

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 8 AUGUST 1889

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saying that I am, as a member of this House, the property of the colony, not because I am the member for Cambooya, but because I devote as much attention to any other electorate in the colony, and am as willing to investigate and consider all their affairs as I am to consider those of the electorate I represent. I do not think I have shown any narrowness in that way in this House, whatever other failings I may have. If I have been a party to a transaction of the kind urged against me by Mr. Justice Harding, it is the duty of this House to expel me. If, on investigating the matter, they find that I have been a party to it, I am not fit to be here. I wish to put myself right with hon. members of this House, and will do so as briefly as possible. I do not often afflict hon. members with a long speech, and I am not going to do so upon this occasion. The leader of the Opposition asked me not to take up much time, as he has some business on the paper, and I wish to accommodate him. I take it that hon. gentlemen have read the letter which appeared in the paper, headed "Simonsen's Soft Spec.; the Spider and the Fly." I wrote this letter to the editor of the *Courier* :—

"7th August, 1889.

"The Editor of the *Brisbane Courier* Newspaper,
"Brisbane.

"DEAR SIR,

"My attention has been called to this afternoon's *Telegraph*, which contains a report headed 'Simonsen's Soft Spec.' and 'The Spider and the Fly,' containing particulars of Mr. Frederick N. Simonsen applying for his certificate of discharge under the Insolvency Act, before his Honour Mr. Justice Harding. As the integrity of Perkins and Company, Limited, is attacked in the affidavits and remarks made, I desire to say a few words in rebuttal of the statements.

"The insolvent's affidavit is altogether false and at variance with the truth, as regards the transaction existing between Perkins and Company, Limited, and himself. It is perfectly true that Mr. Edward Naumberg was general manager for the company at the time the transaction was carried through, but instead of the business being undertaken on behalf of the company, it was carried through for the private benefit of Mr. Naumberg personally; and it was never connected with Perkins and Company, Limited, nor was it ever laid before the directors. It was a business carried through by Mr. Naumberg entirely on his own account and for his own benefit, and was similar to others he made during the time he was general manager for this company. We had neither immediate nor prospective profit to gain from the transaction, nor were we consulted. When I was told about the matter by Mr. Naumberg, I warned him that it was an unsafe transaction for him, and I also spoke in the same terms to Mr. Simonsen on the first occasion I met him afterwards.

"If, as is set forth in the newspaper report, Mr. Naumberg refused to give Mr. Simonsen any more credit it was a matter between themselves, and had no reference or connection whatever with the company. I, however, regret to say that Mr. Naumberg at a later stage gave the insolvent too much credit on behalf of the company during my absence, and which I strongly objected to on my returning and discussing the nature of the accounts.

"I cannot sufficiently express my surprise at the following remarks reported as falling from Mr. Justice Harding :—'The modern definition of a brewer was a man who made beer, bought corner allotments, built hotels upon them, put in reckless men, and then came out with all the profits;' and I desire to inform His Honour that most of the brewers and publicans I am acquainted with are as respectable as Mr. Justice Harding, and quite as capable and willing (if not more so) to dispense justice to all comers as His Honour before whom this application was tried. It may be possible that I do not sufficiently grasp the meaning which fell from his lips. Perhaps they refer to a class with which he is well acquainted. If my memory does not fail me, I believe I assisted to place Mr. Justice Harding in his present position, believing that those with whom I was associated at the time were appointing a gentleman who would be a credit to the colony; and I now regret the great mistake that appears to have been made. The class of people His Honour is reported to have referred to assist to pay his

LEGISLATIVE ASSEMBLY.

Thursday, 8 August, 1889.

Motion for Adjournment.—Mr. Justice Harding and Perkins and Company, Limited.—Petitions—proposed Queensland university—Union Trustee Company of Australia, Limited, Bill.—The Fitzroy Election.—Message from the Legislative Council.—Brisbane Temperance Hall Bill.—Correction.—Formal Motion.—Defamation Bill—Committee.—Western Australian Constitution—address to the Queen.

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

MOTION FOR ADJOURNMENT.

MR. JUSTICE HARDING AND PERKINS AND COMPANY, LIMITED.

The HON. P. PERKINS said : Mr. Speaker,—I rise to move the adjournment of the House. I must preface the remarks I have to make by

salary, and I would like to know if he could find such a remunerative position in any other part of the British nation, or its colonies.

"If Mr. Naumburg made a mistake in his transaction with Mr. Simonsen, it was on his own account entirely, and it is manifestly unfair that the company should be saddled with it. Messrs. Simonsen and Naumburg ought to wash their own dirty clothes without attempting to drag the firm of Perkins and Company, Limited, into it. Fortunately the company can stand the uncomplimentary remarks made by His Honour Mr. Justice Harding, and I can only assume that the learned gentleman has no experience whatever in commercial affairs, or he would never have uttered the words attributed to him.

"Trusting you will insert this in the interests of justice and fair play.

"I am, dear sir,

"Yours faithfully,

"(Signed) P. PERKINS.

"Chairman of Directors, Perkins and Company, Limited."

Now, I sent this letter to the editor of the *Courier*, and what did he do? The *Courier* published what you see in this morning's paper. I then sent a letter to the *Telegraph*, and they published what you see this evening. I have given the truth, the actual naked facts, in what I wrote to the *Courier*. I do not think I need make any remarks after that letter; it speaks for itself. I would like to know what right Mr. Justice Harding has, because he has been appointed to the bench, to take liberties with people of this colony. I have done something for the colony. What has he done; has he done anything at all? He has done something for himself perhaps. If all reports are true, his character is not so very reputable.

The PREMIER (Hon. B. D. Morehead) said: Mr. Speaker,—I must rise to a point of order. I do not think it is at all right that any hon. member of this House should make an attack upon a judge of the Supreme Court. Nothing has been done by Mr. Justice Harding that would admit of the language used by the hon. member for Cambooya. If the judge has done wrong, there is a right way of dealing with him. It is not by making an attack upon him on a motion for the adjournment of this House. I hope, you, Mr. Speaker, will see a way to check the hon. member for Cambooya in making remarks of this sort in reference to a high dignitary in this colony.

The Hon. P. PERKINS said: The judge has taken advantage of his position to attack me, and if the newspapers had published my letter I should not have said a word. I take advantage of my position on the floor of the House now. I do not want to attack Mr. Justice Harding. A man who can travel out of his way to make such base insinuations—

The PREMIER: Mr. Speaker,—I rise to a point of order. I am certain that in no other legislature in the colonies, and certainly not in the House of Commons, would such remarks be allowed in reference to a judge of the Supreme Court, or any judge, without the member making those remarks being called to order by the Speaker.

The SPEAKER said: With reference to the point of order raised by the Chief Secretary, it appears to me that the terms in which the judge was spoken of were stronger than the hon. member ought to have used when speaking of anyone holding the position of a judge of the Supreme Court. Under the rules of the House of Commons—I think I am right in saying so, but I cannot at this moment refer to the authority—such reference to a dignitary holding the position of a judge of the Supreme Court would be checked. In our own Standing Orders we have nothing, so far as I know, which prevents such language being used; but I think that in a case of this

kind it rests with the House itself to say whether the language used ought to be used. My own opinion is, that it is undesirable that language so strong should be used in reference to a gentleman holding that position; and I think, though to a certain extent such matters should be left to the good sense of hon. members, the House itself, if it is of opinion that the language used is stronger than ought to be used, should express its opinion against such language being used in this House.

The Hon. P. PERKINS said: Mr. Speaker,—In deference to the Colonial Secretary and yourself, I will not say anything more about his honour the judge. The letter explains all I intended to say, and if the papers had published it verbatim I would not have said a word about the matter in the House. I fail to see that judges should be surrounded with so many privileges. It is a notorious fact—at any rate, I have heard it in dining rooms and in other places—that his honour has done things fifty times worse than anything I have alleged against him. I will content myself now with moving the adjournment of the House.

The PREMIER said: Mr. Speaker,—I only rise to express my deep regret at what has fallen from the hon. member for Cambooya. No doubt he naturally smarts under a feeling that he has been improperly spoken of. I am not so completely seized of the circumstances as he is, but I think it is quite likely—in fact, I feel certain—that the remarks which fell from Mr. Justice Harding were brought about simply by the information laid before him. The hon. member for Cambooya has shown that he had a great deal more information than was brought before the judge, and I do not see that he was in any way warranted, seeing that the judge had not the full information which he himself possessed, in speaking in the way he did of a judge of the Supreme Court of this colony. And I do not think any hon. member, under the privileges of Parliament, because he is suffering under a grievance or a supposed grievance, should be allowed to pour out the vials of his wrath in the way the hon. member for Cambooya has done. I think the hon. member would have been wiser if he had let the matter stand, seeing that the whole of the facts were set forth in the letter published in the *Courier*, and also in the *Telegraph*.

The Hon. P. PERKINS: The whole of the letter did not appear, or I would not have said a word.

The PREMIER: As I understand the letter, the facts were published; and I think the editors of those two papers showed their wisdom in excising the other portion of the letter. I hope that though there is no Standing Order at the present time preventing such attacks upon judges, some rule will be adopted to prevent the recurrence of such a thing.

The Hon. Sir S. W. GRIFFITH said: Mr. Speaker,—I rise to express my concurrence with what has fallen from the hon. gentleman at the head of the Government. I cannot at the present moment turn to the authority, which has been referred to in this House on more than one occasion, but I know it has been laid down by high authorities in England—I am not sure whether it has been laid down from the chair or not—that it is entirely out of place and improper to refer in terms of censure to a judge on a casual motion, and that if any censure is made it should be on a substantive proposal to the House to exercise its powers over the judge whose action is called in question. No useful purpose can be served by attacking a judge as has been done to-day. He cannot defend himself, nor can anyone be his advocate in this House; so that a judge is

especially unprotected and defenceless; and a person in that position is by the ordinary rules of courtesy, if by no other rules, exempt from attack, unless the occasion is so great as to justify some serious action being taken.

The HON. SIR T. McILWRAITH said: Mr. Speaker,—I do not think the leader of the Opposition is serious in laying down such a doctrine as that judges are not to be spoken of by members of this House.

The HON. SIR S. W. GRIFFITH: Certainly not. I did not do so.

The HON. SIR T. McILWRAITH: That was the tendency of his remarks at any rate. I entirely oppose the statements made by the hon. member for Cambooya, and I regret that he should have brought the case forward. I think he showed exceedingly bad taste in speaking of the judges as he did.

The HON. P. PERKINS: I only spoke of one judge.

The HON. SIR T. McILWRAITH: I think he wrote that letter to the papers in anger, and without due consideration of the facts. I know something of the facts, and I am astounded that such information was brought before a judge of the Supreme Court. The hon. member is perfectly right in saying that Perkins and Co. were not in the matter at all; and the judge therefore was animadverting on an individual that was not Perkins and Co. at all. The judge had no intention of saying a word against Perkins and Co., because they were not in it, except as victims to an extraordinary extent; and the hon. member has misapprehended the position. I have not seen how his letter appeared in the *Telegraph*, but I heard what was read here, and I have seen what was published in the *Courier*. I think the *Courier* did the Hon. Patrick Perkins a great service when they curtailed his letter to the dimensions in which it appeared. I think the remarks he has made about Judge Harding were in thoroughly bad taste, and I do not think they were called for by any remarks the judge made.

Mr. GANNON said: Mr. Speaker,—I wish to say a word with regard to a remark that fell from the Colonial Secretary about the adoption of a standing order with regard to what we may say in this House about the judges. I think the time has come when we should speak very strongly with regard to certain matters in connection with our Supreme Court judges. There is no doubt that they hold a high position, and are honoured in their position; but there are cases in which judges lower themselves by making attacks on people whom they ought to leave alone. I am not speaking about this special case, but on behalf of people generally. I know several cases in which people have been attacked by judges without the slightest hope of redress. As the law at present stands, if the *Courier* or the *Telegraph* inserted the letter written by the hon. member for Cambooya, the chances are that the publisher would be hauled up before the judge, and perhaps not only fined but also sentenced to a term of imprisonment. My reason for speaking is that I hope this House will during this session look after the privileges of the people, and see that in future, judges shall not have the power they now possess in this respect. I am only waiting for the discussion on the Supreme Court Amendment Bill, introduced by the hon. member for Burrum, when I trust the matter will be debated by the House and the judges put in their proper position with regard to their power to comment on the action or character of private persons.

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said: Mr. Speaker,—I agree somewhat with the hon. member who has just sat down, but I am also in accord with what has fallen from the Premier and the leader of the Opposition concerning attacks being made on judges in this House. The Constitution provides means by which judges can be censured in a proper way, and removed from their office if they do anything wrong, and I quite agree with both the hon. gentlemen who spoke first, that the judges should not be attacked upon a motion for adjournment. I know perfectly well that judges sometimes undertake the criticism of people in a way that they should not, but the papers are afraid to make any remarks about it. I know one case in which a newspaper editor refused to publish a letter where an attack was made by a judge upon a private individual, and stated that if he did publish it he would run the chance of forty years' imprisonment, as Mr. Justice Harding had threatened a person with forty years' imprisonment just before that. But if we curtail or attempt to curtail the speech of judges or officers of the court in courts of justice, we must also curtail the speech of members in this House. Free speech sometimes degenerates into license, and we should hold the glass up to ourselves and see ourselves as others see us. I quite agree that some restriction should be put upon judges' tongues, as there is no doubt they sometimes exceed fair criticism in their comments from the bench upon individuals who are helpless, unless they are members of Parliament, to say a word in their own defence.

Mr. HODGKINSON said: Mr. Speaker,—I am not going to discuss the question of the criticism of any particular judge, but undoubtedly facts are cropping up repeatedly which show some necessity, at any rate, for judges confining themselves within the strict records of the case. It is not my place to pass any censure on an old member of this House like the hon. member for Cambooya, and, were I so disposed, I must not forget that, although this matter has nothing whatever to do with me personally, I am bound to confess that, when I read the remarks complained of in that letter, I took them as an aspersion, not only upon the character of Perkins and Company, Limited, but also on the hon. gentleman who presides over the affairs of the company. We do not so much object to criticisms by a judge, which are called forth by honest indignation at roguery; but what are the facts of the case? Any person who happens to incur the wrath of a judge may suffer anything which that judge's temper or indignation permits him to do or say, and when a judge gives way, even to honest indignation, he forfeits some of the respect attached to the calm dignity of his office. But how do they act when a member of the profession is brought before the court? I noticed that in the case of an application calling upon a solicitor, who ought to have been struck off the rolls long ago, to show cause why he should not be struck off the rolls, the counsel, on referring to him in such a manner as to identify him, was immediately suppressed by the judges. The name of the solicitor must not be mentioned; he is a highpriest of the craft, and may be a judge himself some day if he gets over this little affair. But suppose it had been the Premier or any member of this House, would he have been treated with the same consideration? No; his name would have been given at once, and published throughout the colonies. It is a weakness of humanity to revel—not from any wicked or licentious motive, but simply from a species of malicious fun—in anything that is to the discredit even of his dearest friend, and there are hundreds and thousands of people who are now

chuckling over this little diatribe, representing the firm of the member for Cambooya as a commercial horse-leech. I can feel for the honest indignation of the hon. member, though, of course, I do not commend the way in which he showed it. But I can feel for it, and we must not forget that angry men are often imprudent, especially when they are actuated by a strong sense of their innocence of the charge made against them.

