

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 1 SEPTEMBER 1886

Electronic reproduction of original hardcopy

The HON. F. T. GREGORY said : Hon. gentlemen,—Before the motion is put, I wish to draw attention to the very imperfect way in which plans are brought up for the consideration of the Council. I have no fault to find in regard to the sections and the statement in the accompanying book of reference as to the lands which will be interfered with ; but I object to the plans being drawn up in such a way as to require the members of the Committee to devote a considerable amount of time and to go elsewhere for information as to the course a railway will pursue. The present case is no exception. Of course, being a member of the Committee, I am aware that the report has been drawn up after obtaining the information to which I refer ; but it is not doing justice to this House, or conducting business in a proper manner, to bring up the plan in the way it has been forwarded to us by the department for consideration.

Question put and passed.

The POSTMASTER-GENERAL moved—

1. That this House approves of the plan, section, and book of reference of the proposed Emu Park Railway deviation from 17½ miles to 28½ miles, as received by message from the Legislative Assembly on the 4th August.

2. That such approval be notified to the Legislative Assembly by message in the usual form.

Question put and passed.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

ELECTIONS TRIBUNAL BILL.

The PRESIDING CHAIRMAN read a message from the Legislative Assembly intimating “that this House disagree to the amendments in clause 7, because it is desirable that the Legislative Assembly should have power in proper cases to extend the time for presenting petitions complaining of the return of its own members ; propose to amend the first amendment in clause 9 by the insertion of the word ‘may’ at the commencement thereof, in which amendment they invite the concurrence of the Legislative Council ; and agree to the remaining amendments made by the Legislative Council.”

On the motion of the POSTMASTER-GENERAL, the consideration of the message was made an Order of the Day for to-morrow.

IMMIGRATION ACT OF 1882 AMENDMENT BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to further amend the Immigration Act of 1882.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

MEMBERS EXPENSES BILL—SECOND READING.

The POSTMASTER-GENERAL said : Hon. gentlemen, — The question involved in the measure before you—a Bill to provide for the payment of the expenses incurred by members of the Legislative Assembly in attending Parliament—is one that has been fully discussed for many years past. Indeed, I can remember that in the year 1861 the subject was one that was agitating the whole of the public of this colony for a short time, and it has continued to be a matter of great interest to the public for a considerable number of years. There was a lull for a few years, but from the time it came again to be a subject of import among the constituencies of the colony it has never rested. I wish to lay

LEGISLATIVE COUNCIL.

Wednesday, 1 September, 1886.

Emu Park Railway Deviation.—Messages from the Legislative Assembly.—Elections Tribunal Bill.—Immigration Act of 1882 Amendment Bill.—Members Expenses Bill—second reading.—Elections Act Amendment Bill—third reading.—Elections Act Amendment Bill—committee.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

EMU PARK RAILWAY DEVIATION.

The POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson) said : Hon. gentlemen,—I beg to move—

That the report of the Select Committee on the proposed Emu Park Railway deviation be now adopted.

some stress on the fact, though my remarks this afternoon will be as few as possible, that it is very undesirable indeed, representing, as I do, the Government, that I should let the occasion of the second reading of this Bill pass by without making some observations on the question generally, and giving a short outline of its history as a subject in which people of this land have taken a deep interest since the separation of this colony from New South Wales. I have said that the public have interested themselves in the question; they have discussed it largely, so have the Press, so have the different constituencies of the colony from time to time. Moreover, the various members of the Legislative Assembly, for and against the measure, have likewise discussed it from time to time in Parliament, and also when appearing before their constituents, giving an account of their stewardship. Members seeking re-election or coming before the electors for the first time as candidates for the Legislative Assembly have also fully expressed their opinions. The Press has taken a great interest in this question; it has been well thrashed out by that estate of the realm, and further, it has received the greatest attention and closest scrutiny and soundest judgment in both branches of the Legislature. These are the sources out of which have sprung, as it were, the public opinion of to-day, and those with impartial minds, apart altogether from any sentiment on the subject of payment of members, scanning the history of this question in Queensland, cannot but come to the conclusion that the majority of the people—nay, more, that the constituencies are almost universally in favour of some recompense being made to their representatives in Parliament. It were needless for me to attempt—having in view the knowledge every hon. member has of the country and the difficulties in the way of travelling from the different constituencies to the capital—to enter into these matters of detail, but we do know, in this colony, many constituencies whose choice is limited in the selection of their representatives by reason of the difficulty of obtaining men who are in a position financially to leave their business from four to seven months in the year. The details of business life are well known, and it has been declared over and over again, in this Chamber, but principally in the other branch of the Legislature, that it is essential to the well-being of this colony and to its legislative functions and powers, and in order that the Legislative Assembly should be the very reflex of the constituencies of the country, that there should be payment of expenses, or that some *quid pro quo* should be given to the members of that branch of the Legislature. Is it too much to ask how long will opposition be presented to this question in this Chamber, in view of the ominous fact that immediately subsequent to the separation of this colony from New South Wales it was a prominent question among the people? As early as 1859, Mr., now Sir Charles, Lilley spoke fairly and broadly on the point, and admitted he was not then in favour of payment of members; but immediately subsequent to that, in 1860, he declared himself in favour of payment of members, and in 1869 or 1870—speaking from memory—after the matter had been well considered by the constituencies and by both branches of the Legislature, as well as by the thinkers of the colony—he declared that he had become a complete convert to the necessity of providing some recompense for the expenditure involved in attending Parliament, and from that day till the day he left the political arena he never flinched from the opinion then given; and he had many adherents. I need not recapitulate what was said last year on the subject, because hon. gentlemen will recol-

lect the line of argument then taken. He had many sympathisers on the question, and a resolution was carried, in the April of 1871, by four to three, that it was desirable that payment of members should become the law of the country. The year preceding, in 1870, the matter was discussed slightly in the Assembly, but the resolution then introduced was withdrawn because the session had almost ended, and it was not advisable to press the motion at that particular juncture, as it was not likely to receive full treatment, the session being about to close. But in the year following it was decided, by a majority to which I referred, that it was expedient to provide adequate compensation to members of the Assembly for loss of time and expenses incurred as representatives. And a second resolution was carried affirming the desirability of introducing a Bill to give effect to resolution No. 1. Now, that is what took place in 1871—fifteen years ago, a decade and a-half. And people have not been asleep on the question since 1871. As hon. members are aware, resolutions have been passed in different parts of the country, and many of the constituencies have returned members pledged to the advocacy of the Members Expenses Bill; and we also have it as a matter of history that Mr., now Sir, Arthur Palmer, as a member of the Government, introduced a Payment of Members Bill in 1873. It was presented and read on the 8th July of that year, passed its second reading on the 9th July, and was committed on the same day. Progress was reported on the 9th July, but the Bill did not reach any further stage on that occasion. I mention this noteworthy fact for the purpose of showing hon. members that it is not incorrect to say that both parties in the State have shown full sympathy with the subject, and that what is termed the Conservative party, by the introduction of that Bill, were practically pledged to follow it up at their convenience, when it was expedient. It would be a waste of time to refer to the numerous countries on the face of this globe that we know pay their members. These were fully referred to last year, but it may be stated that the majority of the countries of Europe and all the countries on the continent of America pay the members of the popular Chamber, either by paying their expenses or by giving them salaries, or both by way of salary and the payment of expenses. Let us look at Australasia. We find that New Zealand and Victoria pay their members, and we know that no injurious result has been occasioned by the adoption of that law. Let us go further afield from Australia, and we find that in the Cape Colony the members are paid. I mention this for whatever it is worth, and it is worth a good deal in this discussion, because hon. members see that in nearly all the countries in the Old World it has been made part of the Constitution to have a provision of the kind. In this new land the circumstances of life are totally different, and civilisation wears a different aspect altogether; and I hold that it is essential in such a country that no man should be called upon to give his time as a representative in the popular Chamber unless he has some fair and adequate recompense for expenses incurred in attending to his duties. Thinking over the matter as it has cropped up from time to time during the past quarter of a century in this colony, I am really at a loss to understand why the matter has received so much opposition. There certainly is a principle involved in it; but let the mind's eye follow it out to its furthest ramifications, and where does it lead you to? It leads to the plain and honest conclusion that, as I said before, it is but fair that the State should give some recompense, and that no man should sustain

monetary loss while attending to his duties in the Legislative Assembly. I do not for a moment wish to assert that the remuneration included in the Bill is to be considered ample in all cases, but the line must be drawn somewhere, and it is at least sufficient in most cases to avoid any serious loss. The principle has been before the country for many years; it has been well discussed throughout, and the subject has been well considered in this Chamber as well as in other places. I think that I need not occupy the time of hon. gentlemen longer than by expressing the hope that, whatever may be the result in regard to this question this afternoon, the vote given by every hon. gentleman will be given after a full consideration of the subject, as well as from its historical point of view, for we cannot discard the past in relation to this question. Some hon. gentlemen have said that this Chamber represents the people indirectly, and so it does, but I do not think that this Council, constituted as it is, would do well to fail to recognise the frequent claims made by the people of this country upon its attention in regard to this question during the past ten or fifteen years. At any rate, I hope the matter will be fairly and well debated, and that the conclusion arrived at by this House will be such as will give satisfaction to the country, which for some time has been anxiously expectant as to the decision to be arrived at in regard to this Bill, the second reading of which I now beg to move.

THE HON. F. T. GREGORY said: Hon. gentlemen,—It has seldom fallen to the lot of this Council to have placed before it a question of greater moment—of more importance to it and to the colony—than the question now under consideration. The Postmaster-General has, to a certain extent, given the previous history of this measure during a period extending, as he truly says, over some ten or fifteen years. It is not my intention to delay the House by going over the same ground as the Postmaster-General, but I will take up the question at the point where he laid it down and show how completely one-sided is the statement he made in defence of the measure. In dealing with it it is not so much the question of passing this measure that induces me now to speak upon the subject, probably more lengthily than I otherwise would have done, but it is in connection with collateral circumstances that I deem it to be of such grave importance that I ask for no other justification than the explanation which I am about to give, to show that we ought not to allow the Bill to pass without a full and fair consideration. The more important issues that may result refer to the past history of the last twelve months; in fact, during the last session of Parliament. Most hon. members in this House are well aware of the circumstances of this case, and probably those who have more recently entered it have also taken the trouble to investigate the history of the introduction of this measure; still I view it as incumbent upon me to briefly refer to what took place during last session. Hon. gentlemen are aware that upon the rejection of this measure, or one very nearly similar to it, last session, the other branch of the Legislature included the amount to be voted for the payment of members in the Appropriation Bill. The history of that transaction is recorded in a paper now before the House, referring to the rights and powers of the Legislative Council with respect to money Bills, and which question was referred by means of a joint address to Her Majesty to the Imperial Privy Council for their decision. The point raised then can be stated very briefly. It is not my intention to go over the whole case as put forward and submitted to the Imperial Privy Council; but I will briefly now read those passages which are immediately applicable to the

subjects which I propose to discuss. The case as submitted is included in the following words—that is, the portions which are at all relevant to the question under discussion. The Constitution Act of Queensland, 31 Victoria, No. 38, contains the following provisions:—

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

"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."

