of obtaining an opinion as to the relative rights and powers of both Houses with respect to money Bills, a case be prepared, and that a Joint Address of both Houses be presented to Her Majesty, praying Her Majesty to be graciously pleased to refer such case for the opinion of Her Majesty’s Most Honourable Privy Council.”

It states that—

“They have prepared a draft Address to Her Majesty and a draft case to be so submitted, which are appended to this report, and which they recommend for adoption by the Legislative Council and Legislative Assembly.

“And they recommend that it be an understanding that while the questions so submitted remain under consideration no appropriation of money should be included in the annual Appropriation Bill for a purpose substantially the same as any purpose for which an appropriation has during the same session been submitted to the Legislative Council by separate Bill and rejected by them.”

That last paragraph was inserted in consequence of the contention of the Legislative Council, in their message to this House, that the inclusion of the item for the payment of members’ expenses in the Appropriation Bill was in the nature of a “tack.” I do not myself concur in that view, there being a very material difference between the Bill for the payment of members’ expenses sent to the Legislative Council last session and this, and the inclusion of that item in the Estimates for this year—authorising the payment for one year only. I do not think myself that it comes within the technical definition of a “tack”; but the technical objection may, nevertheless, be taken that the same matter should not be submitted twice in the same session. One of the arguments I understand the Legislative Council to rely upon is this—that whatever their rights might otherwise be, they are justified, when the same item is submitted twice in the same session, in exercising the power of amending the Appropriation Bill. Since that argument is raised, we may, I think, very well agree that until this question is settled—which will probably be before next session—it shall be an understanding that the Payment of Members’ Expenses Bill shall not be submitted separately, and the item afterwards included in the Estimates. With respect to the presentation of an address by both Houses of Parliament to Her Majesty, I think it is very desirable that the difference between the Houses shall be referred to some competent authority, and I think the Privy Council is the most satisfactory tribunal to express an opinion on the subject. It is a tribunal to which disputes between different colonies have before now been referred; and the most important questions of law are referred to it, on appeal from the colonial courts, and therefore, I think our two Houses of Parliament may, without any derogation of their dignity, refer a question of this kind, although it is, of course, only partly a question of strict law and partly a

question of constitutional practice. I do not think it is necessary or desirable to make a long speech on this question. I believe the recommendations of the Committee will commend themselves to hon. members of this House unanimously. The Joint Committee devoted considerable time and very careful attention to the discussion of the matter before them; the representatives of both Houses approached the matter with a desire to put an end to the present unsatisfactory position of public affairs, and they have agreed on this report, which I think this House can adopt without in any way sacrificing its dignity. I therefore propose this motion for the adoption of the report and the adoption of the joint address submitted by the Committee. A message will then be transmitted to the Legislative Council inviting their concurrence in the joint address. Upon receiving from them an intimation of their concurrence, we shall then proceed with the Appropriation Bill and return it to the Legislative Council, insisting on our disagreement to their amendments, which I anticipate they will not further insist upon. The case which is proposed to be submitted to the Privy Council states perhaps rather more than from our point of view it is necessary to state. There are some matters which we might not have thought it necessary to state, but which the representatives of the Legislative Council thought material. If they are immaterial they can do our contention no harm, and if they should turn out to be material they ought, of course, to be stated. The case sets out first of all the provisions of the Constitution Act relating to the matter, and gives the history of the Constitution Act, which, as we know, is a consolidation of previously existing laws. It then states the mode of appointment of members of the Legislative Council and Legislative Assembly respectively. Then follows the history of the Members Expenses Bill last year and this year; then comes the history of the item for the payment of expenses of members in the Estimates for this year—pointing out that the Estimates are not submitted to members of the Council. The case then records the fact that the Legislative Council amended the Appropriation Bill by reducing the item of £10,585 for the Legislative Assembly’s establishment, which included the £7,000 for expenses of members, to £3,585; and calls attention to the fact that there was nothing on the face of the Bill to indicate the special purpose to which any part of the £10,585 was appropriated. It then sets out the two messages that passed between the Houses, the appointment of the Joint Select Committee, and their recommendation as to the adoption of the joint address. The various Acts and documents referred to are to be considered as appended to the case. The questions submitted for consideration are:—

“1. Whether the Constitution Act of 1867 confers on the Legislative Council powers co-ordinate with those of the Legislative Assembly in the amendment of all Bills, including money Bills?”

“2. Whether the claims of the Legislative Assembly, as set forth in their message of 12th November, are well founded?”