Mr. MACFARLANE said: Mr. Speaker,—I hope it will not go forth from this House, that if a judge does wrong he will not be criticised. Judges, like other persons, are subject to error and wrong-doing, and if a judge improperly criticises an individual or commercial firm, I think it ought to be taken notice of in order to prevent the consequences which may follow. But I would ask hon. members whether the judge, on this particular occasion, did anything to justify a motion for the adjournment of the House this afternoon to refer to the matter? As I read the report of the affair, the judge made no reference at all to Perkins and Co., unless incidentally. The name of the firm was certainly brought in, but the judge, in defining what a brewer is, simply referred to facts which are well-known to everybody, though his remarks apply, perhaps, to other places more than to Queensland. But I think they apply here to some extent. Brewers do build houses on corner allotments, put publicans in them, and reap the benefit. But the remarks were not applied to the firm of Perkins and Co. I think the hon. member for Cambooya made a mistake in bringing the matter before the House this afternoon. It would have been better to let the matter alone, after denying any connection with the affair, as he did in the letter published in the *Telegraph*.

Mr. BARLOW said: Mr. Speaker,—I should be wanting in moral courage if I did not say here what I have often said outside the House—namely, that some check should be put upon the tongues of their honours the judges when speaking in privileged places. I am not going to mention the name of any judge, but I have seen respectable citizens, respectable as I am, spoken to and treated as dogs. I know of one case, the particulars of which I will not mention, lest they should give a clue to it, in which an unfortunate man received a cruel and crushing sentence, against which every instinct of my nature rebelled, simply, it was generally believed, because on the last day of his liberty the man got drunk, and in the course of his trial addressed some rude remarks to the judge. That man received a sentence which, if I mentioned it, would make the blood of every hon. member boil, as it made mine boil.

HONOURABLE MEMBERS: Name!

Mr. BARLOW: The man's name was John Rackley, and he was charged with arson in July, 1885. He set fire to an empty house in which there was no human being living, so far as I know, and which was isolated from any other house, and he was sentenced to twenty years' imprisonment. I noticed that a similar case occurred in Victoria about the same time, where a man who had finished building a house asked a lad who was there to set fire to it, and offered him £50 to do so. When the lad refused he set fire to it himself, and got the insurance money, and I believe there was a man sleeping in the upper story of that house. That man got a sentence of four years' imprisonment and the man at Ipswich got twenty years, and is now in St. Helena serving that sentence of twenty years. At the time I said it was a crying shame, and I protested against it with my voice and my pen, and I protest against it now in this House as an outrage against decency and justice.

The PREMIER: Both the present Government and the leader of the Opposition refused to let that man out when they saw the evidence in the case.

Mr. BARLOW: They should never have refused, as it was a shameful sentence.

The PREMIER: He will stop in St. Helena as long as I remain in power.

Mr. REES R. JONES: He only wished to burn his wife.

The PREMIER: That is all.

Mr. SAYERS said: Mr. Speaker,—I wish to say a few words on the question. I think it is a very hard thing if members of this House are not to make any references criticising the action of any judge. With regard to what has fallen from the hon. member for Burke, I may say that I have had handed to me a letter from the Law Association, and the matter to which it refers has reference to frauds practised by a solicitor, and that man's name is withheld from the public up to the present time. I know, from my own personal knowledge, that had any civilian done what this solicitor has done, he would be in gaol for it.

The Hon. Sir S. W. GRIFFITH: The man was committed for trial.

Mr. SAYERS: Yes; but I believe he has got out of it. Being a legal gentleman, he has been able to leave a loophole to enable him to escape. This case was brought under the notice of the Law Association, and it is proved that a man entrusted his case to this solicitor and gave him money to engage a barrister. The solicitor stuck to that money, and never tried to get any barrister. It was simply robbing the man and putting the money into his own pocket, and if the same kind of thing was done by a civilian, he would be heavily punished for it. Instead of that, when this matter is brought before a judge, it appears this man is allowed to escape. I think officers of the court should not have any privilege in that respect that is not extended to any other citizen. I hold the opinion that if a judge does wrong he should be as liable to criticism and punishment as any other individual.

The Hon. Sir S. W. GRIFFITH: So he is.

Mr. SAYERS: I hope that is the case; but I know that in all the cases which have come under my notice where officers of the court have been guilty of improper conduct, and their conduct has been brought under the notice of the court, for some reasons, which I cannot understand, they have been able to get out of it very easily.

The Hon. P. PERKINS: They have escaped.

Mr. SAYERS: Yes; they have escaped by some means or other.

Mr. REES R. JONES said: Mr. Speaker,—I am quite certain the hon. member for Charters Towers knows nothing whatever about the case. If he had only read the reports which have appeared in the papers he would have seen that it was not a solicitor who was implicated at all, but one of those nondescript animals called "a legal practitioner." The name was suppressed because the application before the court was only to call upon him to show cause. It was an *ex parte* application by the Law Society, calling upon this man to answer certain affidavits, and I say that under the circumstances the name is rightly withheld. This man is a "legal practitioner," whatever that nondescript animal may be. It is some sort of a hybrid, I believe, and I know I am not one of them, as I am a pure "solicitor;" but the case in which he is concerned is an *ex parte* application so far calling upon him to answer certain affidavits, which

may or may not be true; and I think it is a wise thing that the name is not stated, when, after all, there may not be any truth in the statements made against the man.

Mr. HODGKINSON: Why, then, should the name of any man put upon his trial be divulged?

Mr. REES R. JONES: No man ought to be put upon his trial unless the charge is formulated against him. In this case I say it is an *ex parte* application to the court calling upon this man, when served with the necessary documents, to show cause why he should not be struck off the roll; and, therefore, his name is rightly suppressed. I should be very sorry to find the name of any hon. member of this House, against whom a charge was made *ex parte*, published before the charge against him was formulated.

Mr. STEVENS said: Mr. Speaker,—I was rather amused at the irony of the leader of the Opposition when he spoke of the unprotected state of the judges, and when immediately afterwards one of them is defended by four of the ablest members in this House. That shows their utter unprotectedness. They could have made scathing speeches on the subject, but they were wise in their generation. The Minister for Mines and Works recommended the hon. member for Cambooya to take a constitutional step if he wanted any satisfaction. We have had one instance already this afternoon of the difficulty in dealing with a judge of the Supreme Court. I know an instance in which a lawyer year after year robbed scores of people in various trades, and took money from them for carrying out certain services which he did not perform. Nothing was ever done to that man until he swindled a lawyer. Then he was brought before the court, and was immediately struck off the roll. I hope the House will be very careful indeed to prevent any curtailment of its privileges in this direction, more especially in dealing with the higher branches—I was going to say “of the Civil Service,” but I suppose the Supreme Court judges are to be considered as above the Civil Service. I hold that the action of the highest officials in the land should be as open to criticism as that of anyone else. I do not wish to defend the hon. member for Cambooya particularly, but I maintain that there was no other course of action open to him than that which he adopted, if he wished his sentiments and his views of the case put before the country, as the newspapers declined to publish his statement.

The SPEAKER: With respect to the point of order raised by the Chief Secretary, I have been able to discover one decision bearing upon the case. It is a decision of Mr. Speaker Brand, delivered in 1882, and is quoted by Mr. Blackmore. Under the head of “Charges against the Judges,” Mr. Blackmore has the following:—

“Charges against judges are unbecoming to be made, as there is a proper course open if their conduct is to be challenged.”

And he quotes the following case:—

“The Queen v. Castro.—The Expenses of the Prosecution.—Observations.—Mr. Whalley having said: The petitions which had been presented to the House showed the petitioners believed there had been gross corruption and injustice on the part of the judges who tried the case, and he was prepared, to the best of his judgment, to prove that there was ample ground for the complaint.—Objection taken.

“Mr. SPEAKER said that the question before the House was that the House should go into Committee of Supply—a question on which great latitude was allowed; but the hon. member was very severely trenching on the privileges allowed to hon. members, and taxing the patience of the House. Although the hon. member was not, strictly speaking, out of order, yet it was unbecoming to charge the judges with improper conduct, as he had done, for, if he desired to challenge their conduct, his proper course was to move an Address to the Crown for their removal.”

The Hon. P. PERKINS, in reply, said: Mr. Speaker,—The reason I have taken action this afternoon is because I do not want to give a lie twenty-four hours' start in Brisbane. It is not myself that is concerned in this matter; it is the shareholders of the company, who are distributed, I may say, all over Australia. Personally, I do not care the piece of paper I hold in my hand; the judge may say what he likes about me. The weight of my character will outlive anything he can say. As to the remarks of the Chief Secretary, the leader of the Opposition, and Sir Thomas McIlwraith, I am not at all insensible to their suggestions, and I possibly may act upon them at a future date. I hope I shall not have a similar thing on my hands for a long time, and that it will be long before we shall have such a painful scene in the House again. I would ask the House, what other tribunal is there to appeal to. You, Mr. Speaker, have just informed us that some Speaker of the House of Commons has laid it down, that there is a certain way of getting at the judges by an address to the Crown praying for their removal. But suppose I was not a member of the House, and was merely in the position of head of a business, what redress should I then have, especially when I cannot get the newspapers to print the truth for me? This is only the second time I have moved the adjournment of the House, and I have acted under a sense of duty I owe to the shareholders to begin with, and to myself afterwards, and to expose what I believe was a wanton and wicked attack upon the members of a firm. As my letter states, the judge can have no notion about commercial affairs. With the permission of the House, I beg to withdraw the motion.

Motion withdrawn accordingly.

PETITIONS.

PROPOSED QUEENSLAND UNIVERSITY.

Mr. ARCHER presented a petition from Albert Smith, of Rockhampton, praying that the House will not sanction any grant of land or money for the endowment of a University of Queensland; and moved that the petition be read.

Question put and passed.

On the motion of Mr. ARCHER, the petition was received.

UNION TRUSTEE COMPANY OF AUSTRALIA, LIMITED, BILL.

Mr. REES R. JONES presented a petition from the Union Trustee Company of Australia, Limited, praying for leave to introduce a Bill to confer certain powers upon the company. The Standing Orders had been complied with, the necessary notices had been issued in the *Government Gazette*, and £25 had been paid into the Treasury in accordance with the 256th Standing Order. He moved that the petition be received.

Question put and passed.

THE FITZROY ELECTION.

The SPEAKER said: I have to report to the House that I have received the writ from the returning officer for the electorate of Fitzroy, certifying the return of Albert James Callan, Esquire, as the member for the said electoral district.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

BRISBANE TEMPERANCE HALL BILL.

The SPEAKER reported to the House that he had received a message from the Legislative Council, returning the Brisbane Temperance Hall Bill, with amendments.

The HON. SIR S. W. GRIFFITH (in the absence of Mr. Buckland, the hon. member in charge of the Bill), moved that the message be taken into consideration on Friday, the 16th instant.

Question put and passed.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. BARLOW—

1. That a select committee be appointed to inquire into any sanitary contracts that have been made with the municipal authorities of North and South Brisbane during the last five years.

2. That such committee have power to send for persons and papers and leave to sit during any adjournment of the House, and that it consist of Sir Samuel Griffith, Messrs. Black, Jordan, Powers, Agnew, Salkeld, and the mover.

DEFAMATION BILL.

COMMITTEE.

On the motion of the HON. SIR S. W. GRIFFITH, the House went into Committee to consider this Bill in detail.

On clause 1, as follows:—

“This Act may be cited as the Defamation Act of 1889.”

On the motion of the HON. SIR S. W. GRIFFITH, the figures “1889” were omitted and “Queensland” inserted.

Clauses 2 to 6, inclusive, passed as printed.

On clause 7, as follows:—

“Publication is, in the case of words spoken, the speaking of such words in the presence and hearing of any other person than the person defamed, and, in the case of other defamatory matter, the exhibiting of it in public, or causing it to be read or seen, or showing or delivering it, or causing it to be shown or delivered, with a view to its being read or seen, by any other person than the person defamed.”

Mr. REES R. JONES said he would ask if the publication in the case of words spoken would apply to the wife or the husband of the person defamed? In law, husband and wife were regarded as one, and he thought it would be better to insert “including the wife or husband of the person defamed, as the case may be.” It was a gross outrage upon a wife to defame her husband, and a much grosser outrage to defame a wife, and if there was no other person present the person defaming would not be liable.

The HON. SIR S. W. GRIFFITH said publication to husband or wife was sufficient. That was shown in an action in England the other day when an action was brought by Mr. Campbell-Praed against somebody, and the only publication proved was a letter written to his wife.

Mr. REES R. JONES said the Married Woman's Property Act prevailed in England, which gave her the right to bring an action herself. But a married woman could not bring an action by herself for a tort. He thought the matter deserved some consideration.

The HON. SIR S. W. GRIFFITH said that it did not want any consideration, as it had been the law in England for a long time past. As long ago as 1855 Mr. Justice Maule said that a man and wife were, in the eyes of the law, for many purposes one person, and for many purposes, of which this was one, they were different persons. That was before any Married Woman's Property Act was thought of.

Clause put and passed,

Clauses 8 and 9 passed as printed.

On clause 10, as follows:—

“1. A member of either House of Parliament does not incur any liability as for defamation by the publication of any defamatory matter in the course of a speech made by him in Parliament.

“2. A person who presents a petition to either House of Parliament does not incur any liability as for defamation by the publication to that House of Parliament of any defamatory matter contained in the petition.

“3. No person incurs any liability as for defamation by publishing, by order or under the authority of either House of Parliament, any paper containing defamatory matter.”

The MINISTER FOR MINES AND WORKS said that before that clause was put he would like to know whether any hon. member intended moving an amendment in clause 11, as, if so, a corresponding amendment should be moved in clause 10.

The HON. SIR S. W. GRIFFITH: That is so—they ought to be on the same footing.

The MINISTER FOR MINES AND WORKS said that considering what they had heard that afternoon about the latitude of speech allowed to judges in the colony, if hon. members were really serious in what they had said, some amendment should be moved in clause 11, and if that were intended a similar amendment should be inserted in clause 10 also.

The PREMIER said that he wished to understand whether, in the case of a petitioner presenting a petition to Parliament of a defamatory character, supposing that petition were published, an action would lie against the publisher.

The HON. SIR S. W. GRIFFITH said an action would not lie against a petitioner for merely presenting a petition to Parliament, but if he were to take the petition outside, then an action would lie.

The PREMIER said that if the petition were published—say in *Hansard*—would that be a breach of privilege?