That part of the statement of the case is perfectly clear, and I take no exception to it. It, however, goes on to say:—

"18. It shall not be lawful for the Legislative Assembly to originate or pass any vote resolution or Bill for the appropriation of 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."

That is merely a statement of the facts, to which there is no occasion further to refer than to bring it under the notice of hon. gentlemen in order that they may see the grounds upon which I am about to base the conclusions which I shall arrive at. After enumerating the facts of the construction of the enactment it goes on to say:—

"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.

"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.

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

The next passage to which I shall refer will be that relating to the reasons given by the Legislative Assembly when they returned the Bill to the Council. The message reads as follows:—

"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 Legislature 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. The 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."

Now, that paragraph I decidedly dissent from. It can be shown clearly, first of all, that it has not been recognised that they possess the power of the House of Commons, and there is no analogy between the two except that there are Upper and Lower Houses in both countries beyond that our respective powers and rights emanate entirely from an Imperial statute, and neither by custom nor law is there any analogy between the Upper and Lower Houses here and the House of Lords and the House of Commons in England. Under the Act of Parliament by which we exist there is

not the remotest intimation that we in any way hold co-ordinate powers with those two Houses, or that we are based on the same constitutional standard. It further goes on to say:—

“For centuries the House of Lords has not attempted to exercise its powers 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.”

I would ask what has this got to do with the question before us, a point that bears very slightly upon the Bill we are now asked to pass? In what possible way can it have any bearing? We might as well appeal to the laws that are in force in any country in Europe, or any part of the civilised world. It is true we are a part of the British Empire, but we are not governed by the rules of the Houses of Lords and Commons any more than a municipality is bound to be governed by the laws and rules which govern the supreme civic authorities of the city of London. There is no analogy between them. The next part of the message which I will quote is as follows:—

“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 Victoria, 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.”

Here again is a very misleading statement, as the Constitution Act of New Zealand is not at all identical with our own. The analogy, therefore, ceases to exist, and it is waste of time to discuss that question any further. The next paragraph says:—

“The Legislative Assembly believe that no instance can be found in the history of constitutional government in which a nominated Council have 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.”

It does not follow at all that it has been admitted, and I cannot see the force of the argument; in fact it is no argument at all. These are mere statements, mere dictums, and all those who take the trouble to study the constitutional history of these colonies will see that the statements are nothing but dictums and assertions made by the party in whose favour those views are put forth. We might as well affirm that any person has a right to interfere with the disposition of our own property—affirm that because a person wishes to hold some of our property that that person has a right to plunder us and take away that which belongs to us alone. If that was a legal thing—if we could look upon it as a correct thing to do—so would the views of the Assembly have some force. I will complete reading the case through, although at the risk of being somewhat tedious, with the view of completing the observations which I intend to make upon the

whole question, as to the way in which it has been submitted to the consideration of Her Majesty's Privy Council:—

“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.”

Of course, having once affirmed that they possessed these powers, I am not at all surprised that they should continue to go on affirming it, and affirming that there is an analogy between a case that occurred 200 years ago and a case which arises under a constitution that has hardly been in existence a quarter of that time. They wind up by saying:—

“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.”

I am not at all surprised that the Legislative Assembly were not desirous to surrender the payment which they have been coveting so long and struggling to attain, and which has caused members, session after session, to support whatever Ministry were at all favourable to such payment in order that they might get the paltry pittance which has been dealt out to them. For I call it a paltry pittance, although, considering it in the aggregate and considering the great depression of the country and the heavy taxation under which the people labour, it is a very large sum; still, it is paltry in comparison with the amounts generally at issue, and which have to be dealt with in support of the public service. Well, of course, the message of the Legislative Assembly was met by a reply from the Council, and it is to the following effect:—

“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.”

The Council were not of opinion that they held the same relative position as the House of Lords, or that the Legislative Assembly held the same relative position as the House of Commons; they were in no way the reflex of the two Houses. As to the Joint Standing Orders, they are simply adopted for convenience in conducting the business of the two Chambers, but in no way do I see that they allow us to go outside the four corners of the Constitution Act; and it was found on further inquiry that the statements which were made last year that other Legislative Councils had had to give way under

circumstances exactly similar were not correct, and that the Constitution Acts were in no way similar. The reasons go on as follows:—

"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."

I may add to what I have previously said that with regard to New Zealand, the case as affirmed by the Legislative Council has since been strengthened by reference to what took place there. The assertions of the Council have been borne out by facts, and any hon. gentlemen who are desirous of following the question up have only to look to the New Zealand "Votes and Proceedings" and they will see that my statements are fully borne out. The last reason is:—

"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 benefit of those hon. gentlemen who were not present during this most important discussion last year, and who have not had leisure or opportunity to follow up the questions since, I have detained the House with the object of putting the various issues clearly before it. The next point to which I would particularly desire to draw the attention of the House is the letter addressed by the Colonial Secretary to His Excellency the Governor, dated 26th November, 1885. That letter reads as follows:—

"Sir,

"With reference to the Joint Address to Her Majesty lately agreed to by the Legislative Council and Legislative Assembly of this colony, submitting a case on which they desire to obtain the opinion of Her Majesty's Privy Council, I have the honour to offer the following observation, for Your Excellency's consideration.

"2. Your Excellency will doubtless have observed that the questions submitted (and in particular the second question) are rather as to the constitutional rights and powers of the two Houses of the Legislature than technical questions as to the construction of the statute law. So far at least as the Legislative Assembly are concerned, I think I am right in saying that the literal interpretation of the words of the Constitution Act is regarded as a matter of small importance, as compared with the larger question whether, on a true construction of the written and unwritten Constitution of the colony, the two Houses of the Legislature should be regarded as holding and discharging relatively to one another positions and functions analogous to those of the House of Lords and House of Commons."

Now, this statement of the Colonial Secretary to the Governor, I feel bound to say, was written in direct violation of the understanding which was arrived at by the Conference. I consider it to be a distinct breach of faith, and, to say the least of it, it is excessively disingenuous. I do not wish to make use of any stronger expression, but if I was speaking in connection with any transaction which occurs in our ordinary everyday life I should have applied a very much stronger term—probably a term which would amount to accusing the writer of that letter of untruthfulness and dishonesty. I can quite understand that the Legislative Assembly did not wish to get a decision on the constitutional question; they did not want any Imperial interpretation of the words of the Constitution Act, because that interpretation must necessarily have been directly at variance with that which they contended for. They simply went under cover of their assertion that they were a body representing the Imperial House of

Commons in all its rights and privileges, and they wanted a decision upon the construction of the unwritten Constitution of the colony. I maintain that we have no unwritten constitution. Our laws are all committed to paper, and we are bound to act within the four corners of them; and until they are amended, altered, or varied by Imperial or colonial statutes they cannot in any way whatever be departed from. It is the constitutional law that I am now contending for. No law can be made at variance with the Constitution Act except with the consent of both Houses of Parliament and with the approval of the Crown.

The POSTMASTER-GENERAL: That question is not before the House.

The Hon. F. T. GREGORY: The whole question is before the House, and the attempt which has been made to override the privileges of this House renders it imperative that the whole question should be clearly placed before the country that it may be made aware of the way in which a decision has been arrived at, and of the way in which the powers of this Legislative Council have been attempted to be restricted. Now, the matter having finally reached the Privy Council, they presented the following result of their deliberations, and the following are the two questions which they considered were referred to them: "1st. Whether the Constitution Act of 1861 confers on the Legislative Council powers co-ordinate with the Legislative Assembly in the amendment of all Bills, including money Bills? 2nd. Whether the claims of the Legislative Assembly as set forth in their message of 12th November are well founded?" The reply to these two questions, as most hon. gentlemen are aware, is as follows:—The first question is answered in the negative, and the second in the affirmative. I now come to the point at which I have been aiming, and I have therefore trespassed upon the time and attention of hon. members that they may have fresh in their memories all that transpired on a former occasion. I now ask what are we to understand by the decision which has been sent to us. First of all, as they have negatived the claim as a whole as far as the Council is concerned, and affirmed it as a whole as regards the Assembly, then it is quite clear that the arguments of the Legislative Council having been negatived as a whole, we have no legal political or social status whatever. We are a body who have claimed to sit here in this Chamber under the powers given to us by the Constitution Act, and those claims are denied by the Privy Council—that is that we are wrong in the whole of our contention. Well, such an extreme case appears to common sense to be simply absurd and ridiculous, and we want further explanation. Apparently the Privy Council have not condescended or do not think it worth while, or are afraid to give any further explanation. Lawyers, we know, when they get a bad case, very often take care to say as little as they possibly can; but unless the object of the Privy Council is to put a stop to the Legislative Council interfering with money Bills brought forward by the Legislative Assembly they have defeated their object, inasmuch as, as I have now put it, we are wrong in whole or wrong in part; but as they do not tell us in what part of our contention we are wrong it may be limited to the fact of our contending that we are not a reflex of the House of Lords, and all the rest of our contentions they may be willing to consent to; but the legal inference of the decision is that we are wrong in everything, and I now ask what steps are we to take? The only steps which we can take, and those which I personally shall continue to take, unless in the meantime we get some more definite opinion as to our position—the only steps I shall take will be to deny

first one and then another of the different contentions put forward by the Legislative Assembly as being those which the Council have to submit to, and I shall maintain every one of our contentions individually as well as collectively until it can be shown which and where and in what matter we were wrong. Having gone so far in giving expressions to my opinions, I intend to detain the House a little longer in referring to some cases which occurred in the neighbouring colony, where the Constitution is identical with our own. I refer to some remarks made by the Hon. W. B. Dalley when speaking on the question of the rights of the Legislative Council of New South Wales in regard to the amendment of money Bills. I may state that the Assembly questioned the right of the Council there as it has been questioned here, and he goes on in the course of his argument to say :—