The first question is the contention of the Legislative Council, expressed in their own words; and the second is the contention of the Legislative Assembly, expressed in our words. As I said before, I do not think it necessary to make a long speech on the subject. I think no exception will be taken to the case; it sets out all the facts necessary, and raises the questions both Houses desire answered. I therefore ask permission to move without notice—

I. That the Report of the Joint Select Committee of the Legislative Council and Legislative Assembly, appointed on 13th November “to consider the present

condition of public business in consequence of no Supplies having been granted to Her Majesty for the service of the current financial year," be now adopted by this House.

II. That the following Joint Address to Her Majesty be adopted, as recommended by the said Committee:—

MOST GRACIOUS SOVEREIGN,—

We, Your Majesty's loyal and dutiful subjects, the members of the Legislative Council and Legislative Assembly of Queensland, in Parliament assembled, humbly approach Your Majesty with a renewed assurance of our affection and loyalty towards Your Majesty's person and Government.

Questions have arisen between the Legislative Council and Legislative Assembly with respect to the relative rights and powers of the two Houses, which questions we are desirous of submitting for the opinion of Your Majesty's Most Honourable Privy Council.

We have caused a case to be prepared setting forth the questions which have so arisen, and which we desire to be so submitted, in the words following:—

1. The Constitution Act of Queensland, 31 Victoriae, No. 38, contains the following provisions:—

Section 1. "There shall be within the said colony of Queensland a Legislative Council and a Legislative Assembly."

Section 2. "Within the said colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever. Provided that all Bills for appropriating any part of the public revenue for imposing any new rate tax or impost subject always to the limitations hereinafter provided shall originate in the Legislative Assembly of the said colony."

Section 18. "It shall not be lawful for the Legislative Assembly to originate or pass any vote resolution or Bill for the appropriation of or any part of the said Consolidated Revenue Fund or of any other tax or impost to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote resolution or Bill shall be passed."

2. Sections 1 and 2 are re-enactments of sections 1 and 2 of the Order in Council of 6th June, 1859, providing for the constitution of the colony of Queensland.

Section 18 is a re-enactment of section 55 of the Act of New South Wales, 17 Victoriae, No. 31, contained in the first schedule to the Imperial Act, 18 and 19 Victoriae, c. 64.

3. The members of the Legislative Council are nominated by the Governor for life, subject to certain contingencies. The members of the Legislative Assembly are elected by the several constituencies into which the colony is divided.

4. During the sessions of 1884 and 1885 a Bill to provide for the payment of the expenses incurred by members of the Legislative Assembly in attending Parliament was passed by the Legislative Assembly, and on each occasion rejected by the Legislative Council. No limit was proposed to the duration of this Bill.

5. In the Estimates of Expenditure for the year 1885-6, which were laid before the Legislative Assembly in the session of 1885, after the rejection of this Bill for the second time by the Legislative Council, there was included under the heading of "The Legislative Assembly's Establishment" an item of £7,000 for "Expenses of Members," to be payable for the year 1885-6 under conditions precisely similar to those defined by the Bill which had been so rejected by the Legislative Council.

6. The Estimates are not formally presented to the Legislative Council, but are accessible to members.

7. The Annual Appropriation Bill having been sent by the Legislative Assembly to the Legislative Council for their concurrence, containing an item of £10,585 for "The Legislative Assembly's Establishment," which sum, in fact, included the item of £7,000 for "Expenses of Members," the Legislative Council, on the 11th of November, 1885, amended the Bill by reducing the sum proposed to be appropriated for "The Legislative Assembly's Establishment" from £10,585 to £3,585, and making the necessary consequential amendments in the words and figures denoting the total amount of appropriation, and returned the Bill so amended to the Legislative Assembly. There was nothing on the face of the Bill to indicate the special purpose for which any part of the sum of £10,585 was to be appropriated, except that it was for the Legislative Assembly's Establishment.

8. On the 12th of November the Legislative Assembly returned the Bill to the Legislative Council with the following message:—

"The Legislative Assembly having had under their consideration the amendments of the Legislative Council in the Appropriation Bill No. 2—

"Disagree to the said amendments for the following reasons, to which they invite the most careful consideration of the Legislative Council:—

"It has been generally admitted that in British colonies in which there are two branches of the Legislature the legislative functions of the Upper House correspond with those of the House of Lords, while the Lower House exercises the rights and powers of the House of Commons. This analogy is recognised in the Standing Orders of both Houses of the Parliament of Queensland, and in the form of preamble adopted in Bills of supply, and has hitherto been invariably acted upon.