The HON. SIR S. W. GRIFFITH said that publication in *Hansard* was privileged, and that could not be held to be defamation. That had been settled a long time back. Parliament was the highest court in the realm, and as the proceedings there were matters of public interest they should be made known. Anyone had a right to make a complaint to the highest court, and if a petitioner thought fit to abuse anyone it could not be helped. Every complaint really was defamatory, as every petition for relief must be more or less defamatory, as it must accuse somebody of having done wrong, or else there would be no claim for redress, though under ordinary circumstances no one would think anything of it. Of course they should use any privilege of that sort within reasonable bounds. There was a danger of those bounds being exceeded, but hitherto it had been found impossible to lay down clear lines defining what should be protected matter and what should not be protected, and the general experience in English communities had been to show that there should be absolute freedom of debate in Parliament. The conveniences of that privilege far outweighed any inconveniences that might arise. That was the present law, so that no change was being made.

Mr. POWERS said that he could not quite see the reasoning of the Minister for Mines and Works. Clause 10 dealt with the privilege of Parliament, whilst clause 11 dealt with the privilege of judges in courts of justice. He thought the leader of the Opposition had agreed with the Minister for Mines and Works in saying that if an amendment were to be made in clause 11, then a corresponding amendment should be made in clause 10. He approved of clause 10, although he did not believe in taking advantage of their ancient privilege in order to defame any person outside, but it had been the usage for a very long time to allow members of Parliament to speak freely, and he would be sorry

to assist in any way to debar members from speaking their minds freely upon any matter, without considering whether it was defamatory or not. He could not see, if an amendment were to be made in clause 11, that they should therefore make an amendment in clause 10.

The HON. A. RUTLEDGE said he did not think there was much danger to anyone, as they did not publish petitions—in many cases they were not even read—and it was for the Printing Committee to decide whether any petition should ever see the light. It was not necessary to do anything by which petitioners might be frightened out of asking for their rights, lest they should be transgressing the law by doing so. Parliament was quite capable of guarding the outside public from any danger.

The MINISTER FOR MINES AND WORKS said that they knew the right of petitioning Parliament was very old, but at the present time it was nearly worthless. By clause 4 they had already defined what defamation was. Defamation not only concerned a member of Parliament, but it might concern his relatives, whether living or dead; and why should a petitioner have the privilege of having protection through the statement being made in Parliament. True, they did not publish petitions, but there was a committee which did publish them, and when a petition was read in Parliament, it was published to the seventy-two members of that Parliament, and after that it was submitted to the Printing Committee to decide whether it should be printed or not; and when it was printed it was circulated. After what had fallen from the hon. member for Burrum, about the very ancient privilege members of Parliament possessed, he might say that the privilege possessed by judges was quite as ancient; the two cases stood exactly upon the same foundation, and what affected the one should affect the other. That was the reason why he said that if they intended to curtail the freedom of speech of the judges, they should also curtail, to some extent, the liberty of speech of members of Parliament in defaming each other when discussing any question of public interest, or in defaming people outside the House.

Mr. GANNON said he thought the case which had cropped up that afternoon was one which might very well be referred to in connection with the clause. The letter read by the hon. member for Cambooya would be published in *Hansard* and form part of the records of that Chamber. Suppose that hon. member had the letter published in pamphlet form and circulated it amongst the shareholders of Perkins and Co. would it be considered as defamatory matter?

The PREMIER said he thought that what the hon. member wanted to get at was this: If the clause passed, a letter that might be thought defamatory, if published in *Hansard*, might afterwards be circulated outside without being defamatory under the clause. If that was the case it might lead to allowing members, under the privilege of Parliament, to libel or defame people when they were not allowed to do so by law outside. The case instanced by the hon. member for Toombul was very much to the point.

The HON. SIR S. W. GRIFFITH said that no action would lie for the publication in *Hansard* by the Government Printer of anything said in Parliament. If a man published extracts from *Hansard* for his own amusement or for any purpose other than for public information, if he was protected at all it must be under some other provision of the law. He would be protected if he did it in good faith and in self-defence, but a man had no right wantonly to extract defamatory

matter from *Hansard* and circulate it. If a man made extracts from *Hansard* for public information in the ordinary way he might. In other cases the publication might be justified on other grounds, but not because it was said in Parliament.

Mr. REES R. JONES said that the circulation of what might be considered defamatory matter amongst people having a common interest would be protected. If the hon. member for Cambooya circulated the letter he had read amongst the shareholders of Perkins and Co., he would not be liable, because they all had a common interest in the matter.

The MINISTER FOR MINES AND WORKS said he knew of an instance in which a member used to slander another man from time to time in that Chamber, and on every occasion when he uttered those slanders he used to circulate *Hansard* to a large extent, so that the slanders might be circulated over the colony broadcast.

The HON. SIR S. W. GRIFFITH: There is nothing here to protect him.

The MINISTER FOR MINES AND WORKS said that *Hansard* was a privileged publication.

The HON. SIR S. W. GRIFFITH: Only when published by the Government Printer.

The MINISTER FOR MINES AND WORKS said it was published by the Government Printer in the case to which he alluded. The member to whom he referred used to pay for copies of *Hansard*, because it pleased him to do so, and circulated them in thousands all over the colony to slander the individual whom he disliked.

Mr. HODGKINSON said the Committee should be careful not to interfere in any way with the privileges of that Chamber, even though such cases might occasionally arise. He thought he knew the case to which the Minister for Mines and Works referred, and he thought it had been accurately described. But, he would ask, did those slanders carry any weight with men whose opinions were worth anything? In their efforts to curb the influence of pique or malice of members of that Chamber—if there were such members—they might let go the privilege of saying what they thought proper at any time, and on any subject. If any member so far abused his position in that Chamber as to make it a medium for the exhibition of malice, what weight would he carry with other hon. members or in the country? They all knew when a member was speaking in the interests of the country and when he was speaking simply with the view of exhibiting his petty personal dislikes; and he knew of no instance in which a member had so far forgotten himself as to prostitute his position, without being treated with contumely in that Chamber, and as a man of no account outside.

The HON. P. PERKINS said he differed from the hon. member for Burke in the opinion that slanders carried no weight. The hon. member must have forgotten what Carlyle said about four-fifths of the people in the world being fools. Four-fifths of the people who read newspapers believed everything that was published. And why should they not believe it when it appeared in *Hansard*? He would not argue the matter any further, but he recommended the leader of the Opposition to withdraw the Bill in order that they might get on with more profitable work. He could see something underlying the introduction of the Bill. It was going to be made use of by the leader of the Opposition by-and-by, in a way that no member expected at the present time. He did not insinuate that the hon. gentleman had been bribed or hired to bring in the measure; but he said the hon. member brought it in for

the sake of having some work to do, because he must be doing something, even if it was only mischief. The Bill was not brought forward in the interests of the public, and he warned the Committee not to proceed any further with it.

Mr. DALRYMPLE said he differed entirely from the hon. member who had just sat down. He thought the thanks of the Committee and the country were due to the leader of the Opposition for applying his abilities, which they all knew were exceptional, to a codification of the defamation law. It would be a great advantage to the country to have that law codified. With regard to the arguments in favour of limiting the privileges of members of Parliament, something might undoubtedly be said in support of the contention that members should be prevented from defaming persons outside the House, but they had to consider the balance of advantages. He did not believe that any member would once in ten, or probably twenty years, so far forget his position as to indulge his private spleen and shield himself under the privileges given him by Parliament. Another thing that should be remembered was that hon. members were there in a representative capacity, and it would probably militate against their efficiency if, in the discharge of the duty which they owed to the people, they thought it would be possible for any person to involve them in a lawsuit. He maintained that for the benefit of their constituents it was but right that they should have the utmost liberty of speech, and that they should trust to the honour of hon. members not to abuse that liberty. The practice of hundreds of years had shown that such liberty was absolutely demanded and required.

The MINISTER FOR MINES AND WORKS said the liberty of which the hon. member spoke he estimated as highly as did the hon. member, but that liberty was acquired not to allow members to defame each other, but to speak their minds distinctly as against the king. The same state of things did not exist now; there was no king to overawe hon. members, and they could speak their minds freely on public questions, but why should they be given the further liberty to speak their minds freely about each other and defame each others' private character? It was not to the interest of their constituents that they should have any such privilege. Since he had been a member of the House he had heard members say there what they would not say outside, and he thought no member should say inside what he was afraid to say outside the House. They should have absolute free speech with regard to public questions, but should not be allowed to speak in a defamatory way of each other. For instance, he differed politically from the hon. member for Burke, Mr. Hodgkinson, and the leader of the Opposition, but why should he be allowed to attack their private characters? He was a defender of free speech, but not an advocate of license; that was a different thing entirely.

Mr. REES R. JONES said he did not think that any hon. members should be allowed to defame the character of another hon. member, but if he did the hon. member attacked would have an opportunity of replying on the floor of the House. But what about the unfortunate men outside who could not come there and complain? Their only resource was to reply through the public prints, and if the public prints would not publish their letters they had no redress. Nevertheless, he considered it was essential for the well-being of Parliament that hon. members should have freedom of speech in carrying on their deliberations, and he trusted that no hon. member would defame any man who had not the right to reply. There

were great advantages in freedom of speech, and they must leave it to the consideration of hon. members not to transgress the privilege given to them.

Mr. HAMILTON said it was quite true that an hon. member had the right to reply to any attack made on him; but it might be undignified for him to bandy words with the hon. member making the accusation. Hon. members should not be allowed to defame one another or any other people under the privilege of Parliament. He had noticed that the persons who were most ready to do that in the House were the most careful not to say one word outside to offend anyone; those were the class of persons who took advantage of their position in that Chamber to defame their enemies. If an hon. member had anything to say against the character of any person, and considered it desirable to say it, then, although the statement was defamatory, he would be protected if it was said in the interests of justice and for the public good. That was sufficient protection.

The MINISTER FOR MINES AND WORKS said he intended to move the omission of subsection 2. He did not think that any person presenting a petition to Parliament should have the right to defame another. By giving people the protection which that clause would afford, they not only gave them the right to complain of some wrong having been done them, but would also protect them in the publication of any defamatory matter in a petition to both Houses of Parliament. That should not be allowed. The hon. gentleman in charge of the Bill knew perfectly well that the right of petition to Parliament was utterly worthless at the present time. It was one of those rights which had been fought for, but it had not now that value which it had originally. What was the ultimate fate of petitions presented to the House? They generally went into the waste-paper basket. But if a petition was presented to the House by an hon. member, he could ask to have it read, and then it would be referred to the Printing Committee, though he did not believe any Printing Committee would publish a petition of a defamatory character. Still, he thought petitions should not be protected in the way proposed, and he moved the omission of subsection 2.

The Hon. Sir S. W. GRIFFITH said he hoped the amendment would not be pressed. The provision which it was proposed should be omitted was the present law of the country, and had always been the law since there had been a Parliament. Why should it be taken away now? It was quite true, as the hon. gentleman had stated, that the right of petition was not of much consequence now, but it might be productive of serious consequences in the future if that right was abridged. He remembered a case in which that question arose in England, where a petition was presented to Parliament against the conduct of a judge. What redress had anyone who received injustice at the hands of a judge? Petition to Parliament was his only remedy, and for the purpose of bringing his complaint before Parliament he must accuse the judge of gross misconduct. Must he do that under threat of an action or prosecution for libel? It was a most serious matter. Such a case very seldom occurred; certainly he did not know of anything like that in this colony, but such a thing had happened in Australia and in England. He hoped the hon. gentleman would not insist upon withdrawing the protection which at present existed with respect to the right of petition.

Mr. BARLOW said that if they took out that provision, they would be taking away a very important privilege of Parliament to receive

petitions, though no action might be taken by the House upon a petition, and it might not be printed or published. In the case of an election petition, for instance, a man could not say anything about "California Gully." It would take a great many gross libels to refer to such a thing as that, but that was no reason why a man should not have the right to petition against such a thing. He would support the retention of the paragraph.

Mr. HAMILTON said he did not see that the striking out of the clause would in any way prevent the presentation of petitions, but it would make a person liable for any statements he might make in a petition, if he could not justify them. The leader of the Opposition had said that a person might desire to petition against a judge for gross misconduct, and, according to the amendment, he would be liable to an action for libel or contempt; but he should be if he could not justify the statements he made, and if he could justify his charges, there was nothing he would like better than that the judge should proceed against him for libel, as he would then have an opportunity to justify his action. As to the statement of the hon. member for Ipswich with regard to California Gully, he did not see any objection to a statement of that kind being made. It would be just the same as if he were to state that in his opinion a splendid acquisition to the menagerie referred to the other night would be the Ipswich gorilla.

Mr. BARLOW said he did not know that he was treading upon the corns of the hon. member for Cook when he spoke of California Gully.

HONOURABLE MEMBERS: Yes.

Mr. BARLOW: Oh! he is the man, is he? I was in blissful ignorance of it.

Mr. HAMILTON said that the hon. member for Ipswich had endeavoured to be ponderously funny. The hon. member stated now that some man was connected with California Gully.

Mr. BARLOW: I did not know you were, until you fitted the cap on directly it was thrown on the floor of the House.

Mr. HAMILTON said he did not fit the cap on. He did not wish to take up the time of the Committee in discussing that matter now, but he would be glad to discuss it with the hon. member when they adjourned.

Mr. NORTON said he had been disposed to agree with the Minister for Mines and Works in moving the omission of the paragraph, but he thought the leader of the Opposition had pointed out the inadvisability of omitting that portion of the clause. They all knew that judges might sometimes take advantage of their position, and do an injustice to some private person, and that person would have no remedy other than an address to the House. When they considered that, and when they considered that if that person dared to give expression to his opinion outside the House he might be brought up for contempt of court, and that the papers would refuse to publish his statement, because they would be similarly liable, it was clear that the paragraph should be left in to deal with extreme cases of that kind, and allow the right of petition to persons who thought they had been wronged by a judge of the Supreme Court. For those reasons he thought the paragraph should be retained.

The MINISTER FOR MINES AND WORKS said he thought that the argument used by the hon. member for Ipswich was puerile and rather spiteful, and he should, therefore, take no notice of it. There was, however, a great deal in the argument used by the leader of the Opposition, and endorsed by the Speaker. He had not regarded the matter in that light. If a

person received an injury from a judge, or conceived that he had received an injury, he agreed that that person should have the right to petition Parliament on the subject, without being liable to a prosecution for defamation. For that reason, and in deference to the arguments of the leader of the Opposition and the Speaker, he would withdraw his amendment with the permission of the Committee.

Mr. BARLOW said he decidedly objected to the remark that his argument was "puerile." In the case of the petition with respect to the Cook election and California Gully very grave matters had been brought before the House, involving a very serious libel upon certain persons, and it would be a serious difficulty if such a petition could not be presented under the clause. Of course no hon. member was under any obligation to take any notice of what he said, and they need not do so; but he might tell the hon. member for Cook that neither his tongue nor his arm would prevent him saying what he thought of the hon. member in that House.