"They were familiar with this challenge of their powers at various periods, but it was now attempted to be made with the sanction of a new and high authority. It was mainly to this fresh element in the case preferred against them that he presumed to occupy the attention of his honourable colleagues for a brief period. He should endeavour, as he had, he hoped, always done, or attempted as far as he was able to do, so to treat this question as to preserve the profoundest respect for those who conscientiously and, as he believed, most erroneously disputed the unquestionable powers of that House; and to show his grateful sense of a disposition elsewhere, not to the injury of the public interests, to diminish the good feeling existing between both branches of the Legislature. He thought it would be universally admitted that in anything done by that Chamber, either recently or at any period of its history, it had exercised the powers of amending which it believed itself to possess in a co-ordinate degree with those of the Assembly with the utmost care and delicacy—and never, save in those cases, where its interference seemed absolutely essential either to correct mistakes or to prevent injustice. Before inviting the Chamber to consider once again, as he intended shortly to do, the course pursued in that House from the beginning, and to invite their attention to a recent judgment of the Privy Council, which was said to be a practical condemnation of the legality of that course, he would make but one reference (as he had done on a former occasion) to the view taken fifteen years ago by the Legislative Assembly itself on the constitutional powers of the Council. On that occasion the Legislative Council had made a variety of amendments in an Act for granting to Her Majesty certain duties of Customs, and for other purposes. He believed the Chamber had made in that measure some sixteen or seventeen distinct amendments, both of omission of some words, and of insertion of others. On the receipt of the message from that House by the Assembly which transmitted with the Bill the schedule of the amendments of the Council, the then Speaker drew attention to those amendments, and expressed his opinion that as it appeared to him, such amendments, if they were made in the Imperial Parliament by the House of Lords, would not be entertained by the Commons. On the consideration of the amendments in committee an attempt was made by means of an hostile amendment to lay the Bill aside. This course having been defeated by an overpowering majority, it was proposed to agree to the amendments of the Council; but to accompany the expressions of such agreement with a message which, while acknowledging the ameliorative character of the amendments, requested that the agreement of the Assembly might not be drawn into a precedent to authorise the Legislative Council to alter money Bills passed by the former. One of the ablest and most accomplished members who ever sat in the Assembly, the late Hon. William Forster, immediately moved the omission from the message of this language, and his amendment was carried by thirty members of the Assembly against eight."

I pause here to say that so completely satisfied were they as to their contention in regard to the rights of the Council, that in the Assembly they acknowledged it by a majority equal to the majorities which have in this House contended for their rights. He then continues :—

"The ordinary message of agreement was ultimately assented to, and forwarded by a majority of twenty-five against three. He had not referred to the circumstances so much with the object of showing the view

then taken by the Assembly of the action of this House as to point attention to a single figure in that proceeding of one who then took, as he invariably did in all discussions of great constitutional questions, the most deservedly commanding position in the country. He was then—as he happily for the country still continues to be—the first lawyer in the colony. He was, during his whole political life, incomparably the greatest member the Legislative Assembly ever possessed—he was never a member of this Council. He was the dear friend and admirer, and if he (Mr. Dalley) might use the term, the trusted lieutenant of Mr. Wentworth. No man was admitted in the treatment of all public questions to a more unreserved intimacy with, and no man more completely knew the mind of, Mr. Wentworth than the not less distinguished man to whom he referred. That man was their present Chief Justice, Sir James Martin. He had assisted in the most valuable way, both by his learning as a constitutional lawyer and by his conduct as a member of Parliament, in the preparation and passage of the Constitution Act. On the occasion to which he (Mr. Dalley) had just referred it was in these words that in two passages of a speech delivered by Sir James Martin on 17th May, 1871, that hon. and learned member thus adverted to this question and the powers of this Council under the Constitution Act:—"The Act," he said, "was drawn by a very eminent lawyer, who was also a very eminent statesman. Mr. Wentworth thoroughly understood constitutional principles, and when he was called on to frame an Act of Parliament knew how to carry those principles into effect. No man could have used words more clearly to carry out his object than Mr. Wentworth. If it had been his design in framing this constitution to have made it clear that the Council could exercise no power beyond that which the House of Lords exercised in reference to money Bills he would have made that clear beyond all question." And, again, "the powers of the two Houses were the same in all respects, save that any Bill for imposing any new rate, tax, or impost must originate in the Legislative Assembly. But when a Bill of that kind had been originated in the Legislative Assembly the power of the Council was just as great in regard to it as the power of the Legislative Assembly." In these few plain unmistakable words it was that the first legal authority in this country (always by his learning—now by his office) spoke to the Legislative Assembly itself, opposed there with vigour and success any questioning of the action of the legal power and authority of this Chamber. This, as they knew, had been done on many occasions by a number of gentlemen, both by members of this House and by some who did not belong to it. It had been done by some very distinguished members of the other branch of the Legislature, and with a singular consistency by the most distinguished members of the Council. At a time when they were charged with baseless fanaticism and folly in the preferment of claims to take part in valuable legislation—when their title to correct inaccuracies, and even blunders, was represented as an insolent pretension without a particle of foundation."

He further goes on to refer to the different points taken in order and throughout; and there is not one single passage of his address on that occasion but fully bears out the contention that has always been maintained by this House as to its rights and privileges. He says, in reference to the case submitted to the Privy Council by this colony :—

"And to show that this must have been the case, he would point out one or two circumstances in the very elaborate case which was prepared by members of both Houses, contained in an extract from the minutes of the Legislative Council in 1885, vol. 1, p. 120, and in the Votes and Proceedings of the Legislative Assembly, 1885, vol. 1, p. 416. In this case were embodied such statements as the following, which had formed a substantial portion of the arguments of the Legislative Assembly as to its disagreement with the course which the Legislative Council had adopted: That there was a general admission that in British colonies in which two branches of the legislature existed the functions of the Upper House correspond with the House of Lords, while the Lower House exercised the rights and powers of the House of Commons. It would be seen that here was contained no specific statement whatever of the precise relation of the two Chambers to each other under the law which had called them into existence, but a vague and general statement of an alleged admission which was held to explain and control such relationship and regulate and determine powers which might be, and indeed must be, clearly and specifically provided for in the Act establishing such Chambers. Nothing, he would respectfully submit, could be more vague, and therefore more misleading,

however unintentional, than wholly inapplicable language like this. Another of the statements made in this portion of the case which referred to what was accepted (as it was stated) as an axiom of constitutional government as to the control of public expenditure resting exclusively with the Commons, that the House of Lords had for centuries not attempted to exercise its power for amending a Bill for appropriating the public revenue. Here again the action of the House of Lords could have no conceivable bearing upon the argument as to the powers of a colonial legislature, which derived its authority from a written constitution, and whose powers could not be in any way limited or enlarged by the pretensions or resistance of Imperial bodies which had after centuries of constitutional struggles determined upon maintaining a certain relationship to each other. Then there were a variety of statements equally vague as to the belief of the Legislative Assembly of Queensland in the impossibility in the history of constitutional government of finding any examples of a nominated Council attempting to amend any Appropriation Bill; statements, also, as to what the Legislative Assembly had always affirmed (with a skillfully interpolated quotation from the House of Commons resolution of 3rd July, 1678) as to their undoubted and sole right to direct, limit, and appoint in Bills of Aid and Supply the ends, purposes, conditions, limitations, and qualifications of such grants. The case, in fine, submitted to the Privy Council was rather an extremely condensed memorandum of the constitutional law of England as it affected the powers of the two Houses of the Imperial Legislature, than any special or pertinent statement in any way explanatory of the letter of the Constitution of Queensland."

I will not detain the House further. The remainder of his address on that occasion carries out the more salient points to which I have referred; and I will now proceed in a very few words to dispose of the remainder of the question before the House. Hon. members who were in this House last year will notice the significant omission of clause 4, which appeared in last year's Bill. It was perfectly clear in that Bill that the Assembly were conscious of the fact that they were doing, if not an absolutely illegal act, an exceedingly doubtful one, and deemed it necessary to establish their right to receive payment by including in the Bill a clause protecting them from the consequences of coming under the Constitution Act, on account of voting money from the Treasury for their own personal use and benefit. The Constitution of this country distinctly affirms that no member shall receive any pecuniary benefit, salary, or emoluments of any sort from the Government, so long as he retains his seat in the Assembly—in fact, his seat becomes vacant on so doing. The Assembly, having once succeeded in putting their hands into the public Treasury and helping themselves, the Council, with a desire not to injure a considerable section of public servants and others by throwing out the Appropriation Bill, adopted what, to my mind, was a far more Constitutional course, and amended the Bill. The Ministry saw clearly, and some did not hesitate to affirm, that if the Assembly did not pass the Payment of Members Bill their tenure of office would be very short.

The POSTMASTER-GENERAL: It is not true.

The HON. F. T. GREGORY: They felt that they could not carry on if they relinquished their Bill; that there would be a majority in the Assembly against them. I have heard it distinctly stated by a member of that House that there were at least fourteen members who would have voted against the Government if they had not obtained their allowance and had a share of the plunder.

The POSTMASTER-GENERAL: It is not true that a Minister said it.

The HON. F. T. GREGORY: I did not say so.

The POSTMASTER-GENERAL: Yes; the hon. gentleman said "Minister" a moment ago.

The HON. F. T. GREGORY: I was told by a gentleman who was a Minister—a gentleman who had held a Ministerial office. The arguments adduced last year are still in force against the adoption of this measure. It is pernicious in so many ways that I will not attempt to go over them all. The points are all to be found on reference to *Hansard*, and I will only add that, at the present time, in the extreme financial depression which is such as to require additional taxation, under these circumstances, it is still less desirable that any portion of the revenue should be diverted from any other object than the maintenance of the Public Service. The Postmaster-General affirms that the measure has received the sanction and approval of majorities over and over again, both of members of the Assembly and of various constituencies. The decisions of the Assembly are records of the House, and I need not say anything about them, but in regard to the decisions of the constituencies, I positively affirm that the majority are not in favour of the measure. I totally deny the assertion of the Postmaster-General that it was before the public, and has met with almost universal approval. That is only a matter of opinion, but the assertion comes from the Postmaster-General as something beyond dispute. I deny it, and I think it is quite as easy for me to prove the reverse as it is for the hon. gentleman to maintain his assertion; in fact, I challenge those who support the Bill to put the test question to the country at the next general election. They dare not do it, however, because they know they will be beaten. As regards getting an inferior class of representatives where the members are not paid, the facts are the very reverse. I have heard it reiterated again and again that people do not want men who can only live by the emoluments they derive from office as members of the Assembly. I have heard people say, "We want members of independence who can enter the House and hold their own without emoluments of any sort, and if they cannot afford to give their time without that they are a class of men, as a whole, not to be trusted." We know that in the other colonies, on more than one occasion, Ministers have been kept in power by a threat to dissolve Parliament, and that is a thing which I hope will never happen in this colony. I have probably gone over a good deal of old ground in addressing the House on this question, but I have done so in order to explain my motives for concluding with the amendment I intend to move. I now move that the word "now" be omitted with the view of inserting at the end of the motion the words "this day six months."