"For centuries the House of Lords has not attempted to exercise its power of amending a Bill for appropriating the public revenue, it being accepted as an axiom of constitutional government that the right of taxation and of controlling the expenditure of public money rests entirely with the representative House—or, as it is sometimes expressed, that there can be no taxation without representation.

"The attention of the Legislative Council is invited to the opinion given in 1872 by the Attorney-General and Solicitor-General of England (Sir J. D. Coleridge and Sir G. Jessel) when the question of the right of the Legislative Council of New Zealand to amend a money Bill was formally submitted to them by the Legislature of that colony. The Constitution Act of New Zealand (15 and 16 Victoriae, c. 72) provides that money Bills must be recommended by the Governor to the House of Representatives, but does not formally deny to the Legislative Council (which is nominated by the Crown) the right to amend such Bills. The law officers were, nevertheless, of opinion that the Council were not constitutionally justified in amending a money Bill, and they stated that this conclusion did not depend upon and was not affected by the circumstance that by an Act of Parliament the two Houses of the Legislature had conferred upon themselves the privileges of the House of Commons so far as they were consistent with the Constitution Act of the colony.

"The Legislative Assembly believe that no instance can be found in the history of constitutional government in which a nominated Council has attempted to amend an Appropriation Bill. Questions have often arisen whether a particular Bill which it was proposed to amend properly fell within the category of money Bills. But the very fact of such a question having arisen shows that the principle for which the Legislative Assembly are now contending has been taken as admitted.

"The Legislative Assembly maintain, and have always maintained, that (in the words of the resolution of the House of Commons of 3rd July, 1678), all aids and supplies to Her Majesty in Parliament are the sole gift of this House, and that it is their undoubted and sole right to direct, limit, and appoint, in Bills of aid and supply, the ends, purposes, considerations, conditions, limitations, and qualifications, of such grants, which ought not to be changed or altered by the Legislative Council.

"For these reasons it is manifestly impossible for the Legislative Assembly to agree to the amendments of the Legislative Council in this Bill. The ordinary course to adopt under these circumstances would be to lay the Bill aside. The Legislative Assembly have, however, refrained from taking this extreme course at present, in the belief that the Legislative Council, not having exercised their undoubted power to reject the Bill altogether, do not desire to cause the serious injury to the Public Service and to the welfare of the colony which would inevitably result from a refusal to sanction the necessary expenditure for carrying on the government of the colony, and in the confident hope that under the circumstances the Legislative Council will not insist on their amendments."

On the same day the Legislative Council again returned the Bill to the Legislative Assembly with the following message:—

"The Legislative Council, having had under consideration the message of the Legislative Assembly, of this day's date, relative to the amendments made by the Legislative Council in the Appropriation Bill of 1885-6, No. 2, beg now to intimate that they insist on their amendments in the said Bill,—

"Because the Council neither arrogate to themselves the position of being a reflex of the House of Lords, nor recognise the Legislative Assembly as holding the same relative position to the House of Commons:

"The Joint Standing Orders only apply to matters of form connected with the internal management of the two Houses, and do not affect constitutional questions:

"Because it does not appear that occasion has arisen to require that the House of Lords should exercise its powers of amending a Bill for appropriating the public revenue, and, therefore, the present case is not analogous; the right is admitted though it may not have been exercised;

"Because the case of the Legislature of New Zealand is dissimilar to that now under consideration, inasmuch as the Constitution Act of New Zealand differs materially from that of Queensland, and the question submitted did not arise under the Constitution Act, but on the interpretation of a Parliamentary Privileges Act. If no instance can be found in the history of constitutional government in which a nominated Council has attempted to amend an Appropriation Bill, it is because no similar case has ever arisen;

"Because, in the amendment of all Bills, the Constitution Act of 1867 confers on the Legislative Council powers co-ordinate with those of the Legislative Assembly, and the annexing of any clause to a Bill of supply, the matter of which is foreign to and different from the matter of said Bill of supply, is unparliamentary, and tends to the destruction of constitutional government, and the item which includes the payment of members' expenses is of the nature of a 'tack,'

"For the foregoing reasons, the Council insist on their amendments, leaving the matter in the hands of the Legislative Assembly."