Mr. HAMILTON said that some time ago he had stated that there was a class of individuals in the House who were most ready to take advantage of the cloak of the Speaker or Chairman to make charges in that House which they would not dare to make outside, and he said that contemptible persons of that description required to be dealt with, and for that reason he supported the contention of the hon. Minister for Mines and Works, that persons should not be justified in making libellous statements in the House. With regard to California Gully, it had been referred to *ad nauseam*; but seeing that the kind of person to whom he had referred had brought it up again, it was necessary for him to refer to it also to enlighten new members as to the facts of the case. The fact was that certain statements had been made to the effect that, in connection with the Cook election, personation had been carried on by himself and his colleague at the time, Mr. F. Cooper. The Elections and Qualifications Committee, the majority of whom were opposed to them politically, dealt with the petition in that case, and after hearing the whole of the evidence brought forward by their opponents, the verdict of the committee was that his right to the seat was not even questioned, and that it was not even necessary for him to reply to the evidence of the other side, and further, that even if the evidence on the other side was correct, it did not affect his position, and he was not asked to bring any evidence in reply. Those were the facts of the case.

Amendment, by leave, withdrawn; and clause, as read, put and passed.

On clause 11, as follows:—

"No person incurs any liability as for defamation by publishing, in the course of any proceeding held before or under the authority of any court of justice, or in the course of any inquiry made under the authority of any statute, or under the authority of Her Majesty, or of the Governor in Council, or of either House of Parliament, any defamatory matter."

The MINISTER FOR MINES AND WORKS said he believed there were some hon. members who intended to move some amendments upon the clause. He had no intention of restricting the judges in their liberty of speech, but if other hon. members wished to move in that direction he would not object to their doing so. Of course they could not expect lawyers to do it. If it was to be done it was only laymen who would do it. He did not think there was a lawyer in the Committee who would have the courage, whatever he might think, to do anything to restrict the speech of their honours the judges.

The HON. SIR S. W. GRIFFITH said the time at the disposal of private members during the session was very limited, and there was a very short time at his disposal for that Bill, and as probably there would not be another chance during the session to deal with it, he was not eager to enter into a discussion, unless he was obliged to do so. Having brought in the Bill at the request of a large number of persons, he had every desire to see it pass, and did not want to talk out his own Bill. It was suggested that liberty of speech in courts of justice should be restricted. Would hon. members consider for a moment what the effect of that would be? Take the case of a judge trying a criminal case. How was it possible for him to sum up without uttering defamatory matter towards some one at any rate? Supposing that person was at liberty to bring an action against the judge for slander, the judge would have to defend himself. Of course under the Bill an action of that kind would be frivolous, and would be stopped at once; but otherwise the judge would have to set up a defence that the language complained of was used in the course of summing up, or passing sentence, that it was relevant to the matter in question, and did not exceed the proper bounds. But to make a judge liable to have it submitted to a jury whether his summing up was a proper one or not, or the observations he made in giving judgment were justified, would lead to this, that they would never get anyone to undertake the functions of a judge.

The POSTMASTER-GENERAL (Hon. J. Donaldson): What about the license of counsel?

The HON. SIR S. W. GRIFFITH said the same argument applied to counsel. As a matter of fact, counsel in that colony very seldom exceeded the bounds of fair speech, and when they did so in other places it was the fault of the judges for letting them. The same argument applied also to witnesses. If the question was to be submitted to a jury as to whether a witness had said more than he ought, no man would give evidence at all. The whole machinery of courts of justice would be entirely stopped if everything said had to be afterwards submitted to the criticism of a jury as to whether something had been said which ought not to have been said.

The PREMIER said the judges at present had in their hands the terrible power of marring or blasting the reputation of almost any man in the community by a few remarks from the judgment seat. With regard to slanders uttered in Parliament, they generally arose from political or personal animus against an opponent, and their effect soon passed away; but the remarks of a judge, if he chose to do so, left a lasting mark on a man's reputation. He thought that power should be checked as far as possible. He was speaking of judges who were absolutely impartial, but he was afraid there were judges—he would not say in that colony—who were not absolutely impartial, and who, if they were tried by a jury of their peers, might have some sentences passed upon them, or, at any rate, some adverse criticism with regard to their conduct. He did not see why judges should be so absolutely protected as they were by that clause. No matter how high a man might be in position, he could not see why he should be allowed to damage, by one sentence, the character of a man for all the rest of his life. While thoroughly believing that they should do everything to uphold the dignity of the bench, the public, at the same time, had a right to be protected as well. As it was at present, it was a very one-sided protection indeed. The only way to get at a judge, it appeared, was to move an address to the Crown

praying for his removal; but that was a very difficult thing to do, as was evident from the case of Judge Boothby, in South Australia, and that of another judge in Victoria. Although judges were not at all likely to run riot in their remarks, yet he thought that in passing a Bill of that kind, the question, if not absolutely settled by the measure, might be very fairly commented upon, with an expression of opinion from the Committee as to the great license allowed to the judges at the present time, intimating to them at the same time that if they abused that license the legislature, which was above all judges, would be prepared to deal with them.

Mr. GANNON said he wished to call the attention of the Committee to an incident which happened in Brisbane a short time ago; he wondered it had not been mentioned in the House immediately after it took place. He referred to the closing of George street by the Chief Justice. Not only did the Chief Justice close the street, but he placed constables there with instructions to take into custody any man who attempted to pass along. What he wanted to know was whether a judge had the power to close any street in that city. He was told it was judge-made law and not the law of the land, and he had brought forward the matter to ascertain from the Premier, or the leader of the Opposition, whether the judges really had that power.

Mr. REES R. JONES suggested that the clause should be amended so as to include the publication of evidence which might contain any defamatory matter.

The HON. SIR S. W. GRIFFITH said that that subject was dealt with in clause 13. Clause 11 simply related to the privileges of judges, witnesses, and others in courts of justice.

Mr. POWERS said he could not see how any amendment could be introduced, which would curtail the privilege of the judges, and yet allow them fair play in those matters. No doubt they exceeded reasonable limits sometimes, and everyone regretted it and hoped that it would not be continued; but that they should have to weigh every word they said in commenting on the conduct of a witness was going too far. They had to discuss the conduct and evidence of nearly every witness who came before them, and point out to the jury their credibility or otherwise, and in doing so they had often to make defamatory remarks about witnesses, and in the questions put to witnesses. He should be willing in the interests of the public to curtail the privileges of even the judges, but he could not see any practical way of doing it. If the judges continued to go on against the voice of Parliament and of the public, and discussed things they had no right to discuss, the best way of dealing with the matter would be to bring it formally before Parliament and let it be discussed. He thought a great deal of blame attached to papers for publishing defamatory matter. It would be quite sufficient if they published the judges' remarks bearing on the case, but they often published defamatory remarks which had no bearing whatever on the case. He thought if the papers exercised more discretion in that matter, there would not be so many complaints about defamatory remarks. He did not see any practical way of putting the amendment suggested in the clause, and thought the clause should be allowed to go as it stood.

Mr. BARLOW said he had heard a judge say to a witness, "I don't believe a word you say," and he had heard a judge, in discharging a man who had been tried by a jury of his countrymen and acquitted, caution him, and indulge in a tirade of abuse against the prisoner, thus leading people to suppose that although the man had been tried and acquitted, the judge

and everybody else in court believed him to be guilty. He would like hon. members to place themselves in that man's position, and consider what would be their feelings if so treated. People who were brought before courts of justice might be very humble, ignorant, and badly clothed, but they had the same feelings as hon. members, and were deeply hurt when injurious remarks of that kind were addressed to them by the judges after they had been acquitted by a jury of their countrymen. That sort of thing should be checked as far as possible. He (Mr. Barlow) was only a very humble minister of the law; he had occasionally administered it as a justice of the peace, and it had always been his desire to study every word he said, and to take care that nothing in his speech or demeanour would bring the administration of justice into contempt. In many cases it was brought into serious contempt by the conduct of gentlemen who were supposed to be the highest ministers of the law.

The Hon. A. RUTLEDGE said it was unanimously decided on the second reading of the Bill that it should pass, and he hoped hon. members would push on with it, in order to get it through Committee as soon as possible. To hear the observations that had been made about judges one would suppose that they were the greatest monsters the civilisation of the 19th century had let loose.

The MINISTER FOR MINES AND WORKS: They are no better than other people.

The Hon. A. RUTLEDGE said he thought they were not worse, and not half so bad as some hon. members would paint them. He had been in courts of justice a great many times and had never heard a judge say to a witness, "I do not believe a word you say." Those things were apocryphal to a great extent. He had never heard a judge say to a man who had been acquitted anything worse than this, "Prisoner you are discharged; you have had a very indulgent jury." He hoped hon. members would get on with the Bill.

The MINISTER FOR MINES AND WORKS said with regard to the remarks of the hon. member for Ipswich, Mr. Barlow, about a judge telling a witness that he did not believe a word he said, the witness might have been speaking in such a way as to lead the judge to make that remark; nevertheless he did not think it was right for the judge to say so. As to the remarks of the hon. member for Burrum about judges commenting on the evidence of witnesses, no one objected to judges charging the jury, and drawing their attention to the conduct and demeanour of witnesses in the witness-box; but could the hon. member justify the remarks of the judge that had been referred to earlier in the evening in the case of the insolvent Simonsen, in which he referred to brewers, publicans, and so forth. What had that to do with the case? Nothing whatever. Those were the kind of remarks that were objected to, and he did not see why judges should be privileged to make such remarks. That justice could be administered without any such privileges he was confident, and he was confident also that they could not expect lawyers to propose a remedy.

The PREMIER said as an illustration of how indiscreet speeches from the bench might result in disadvantage to the judge himself, he might state that on one occasion a Chief Justice of New South Wales had brought before him a man who objected to be tried by him. When asked his reason he said, "Because you have got a down on me." Then said the judge, "Are you a member of Parliament?" The reply was "Not yet, your Honour." The result was, that a few years after that Chief Justice had

to apply to the Legislative Assembly for leave of absence, on a salary which was an increase on the ordinary allowance, and it was refused by the Assembly. Those, therefore, might be words of wisdom. That was the story any way.

The Hon. P. PERKINS said a very useful suggestion had been made to him, which was that hon. members returned to that House should be licensed to go into court with briefs. He should like to see the Bill amended in that direction, seeing the class of people who got admission to the legal profession. Some of them got no briefs, and if they were to get them they would make a very bad use of them. They all knew that the leader of the Opposition had got it all in his own hands. He threw that out as a suggestion.

Mr. HAMILTON said that he considered that the counsel should also be restricted as well as the judges. Because counsel was hired to conduct a case it was no reason why he should be allowed to depreciate any man's character in order to injure the value of his evidence with the jury. Certainly the publication of statements of that sort afterwards should not be exempt.

Clause put and passed.

Clause 12—"Reports of official inquiries"—put and passed.

On clause 13—"Reports of matters of public interest"—

The MINISTER FOR MINES AND WORKS said that as that was a very long clause he would suggest to the leader of the Opposition that it should be taken in subsections, as there were some subsections which the Committee would not agree to.

The Hon. Sir S. W. GRIFFITH moved that the subsections be taken seriatim.

Question put and passed.

Subsections 1 and 2 put and passed.

On subsection 3, as follows:—

"It is lawful to publish in good faith for the information of the public a fair report of the public proceedings of any court of justice, whether such proceedings are preliminary or interlocutory or final, or of the result of any such proceedings, unless in the case of proceedings which are not final the publication has been prohibited by the court, or unless the matter published is blasphemous or obscene."

Mr. REES R. JONES said that he proposed to move the insertion of the words "the evidence adduced in" after the words "a fair report of" in the 2nd line of that subsection. Why should they allow the publication of any comments made by men who had no right to make them? He had known of cases coming before the licensing authorities, which the words "any court of justice" would cover, where men had run down the character of the accommodation and standing of a hotel—a thing they had no right to do. He had known other cases where magistrates, presiding in courts of justice, had made comments which were not justified by the evidence, and what right had a paper to publish those comments? Why should a man who happened to be traduced by the presiding officer in an inferior court of justice be further traduced by any paper publishing the comments along with the evidence? It was only right that the evidence should be published, but not the comments made perhaps by men who did not understand anything about the matter.

The Hon. Sir S. W. GRIFFITH said that surely the hon. gentleman did not propose to limit the publication of the proceedings in a court of justice, which were supposed to be open to the public, although all the public could not attend. On that account it had always been recognised that those who were there might tell those who were not there what had taken

place. The evidence was not the whole of the proceedings of a court of justice. A great many things would have to be omitted if the clause stated that only the evidence should be published, such as the opening of the case, the statement of facts necessary to make it intelligible, the summing-up of the judge, and the finding of the jury. Those were all essential parts of the report; but the hon. gentleman would make it unlawful to publish anything except the evidence. Surely that was too absurd. They must not publish the verdict; they must not publish a statement of what the case was; and he doubted whether it would be lawful to mention the names of the plaintiff and the defendant. They could not state what the defendant was accused of, but only the evidence taken.

The MINISTER FOR MINES AND WORKS said the hon. gentleman had gone a little too far. The proposal was really a protection. It would not deprive any newspaper of the right which it was assumed to have at the present time, but it would not protect the paper if it published anything defamatory which had been stated in a court of justice.

The HON. SIR S. W. GRIFFITH said that at the present time any newspaper or any person was justified in publishing a fair report of what took place in a court of justice, the reason for that being that it was to the interest of the public that the proceedings of courts of justice should be open, and that the public should know what was going on in those courts. That subsection protected the publication of the proceedings in a court of justice, even though they might be defamatory, and if it were omitted it would be unlawful to publish them if they were defamatory; so that a paper could not publish a true report if it happened to attack anyone, because it would be defamatory. Surely that was not intended. It had always been the law, and had been laid down in their statute passed in New South Wales in 1847, though with a slight modification, as that declared that no action should be brought for publishing an "accurate" report, while the proposed provision called it a "fair" report, as it would not be a verbatim report. The amendment proposed would make the whole thing a farce.

The PREMIER said he would ask what was meant by using the words "a fair report."

The HON. SIR S. W. GRIFFITH said that a paper might not publish a verbatim report, but they all knew what a fair summary was—something which gave a fair idea of the proceedings in a few words.

Mr. MURPHY: Would that not be an accurate report?

The HON. SIR S. W. GRIFFITH said it would not be an accurate report, because, if a slight omission were made, the publisher would not be protected, as then it was not an accurate report.

The MINISTER FOR MINES AND WORKS: How is it to be judged?

The HON. SIR S. W. GRIFFITH said that it would be judged by the jury, and they could only define what was fair or unfair by comparing the report with what actually happened. The jury would always be very lenient, and they would not hold a man as blameworthy for a slip, but if he reported something which had not happened at all, or entirely misrepresented the evidence, the publisher would have no protection. Anybody could see what was a fair report as well as what was fair comment. It would all rest with the jury.