The HON. G. KING said: Hon. gentlemen, —With the Hon. F. T. Gregory's interpretation of constitutional law I am altogether at issue. I hold that, by our Constitution, the right of amending money Bills is not conferred, because, if it is, it ought to have been given in express words, and the absence of a prohibition does not constitute a right. The right might exist if conceded by the Assembly; then usage would have made it law, but that right never having been conceded, and always having been disputed, I say it has not existed; at least, that is my humble opinion. The question was submitted to their Lordships, the members of the Judicial Committee of Her Majesty's Privy Council, and their reply was the only one that could be given upon the case, and, even assuming that there was some surplusage in the documents sent home, still, taking the whole question into consideration, the right never having been

disputed by the Assembly, and never in any way conceded, they could only answer the one question either in the affirmative or in the negative. That is all I have to say on the constitutional question. On two former occasions, when similar measures have been before the House, I have voted against them; and I did so, because I was convinced, at least I thought, that the honour of representing a constituency was a sufficient reward of itself and required no pecuniary recognition. Upon that subject, however, a very decided contrary expression of opinion has emanated from the other branch of the Legislature, and that is deserving of our serious consideration. I have read both sides of the question and studied them, and I must confess that the weight of evidence, notwithstanding the fact that I have a dislike to payment of members, is decidedly in favour of payment of members, which is the natural outcome of that democratic feeling which is spreading everywhere. I have not the slightest doubt that if Mr. Chamberlain or anybody else were to introduce a Bill for the payment of members into the House of Commons and pass it, that the House of Lords—our great prototype—would never go against public opinion so far as to reject the measure, but would pass it as a matter in which a difference of opinion must exist, but in which no real principle is involved. I will now give hon. members the opinion of our late president, Sir Maurice O'Connell. Although he was opposed to payment of members, yet he said:—

"I think, hon. gentlemen, that it is a matter which we may leave to their own judgment. We are very jealous of interference. We have always been jealous of interference with any measures which we consider to our own advantage. If they do not see any objection to it themselves, I do not think it is one that we should take up. Moreover, we have already expressed our disapproval, and 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 readily, and the subject having been discussed by the constituencies, we are straining our powers by refusing to read the measure at all."

I think, all circumstances considered, the time has come when we follow the example of the House of Lords and yield. It may be said that it is in bad taste to vote this money, but we are not here to sit in judgment upon a matter of that sort. Members of the Assembly are responsible to their constituents for having done wrong, but we, I think, would be straining our powers too much if, in opposition to the expressed opinion of the Assembly, we declined any longer to pass this measure. I shall vote for the second reading of the Bill.

The HON. A. J. THYNNE said: Hon. gentlemen,—The remarks that have been made by the last speaker no doubt will receive very great attention. His long experience and his mature judgment entitle him at least to that; but the reason which he has given for the alteration of his views is not a reason with which I for one can be satisfied. I think he has overlooked some of the material points connected with this important question. He says it has resolved itself merely into a matter of difference of opinion, and that there is no question of principle involved. I think there is a question of principle involved, and a very grave principle indeed. In fact, more than one question of principle arises out of the passing of this measure here. I do not intend to make any reference to the matter which has been so fully explained by the Hon. Mr. Gregory—the question which was referred to the Privy Council—but I said on the previous occasion on which this measure was brought forward that I could not bring myself to consent to passing

such a measure in this particular form. The Bill as it now stands is a Bill passed by the Assembly for the payment to themselves out of the public purse of public moneys. I cannot look upon the hon. gentlemen in any other light than that of persons in a position of trust helping themselves out of the funds improperly, and any light that can be thrown upon the question to remove that difficulty will be very cordially received; but put it in any shape or form which you will, you will not get rid of that one important question of principle, which is one of my great objections in regard to this Bill. By this House passing that measure we become ourselves parties to the misappropriation of the funds which the Legislative Assembly are endeavouring to carry out by law, and I do not think it will be sufficient for us to say as the Hon. Mr. King has said just now, that the responsibility rests with the Assembly. I say that we cannot shunt our responsibility in any way in concurring in an act which is improper, and which I hold to be a very illegal act indeed. It is an act which in no part of the world, under any set of circumstances, would be regarded as one of strict honour and honesty. Now, the question of the propriety of the payment of members has been brought into this discussion; but I submit, hon. gentlemen, that the true question is not in respect of this Bill. The true question of payment of members and the true way in which it arises is this: If constituencies are anxious to have an opportunity of sending men into Parliament because of their particular occupation—tradesmen, or mechanics, or artisans, who might be better able to represent their views in Parliament than the ordinary representative—then it is for the constituencies to express the desire that payment of members should exist in order that they may elect men of that class as their representatives. Now, in my opinion, the introduction of the principle of payment of members can never be brought about properly by making it apply to a Parliament already elected. In order that the principle may be properly applicable, the measure must be, or should be, a measure making provision for all future Parliaments—that future Parliaments should be paid. Then the constituencies will have an opportunity of selecting the members whom they would select if such was the state of the law. But here we have the Assembly elected—chosen on the old basis, on the old idea, that they were men who attended to their duties in Parliament without the necessity of being paid, and we have not the artisan, or mechanic, or any other particular class representing the constituencies who might be representing them under a proper Payment of Members Act. I say those are the two important questions of principle which I am unable, and have been unable either on the present or previous occasion, to get over. First of all that there is a misappropriation of public funds by those appointed to guard them; secondly that we, in assisting to pass a measure of this kind, become parties to that misappropriation, and that we cannot escape any responsibility for it; and in the third place, assuming that these two things could be got over, this measure cannot be properly called a provision for the payment of members or even of their expenses. It is not one by which the country can gain the benefit which may accrue from payment of members, because the electors cannot select now the members whom they might otherwise choose under different circumstances. I have not on previous occasions thought it incumbent upon me to express an opinion as to whether payment of members is a good thing or a bad thing, and I do not express any opinion now. My inclinations probably would be in favour of the view

that payment of members would not be so bad a thing as many people outside make out, but I do not think under the circumstances that any member of this House is called upon to express a definite opinion as to whether he is in favour of payment of members. I think the form in which the measure comes before us excludes the necessity of expressing an opinion, but I am opposed to the measure as it now stands, and to the way in which it has been introduced.

The HON. W. H. WILSON said: Hon. gentlemen,—As I addressed the House on a former occasion when a Bill of a similar character was before it, I think it necessary to say a few words, because what I said on that occasion in favour of payment of members has had a practical illustration since the Bill was rejected by this House. Four or five very good elections of members to the Assembly have taken place since that time, and in all of those cases local men have been returned. I would instance the constituencies of Townsville, Musgrave, Blackall, and, I think, Bundaberg. That has shown me that the principle of the payment of members is a good principle for the very reason that during the time that it has had the opportunity of being brought into practical effect it has shown that local men have been elected, and so far, I think, the principle has been practically illustrated. I do not think myself that it is at all necessary for us to discuss the constitutional question on this occasion. If the Hon. Mr. Gregory had wished to take exception to the way in which the matter was brought before the Privy Council, I think it was quite open to him, when the papers which he has largely quoted from this evening were laid upon the table of the House, to have moved the adjournment of the House to call attention to the way in which the question had been decided; but I think myself the question was properly placed before the Privy Council, and was placed at the instance of both Houses of Parliament. I do not see how it could have been done better, and the question which they were called upon to answer was whether the Constitution Act of 1867 conferred upon the Legislative Council powers co-ordinate with those of the Legislative Assembly, and whether the claims of the Legislative Assembly, as set forth in their message of 12th November, was well founded. The Privy Council came to the conclusion that the first question should be answered in the negative and the second in the affirmative, consequently I think the questions have been decided, and it will be quite useless for us to re-open them on the present occasion. I shall not detain the House by any general remarks upon the question of payment of members, for the very simple reason that it has been discussed so very frequently that it would be only wearying hon. members to go into the arguments that have been so often adduced. I, of course, intend to vote for the second reading of the Bill, and my opinions are very much stronger on the question now than they were when the Bill was before the House on the last occasion.

The HON. F. H. HART said: Hon. gentlemen,—I do not wish to give a silent vote on this occasion, and I think it is just as well to say that I have not altered the opinions I have expressed so often upon this question in this House. I am still as much opposed to the principle of payment of members as I ever have been. With regard to what the Hon. Mr. Wilson has said about the elections that have taken place since Parliament last met, I think his remarks are rather unfortunate, because in the instances he has mentioned every gentleman who was returned was returned on the understanding that he was opposed to the payment of members.

The HON. W. H. WILSON: No.

The HON. F. H. HART: I know three of them are opposed to the principle. However, that does not alter the matter.

The HON. W. H. WILSON: My argument was that it had the effect of bringing out local men.

The HON. F. H. HART: I acknowledge that at once. I think the hon. gentleman is right there, and the men who have been returned are very good men indeed, but, at the same time, they are not gentlemen who would come down and attend Parliament for the sake of £200 a year. They are men who are independent of that kind of thing, and I think that on that ground the Postmaster-General was wrong in his conclusion when he said that this payment of £200 a year would induce a better class of men to come forward. I think £200 a year would be very small compensation indeed to any gentleman in business, either commercial or personal, to come down here to attend Parliament. If it was a question of remuneration for services the sum allowed ought to be very much larger, either £300 or £400 a year. With regard to the constitutional question, I have listened very carefully to what the Hon. Mr. Gregory has said, and I certainly agree with him. I was one of those who was sent by this House to the conference last session, and I must say that when the telegraphic news came out I was very much surprised at the conclusion arrived at, but when the papers were produced and laid upon the table of the House, I was not at all surprised. The case discussed and decided on by the conference was not by any means the case put before the authorities at home. I would also draw the attention of hon. members to the fact that on looking round the Chamber it will be found that the number of members who are absent from the colony who were strongly opposed to this measure was very great indeed, and if they were present perhaps we should hear a great deal more about the Bill than we are likely to do, but they are away in England and we shall not have the benefit of their opinion, although they were opposed altogether to this measure. Of course, if this matter comes to a division, I know it can only go one way, but still I wish to record the fact that I have not altered my opinion upon the subject in the least degree, and I shall support the motion of the Hon. Mr. Gregory. There is only one other matter that I would like to point out, and that is the Postmaster-General has assumed that the question of payment of members has been decided by the constituencies. I cannot agree with him there. My own opinion is, after having gone among the working classes of Brisbane and in the various towns throughout the colony, that people have arrived at a very different conclusion. I fully admit that if the constituencies had made this a vital question at the election, and had declared upon it, it would be well for this House to give way, and, therefore, I think that if the members of the other branch of the Legislature had not done what I cannot help calling an illegal act in voting money for themselves, and had passed the Bill and made it applicable to future Parliaments, I should have been inclined to support it, because in doing that the electors would have had an opportunity of expressing their opinion at the next general election, and would have either rejected or confirmed the measure. Under these circumstances, I should have withdrawn my opposition, but as matters stand at present I feel bound to act consistently and to oppose the Bill.