10. On the 13th of November the Legislative Assembly, by message, proposed the appointment of a Joint Select Committee of both Houses "to consider the present condition of public business in consequence of no Supplies having been granted to Her Majesty for the service of the current financial year." Such committee was appointed on the same day, and on the 17th November brought up their report, recommending, amongst other things—

"That for the purpose of obtaining an opinion as to the relative rights and powers of both Houses with respect to money Bills a case be prepared, and that a Joint Address of both Houses be presented to Her Majesty praying Her Majesty to be graciously pleased to refer such case for the opinion of Her Majesty's Most Honourable Privy Council."

The following Acts and documents are to be deemed to form part of this case:—

- (1) The Imperial Act, 18 and 19 Victoria, c. 54;
- (2) The Order in Council of 6th June, 1859;
- (3) The Constitution Act of 1867 (Queensland);
- (4) The Standing Orders of both Houses;
- (5) A copy of the Members Expenses Bill of 1884;
- (6) A copy of the Members Expenses Bill of 1885;
- (7) The Estimates of Expenditure for 1885-6, "Executive and Legislative Departments";
- (8) The Appropriation Bill of 1885-6 (No. 2);
- (9) Extracts from the "Journals of the Legislative Council" relating to the Appropriation Bill;
- (10) Extracts from the "Votes and Proceedings of the Legislative Assembly" relating to the same matter.

The questions submitted for consideration are:—

1. Whether the Constitution Act of 1867 confers on the Legislative Council powers co-ordinate with those of the Legislative Assembly in the amendment of all Bills, including money Bills.
2. Whether the claims of the Legislative Assembly, as set forth in their message of 12th November, are well founded.

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We humbly pray that Your Majesty will be graciously pleased to refer the said case for the opinion and report of Your Majesty's Most Honourable Privy Council.

III. That the foregoing resolutions be forwarded to the Legislative Council, with a message, inviting their concurrence in the proposed Joint Address.

Question, by leave, put.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—I do not intend to discuss this matter at any length, for two reasons. The first is that I have not time to do it, as I cannot be more than a few minutes present in the Chamber; and in the next place I think the aspect of the matter now is perfectly satisfactory to this Chamber. No one reading the report of the Committee can help wondering what this contest has been about. The other Chamber seems to have said, "We won't give you payment of members," and to now turn round and say, "We will." Reading clause 5 of the report, we see the Council, on certain considerations, agreeing not to further insist on their amendments in the Appropriation Bill No. 2; and in that way payment of members is passed for this year. But in clause 4 of the report the Joint Committee say:—

"They recommend that it be an understanding that while the questions so submitted remain under consideration no appropriation of money should be included in the annual Appropriation Bill for a purpose substantially the same as any purpose for which an appropriation has during the same session been submitted to the Legislative Council by separate Bill and rejected by them."

This Assembly will be foolish if they send up the Members Expenses Bill again after the Council have actually committed themselves to pass payment of members. I never saw anything so absurd in my life, and I have not another word to say on the matter.

Question put and passed.

The PREMIER: Before passing to the Order of the Day with respect to the Appropriation Bill, I may point out that we may expect an early message from the Legislative Council in reply to the message we have just sent, and I would suggest that you leave the chair now and resume it at a later hour of the day.

The SPEAKER: I will resume the chair at 5 o'clock.

The House resumed at nineteen minutes past 5 o'clock.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

The SPEAKER announced the receipt of the following message from the Legislative Council:—

"Legislative Council Chambers,
Brisbane, 17th November, 1885.

"MR. SPEAKER,

"The Legislative Council having had under consideration the message of the Legislative Assembly of this day's date, transmitting to them the proposed form of joint address to Her Majesty, beg now to intimate that they concur in the presentation of the said address.

"A. H. PALMER,
"President."

APPROPRIATION BILL No. 2 — CONSIDERATION OF COUNCIL'S AMENDMENTS.

The PREMIER said: Mr. Speaker,—The message that has just been before us informed us that the Council have concurred in the Joint Address proposed by the Assembly. I therefore beg to move that the House insist on their disagreement with the Legislative Council's amendments in the Bill.

Question put and passed.

The PREMIER : I now move that the Bill be returned to the Legislative Council with the following message :—

The Legislative Assembly having had under their consideration the message of the Legislative Council, of date the 12th instant, with reference to the Appropriation Bill No. 2, and having adopted the Report of the Joint Select Committee of the Legislative Council and Legislative Assembly, appointed on the 13th instant, "to consider the present condition of public business in consequence of no Supplies having been granted to Her Majesty for the service of the current financial year," beg now to intimate that they insist upon their disagreement to the amendments of the Legislative Council in the said Bill.