The PREMIER said there was too much resting with the jury. The terms "good faith" and "fair report" left a loophole for getting out

of any difficulty that might arise from the publication of scurrilous matter. That was one of the reasons why he thought some more definite phrases should be used.

Amendment negatived, and subsection passed as printed.

Subsections 4 and 5 passed as printed.

On subsection 6, as follows:—

"It is lawful to publish in good faith for the information of the public a fair report of the proceedings of any local authority, board, or body of trustees or other persons, duly constituted under the provisions of any statute for the discharge of public functions."

Mr. MURPHY said he did not think the Committee could agree to subsections 6 and 7 because he did not think local authorities ought to have the power to defame anybody they liked through the reports of their proceedings. And exactly the same argument applied to subsection 7. Any man might put up a dummy at a public meeting to defame another man; and the newspaper report containing that defamation might go all over the country; and the person defamed would have no remedy whatever, because the man put up was a man of straw.

The HON. SIR S. W. GRIFFITH said the subsection was, perhaps, an extension of the law, but it was rather doubtful. His opinion was, that it did not alter the law at all. When proceedings were open to the public, any member of the public present had a right to tell any member of the public who was not there what took place. That, he thought, was the law at present.

The PREMIER: You are not certain.

The HON. SIR S. W. GRIFFITH said he was not certain of anything as a matter of law, but he thought that was the law. The same principle applied as in reporting the proceedings in courts of justice. They were open to the public, but only a limited number of persons could be present, and they were justified in mentioning to others what took place. And the press, in letting the people who were not present know what took place during any public proceedings, represented the absent public, but had no more privilege than any other person. The Bill conferred no privileges on the Press except towards the end in the restriction of frivolous prosecutions. It was said that a member of a board might slander somebody. If he did he would be liable to an action, or to prosecution. Then it was said that he might not be worth going for, and that what he said might be published. Was it likely that any respectable paper would do such a thing? Probably the paper that did it would not be worth powder and shot either. He thought that any paper that would publish scurrilous proceedings of a divisional board, or any other body, would not be worthy of much consideration; but if what was said was of public interest it should be published so that people might know how their representatives conducted themselves. The publication, however, must be in good faith, and for the information of the public. If a man chose to have slips containing slanders printed and circulated, there was no protection for him; and if any publication of proceedings was made, not with the object of giving the public information, but to gratify some desire to publish scurrilous matter, or obscene matter, or to do a wrong, there was no protection afforded.

The MINISTER FOR MINES AND WORKS said the leader of the Opposition was not quite certain of the law in that instance, and it would be better to remove the doubt by prohibiting the publication in newspapers of any proceedings that might be of scurrilous or defamatory character. He knew there were

respectable newspapers in every country which would not publish anything defamatory in connection with public proceedings, but those respectable newspapers could almost be enumerated on one's fingers. The great majority of the newspapers would publish such matter simply to increase their circulation, and respectable newspapers would have to descend to the same thing in order to compete with other papers. In America the members of local bodies spoke very strangely to each other, but that was not the case sixty or seventy years ago. The Press had helped to degenerate the tone of public morals in America, and if it was protected in the same way in Queensland the very same result would ensue. It was all very well to talk about respectable newspapers and respectable men. A respectable man would not defame another, neither would a respectable newspaper defame a man or circulate slander, but they had to deal with newspapers that were not respectable. They made laws not for honest, but for dishonest men; not to keep honest men in the path of virtue and rectitude, but to prevent dishonest men doing what was wrong. He appreciated the Bill, and would like to see it become law, but would not like to see those two subsections become law.

The HON. SIR S. W. GRIFFITH said the tendency of all modern law had been in the direction of freedom of discussion and report. The two provisions to which objection was taken were adopted in England last year, after a great fight, it was true, but they were now statutory law in England. He was amazed that the hon. gentleman, of all members of that Committee, should object to such a very important provision. He thought the hon. gentleman was the champion of free speech.

The MINISTER FOR MINES AND WORKS: So I am, but not of defamation.

The HON. SIR S. W. GRIFFITH said he did not approve of license of speech, but of freedom of speech. Those two subsections were taken from the English Act. The section in the English Act was rather complicated, and he had endeavoured to simplify it in that Bill. The English law provided that—

"A fair and accurate report published in any newspaper of the proceedings of a public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a vestry, town council, school board, board of guardians, board or local authority, formed or constituted under the provisions of any Act of Parliament, or of any committee appointed by any of the above-mentioned bodies, or of any meeting of any commissioners authorised to act by letters patent, Act of Parliament, warrant under the Royal Sign Manual, or other lawful warrant or authority, select committees of either House of Parliament, justices of the peace in quarter sessions assembled for administrative or deliberative purposes"—

and so on, enumerating a number of other matters—

"shall be privileged, unless it shall be proved that such report or publication was published, or made maliciously."

Then there was a proviso that that section did not authorise the publication of blasphemous or indecent matter, following which were provisos to the effect that the protection afforded should not be available where the defendant had refused to publish a reasonable letter of contradiction, and where the publication of any matter was not of public concern. He thought they should not be afraid to follow in that direction; on the contrary they should be willing to lead in such matters.

Mr. HODGKINSON said it was more in the interest of the public than of newspapers that that privilege should be extended to newspapers. The majority of the newspapers of this colony were reputable; they existed by means of their

reputable character, and by their compliance with a public need; and where they failed in that, it was not so much the fault of the papers as of the people who patronised them. He understood the objection to the clause, but, he asked, was it not possible when anything took place at a local board or a public meeting that it was considered objectionable to publish, that the thing would be intensified by conversational reports, whereas a reputable paper, for its own sake, would only publish what was absolutely essential to the public interest? As a rule that would be the case, but there were exceptions. Newspapers were like individuals, they were a reflex of the men who conducted them, and no man was perfect. He did not think they had any cause to be ashamed of the papers of this colony as a class; of course they might be made more perfect; but the perfection of newspapers was attended with great expense. If they refused to newspapers the privilege which that clause would confer they would open the door to a current of scandal, which would be far worse than a public report of the proceedings of any meeting would be. As it was now, they could refer to any metropolitan organ and find a fair report of public meetings, however it might be coloured by the idiosyncrasy or policy of the paper. The proprietors knew that the value of the paper depended on the merits of the men on its staff, and their reports on the whole were faithful reports; but the same reliance could not be placed on a conversational repetition of any scene that might have occurred.

The PREMIER said he agreed with a great deal that had been said by the hon. member who had just sat down. He admitted that the Press of Queensland was one of which, on the whole, they might be proud. But the strength of a chain was its weakest link, and they had some very weak links in the newspaper chain, even in Brisbane.

The HON. SIR S. W. GRIFFITH: We should not legislate on that basis.

The PREMIER said he thought they should legislate on that basis. They should consider what blackguard papers would do if they had the license which would be given them by that clause. They had no fear of the respectable journals of the colony abusing any powers that might be conferred on them by that Bill. But they knew that there were scurrilous rags which would take advantage of a clause like that to be even still more blackguardly than they were now, if such a thing were possible. Those were the rags they had to protect the public against, and to prevent polluting their houses; and the present was a time when they had an opportunity of preventing such disgraceful publications coming into circulation in the community. He saw in the papers that day that a newspaper called the *Dead Bird* was being proceeded against in another colony. The name was, he fancied, a very appropriate one to give such a newspaper, and he said distinctly that that clause would protect newspapers of that class. The leading newspapers of the colony did not require any protection or defence of the sort which would be afforded by that clause.

The HON. SIR S. W. GRIFFITH: I am sure they do.

The PREMIER said he was sure they did not. The leading newspapers of the colony could compare favourably with any newspapers in the world, both for fair criticism and fair reporting, and those provisions were not at all necessary for them, but under the protection which they would afford power would be given to the wretched, miserable, detestable organs to which he had referred to increase the injury they were now doing to the public morality.

The HON. SIR S. W. GRIFFITH said as the limited time for private business had almost expired, he would move that the Chairman leave the chair. He did not know whether it was any use asking for leave to sit again. On looking at the business paper he did not see any chance of the Bill coming on again for a month, and that was on a Thursday afternoon, so that if half the time allowed for private business was to be taken up with a motion for adjournment, as it had been that afternoon, it would be perfectly idle to go on with the Bill, and he did not wish to waste the time of the Committee.

The MINISTER FOR MINES AND WORKS; These two clauses are the most objectionable clauses in the Bill.

The HON. SIR S. W. GRIFFITH said they were the ones which might be thought an innovation, but he did not think they were. He did not know whether the Government would give him any assistance in passing the Bill.

The PREMIER: There is no desire to obstruct the Bill.

The HON. SIR S. W. GRIFFITH said he believed the Bill was one of very great importance, and he would like to see it become law. He moved that the Chairman leave the chair, report progress, and ask leave to sit again.

The MINISTER FOR MINES AND WORKS said before the question was put, he would like to state that he had in his hand a Bill referring to the law of libel, introduced in New Zealand by the Hon. Sir F. Whittaker, who, he believed, was a leading lawyer in that colony. In that Bill were the words "fair and accurate report," which the leader of the Opposition said could not be used. Of course, he (the Minister for Mines and Works) did not profess to know anything about the legal aspect of the matter, and he simply drew attention to the fact that the words were used in the New Zealand Bill.

The HON. SIR S. W. GRIFFITH said the words "fair and accurate report" were taken from the English Act, and he had given his reason why he had not introduced them in that Bill. A very little consideration would show that no report could be strictly accurate, and if the report was required to be accurate no report at all would be protected.

Question put and passed.

The House resumed, and the CHAIRMAN reported progress.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I move that the Committee have leave to sit again on Thursday, September 5. I hope there may be time for the measure to pass the other Chamber.

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—The Bill will probably not be amended much by the other House, and as the session will not finish for eight or ten weeks yet, I think there will be ample time to pass the Bill.

The PREMIER said: Mr. Speaker,—The Government will have to ask for Monday as an extra sitting day for Government business, and if the hon. gentleman finds any difficulty in getting the Bill through I shall be very happy to give him a Government day for the consideration of the Bill.

The HON. SIR S. W. GRIFFITH: I am very much obliged to the hon. gentleman.

Question put and passed.

At 7 o'clock,

The SPEAKER said: In compliance with the Sessional Order, the House will now proceed with Government business.

WESTERN AUSTRALIAN CONSTITUTION.

ADDRESS TO THE QUEEN.

The PREMIER, in moving—

That an Address be presented to Her Majesty the Queen, praying that Her Majesty may be graciously pleased to grant responsible Government to the colony of Western Australia—

said: Mr. Speaker,—Although it may appear that we are backward in taking action in this matter, it has not been in any respect the fault of the Government. The matter has been before them for many days past, and they have been acting in concert with New South Wales more perhaps than the Government of any other colony, in the hope, and up to the last almost in the belief, that a conference would have been held to deal with this question. Those hopes have, however, up to the present time, been disappointed; that is to say that Victoria, South Australia, and Tasmania, although not objecting to a conference being held with regard to this very important question, have declined, at present at any rate, to do more than send home an address to Her Majesty. Although that is the case, there is no difference of opinion amongst these colonies with regard to the necessity of pressing upon the Imperial Government the propriety—or rather, I should say the urgent necessity—of granting responsible government to Western Australia. That being so, this Government have agreed, for the present, to content ourselves with passing such an address as has been passed by the other legislatures; at the same time expressing our hope and belief that before many weeks are passed, possibly the colonies will meet in conference to deal with the larger matters that embrace far more than granting responsible government to that colony. The address that I propose to be adopted by this House comprises that adopted by the South Australian Legislature, having grafted on to it the addition proposed and carried by the Legislature of New South Wales. That is to say that in this address this colony does not express itself contented only with responsible government being granted to Western Australia. It goes further, and requests the Imperial Government to do this: that after responsible government is given to a portion of the territory of Western Australia—which is now one-third of the entire continent of Australia—we urge—we almost insist—on the Imperial Government that there shall be no Crown colony established within the limits of that portion of Western Australia which is not included within the new Constitution. I think that is a very important proviso to add to this address. I do not think this colony, or any colony in the Australian group, wants to see any more Crown colonies established upon this continent. Holding those views, we have fallen in with the expression of opinion put into the New South Wales address by Sir Henry Parkes. I think this is a time when the colonies of the Australian group should stand shoulder to shoulder, and, without boastfulness, without any attempt at colonial bounce, simply tell the Imperial authorities that Australia, if not for the Australians, is for the British people, of which we ourselves form a very large section, intimating also that we must have a very large say in any interference on the part of the Imperial authorities with the existing state of affairs in Australia. I am sure this question of dealing with such a large territory as Western Australia is one that must put the whole of the Australian colonies on their mettle; and when we perceive as it were a grasping disposition on the part of the Imperial authorities to put their finger into the Australian pie—as they have put it into many

pies, and sometimes have had to withdraw it—it is time to see whether we should not have some say in the matter. And what we do say we should say in no undecided tone. I feel confident, Mr. Speaker, that although there may be differences of opinion on minor matters between the several colonies of the Australasian group, there will be no difference of opinion on this question, and that when they come to deal with it they will deal with it strongly and firmly. It would appear from what we can gather from the English Press—and from that we have gathered all we know with regard to this Western Australia Enabling Bill—that the English Government have been stopped in their endeavour to pass that Bill by some obstruction in the House of Commons—that is to say, an obstruction to prevent them from carrying the Bill further than a second reading.

THE HON. SIR S. W. GRIFFITH: Threatened obstruction.

THE PREMIER: Of course threatened obstruction may mean absolute obstruction. At any rate articles have appeared in the English Press which would indicate that a portion of the present Crown colony of Western Australia is likely to be cut off and used as a place for the deportation, not of the criminals, as had been said, of Great Britain, but of the pauper classes of Great Britain. I think all the colonies object to that.

HONOURABLE MEMBERS: Hear, hear!