The HON. E. B. FORREST said: Hon. gentlemen,—I am sorry the Hon. Mr. Gregory has taken such an extreme course. When the question was before the House last year I voted

with him. My opinions have not changed, and I think the same now as I did then, and if I voted at all to-night I should vote with him, but in view of the fiasco that followed the attempt of the Upper House last year to throw the Bill out, I was in hopes that my hon. friend would have been disposed to temporise with the measure; in other words, that he would have been disposed to allow the second reading to pass, with the view, perhaps, of inserting a clause in committee limiting the operations of the Bill to two or three years, or, say, during the present session of Parliament. That would have given an opportunity of getting what hon. members are desirous of—a direct expression of opinion from the constituencies. At the next general election the constituencies would have had an opportunity of speaking upon the question. It may be said, I think, that the question is almost beyond the realms of discussion in the Queensland Parliament. Ever since I recollect anything about Parliament the question has been brought before the House in one form or another. To my mind everything that can be said either for or against it has been said, and, I think, very well said. Not only has it been before Parliament, but we have had it before the country frequently. Then, passing from the Hon. Mr. Gregory, I come to the statement of the Postmaster-General as the opinion of the country; but at all events we have seen, as one candidate and another came forward and announced themselves in favour of payment for members, they have been invariably returned. Now, to my mind, that is not only evidence that the constituencies are in favour of it, but it is evidence that it is their desire that it should become the law. I trust even now that at this hour the Hon. Mr. Gregory will reconsider the step he has taken. I would not presume, of course, to advise such a veteran in politics as the hon. gentleman is; but I think it would be quite within the dignity of the Upper House if they let this second reading pass, and take any steps they think proper in committee to amend the measure. I do not intend to vote either one way or the other, but if I were voting to-night I should vote for the amendment as I voted last year; but my present intention is to refrain from voting.

The Hon. W. F. TAYLOR said: Hon. gentlemen,—The question we are considering this evening is one that I have considered very carefully sixteen years ago in another colony. I remember at the time payment of members was first introduced in Victoria, there were many expressions of opinion as to its advisability, and an opinion was expressed that the time had not arrived for its introduction. One of my principal reasons for opposing it then was that the people were by no means in a settled condition. The general idea at that time was that people should go up the country, make money as quickly as possible, and go home to spend it. There was no feeling amongst a great many of making the colony a permanent home, consequently people expressed the opinion that it mattered very little to them what sort of men they returned to Parliament. I have known instances where men were returned to Parliament as a sort of joke, being totally unfit for the position. However, in Victoria payment of members got a firm footing, and I must say that of late years the composition of their Parliaments has greatly improved; and my opinion upon the subject has undergone a change. Better men have been sent to that Parliament, and the people, as they became settled down and came to look upon Australia as their home, instead simply as a place in which money might be made, became more interested in politics, and as they did so

they sought out better men to represent them. Shortly after that I came to Queensland, and almost one of the first political questions I had to decide was one that concerned this particular subject. In Clermont we were so situated that we really could not get anyone to represent us unless we fell back on what was at that time the usual resource of all country constituencies—a Brisbane politician or a squatter. We were then so badly off for a member on Peak Downs that we could not even get a squatter, and after a great deal of trouble we succeeded in persuading a gentleman, whom want of means alone had prevented from representing us, to come down to Brisbane and sit in Parliament as member for Clermont. But in order to do so, as he had no means, we were obliged to pay him so much a year. This is certainly a practical illustration of the good effect of payment of members, for by this method we managed to secure the services of a gentleman who reflected great credit on the constituency and on the House of Assembly. The gentleman I refer to is dead now, I am sorry to say; but he was a man whom most hon. gentlemen knew, the late C. J. Graham, who would never have sat in the Legislative Assembly of Queensland had it not been for the action of the electors of Peak Downs, who took upon themselves the responsibility of paying his expenses. When I was in Warwick a similar difficulty arose. There were local men, men of ability who would have reflected credit on the Legislature, but who could not afford to become members of Parliament, consequently we had to put up with whatever we could get. I consider, therefore, that payment of members' expenses is a good thing from many points of view, but more especially when we consider that it will enable constituencies to elect people to represent them—people of high standing who could not otherwise afford to attend Parliament. The choice of the constituencies will be considerably widened. They will be able to return men of ability, and men who will be a credit to their constituencies and to the Assembly. The men who can spare the time and money to devote their attention to Parliamentary duties are very few indeed. But it does not follow because a certain number of men succeed in acquiring wealth that all the intelligence of the community is centred in them. A great deal of high intelligence is possessed by men who are not in a position to attend in Brisbane as members of the Legislative Assembly simply because they have not the means to do so. This measure does not propose to actually pay men for their services in Parliament, but it will have the effect of, to a certain extent, paying their expenses. They will not be altogether out of pocket by reason of attending to their duties in the Legislative Assembly, and if the measure has the effect of bringing out really good local men, then I think that it is worthy of support. I shall have very much pleasure in supporting the second reading of the Bill.

The Hon. A. C. GREGORY said: Hon. gentlemen,—Considering the mode in which this Bill has been brought in, we should not be true to our constitutional principles if we were not to reject it. The question of payment of members has been before the country for the last fifteen years; but the country has never given any strong expression of opinion to the effect that members ought to be paid. At the hustings candidates have said that they would vote for payment of members, and some have said the reverse; but the electors generally have paid very little heed to the question either one way or the other. While I am of opinion that the payment of members will not improve the status of the House to which they are elected, I do not

look upon it as a matter of vital importance to our principles of government. Originally the Bill introduced for the payment of members was intended to apply to the members of the ensuing Parliament. So far so good, because it followed that those who were voting the money were not voting it to themselves, and that measure might have been passed constitutionally. But, in the case of the present Parliament, the members were so anxious to get the loaves and fishes, and thought so little of the principle involved, that when they found they could not get it for themselves they allowed the Bill to lapse. They were determined, however, that they would pay themselves, and they went through the form of getting a Bill introduced. Then the question arose as to whether they could constitutionally vote on a question in which they were all interested. The matter was referred to the Speaker, who, as a matter of course, with the authority before him, pronounced that the Bill could not be considered by the House. This did not please the members, for they wanted their fees; so they decided by a sort of declaratory vote that they would proceed with the Bill, notwithstanding the Speaker's ruling. I will only say in regard to that, that in the face of all the constitutional authorities it was a proceeding of a most extraordinary character. And it truly indicates the character of the measure before us. At that time the Bill also contained the clause which has been omitted this time—a clause which was practically an amendment of the Constitution Act, because it provided that nothing in any existing Act should prevent the members receiving the money. At that time they thought it advisable to protect themselves against legal proceedings by inserting the clause, but now we have the Bill without that clause.

THE POSTMASTER-GENERAL: The clause is quite unnecessary.

THE HON. A. C. GREGORY: If the clause is unnecessary it is very singular that the Premier, who is one of the best authorities on legal matters, should have put it into the Bill introduced last session.

THE POSTMASTER - GENERAL : The Premier does not put all the clauses into Bills.

THE HON. A. C. GREGORY : I can understand an unnecessary clause getting into a Bill of little importance, but I do not see how an unnecessary clause could get into a Bill in which a great constitutional question is involved. However, the Bill now comes to us in its naked form. They want the money, and they will vote it to themselves. Last session there was a complication in regard to the Appropriation Act, because a difference had arisen between the two Houses, not simply in regard to this Bill but other Bills also. Matters had evidently been arranged with a view to raising a contention between the two Houses; at any rate, whatever the intention may have been, the effect was the same, and anyone who looks dispassionately at the matter can see that it necessarily had the effect I have described. And it is exceedingly unfortunate that such should have been the case. The Payment of Members Bill of last session was the cause of a certain reference being made to the Privy Council with regard to the rights and powers of the Legislative Council in regard to money Bills; also the rights and powers of the Legislative Assembly relative thereto. On that occasion there was a conference at which it was agreed that certain matters should be referred to the Privy Council. The documents were clearly defined, and it was clearly understood at the conference that no other matter should be added. But what do we find? The mildest term which I can apply to something that has taken place since then—unless I receive

a satisfactory explanation—is “a breach of good faith.” I find accompanying the papers sent home by the two Houses a document written by the Colonial Secretary to the Governor. There is no doubt that the Colonial Secretary is entitled to write anything he likes to the Governor; but whatever he wrote, it should not have accompanied the documents which the conference clearly understood were to be the only documents to be sent home in connection with the case to be submitted to the Privy Council. The second paragraph of the letter runs thus:—

“Your Excellency will doubtless have observed that the questions submitted (and in particular the second question) are rather as to the constitutional rights and powers of the two Houses of the Legislature, than technical questions as to the construction of the statute law. So far at least as the Legislative Assembly are concerned, I think I am right in saying that the literal interpretation of the words of the Constitution Act is regarded as a matter of small importance, as compared with the large question whether on a true construction of the written and unwritten constitution of the colony, the two Houses of the Legislature should be regarded as holding and discharging relatively to one another positions and functions analogous to those of the House of Lords and House of Commons.”