They do not propose to offer any further reasons for their disagreement, and hope that the Legislative Council will not further insist on their amendments.

Mr. MOREHEAD said : Mr. Speaker,—I suppose this will be the last time, at any rate during this session, that one will have an opportunity of inquiring from the Government what course they intend to take with respect to a matter relative to the motion before the House, that is with regard to the appeal which is to be made to the Privy Council by the consent of both Houses ; not, I think, with the consent of most of the thinking men of this colony. I think, if we are not able to settle our own differences as a self-governed colony, without reference to the Privy Council, we ought to be. I would like to see the difference between the two branches of the Legislature fought out on those lines ; but it has been decided otherwise by the masterful mind of the Premier of this colony, who certainly was master of the Joint Committee, and did as he liked with them. He led them as lambs to the slaughter, and there slaughtered them. I would like to know from the Premier what is to be done with this appeal when it reaches the Queen—when it arrives at the foot of the throne. I heard one hon. and very plain-spoken gentleman in another place, who thought it his duty to speak of those who belonged to this Chamber—I heard him say he thought the Queen should very carefully read this petition. I want to put the matter in a more serious way. If the question is a constitutional one, as those heavy gentlemen think it is, I want to know what steps will be taken when it reaches home to have the opinion of the Privy Council there and then. I take it the Privy Council will want to hear argument on the subject, and I would like to know how counsel is to be provided for either side. Is the Agent-General to choose a certain set of barristers on behalf of the Legislative Assembly to protect their interests, and another set of barristers to protect the interests of the Legislative Council ; or are the Government going to take upon themselves the rights of the Legislative Assembly at the expense of the State, leaving the Legislative Council to subscribe a fund to defend their—to my mind—preposterous assumption ? I would like to know from the Premier how this question is to be settled ; and even if settled, should the settlement be against the representatives of the people, will the representatives of the people submit to it ? I doubt very much if they will. I doubt very much if there will be any finality arising from the appeal to the Privy Council. If it is decided that the Legislative Council have the right they claim, it seems to me even then that they have only gone a very complicated way to cut their own throats. That is to be the outcome of the matter, looking at it in the most favourable way. I would ask the Premier what will be the course of procedure with regard to this appeal to the Privy Council when it arrives home, and whether we are at all likely to get any reply to this pathetic appeal—and most improper appeal, I consider—to the Privy Council, before the House meets next year ?

The PREMIER said : Mr. Speaker,—The Joint Address, of course, will be presented to Her Majesty through the ordinary channel—presented to the Governor here to be transmitted to the Secretary of State for presentation to Her Majesty. Of course I do not know what steps Her Majesty's advisers in England will take with reference to the matter. If it is decided that the question should be argued, then, if the Legislative Council desire to be represented by counsel, the Government will very gladly make the necessary arrangements. Whether it is desirable that this House should be represented by counsel is a matter for consideration when the question arises. I cannot say what will be the course of events, but I have every reason to suppose that we shall have the opinion of the Privy Council before the commencement of the next session of Parliament. As to what will happen if the opinion of the Privy Council should be in favour of the claims of the Legislative Council, I think we can deal with that contingency when it happens.

Question put and passed.

MESSAGE FROM THE LEGISLATIVE COUNCIL

The SPEAKER informed the House that he had received the following message from the Legislative Council :—

"Legislative Council Chamber,
Brisbane, 17th November, 1885.

"MR. SPEAKER,

"The Legislative Council having had under consideration the message of the Legislative Assembly of this day's date, and having also adopted the Report of the Joint Select Committee of the Legislative Council and Legislative Assembly, appointed on the 13th instant 'to consider the present condition of public business in consequence of no Supplies having been granted to Her Majesty for the service of the current financial year,' beg now to intimate that they do not insist on their amendments in the said Bill.

"A. H. PALMER,
"President."

HONOURABLE MEMBERS : Hear, hear !

ADJOURNMENT.

The PREMIER : I have to inform the House that it is the intention of His Excellency the Governor to prorogue Parliament in person on Thursday at 12 o'clock. I will therefore move, with the consent of the House, that the House do now adjourn until Thursday next at half-past 11 o'clock. In making this motion I desire to take the opportunity of congratulating the House and the country on the satisfactory solution that has been arrived at of a difficulty which, a few days ago, seemed to threaten serious disaster to the colony.

Question put and passed.

The House adjourned at ten minutes to 6 o'clock, until half-past 11 a.m. on Thursday.