THE PREMIER: I do not see why any portion of this continent should be made a rubbish heap for the shooting of British paupers. Of course, I look upon the transportation suggestion as one that is too absurd to listen to for one moment. In addition to that, it had been said that probably a Crown colony or colonies may be formed in the northern part of present Western Australia, which may become inhabited by coolies or other coloured races. Well, I think the colonies have said with unanimous voice—"We will have none of them, we won't have them, we are determined to do without them." England may desire to deal with those questions in the way I have indicated; therefore I think we should make most strenuous protests against anything being done with that portion of present Western Australia which would allow—so far as we can prevent it—the establishment of any Crown colony whatever. Crown colonies have been, as every member of the House knows, during at any rate the last twenty years, an anomaly in our midst. We have seen their representatives at conferences and elsewhere; they have no power, and are in fact a weakness to Australia. We know that they have been the great block, the great preventive to federation, that is to say to colonial federation, a thing to which we all aspire and which we all hope will soon come about—the whole colonies forming a united Australia having no other form of government than responsible government. Of course that must come in time, and I think we have an opportunity now of showing the Imperial Government, by our united efforts, that we will have nothing but responsibly governed colonies in Australia. It has been urged as one argument that the population of Western Australia does not warrant responsible government being granted to that colony. The population of Western Australia is 42,000; that of Queensland was estimated at 29,000 at the time of separation, but I believe it was rather less; the returns were probably cooked for a special purpose. It has also been urged that responsible government should not be granted to Western Australia because there is such a large amount of Crown lands to be dealt with, and she might deal badly with them. But, Sir, no lands could be dealt with so badly as they have been

dealt with in Crown colonies. Those large grants of land given in New South Wales in the old days, and in Western Australia, too, under the Crown colony system, were the worst thing for the colonies that ever happened. Sir Napier Broome points that out fully in a very able letter to the *Times* on the subject. But that is beside the question at the present time. What I want to ask this House to do is to endorse the action that has been taken by the other colonies, in asking the Imperial Government to take steps to give responsible Government to Western Australia, and to prevent any portion of the territory which the Imperial Government desires to retain being made a Crown colony. The South Australian address does not embrace the latter portion of the subject; neither do the addresses from Victoria and Tasmania, they merely ask that responsible government be granted to Western Australia; but the New South Wales address does include that portion of the question, which I contend is as important, if not more so, than the question of giving responsible government to Western Australia. I hope, Mr. Speaker, that there will be no dissentient voice raised against the passing of this address. In fact, I do not see why I should express such a hope, because I feel perfectly confident that there is not a member of this House who would not join heartily in the expression of opinion that is contained in the address which I shall ask the Clerk to read by-and-by. I had the pleasure of receiving this evening a telegram from Sir Henry Parkes, in which he says:—"In a full House last night, fully 100 members being present, our address to the Queen was carried unanimously amid loud cheers, and was immediately afterwards telegraphed to the Secretary of State for the Colonies." That shows how the matter was taken up in the sister colony, and I am perfectly certain that her younger sister will be quite as unanimous and quite as enthusiastic in passing this motion.

HONOURABLE MEMBERS: Hear, hear!

THE PREMIER: We are a family party, Mr. Speaker, and we are determined to remain a family party. This is no question of party politics. We are determined, so far as we can, to act side by side; we are determined to create a United Australia; we are determined ultimately, and I believe before the present generation has passed, to form ourselves into a great nation; a nation which, I believe, will not have its parallel, at any rate south of the equator; that will be a great southern power—a power for peace, not a power for war. There is no nation that we will be aggressive towards, nor that, I think, will be aggressive towards us; but if aggression does take place, I am perfectly certain that we are quite prepared to defend ourselves. We will be always a peaceful nation; like the United States, we will have no one to attack and no one to attack us. I look forward to that time with perfect certainty, and believing that the people of all the colonies are actuated by the same desire—to create this great power in this great continent—I feel convinced that we will all unanimously help our little baby sister, Western Australia, to obtain that freedom, and that getting away from leading strings which we ourselves enjoy.

HONOURABLE MEMBERS: Hear, hear!

THE HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I rise to second the motion, and I do so with very much pleasure. I am not familiar, of course, with all the negotiations that have been going on between the neighbouring colonies on this subject during the last few weeks, but I think the general feeling or sentiment in Australia has been that there is great danger of Western

Australia being very badly treated. They have been led to believe for some time past that they would get responsible government; it has been assumed, indeed, that they would have had it before the end of the year. The Imperial Government promised to give it to them, so far as they could make such a promise. The matter has been discussed at length in various communications between Western Australia and the Imperial Government; the final form of the Constitution has been agreed upon, and when everything is supposed to be completed, and little more than a matter of form remains to be done to give them what had been long promised, we hear that in consequence of some threatened obstruction, the House of Commons will not go beyond the second reading of the Bill this year, and after that it will be considered. I quite understand and sympathise with the feelings of the people of Western Australia under those circumstances. I can quite understand what the feelings of Queensland would have been if, after having been promised separation, the matter was put off indefinitely, as appears to have been done in regard to Western Australia. I believe it is quite time, as the hon. gentleman at the head of the Government has said, that we should have no other form of government on the Australian continent than responsible government. I do not go quite so far as he does in saying that Crown colonies are so serious a bar to federation. It is a serious objection, I know, but still the representatives of the colony of Western Australia, whom I have had the honour to meet on several occasions, in the Federal Council and in colonial conferences, have always shown a most intelligent interest in all Australian concerns, although, as the hon. gentleman has said, they are always hampered in their action and unable to act freely. They are able to express an intelligent opinion; but before they can give an official opinion they have to telegraph to the Governor to know whether they may do so. That, of course, is a very serious objection to anything like free and concerted action. I sometimes wonder in what frame of mind the people in England are who are taking up the attitude of threatening obstruction to the proposal to grant responsible government to Western Australia. One thing is quite certain, and that is, that they understand nothing about the value of responsible government, or the sentiments of the Australian colonies. I have had the opportunity of meeting a good many of them, and I confess that, although many of them have a great reputation for being statesmen of wide sympathies and wide knowledge, they limit their knowledge and their sympathies to a great extent to what after all are rather municipal affairs, as compared with the affairs of the empire at large. I regret to find that the obstruction is threatened by the Liberal side of the House in England, and I deeply regret that more of the members of the great Liberal party have not made themselves acquainted with the colonies. There is a growing desire among statesmen in England to make themselves acquainted with the empire at large, over which the British Parliament is supreme; but when we find that their modes of action are such as we have seen, I, for one, begin to wonder whether after all they possess such a wisdom and knowledge as would at least be desirable on the part of a Parliament which has to exercise such great functions—the greatest functions which have ever been exercised by any Parliament in the history of the world. I believe that a solemn remonstrance such as this, made by the united Australian Parliaments, cannot fail to have a serious effect upon the Imperial Parliament. The hon. gentleman referred to the possibility and the desirability of holding a conference. I think

the time has gone by for a conference now, as it will not be possible to hold it until the close of the present session of the English Parliament; but if the Bill does not become law this session I sincerely hope that the conference will be held before the next session of the English Parliament, in order to forcibly express the opinions of the colonies, and at the same time give the reasons for those opinions. I believe our united remonstrance—whether it has the effect desired or not—will not fail to have a beneficial effect in advancing the cause of the federation of the Australian colonies. The part of Western Australia which is to be left out is, I believe, partly to be left in and partly excluded from the new colony of Western Australia. As I understand it, it is to be included for some purposes of jurisdiction, and it is to be excluded for other purposes. It is intended that the north-western portion of Western Australia is to be dealt with by the English Parliament, but I think a general Australian Parliament would have no difficulty in dealing with that part of the continent. A federated parliament could deal with that territory, and administer it by laws suitable to the circumstances of Australia. I quite agree with what the Premier said, that even with the mistakes that a small local parliament—or a parliament in a small colony such as Western Australia is in point of population—is likely to make it will be more beneficial than any other kind of government. The administration of the lands by persons unfamiliar with, or quite ignorant of the circumstances of, the colony must necessarily be a series of mistakes. If they do right it can only be by accident; whereas if they have a responsible parliament—a parliament elected by the people—and if they make mistakes, it will be the exception. If they do wrong it will be by accident, whereas in the other case if they do right it will be by accident. I prefer a body which is likely to do right. I hope, therefore, that the action we are taking will be productive of immediate results; but whether it is or not I hope the conference the hon. member referred to will be held, because in whatever form the Bill may pass I fear it will not yet give the control of the whole of the territory to be dealt with by the Western Australian Parliament. I am sure that I need not press upon the Government the importance of taking advantage of the present occasion which has arisen, to advance the cause of Australian federation, and I believe that every member of this House, with one or two exceptions, is willing to give his assistance in urging on this matter. In this matter we have the warm sympathy of Sir Henry Parkes, the Premier of New South Wales, who for some time has been regarded—perhaps unjustly—as not being so favourable to the cause of federation as we might have desired; but I believe that at the present time we may count upon his assistance. I need hardly say that his vast knowledge and experience in Australian affairs will render him an immense power for good in the furtherance of that object. I can assure the Premier that, so far as hon. members on this side of the House are concerned, he will have all the assistance which it is in our power to give. I have very much pleasure in supporting the motion.

THE MINISTER FOR MINES AND WORKS said: Mr. Speaker,—I have a few words to say upon this question. I must say that I have not the hope that the leader of the Opposition has expressed that this address will have the effect of conferring responsible government upon Western Australia. I am very doubtful indeed, and have very little hope, that the united expression of opinion of the legislatures of Australia at the present time will have that effect, seeing that in the declarations

which have been made in the House of Commons by members of the Imperial Government, who are responsible for the passing of the Western Australian Enabling Bill, they have gone so far as to say that the Bill will not go beyond its second reading this session. The reasons which have been given are those stated by the leader of the Opposition. There is a party in the House of Commons which has threatened to obstruct the passing of this Bill. Why they should do so I cannot say, further than this: that there is a very strong party in England, on both sides of the House of Commons, who are opposed to this Bill. They are not confined to the Liberal party in England, but are to be found on both sides. They regret exceedingly that the lands of Australia are conferred upon the Australian people when they get responsible government. That is, I think, at the bottom of the opposition to the measure which proposes to give responsible government to Western Australia. I can hardly say that I regret that responsible government has not been conferred upon that colony for that very reason. If the Bill pass it will not give Western Australia the control of their own lands, and I maintain that responsible government without the control of the land is a sham and a fraud. Therefore I am inclined to think that Providence is working out the destiny of Australia in preventing this Bill from passing at the present time, and giving the united colonies an opportunity of holding a conference, and strongly and firmly expressing their opinion that the land of Western Australia, whatever the extent of territory may be, should be given to that colony and to its legislature to dispose of. I think that probably will be the effect of the action taken by that party in the House of Commons, and of the action taken by the Imperial Government. Were I a Western Australian, I would not accept responsible government on such a condition. I ask hon. members what would be our position here to-night if we had not the control of the lands of the colony? It would be no more than the meeting of a parish vestry. We should not be legislators in the sense that we are now. I agree with the leader of the Opposition, that whatever mistakes a local legislature may make in legislating on the land question are made simply through mistake, and that they are generally speaking in the right; but, on the other hand, in the matter of land legislation, a power at a distance of 16,000 miles, ignorant of the condition of the colony and of the sentiments and aspirations of the people, would only do right by mere accident. If Western Australia obtains responsible government without the control of the land, it will be exploited in the interests of certain individuals. The Government will have no control over their own mines, which are beginning to be of such value as to lead to the expectation that in Western Australia they have something equal to Queensland and Victoria in the way of mines. Then, again, another danger would come in, a greater danger probably than being without the control of the land. The land in being exploited would not be exploited by British people, but by certain individuals of the British race, and by inferior races from the East, and their mines would be worked by Chinese and other inferior races. Taking the matter from a broad point of view, I believe that Providence is working for our good as we see it has worked for their good in the history of other nations, and that this opposition to the Enabling Bill will be the means of conferring the control of the land on the people of Western Australia, and preventing the establishment of a Crown colony there, such as Western Australia has been in the past. Even South Australia is in danger, because the Northern Territory is spoken of as a place where a Crown colony may be

established. Those people who regret that we have the control of our lands are acquiring too much influence in the British House of Commons and in the Imperial Government, and I hope the resistance we shall make through a conference will be the means of turning them from their present intentions. I have not had the same experience of conferences as the leader of the Government and the leader of the Opposition. I have been a member of only one conference. What I found when attending the Chinese Conference was this: When the other colonies agreed upon a certain line of action in regard to the restriction of Chinese immigration, the representative of Western Australia, who was with us heart and soul, dared not give his vote. He was obliged to refrain from voting because he had not received his instructions from those who were his masters. His masters should have been the people of Western Australia, but they were people 16,000 miles away. I have much pleasure in supporting this address, but, I may say, hardly wishing it to become a success, as I would prefer it not to be a success until we obtain the greater success of the colony having the control of its own lands.

The HON. A. RUTLEDGE said: Mr. Speaker, —I think the Government are to be congratulated on having at so early a stage submitted this address to the House. It speaks well indeed for the cordial feeling existing on the part of our Government towards Western Australia, and also towards the other Governments of the various colonies of Australasia, that they should so heartily have taken this matter up, and should have been amongst the first to suggest the holding of a conference immediately on the subject. I only regret that some of the other colonies have not seen fit to endorse the opinion expressed by the hon. gentleman at the head of the Government, and co-operate with him in bringing about a conference to discuss this question. The hon. gentleman, in moving this address, gave many excellent reasons why it should be agreed to unanimously, and I do not think it would be wise on my part to add much to what the hon. gentleman said. It appears to me that the great objection felt by the Imperial Government towards proceeding with this matter just now is that they fear there is not time to get it through during the present session; but surely that is not a reason that should be effectual to justify the Imperial Government in denying the wishes of the Australian people in a matter of such importance. I have no doubt that the Imperial Government are labouring under the delusion that this is a question that affects Western Australia only, and that it being a local matter connected with a Crown colony that has been accustomed to consider itself in duty bound to be thankful for small mercies, when that colony becomes importunate it can be told to wait the convenience of the Imperial Government. But I am satisfied that when the Imperial Government become aware, as they will before to-morrow morning, that this matter is regarded as of the highest importance by the Australian people, they will take a very different view of the matter; and even if there should be other important subjects requiring to be brought before the House of Commons they will consider this of sufficient importance to justify them in letting those other matters stand aside and dealing with this as promptly as possible. What is the objection to granting responsible government to Western Australia? It seems to me that the Imperial Government ought to be alive to the fact that a Crown colony anywhere in Australia at the present time is an anachronism, and cannot be defended on any just grounds whatever. Considering that

when Queensland obtained separation from New South Wales with responsible government we had only a population of 29,000, it is something that we can hardly contemplate with anything like equanimity that an objection should be raised to a colony with a population of 42,000 receiving the blessings of responsible government. The British House of Parliament is always desirous that it should be furnished with precedents. If the precedent in the case of Queensland was one which ought to have made the Imperial Parliament pause before proceeding in the path of progress—if the granting of responsible government to this or any other Australian colony was an experiment which had proved a failure, then I could understand that there would be some reason why there should be an indisposition at the present time to grant responsible government to Western Australia. But in every case where responsible government has been vouchsafed the Australian colonies, the result has been far in excess of the most sanguine expectations of those who desired separation, and who believed that separation would turn out a benefit, both to the colonies themselves and to the Imperial Government. The colony of Queensland has not shown any disposition to make any misuse of the power granted to her in connection with the disposal of the public estate, and there should, therefore, be no fear on the part of the Imperial Government that, at this time of the day, the Western Australian people would be likely to abuse the power conferred upon them of dealing with the public lands of that colony. I quite agree with the Minister for Mines and Works, that responsible government, without the control of the public lands, would be a blessing that one might be justified in declining with thanks; it would be a stupendous farce. I do not think, when we have an address of this kind coming from so many Parliaments at one time, that there is any reason to doubt that the error which the Imperial Government have fallen into in expressing their intention of not proceeding with this matter just now will be very speedily rectified, and that we shall all be gratified in learning very shortly that the Imperial Government have taken action in the matter, and that those members of the House of Commons who have threatened to obstruct the progress of the Enabling Bill in the Imperial Parliament will see the error of their ways, and cease to offer any obstruction to the accomplishment of what is not merely the desire of a few people in Western Australia, but the unanimous wish of the great self-governing colonies of united Australasia.