How does that agree with the question that was put—whether the Constitution Act confers on the Legislative Council powers co-ordinate with the Legislative Assembly in the amendment of all Bills, including money Bills? Is that a matter merely of constitutional practice and not one dependent on the strictly technical reading of the Act? I think that the Colonial Secretary went decidedly out of his way when he addressed a document of that kind to the Governor, more especially as there is nothing in the remainder of his letter to show that he was carrying out the wishes of the members of the conference in regard to the point I have raised. Hon. members of this House who were present last year will bear me out when I say that no such additional pleading was to be sent. If it was competent for the Colonial Secretary to do so, I had an equal right to send a letter to the Governor pointing out some other view of the case, and telling him that the Assembly did not want this, that and the other—in fact, I also might have gone in for special pleading, for this is undoubtedly special pleading, and such as would never have been addressed to the Governor if the circumstances had admitted of a reply. When these matters went home with this particular letter attached, it is very evident that some misapprehension must have arisen in another place. If we had received a communication containing a paragraph such as that I have just read what would have been the result, supposing that we were a committee appointed to inquire into circumstances affecting a distant place? We should know neither the circumstances nor the nature of the contentions but from the documents placed before us. Here it is stated, in effect, “They do not want an inquiry into their rights, but simply a decision to smooth down difficulties.” The question as to whether it was expedient to carry out our reading of the Constitution Act was totally different from the question whether the Act gave us the power to amend money Bills. We all admitted, when discussing the question, that it would be inexpedient for this House, as a matter of common practice, to interfere with money Bills sent up by the other House, and the only occasion on which we did amend a money Bill, we only did it on the plea that the Assembly had departed from the constitutional course of proceeding in sending the matter up to us in the form in which it was sent. I again say that this Bill is brought up in an unconstitutional manner, and that it provides for the payment of money to those who voted it; that it has been introduced in a manner contrary to our constitutional

law, and I shall vote against it by supporting the motion for reading the Bill a second time this day six months. The Bill might have been introduced so as to apply to the future Parliament, and containing the clause which has been said to be unnecessary. It would then have been introduced in a constitutional manner, because the Constitution Act would have to be amended before members could take emoluments whilst sitting in Parliament. What will be the result of the vote, I think, is pretty clear. Eight of those members who were present last session, and who voted on this side, are absent, and there is also an accession of members who will of necessity vote with the Government under whom they have accepted seats in this Chamber. It is not that they must vote with the Government, but when a man accepts a seat in the Legislative Council he accepts it on the understanding that he approves of the policy of the Ministry offering him the seat, and therefore, as a matter of course, unless in a most extraordinary case, members vote with the Government who have placed them in the House. That is a rule I should have followed myself had the question arisen, and it gives the Government a certain amount of voting power. It may be said that we have but little power left after the decision of the Privy Council, but it must be recollected that that decision has been arrived at under circumstances which did not conduce to the decision being given in accordance with the objects the conference had in view, and it should also be borne in mind that it was not in good faith that any special pleading was made. The decision leaves us a little more in doubt than before as to the relative positions of the two Houses. It places us in the extraordinary position of being at liberty to adopt any part of the Constitution Act we choose, or any powers and rights similar to those enjoyed by the House of Lords; and the Assembly will be in a similar position. I do not think the position arrived at is one that will exactly meet the requirements of the future. Some new question will be sure to arise in which great difficulty will be occasioned by the peculiar form in which the decision has been given, and that arises from the peculiar and extraordinary way in which the question was forwarded for decision. I shall record my vote so that it may be understood that I am one of those who are anxious to carry out the constitutional practice of both Houses of Parliament. I shall vote for the amendment.

The HON. J. D. MACANSH said: Hon. gentlemen,—But for the remarks made by the last speaker I do not think I should have addressed the House, but being one of those members lately appointed I must contradict his statement that they will naturally vote with the Government on this question. I certainly am in accord with the present Ministry on their general policy, but whenever questions are brought forward by the Ministry or by anyone else with which I do not agree, I shall certainly vote against them. In regard to the question before the House I think the principle of payment of members is a very good one. I certainly was not always of that opinion, but during the last year I have read all the arguments brought forward both for and against it, and I am convinced that it will be for the benefit of the country if members are paid. The only argument I have heard tonight against the Bill is one which was ably stated by the Hon. Mr. Thynne, who said it was not right that the members of the present Parliament should be paid. That is a serious objection, and I believe it would be far better if the Bill applied only to future Parliaments. My opinion is that when members are paid the constituencies will have a much better choice than they have just now. I know from

my long experience in the country that there are many intelligent men who would be glad to do what they could to advance the interests of the country in Parliament if they could afford it. But they cannot afford it, and the voters are obliged to get whom they can. There is another point to be considered in regard to the payment of the expenses of members, and that is that it will make voters more careful in the choice of their members. When they know that they are sending men to represent them whom they have to pay—because the money comes from the voters after all—they will be very careful in their choice. It may not have that effect at first, but I believe it will in future have the effect of sending better men into the Legislative Assembly. For these reasons I intend to support the second reading of the Bill.

The HON. J. C. HEUSSLER said: Hon. gentlemen,—I am one of the oldest members of this House, and I think I ought to give some reason why on this occasion I shall vote for the second reading of the Bill in contradiction to what I have done on a previous occasion. It is about fifteen years ago when our then President, the late Sir Maurice O'Connell, gave a long dissertation with the object of inducing members here to vote for a similar Bill to this—it must have been in the year 1871 or 1872. At that time I had just returned from a trip to the old country, and on my way back passed through Melbourne. The people in Melbourne to whom I spoke were just then highly inflamed about such a Bill, and the bad results that would come from it. In principle I was always in favour of payment of members. I think myself, and I express the opinion of various members, that it is expedient and just that members should be at no pecuniary loss in attending to their duties in Parliament, and that they should get some remuneration for their services. But the present Bill is somewhat illogical, because I do not see why the time of members of the Council should not be paid for as well as that of the members of the other branch of the Legislature. I believe hon. members will exonerate me from any personal motives in making this statement. I have been for over twenty years a member of this House without remuneration, and I suppose for the rest of my life, which may not be very long, I can afford to sit without remuneration. Having disposed of that, I now come back to the speech of our late President, Sir Maurice O'Connell, who used all the best arguments in favour of a measure of this kind. I was not in agreement with him; I opposed the Bill at that time, and through my personal vote it was lost. The reason was simply that I was then under the impression that the principle would not work well, and that we would get a lower standard of representatives than was desirable; and indeed I had very good reason for voting against the Bill then, because it had actually lowered the standard in the Victorian Legislature. It is very strange that my hon. friend, Dr. Taylor, should have mentioned the same matter this evening, and fortified what I have to say on this subject. Afterwards in Victoria matters took a turn, and the standard of members began very much to improve, and I do not see any reason why I should continue to vote against a measure of this kind. It has been suggested by the Hon. Mr. Forrest that it would be expedient to have the operation of this Bill limited for a certain number of years; and I have not made up my mind how I should vote if such a proposal was made; but in the meantime, before the Bill gets into Committee, we shall have an opportunity of considering whether that would be a wise thing to do. I have nothing further to say on that subject, and I will say a few words now on the constitutional question. Last year I had not the

honour of sitting in the House, but I must fully indorse what has been in the first instance so very explicitly brought forward by the Hon. Mr. F. T. Gregory. I still hold, in spite of the decision that has been come to in the High Court of the House of Lords, that there is very little analogy between that House and the Legislative Council here. I do not see it in any way. We certainly are nominated members, but the members of the House of Lords sit by right of inheritance. We are nominated by the Governor nominally, but as a matter of fact we are nominated by the ruling powers that are; and I do not see that our representation is not as good for the people and the country as the representation of the other branch of the Legislature. On the contrary, I believe our decisions are much more independent than those of the other House, but I need not go into the reasons for that. Members of Parliament in these days are hardly what they used to be, they are merely delegates of the constituencies; and members no longer express their own personal opinions, but have to act as their constituents tell them. That is quite a departure from the old system of representation, and not conducive to uphold sound constitutional principles. I would now refer to the decision of Mr. Dalley, of New South Wales, which has been quoted by the Hon. Mr. Gregory. Mr. Dalley has pointed out that our Constitution is exactly similar to that of the New South Wales Council, and that we have co-equal powers with the other House, with the exception that money Bills must be originated in the Assembly. On the other hand, I will read from the *Brisbane Courier* an extract from an article which appeared in the *Times* of the 16th of July, in which a different view is taken from that which has been adopted by Mr. Dalley. The article says:—

"It is provided by the Constitution Act of Queensland that all Bills for appropriating any part of the public revenue shall originate in the Legislative Assembly on the recommendation of the Governor, but there is no definition in the Act of the power to be exercised by the Legislative Council in the rejection or amendment of money Bills. The dispute arose out of this omission."

Now, hon. gentlemen, I find that that is not correct. The Constitution Act says plainly that we have co-equal rights with the exception of one point—that money Bills must originate in the other House, but it does not in any way say that we have no right or power to amend such money Bills. Whether it is expedient to do so is quite another question. I do not think it is, except in very rare cases, and after twenty years' experience in this House I do not remember that we have exercised that right to any great extent. We have avoided coming into collision with the other House as much as possible, but it strikes me that unless the Constitution Act is altered, we still possess this right, notwithstanding the decision that has come from home. Perhaps on another occasion this House may deem it advisable to go into that question, which, properly speaking, should not be discussed now. It may perhaps sometimes be inconvenient that this House should interfere with money Bills, but at other times it may be to the greatest advantage and welfare of the colony that we should possess that right, and I think it would be a great pity to give it up. In business affairs when I make a contract with A, B, or C, and we have a dispute, I go before the judge, I produce the contract which has been entered into, and the judge will say, "This contract says so-and-so," and he will decide accordingly. Our Constitution Act is nothing but a contract. It says so-and-so, and notwithstanding all the decisions that may be given by the Privy Council, I think we possess

now the same rights that we did before the decision was arrived at, and so long until the Constitution Act is altered.

The HON. F. T. BRENTNALL said; Hon. gentlemen,—Reference has been made in the course of this debate to the new members of this House. As one of those members, I am about to speak on this subject, not because of any special sympathy I may have with the Ministry, but because I believe thoroughly in the principle which is contained in the Bill now under debate. There has been introduced into this debate a great deal of matter which seems to me to be a little outside the main question. I imagine from the character of the speech delivered by the Postmaster-General in moving the second reading of the Bill that he did not think the debate would have taken the turn which it has taken; or if he had we should have heard something more from his lips than we did. It seems to me that the representative of the Government in this House has been taken at a disadvantage. I will not use similar terms to those which have been used in the course of the debate, and call it an unfair disadvantage, but I concur entirely in the exception that was taken by the Hon. Mr. Wilson. It would have been better had the House been called upon by special motion to deal with the paper laid upon the table of the House relating to the constitutional question which was referred a year ago to the Privy Council, and not to have introduced that subject in connection with the debate upon the Bill now before the House. Half the time of the debate has been taken up on the constitutional question. Now, the constitutional question, I take it, I have nothing to do with to-night; I stand here, in this House, to speak to the Bill. All that has been said to-night, except certain quotations with respect to the constitutional aspect of the question, was stated here last session, and it is now a matter of history; and even admitting that argument on that aspect of the question can have any good effect, it is not the question before the House. But how can it possibly have any good effect? The matter has been virtually settled, I think irrevocably settled, and if there were a majority in this House to-night adverse to the Bill, and it were to be outvoted, the question would come up again in the same shape in which it subsequently came up under similar circumstances last year, and then it would be settled by these papers, which have been quoted from so extensively to-day;—the Council would have no choice in the matter, and they would have to vote for the payment of members whether they liked it or not. I think, therefore, as the matter so far is virtually settled, and whether we pass this Bill or not, the members of the Legislative Assembly will have their expenses paid, we may as well pass the Bill. We have been discussing a matter which has no relevancy to the subject of the Bill, and which cannot affect, in any way, the result of the voting upon the second reading. I am sorry that, in the course of the debate, such strong expressions have been used with regard to matters which I do not care to enter upon. Imputations have been made, and some of them of a very serious character against the Government the Premier especially—in connection with the statement of the case which went before the Privy Council. There is no one here who can now reply to those statements, and they have to be taken in the one-sided character in which they have been presented. I regret very much that such matter has been introduced into the discussion. It has been asserted that members of the other House are appropriating money to themselves, and it has been declared that it is illegal for them to act in the way that they are acting. I certainly cannot agree with some of the opinions which