Mr. PAUL said: Mr. Speaker,—I look upon this as one of the most important subjects that has ever been introduced in this Parliament since separation took place. I have to offer my sincere thanks to the head of the Government for the practical and sympathetic way in which he has spoken of the various colonies. He said that he considered that the action now being taken by the Australian Parliaments would tend to bring about a system of federation. I entirely agree with that statement. The hon. gentleman also stated that he looked upon Australasia as likely to be one of the grandest nations south of the line. I perfectly agree with him in that. The conditions in Australasia are very different from those which prevailed in the United States of America and the Dominion of Canada. Canada was formed of two different nations, the French and the English. The United States was founded by the old Cavaliers and Puritans, who went over there when there were bad times in England. But here we have the same class of people in every colony, and there is nothing

whatever to make any distinction between one colony and another. If we go into England we find that the people of Durham, Cumberland, and Yorkshire cannot understand one another, but here we all speak the same language; there is no difference whatever. Therefore, the conditions of society out here are very much more favourable towards the formation of a great country than the conditions which have existed in any part of the old world. I think we ought to do our utmost to assist a colony like Western Australia in obtaining the same benefits that we enjoy, and I feel perfectly certain that if they secure responsible government, and have supreme control over their lands, we shall soon have a federation which will ultimately become one of the most powerful and prosperous nations in the whole world.

Mr. HODGKINSON said: Mr. Speaker,—I think this is a subject on which hon. members should speak, and give a reason for the faith that is in them. The Minister for Mines and Works has suggested in a very adroit manner certain reasons why he is not anxious that this matter should be passed through the House of Commons at present; but I think that an immediate and unanimous remonstrance on the first occasion of this question coming before the Australian public will have great weight, and will show at once how acutely sensible the different legislatures of the colonies are of the importance and necessity of granting responsible government to the juvenile member of the group. I think there are perhaps other reasons than those which have been given for the action taken by some members of the Imperial Parliament. There is no doubt that the liberality with which self-government was first bestowed on these colonies, was due in a great measure to the desire of the Imperial Government to get rid of the responsibility of governing them, their desire to get rid of the expense of maintaining Imperial troops in Australia, and to their ignorance of the real value of the issue at stake. Australia has now assumed a most important position in the eyes of the world, with regard to her progress and material resources, and some people in England possibly think that the Imperial Parliament was too liberal in the past. The extraordinary progress of democratic opinions throughout Australia, has undoubtedly led people in England to consider the possibility that the demands which the colonies are making will increase to a still further extent in the form of self-government. It is a remarkable fact that one of the ablest of the great pro-consuls who rule over portions of outlying British territory—I allude to Sir Hercules Robinson—has recognised so clearly that this democratic march cannot rest where it is now, but must ultimately assume a form of government which we will not go further than allude to at the present time, that he has absolutely forfeited the most brilliant prospects in the service to which he belongs, because he had the courage of his convictions. He is a gentleman whose opinions carry great weight, and possibly he will yet occupy a responsible position in the Imperial Parliament, where he will be one of the strongest and ablest advocates of the interests of Australia. The Premier, in his remarks, quoted a letter which I have brought with me to the House, a letter written by the Governor of Western Australia, Sir Frederick Napier Broome. He has been indoctrinated with six years' service in a Crown colony, and is not a gentleman we would look to for an expression of opinion which would place him in conflict with the Imperial authority, yet he recognises what is due to Western Australia. And what does he do? He does not send his letter through official channels and inquire what his course of action should be, but knowing what the sentiments of the people of Western Australia are, he writes

a letter to the *Times*, as any other person would do, and expresses his opinions to the people of Great Britain through the columns of that influential journal. The letter is a long one, far too long to quote. He first states very clearly the objections of those who are opposed to granting responsible government to Western Australia. Those objections we know are, as the Premier has stated, that the colony will not deal properly with the land, and several other matters. We are entitled to ask, looking at the administration of Crown colonies in other parts of the world, and the manner in which land has been alienated in millions of acres in Canada and Rupertsland, and in another portion of the country which once belonged to Great Britain—Virginia, in the United States—I say we are entitled to ask ourselves whether from our own experience we are not better qualified to guard our own property than an irresponsible Government 16,000 miles away. Having referred to that, His Excellency then proceeds with a comparison of Western Australia now and Queensland when she attained independence. The hon. gentleman at the head of the Government said the population here at the time was 29,000; but I think it was officially given as rather less than that, though I am quite certain the most favourable view was taken of it. Sir Frederick Broome goes on to say:—

"This community is accused of being 'diminutive.' Queensland numbered 29,000 souls when it was established under responsible government in 1859; our population numbers 42,000. It is said that we are 'stagnant' and 'unprogressive.'"

On that point I may say I had a letter lately from a friend of mine residing in Western Australia. He is a young man whom I advised to go to Western Australia as he had no ties here, and it was an extensive and expanding colony, and I believed there were extensive goldfields to be found there. I advised him to give it a trial for a year or two, and I have had a letter from him since, in which he says the whole population are simply crippled in their efforts because they have not the management of their own affairs. He says it is a great colony full of resources, but that it is not possible at present to develop them, simply because the people have not the power to do anything without reference to an administration a long way off. Then Sir Frederick Broome goes on to say:—

"We have 442 miles of railway and 2,970 miles of telegraph at work; 294 and 560 miles under construction. When I arrived here in 1883 there were 53 miles of railway and 1,590 miles of telegraph open."

If I remember rightly, there was not a mile of railway in this colony at the time of separation. So that in the case of Western Australia, in the course of six years, they have had nearly 500 miles of railway constructed or under construction. He goes on to say:—

"Our two chief towns, Perth and Fremantle, twelve miles apart, were lit with gas three or four years ago, and were traversed and connected by a telephone system on June 1st, the 60th birthday of Western Australia."

So that she has been absolutely sixty years in thrall.

"I am to formally open the Beverley-Albany railway, and I should be obliged if anyone who knows would tell me when last a steam road, 242 miles long, has been constructed, as a single undertaking, carried through at one time for the convenience of 42,000 people."

I should like to know whether there has been any member of this House, no matter what his ability or assiduity, who could get a section of even fifty miles, whether for the North or the South, carried through even in several sessions? He goes on to say:—

"We have three promising goldfields—Kimberley, Pilbana, and Yilgarn. Steam machinery has been carted across 220 miles of tropical country to the Kim-

berley field, and is now at work. An engine and boiler are at this moment being dragged through the far eastern thickets to Yilgarn, where you can pick up the stones on the ground and see the gold in them with the naked eye. From Pilbana a miner brought to my office the other day a nugget of 111 oz. Since 1882 the annual export of wool has risen from 4,819,758 lb. to 8,475,243 lb., and the public revenue from £250,000 to £357,000."

I do not know whether those people have yet enjoyed the luxury of Loan Estimates, and I suppose not as they are a Crown colony, but no doubt they could deal with loan expenditure in that colony as well as we have done here. That is a comparison of the position of Western Australia now with the position of Queensland at the time she acquired responsible government. Sir Frederick Broome then goes on to combat the objections of people who, I believe, are interested parties, against the cession of responsible government to Western Australia, and he proves distinctly—although he is too reserved to say so—but we can read between his lines and see—that there is a gigantic series of syndicates being formed, and I take it that the opposition to the Bill in the House of Commons at present is not so much due to the threatened stonewalling as to a desire to prevent the arrangements of the vast syndicates now being formed in Great Britain being interfered with. One of the gentlemen concerned largely in them, to my knowledge, was not entirely unconnected with this colony at its inception. He shows that these syndicates will be launched upon the public, doubtless with the quasi-charitable view of providing for a large portion of the pauper population of Great Britain, and these unfortunate people will be taken to the colony, without capital, in great numbers, instead of being absorbed gradually as local administrators of the Government would provide for them with a knowledge of local requirements. So that under all the circumstances I think there can be no doubt that the Ministry in taking the step they have taken this evening will only add another to the quota of Australian legislatures that will unanimously affirm the principles adopted in this address.

Mr. MURPHY said: Mr. Speaker,—I rise for the purpose of congratulating the Government upon having stepped in to assist the Western Australian people to obtain the same form of government that has been extended to all the other colonies upon this continent. Until we all have a similar form of government it is impossible for us to have that form of government in Australia which we are all anxious for, and that is a federal form of government. As has been pointed out by the leader of the Opposition, the representative of a Crown colony cannot act as a member of the Federal Council, in the same free and independent way as a representative sent there by a responsible government. In assisting Western Australia to obtain responsible government we are forming another and almost the last link required to make Australasian federation a success. I quite agree with the Minister for Mines and Works, that unless the entire and absolute control of the land is handed over to the Western Australian Government, when they get a responsible government, the whole thing will be a farce. Looking at the question as we do, and reading the discussions that have taken place already in the papers and in the British House of Commons, we know the reasons why they do not wish to give the colonial government control of the lands. I think it is as well to repeat the statements made with respect to this matter, because they will probably have the effect, when the discussions that take place here are read on the other side of the ocean, of showing the British people and the House of Commons that

we are determined that the Parliaments of Australasia shall have absolute control of the lands upon which the people they govern live. We know that their object in preventing Western Australia from having the control of the land is to plant pauper colonies. There is another danger besides that. Even if they do not plant pauper colonies there, they may hand over large areas of land to syndicates, who may introduce coolies or some other form of Asiatic labour into the colony. Then what would become of us? What would be the good of all our anti-Chinese and anti-coolie laws? We should have to keep a regiment of soldiers on our frontiers to keep back these undesirable immigrants. That is another point which it will be just as well to impress on the minds of the members of the British House of Commons. We must also impress upon them that the whole of the Australian colonies are determined that the Western Australian people shall get this form of responsible government, in order to bring them into unity and harmony with the rest of Australia. I do not think it is necessary for me to say more on this matter. The speeches we have listened to have been very eloquent speeches, and very much to the point. The speeches delivered by the leader of the Government and the leader of the Opposition have expressed, as ably as words can possibly express them, the desires and aspirations of the people of Australia; and those desires and aspirations they are determined to gain by some means or other. I have much pleasure in supporting the motion.

Mr. ARCHER said: Mr. Speaker,—I quite agree with the last words that fell from the hon. member for Barcoo. The feeling of the House has been most eloquently and wisely expressed by the leaders of both sides; and I should not have deemed it necessary for me to say anything on the question, were it not to show the people at home that this is a matter in which we all take a keen interest. I can hardly say anything new, the question has been so fully discussed; but I may say a few words upon it. No one can have lived, as I have lived, in Queensland since separation, without feeling so thoroughly convinced, that nothing can persuade me to the contrary, that Queensland is quite a different place from what it would have been had it been a Crown colony. I cannot of course say what the difference would have been, because I could not live in it as a free country and as a Crown colony at the same time. But I can imagine it to a great extent by comparing it with the other Crown colonies of England. Instead of the interior of the colony being settled, the land would have been covered with marsupials; our mines would not have been discovered and worked; we should not have had one-half our present population who would have been confined to a quarter of the soil, and who would have been a great deal poorer than we are—poorer not only in material wealth, but poorer in so far as they would not have learned how to take care of themselves. I do not say that Queensland has not made many mistakes; she has made a great many. We have been, for instance, too swift to borrow money; although for that we have had to pay the piper, and it has taught us a useful lesson for our future guidance. I deny that Western Australia can attain the same position to which we have attained, or anything like it, if she is deprived of the management of her lands. If Queensland had been granted, in 1859, the same constitution she has now, with the exception of the control of her Crown lands, where should we have been now? Probably we should have been in such a miserable state that we should have been very near the verge of rebellion. I cannot imagine where else we should have been. We must have in-

sisted upon the English Government either trusting us to manage the land on which we were placed, or to make us a Crown colony again. I can conceive of no intermediate state between granting a people the control of the domain on which they are settled, or keeping them a Crown colony. Unless people are settled on the land by the Government that has charge of the country—if they are settled on it by another and a far distant Government—not only will there be no unanimity of feeling, but there can never grow up a prosperous and settled country. The leader of the Opposition mentioned that a great party in England was chiefly opposed to this scheme for giving control of the land to the people of Western Australia; that statement was qualified by the Minister for Mines and Works. No doubt there may be men on both sides of the House of Commons opposed to it; but I regret very much to say that the party to which I belong when I am in England, are its chief opponents. I, in England, am an advanced Radical. I come out here and I find that all the opinions of the advanced Radicals, such as free trade, free representation, local government, and so on, which I have always been proud to support, are called Conservative; and I am astonished to find that here I am a Conservative—although I defy any member of this House to point to one single vote of mine which has not been in favour of extending local government, and all those other matters which form the Radical programme at home. Being, as I say, when at home, one of that party, and a supporter of it, I am rather disgusted to find that they are exceedingly selfish as to their duties to the colonies. There are a great many men—among them some of the leading men of that party at home—who really think they know a great deal about the colonies, but they know nothing at all. Some of the chief opponents to granting Western Australia the control of its own domain, are men who have been high officials in India and other places; they have even been governors of some of the great provinces of India; and they, having acquired their experience in a country which is settled by Hindoos, try to bring the experience gained there to bear upon the control of us here. But we, in Australia, are well able to control ourselves without their help. The only thing, as far as I can remember, in which the Conservative party at home stands high amongst colonists is that they have always been prepared to treat the colonies well. As to the advanced Radical party, to which I belong when at home, they seem to have no sympathy with colonial aspirations, and are preventing the Western Australians from having the management of their own lands. That they have undoubtedly done, much to my disgust, Sir. We are not prepared, I think, to be dictated to by even a great pro-consul from India. I believe that if we show the people of England by our address that we really understand affairs pertaining to Australia, that we condemn their policy, and ask them to put Western Australia on the same footing as the other colonies have been put on, they must necessarily listen to us. I am not at all sanguine that many of the gentlemen at home will do us the honour of reading what we say here to night. At all events I am determined that if any of them do so they shall have my opinion very clearly, and I wish to tell my friends the Liberals at home, that as far as the colonies are concerned they are a set of half-blind people who cannot see beyond their noses, and that when they try to dictate to English people who have learned self government in their own country, as to how their lands ought to be disposed of, they are really trying to do what can never be done; because I am perfectly certain that if there was

an attempt made to appropriate, as it were, part of this land for a special purpose and to introduce races we do not want, it would not lead, to what a great many people are anxious for, Imperial federation, but would simply hasten what I have no wish to see, the separation of the colonies from the mother country. That is the problem. But a great many of those men do not seem to care whether we go or not, and while I do not like to use a harsh word, I must say that they are very stupid. No doubt they consider that they are very wise, but I do not consider that they are at all wise, and I think they might very well listen to the voice of the people living here, and correct the opinions at which they have arrived, by listening to what are undoubtedly the feelings of the great majority of the Australian colonies.