have been expressed in this House to-day with regard to the motives of those members. It is not kindly, to say the least of it, to charge these hon. gentlemen with a misappropriation of public funds, and I think we ought to give them credit for a higher motive than that when they come into the legislature of the country. The fact of the matter is, hon. gentlemen, that the majority of those men were in the House of Assembly before it was actually proposed that they should themselves be remunerated for their services, and to attribute to such members mercenary motives is not kindly, as I said before, and I do not care to use any stronger language than that. I should like, in passing, to say that I was very glad to hear the Hon. Mr. King express, on rising, his change of opinion upon this subject, not so much because he has changed his opinion, although I am very glad that his opinion and mine are a little more in accord than they would have been had we been together here a year ago, but because he had the courage to express a change of mind. He regarded the introduction of the constitutional question as unnecessary, and I think wisely so; it was inexpedient at the very least. With regard to the voting of this sum of money to themselves, I think the Hon. Mr. Thynne objected to that on principle. But there are principles of different kinds. I think he regarded it as a misappropriation of trust money, and he said that gentlemen of the other place were elected by the constituencies to protect public interests, and were placed in trust of public funds. Well, there is a good deal in that. But I do not think it is a novelty in ordinary practice with regard to trusts that trustees do not always gratuitously perform their work. I think that the rule of honorary trusteeship has many exceptions. I believe that even trustees under a will may, by order of the court, receive a commission for the performance of their duties, and I think those gentlemen who are placed in a position to safe-guard public interests are deserving of some consideration. It may be the opinion of one individual that it is scarcely safe-guarding public interests to apply any portion of public money to remuneration for the performance of duty: that may be one man's opinion, but I claim to hold a different opinion. It may be the belief of one member in this House that to do that is a misappropriation of public funds—a misapplication of public trust; but my principle is this: that any man who undertakes important responsibilities is entitled to adequate remuneration; and if the trustees as represented by members of the Assembly are dishonest, why has not the country during the last twelve months raised such an outcry that the members of that Chamber would be ashamed to repeat the operation? There has been no such outcry, and I think that silent acquiescence in such a case as that is tantamount to a practical endorsement, and if the country has endorsed the action of Parliament, it is a little too late in the day for us here to say that the action is dishonest, and that it is so regarded by the public. If the people in this country do not regard the payment of members' expenses as an act of dishonesty on the part of those who receive the money—if it be no breach of trust for members to take that money—then I think the Hon. Mr. Thynne's second objection—that we are parties to a fraud—falls to the ground. This Chamber is not dishonest in aiding what has been regarded by some hon. gentlemen as the dishonesty of the other Chamber. It is said that this is not intended as payment, and that this payment of expenses is not really payment of members. Certainly not; I do not imagine that anybody has the slightest idea of paying members for their services in Parliament. That, at least, is not the object of the Bill now before us. But is it fair that men should be expected for many

months in the year, for several days in the week, and for about five hours a day, to serve the country in safe-guarding and promoting public interests without any remuneration—is it fair to say that those people are not entitled to any acknowledgment whatever, and that the honour of sitting in Parliament is quite enough payment for the work that they do? My principle is this—and that is why I support this Bill—that it is not just to expect men to devote so much of their valuable time to the interests of the country at their own personal loss, and to sacrifice, as they do, the comfort of themselves and their families for the mere honour of seats in Parliament. It has been said that the status acquired by a seat in the Legislative Assembly is enough reward for any man. It may be for vain men, but it is not for men of business who are modest enough to think little of themselves, but who have sufficient patriotism to serve their country although it may be at a great deal of personal inconvenience. Status is looked upon in different lights by different men, and the value of it does not depend upon the circumstances under which a man occupies a seat in Parliament; but a man who wishes to be thought something of may estimate very highly a position which may be regarded very lightly by other people. There are some people who undertake the responsibilities of legislators, not because they are proud of the position, not because it gives them a social status, not because it makes them men of more social influence, not because it does anything of the sort, but because these men, having heard the voice of the electors calling upon them to perform a duty to the community around them and to the country at large, have responded to that invitation with true loyalty and patriotism and at very considerable sacrifice to themselves. The majority of the members of the Legislative Assembly are either tradesmen or professional men, and I take it that self-interest is much more valuable to such men than social status or the honour of a position in the Legislature. Most of our legislators, in that Chamber at any rate, have to depend upon their own brains or their own hands for a livelihood; and the talk about this paltry payment of two guineas a day for three or four days a week being a means of making a livelihood out of legislation, as has been said here this evening, is an insult to them. They can do much better than that by employing their time in their business. If they cannot, and they go into Parliament for the sake of getting two guineas a day, they would certainly be much better out of it. To the men to whom I am referring money would be more valuable than the honour of the position or the social status it would give. They cannot live on honour or social status. They must live, and when they have responded to the call I have mentioned, and have neglected their own business, sacrificed home comforts, and devoted their time and energy to legislative work for the well-being of the country, it is the very least the colony can do—and I do not believe the colony grudges them the money in the slightest degree—to recompense them for the actual expense they are put to in coming to Brisbane, many of them from distant parts of the country, and others from Brisbane and places around Brisbane, and in attendance in Parliament. I say, with as much confidence as the Hon. F. T. Gregory made some of his statements to-night, and with as much emphasis, that the country does not grudge the money. One of the emphatic statements made by the hon. gentleman was that this matter has not been before the country. I maintain that it has been before the country, and I am not less insistent upon my opinion than he was on his. I had a good deal of opportunity of observing during the last general election whether this

subject was brought before the constituencies or not. I think few men in this House had larger opportunities than myself for making observations of that kind; it was my duty at that time to watch the current of public opinion and join the current, and I feel satisfied that in many cases, if not in the majority, in which candidates went before the electors they distinctly brought this question of payment of members before the constituencies. Of this I am quite certain that the majority of those who, to use a Yankee phrase, made this a plank in their platform, were elected to a seat in the Legislative Assembly. I am not afraid of that fact being gainsaid; and I do not think we shall depreciate the character of our Legislature by offering a small inducement of the kind proposed. I do not know where the men are who would be induced to offer themselves with any chance of success for seats in the Legislative Assembly on the prospect of an allowance of two guineas a day. There is a great deal of force in the remarks made by the Hon. W. F. Taylor. I remember the gentleman to whom he referred very well. There was no cleverer debater and no clearer thinker in the Legislative Assembly at that time than the hon. member for Clermont. He was a credit to his constituency, and the constituency would never have had that credit if they had not been prepared to pay for it, and that they did pay for it was no discredit. I think I am correct in saying that that was not the only constituency at that time which was well represented by a paid member, and those members sat on that very side of the House from which the opposition comes to the form of proposal embodied in this Bill. Those members sat on that side of the House which now forms the Opposition; they were paid to take their seats on that side of the House. I say that was no discredit to the members, and it was no discredit to the constituencies; but it was a recognition of the principle which we are now asked to carry out in legislation, and because the principle has been practically exemplified in that way in this colony I find a strong argument to induce me to support this Bill. I think the country will rather gain than lose by it. Some hon. members seem to hold the opinion that if this measure is passed the character of the Legislature will be depreciated. The Postmaster-General in his speech said that possibly the functions and powers of the House would be improved by the operation of the Bill, but I think if he had said that the legislative efficiency of the House would be improved he would have been more correct. There are a number of good men in this colony who have ability to assist in the work of legislation as they have ability to manage businesses of their own successfully, but who cannot afford to neglect their business and in addition pay the expense of residence in Brisbane for a number of months, to devote the whole of their time, or the most of their time and attention to the legislation of the colony; and I think we shall be very likely to improve the character of the Legislature by bringing this class of men into it. I agree with Mr.—now Sir Charles—Lilley, to whom reference has been made, when he said that compensation for loss of time was all that was aimed at at the time when he supported the principle of payment of members. That is all that is aimed at now, and I think it is scarcely relevant to the question, or at any rate scarcely fair to the Assembly, to talk about members going into that House to make a living out of two guineas a day for a few days in the week during a few months of the year. I have not attempted to go into one or two aspects of

the question, because they have already been dealt with sufficiently, but I did feel that, as a new member of this House, I should like to express my views on this subject. I shall support the second reading of the Bill, because I thoroughly approve of the principle which is embodied in the Bill.

The Hon. W. G. POWER said: Hon. gentlemen,—I have a few words to say as to why I intend to vote against the second reading of the Bill. I am and always have been in favour of payment of members, but I think the members of the Legislative Assembly should provide payment for their successors, not for themselves, and that is the reason I object to this Bill. We have heard a good deal on the constitutional aspect of the question, but I do not want to say anything on that point. I think the amount proposed to be paid to members is not sufficient. I do not believe that two guineas a day will be sufficient to induce any man to enter Parliament who cannot afford to go into the House now. As for lowering the standard or character of the Legislature by adopting the system of payment of members. I do not think it would do anything of the sort. The character of the Victorian Assembly has not been lowered by payment of members. It is just as good now as it was twenty years ago. I do not suppose this side of the House will be able to carry the amendment which has been moved, as there are eleven members absent who would probably have voted for it; but for the reasons I have given, I shall oppose the second reading of the Bill.

The Hon. W. PETTIGREW said: Hon. gentlemen,—On the subject of payment of members I at once acknowledge that at one time I held a different opinion from that which I now entertain. At one time I held a similar opinion to that expressed by a number of hon. gentlemen who have already spoken. I did not think it was for the benefit of the Legislature that members should be paid, for the reason that men who can only talk without thinking would go into the House for mere payment. But I state now that for many years I have held very different views, and have always voted for the payment of the expenses incurred by members in attending Parliament. And I would even go further than that and say that members should be paid for their services. If there is anything in the constitutional objection which has been urged—I am not a constitutional lawyer, and therefore cannot speak upon that point—but if there is anything in the objection the sooner the law is altered the better for the country. I contend that it is for the good of the country that members should have their expenses paid, and even that they should be remunerated for their services. These are the opinions I have held for several years past, and as on previous occasions I have regularly voted for a Bill providing for the payment of members, so now I shall vote for the second reading of this Bill.

The POSTMASTER-GENERAL said: Hon. gentlemen,—It has been well said this evening that it was a matter of surprise to the majority of the members who compose this Chamber to find that the constitutional question should have been introduced in discussing the second reading of this Bill. It was quite unexpected. I am not aware that any member of this House attended here this evening in the expectation that this question would be raised as it has been by hon. members who sit on the opposite side of the House. However, it has not discomposed the debate, it has not swerved those from their intention who were disposed to give the measure reasonable, fair, and judicial treatment. On the whole the Bill has been well discussed. At the same time I

must take this opportunity of stating that I regret that timely notice was not given of the intentions of hon. gentlemen who have raised this question, so that hon. members might be prepared and meet them on their own ground and discuss the matter fully and in a fair and reasonable spirit, and with credit to this Chamber. I think it is my duty, apart altogether from being entitled to do so as a member of the Government, to repudiate on behalf of the Government, and specifically on behalf of its chief, Sir Samuel Walker Griffith, any intention such as was suggested by the Hon. F. T. Gregory in respect to the document which was sent home with the case stated for the opinion of the Privy Council. There was nothing in it to justify the aspersions he has cast upon the integrity of the Government, especially with regard to the truthfulness and veracity, and the intention—the wilful intention as has been said to-night—of the Premier to mislead those to whom this grave question was expressly referred by mutual agreement between both branches of the Legislature. I was surprised at the suggestion that there existed a desire to mislead. I did not take down the words the hon. member used, and I am glad I did not. I really would be ashamed, looking at the whole circumstances of the case from beginning to end, to repeat them, and I am sure the time will come when the hon. member who attributed such a quality of character to the Government as that they should desire to bring about other than an honest, a candid, and truthful result—will regret that he ever uttered such statements. He knows—I am sure he must know—that there is no ground whatever for such statements. If there was, why was it not discovered in the old country, where the matter came before unprejudiced eyes, and before minds unacquainted with the circumstances? They approached the subject calmly and quietly, having no local prejudices, no knowledge of the history of the colony, nor any feeling that may still be inherent in the minds of some hon. members as to the rights of parties in this country. The case was stated clearly, fairly, truthfully, honestly, candidly, and there was a communication bearing the signature of the Premier of the country. Would it have been courteous or creditable to the colony if the chief corner-stone of the Government had allowed the matter to proceed without saying a word or two on the question? Were the naked circumstances to be put into an envelope and sent to the Governor?

THE HON. A. J. THYNNE: That ought to have been done.

THE POSTMASTER-GENERAL: Was there to be no communication at all from the Premier? A malicious innuendo has been uttered, and that will appear in *Hansard* to-morrow, and in order that the readers of *Hansard* may know exactly what was said—because not one in a thousand will see this document—I shall read the whole of the document to which I now refer. It is as follows:—

“The Colonial Secretary to His Excellency The Governor.

“Brisbane, 26th November, 1885.

“SIR,

“With reference to the Joint Address to Her Majesty, lately agreed to by the Legislative Council and Legislative Assembly of this colony, submitting a case on which they desire to obtain the opinion of Her Majesty's Privy Council, I have the honour to offer the following observations for Your Excellency's consideration.

“2. Your Excellency will doubtless have observed that the questions submitted (and in particular the second question) are rather as to the constitutional rights and powers of the two Houses of the Legislature, than technical questions as to the construction of the statute law. So far at least as the Legislative Assembly are concerned, I think I am right in saying that the literal

interpretation of the words of the Constitution Act is regarded as a matter of small importance, as compared with the larger question whether, on a true construction of the written and unwritten Constitution of the colony, the two Houses of the Legislature should be regarded as holding and discharging relatively to one another positions and functions analogous to those of the House of Lords and House of Commons.

“3. For the assistance of Her Majesty's Government, and in compliance with a promise made by myself to the Joint Committee by which the Joint Address was framed, I enclose copies of the official reports of the debates in both Houses on the question, which will indicate the line of argument adopted by both Houses respectively.

“4. I am not aware of any instance in which a similar case has been submitted for the opinion of the Privy Council. The only analogous case that I have been able to discover is that of the case submitted in 1872 by both Houses of the Legislature of New Zealand for the opinion of the Imperial Crown Law Officers. Some reluctance, however, existed in this colony to submit this matter as one purely of law for the opinion of the law officers. I am sure that very great satisfaction will be felt by both Houses of the Legislature if Her Majesty should think fit in this instance to refer the matter to the Privy Council, as prayed by the Joint Address. And I conceive, also, that such a reference would not involve any departure in principle from ancient theory and practice as to the functions of the Council, although those functions may not in recent times have been exercised under circumstances precisely analogous. But even if the proposed reference is considered to be not supported by ancient theory or precedent, I venture to suggest that the establishment of such a precedent would not be disadvantageous.

“5. In the event of the reference being made I do not, of course, know whether it would be made to the Judicial Committee of the Council or in some other form, or whether in either case it would be thought advisable that the case should be argued by counsel. As to the desirableness or otherwise of its being so argued I have no suggestion to offer; but if it is proposed it would be a great convenience if information were given either to Your Excellency by telegraph, or to the Agent-General for Queensland in London, in order that the necessary arrangements may be made without delay for supporting the views of either House if it should be desirable that they, or either of them, should be represented.”

Hon. gentlemen will perceive that this document, which has been alleged to contain special pleading, and in which I fail to discover a scintilla of evidence thereof, is but a simple business communication in relation to the matter to be referred to the Privy Council. Had I time and inclination and strength to go into the matter a little more fully, as I should very much like to do, I should have a good deal to say about the parts of the communication up to No. 4 inclusive; but before I sit down I shall refer to the honest endeavour strongly apparent on the face of it to do justice to both sides, as exemplified in paragraph 5, where it is suggested that in the event of it being deemed advisable that the case should be argued by counsel information should be given in order that both sides might be fully represented. What fairer expression could be given by anyone? Nothing less could have been stated, and I respectfully affirm that nothing less should have been stated. It was a wise statement, and the communication contains nothing justifying the aspersions cast upon the head of the Government in honestly endeavouring to bring this matter to a faithful conclusion. Nothing more could have been done by any honest man, and nothing less should have been done. If this document was intended to mislead, is it possible that it would have passed the eagle eyes of those in the old land to whom the question was referred? No. It passed all those wise men, and it passed through all the official routine from the time the question left the colony to the time the decision was given; and it was left for someone in this colony to allege the discovery of something within the four lines of this simple communication which no reasonable man could attribute to it. I hope the discussion, such as it has been, will be productive of good in this respect that when a

question of great importance is before the House it will be decided on its merits, instead of a side issue being raised.

The HON. F. T. GREGORY said: Hon. gentlemen,—I think I am justified in claiming permission to offer a few words in explanation. I believe I was acting strictly in accordance with the customs of this House in bringing forward a question immediately bearing on the Bill in support of my contention. I have no doubt that the Presiding Chairman would have checked me at once if I had gone outside the rules of the House. I think the Postmaster-General has somewhat mis-stated, I will not say intentionally, the reference I made to the Premier in writing the letter to the Governor. I stated distinctly that, as the Conference had come to a distinct understanding that nothing was to be added by either side to the matter, unquestionably he committed a breach of good faith in writing the letter he addressed to the Governor. I will go a step further and say that he had no right to write that letter, and make it form an adjunct or addendum to the documents going home. He could write what he liked to the Governor, but he had no right to address anything to him that would prejudice the case. He had no more status after the matter left the Conference than I had, as far as writing a communication on the subject at issue was concerned. I, therefore, think that I am justified in stating that the Premier went quite beyond his proper functions in touching the question at all after it left the Conference.

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

CONTENTS, 14.

The Hons. T. Macdonald-Paterson, W. Pettigrew, J. D. Macanish, G. King, J. S. Turner, F. T. Brentnall, W. F. Taylor, W. H. Wilson, J. Cowlishaw, J. C. Foote, F. H. Holberton, H. C. Wood, D. F. Roberts, and J. C. Heussler.

NON-CONTENTS, 5.

The Hons. A. C. Gregory, F. T. Gregory, F. H. Hart, W. G. Power, and A. J. Thynne.

Question resolved in the affirmative.

Question—That the Bill be now read a second time—put and passed.

**ELECTIONS ACT AMENDMENT BILL—
THIRD READING.**

The POSTMASTER-GENERAL said: Hon. gentlemen,—I move, formally, that this Order of the Day be discharged from the paper. My object in doing so is to recommit the Bill in order to insert a new clause which has been found to be necessary.

Question put and passed.

**ELECTIONS ACT AMENDMENT BILL—
COMMITTEE.**

On the motion of the POSTMASTER-GENERAL, the Presiding Chairman left the chair, and the House went into committee to consider a new clause proposed to be inserted in this Bill.

The POSTMASTER-GENERAL moved that the following new clause be inserted as part of the Bill:—

The sum of five shillings required by the twenty-first section of the principal Act to accompany a notice of objection must be paid to the electoral registrar with the notice given or transmitted to him. No sum need accompany the notice given or transmitted to the person objected to.

Question put and passed.

The HON. A. J. THYNNE said he had an amendment to propose in clause 4. He had been requested to put the clause back into its original

shape, as very good reasons had been given for doing so. The original clause said, "Forms may be provided by the Government Printer with the sanction of the Minister," and it was amended to read "Forms may be provided by the Government Printer with the sanction of the Minister, and shall be supplied in reasonable quantities to the electoral registrars for the use of the intending claimants. There was some ground for objecting to the amendment, because it made it compulsory upon a subordinate officer to do a certain thing, which also required the sanction of the Minister. He therefore moved the omission of the word "shall" with a view of inserting the word "may."

The CHAIRMAN: Before putting the amendment I would point out to hon. members that we are in committee to consider a new clause only. Strictly speaking we can do no other business, but if it is the pleasure of the Committee that the amendment shall be put I will put it.

The HON. A. J. THYNNE said he did not remember that the Bill was recommitted for any special purpose.

Amendment agreed to.

The POSTMASTER-GENERAL moved that the following words in the 50th line be omitted—"and shall be supplied in reasonable quantities to the electoral registrar for the use of the intending claimants."

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

The House resumed, and the CHAIRMAN reported the Bill with further amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

The House adjourned at eight minutes to 9 o'clock.