Mr. DRAKE said: Mr. Speaker,—I am not disposed to give a silent vote on this matter. Hon. members appear to have given expression to a confession of faith for the benefit of the English people, and if I had not spoken at all it is well known that I cordially approve of the action the Government have taken, and rightly taken, in order to help Western Australia to get some portion of the independence to which she is entitled. With regard to the opposition at home, I have not the slightest doubt that there are on both sides of the House of Commons men who are unwilling to grant autonomy to the Australian colonies that have not already obtained the advantages of self-government, and I think in a great many cases it arises from ignorance—from a want of knowledge of the Australian colonies, what they have done and what they are doing. I cordially approve of the action the Government have taken, and I am very glad that the Hon. the Minister for Mines and Works, and the hon. member for Rockhampton, and other hon. members have brought forward so eloquently and so well the absurdity of offering to a colony responsible government without giving it the control of its own lands. At the same time, I cannot quite agree with the Minister for Mines and Works in wishing that the action now taken by the Australian colonies will not be successful, for this reason: Because the granting of a system of responsible government such as is suggested at the present time, while it cannot be accepted as a final settlement, will be very useful in strengthening the hands of Western Australia as a separate colony, and also as one of the colonies that has joined in the scheme known as the Federal Council. The Hon. the Minister for Mines and Works and other hon. members have pointed out very clearly the great disadvantages under which Western Australia has suffered in consequence of not being able to speak authoritatively at the Council, and I think the granting of even this very imperfect system of responsible government would enable her to speak with more authoritative voice, to be more useful as one of the units of the approaching federation, and to throw off the last trammels imposed upon her, and obtain a system of responsible government such as is now enjoyed by the other colonies. I therefore most cordially approve of the address, and for my own part I hope it will be successful.

Mr. SALKELD said: Mr. Speaker,—I rise simply for the purpose of joining in what appears to be the universal feeling of approval of the action of the Government in this matter. I am in somewhat the same position as the hon. member for Rockhampton, Mr. Archer, and I cordially endorse the sentiments he has given utterance to in regard to the treatment of the colonies by the old country. I must say that I have experienced a feeling of disgust at the

action of a number of the Liberal party at home, not only in connection with Western Australia, but as regards the colonies generally. I must say it is a policy that I dislike above all things. When I was in the old country about three years ago, I had opportunities of mixing with the people, and hearing the views of members of the Liberal party, especially at meetings and elsewhere, and I must say that this policy arises, to a large extent, from a want of knowledge of the circumstances and views and desires of the colonists. I was particularly struck with the want of information—the amount of ignorance that existed on all subjects affecting the colonies; and I believe that one of the elements of this threatened opposition to the request of the Western Australian people may be found in this: I believe that at the present time the Imperial Government are getting into what we call shallow water, and, as is usual in such cases, their opponents are anxious to embarrass them in every way. I am afraid that a large number of the Liberal party have allowed themselves to be led into their attitude on this question by the hope of embarrassing the Government. That is one of the evils of representative government. I certainly feel quite in unison with hon. members on both sides of the House on this subject, and I do not think that the action of the various Australian colonies, if unanimous, will be futile. I believe that for a considerable time past the great masses of the people in Great Britain are becoming fully alive to the importance of cultivating friendly relations with the Australian colonies, and of deferring, to a very great extent, to their clearly expressed wishes, and I believe that that will have very great effect upon those members of the House of Commons who have threatened to oppose the granting of a constitution to Western Australia. I certainly feel some sympathy with the remarks of the Hon. the Minister for Mines and Works in almost wishing that the question may not be settled upon the basis that the people of Western Australia will have no control over their lands. I am quite sure that anyone who is acquainted with the history of Australia knows that the government by Crown officials was a very bad thing for Australia. I am afraid that the early history of Australia in connection with the Crown colonies is not understood by the people of Australia, and I believe there is great ignorance on this question. Very few Australians really know what serious injury was done, and what gross favouritism was displayed in the past under the government of Crown officials in connection with this land question. Most disgraceful grants of land were made, which could not be justified on any principle whatever, and I am quite sure that there is far more danger to be feared from the actions of officials in a Crown colony in this direction than from any representative parliament. I hope that the Western Australian people will have the full control of their lands, and the same form of government as the other colonies have. I have no fear that they will not act wisely, as they have the benefit of the experience of the other colonies, and that will be a guide to them, so that they may avoid the mistakes which the other colonies made when they first obtained responsible government. I thoroughly support the action of the Government in this matter.

Mr. CASEY said: Mr. Speaker,—Though I have little to add to the sentiments which have been so eloquently expressed by the leaders of of this House, I am not desirous of giving a silent vote on a question which appeals to us, whether Australian born or colonists from elsewhere. As an Australian, I have to pay my tribute of thanks to the Premier and to the leader of the Opposition, for the opportunity that

has been given us of assisting in forming a great Australian nation—the federated Australasia to which we all look forward, not as a dream of the far-off future, but as a thing which we hope will be realised within our own lifetime—not with any desire to separate ourselves from the great mother country, which we all look up to and admire in a great many ways, in the same way as a son who goes out into the world, and endeavours to form for himself a home and position, without in any way cutting himself off from the home and position which his parents had before him. For this reason I desire to express my hope that the federation of Australasia will not be so long delayed as some hon. members of this House seem to think. I feel sure that the combined expression of opinion which will be flashed across to the other side of the world from all the Parliaments of Australasia will have some effect in educating those members of the English House of Commons whose education to a certain extent has been neglected, in that they are not acquainted personally with the far-off tributaries of the Empire. Some members of the House of Commons—distinguished members—have taken the trouble to travel to the farthest corners of the earth, and to see for themselves a great many of the outlying dependencies of that mighty empire on which the sun never sets, and those gentlemen have assisted greatly in gaining for the various colonies of Australia what they consider their rights, and what they desired in order to progress as they have done. I, therefore, have great pleasure, first in thanking, as an Australian, the leading members of this House for giving us this opportunity of expressing our views on this question, and secondly, in cordially, as a citizen of Queensland, supporting this movement, and in supporting the Government in their action. I trust that the result will be that the government which we enjoy, will be enjoyed by every inhabitant of Australasia.

Mr. PALMER said: Mr. Speaker,—As one who has followed with interest the steps taken by the people of Western Australia to obtain that form of Government which is so necessary for their progress, I am very much pleased with the unanimous opinion expressed here this evening by members on both sides of the House. There is no doubt that there is no power which can add such an impetus to the growth of a colony as the power to rule her own affairs. If we look at the progress of Western Australia in the past, as compared with that of Queensland, we may see that one of the great factors in the progress of this colony has been our power to manage our own affairs. Since December, 1859, when the proclamation declaring the separation of Queensland from New South Wales was read, the population of Queensland has increased more than twelve times, while in the same period the population of Western Australia has only increased threefold. The population of Western Australia in December, 1859, was 14,000, whereas now it is only 42,000, and at the same time the population of Queensland was 29,000, and since then it has increased more than twelve times. I very much doubt if our progress would have been in any greater ratio than that of Western Australia had we not enjoyed responsible government. Had Queensland not had the privilege of managing her own affairs, and particularly the management of her own lands, our prosperity would not have been so great. There is nothing so much connected with the welfare of a colony as having the control of the land of the colony. Anyone reading the cablegrams which have appeared lately in the papers—and I suppose we may accept them as something near the truth—must have noticed the great amount of ignorance dis-

played with regard to the land question. The display of ignorance has been stupendous, especially by those who are supposed to have a knowledge of the question. The members of the House of Commons have certainly displayed lamentable ignorance in regard to the land question in connection with Western Australia. Responsible government will be of no use whatever unless the people have the control of their lands. It has been argued that a small number of people should not have the control of 1,000,000 square miles of territory—why should they have the control of this vast area to the detriment of the remaining portion of the British Empire? But I maintain that the whole of the Australian colonies are open to immigration from the British Empire. Immigrants can land in any of the colonies, and Western Australia is as open to them at the present day as it was at any time, and it is not likely that responsible government will cause the stoppage of that immigration. One of the great causes of the slow progress of Western Australia in the past has been that they had not the advantages possessed by the other colonies as regards government. In fact, we can hardly call it progress at all, as it has been almost stationary, although the colony contains all the elements of wealth. In that territory of a million square miles there is room to establish three colonies, and the latest scientific researches show that in natural wealth—in gold, copper, and coal—Western Australia is not inferior to the other Australian colonies. I look upon this motion as another step towards that which we all desire—that Western Australia shall stand on an equal footing with the other colonies, and that we shall all march together under one federation.

Mr. PHILP said: Mr. Speaker,—As a Queenslander I cannot help feeling gratified at the Premier of the youngest colony of the group taking the initiative in cabling home to Her Majesty our sentiments on this matter. I consider this question of such importance that it will form an epoch in our history, and will teach the people in the old country that they are too far away to lead us now as they have done in times past. I also hope it will be a lesson to the people in this part of the colony, and that when the North seeks to be allowed to form a colony there the same expressions of sympathy will be heard on both sides. A fellow feeling makes us wondrous kind, and as a colonist who has lived 800 or 1,000 miles from the seat of Government, I know how we in the North have been misrepresented, and how our actions have been misunderstood. We have friends in this part of the colony who are really disposed to do well by us, but they do not know how. And seeing that Western Australia is 16,000 miles away from the old country, how is it possible that the feelings and aspirations of the people of that colony can be understood by the people in the old country? It is for us to address the old country in temperate but firm language and say what we want, and there is not the slightest doubt that we shall get what we want, because the old country has had lessons in the past—lessons from America, and lessons from allowing part of New Guinea to get into the hands of another Power, and ceding New Caledonia to the French. I feel sure that when the cable sent by the Premier reaches the old country it will receive the respect it deserves. And I only hope that when we in the North come to the people in the South, they will cheerfully grant us what we have been asking for for some time past. If both sides of this House can sympathise with Western Australia, why should they not sympathise with people in their own colony. The hon. member for Rockhampton

told us how much Queensland throve after being separated from New South Wales. Much more shall we thrive in the North if we are separated from the South; and this part of the colony will never hurt. Has New South Wales gone back because Queensland was separated from it? Have we not both equally gone ahead? And so will both the Northern and Southern parts of this colony go ahead if we are separated. I will only add that I am glad the Premier of the youngest colony in the group has had the courage to address Her Majesty in the language he has used.

Mr. MORGAN said: Mr. Speaker,—Our Northern friends will seize the opportunity of airing their grievances; but I would remind the hon. gentleman who has just sat down that there is a marked difference between the people of Western Australia in their present position and the people of North Queensland. In the one case the people are struggling for the right of constitutional government, in the other case the people have had constitutional government all along equally with the people in the South. It must be gratifying to the Premier to see the unanimous feeling with which the address has been received. Not only is there but one opinion in this House, but there is only one opinion in the country, and that is that the claim of the people of Western Australia to govern themselves under a constitution like ours is a perfectly just one, and ought to be acknowledged by the Imperial authorities. I think rather too much has been made of the assumed hostility of a little party in Great Britain to the Enabling Bill. We are told that the reason why it is not intended to proceed beyond the second reading with the Bill is because of anticipated obstruction, presumably by the Opposition; but I think that the Government in Great Britain, with such a majority at its back, ought not to consider anticipated obstruction as a sufficient reason for withdrawing the measure. I have no doubt that if their hearts were in it they would pass the measure; and I am certain that when they hear, as they will hear next week, the united voice of Australia supporting the demand of Western Australia, it will bring a change over the spirit of their dream; and I think it will have a tendency to show them that when the people of these colonies speak with one voice their claims must receive attention. It is absurd to the last degree for any section of British politicians to say that the people of Western Australia are not capable of governing themselves under a constitution. Colonies have been granted constitutional government in this continent under very much less favourable circumstances than Western Australia stands in to-day, and has there been a failure in a single instance? Not one. The experience of Australia should teach the Imperial authorities and the people of Great Britain that the Australian people are quite capable of taking care of themselves; and I am certain that even the handful of people in that large territory are more capable of taking care of that territory and putting it to its best use than any Government in the capital of the empire 16,000 miles away. I hope this address will be carried unanimously, and in a manner that will show the Home Government and the people of the colony also that the hearts of the members of this Parliament are in the address.

Mr. POWERS said: Mr. Speaker,—As a Queenslander I wish to say a few words on this address. I have never spoken yet on the question of federation, because I have never had a chance; but whatever I can do to assist the cause of federation, either in this House or out of it, I shall do most heartily. So far as assisting

Western Australia to obtain self-government is concerned, I think we are only doing our duty in helping a brother in trouble who cannot get on as well as ourselves; therefore, it is only right that the whole of the colonies should assist Western Australia by putting their views before the Imperial Government. There are two points that might as well be brought out more prominently in asking that self-government may be granted to Western Australia. The first is that Western Australia and Queensland at one time were equal in point of population. That was about forty or fifty years ago. Since then the population of Western Australia has increased from 2,000 to 42,000 whereas the population of Queensland, which has had self-government from the first—including the period when it formed part of New South Wales—has increased from 2,000 to nearly 400,000. I claim that it is because we have had self-government that the population of the colony has increased at the rate it has done, and I am confident that our resources would not have been developed in the way they have been, or anything like it, if we had not had self-government. The reason why the Imperial Government have not granted Western Australia the right of self-government is, that they wish to withhold from the people of that colony the control of the public lands, and it is because that boon has been granted to us that Queensland has been so successful. If you wish to develop the lands of the colony, you must get farmers and selectors, and give them homesteads to cultivate. The history of the colonies shows that if you do not give men homesteads they will not cultivate the land or settle upon it. There was a suggestion made at one time that all the land should be leaseholds, but it was only by granting homesteads that settlement could be induced. That is the only way in which the country can be developed, and I contend that our success has been due to the fact that we have had power to deal with the lands of the colony, and give homesteads to settlers and agriculturists, and I say, as has been said before, that to deprive Western Australia of the right to deal with the lands of the colony, and, at the same time, offer them self-government, is a farce. I think that, when the views of the different Parliaments of Australasia, and of the conference, which I am certain will be held, and which I hope will be unanimous, have been expressed, Australia will have made a step onwards. And I hold we should not rest in our efforts to assist Western Australia until they get the same responsible government that we have ourselves.

Mr. SMITH said: Mr. Speaker,—I cordially agree with the motion introduced by the Premier. I think the people of Western Australia will manage their own affairs a great deal better than they are managed in London, and I have not the slightest doubt that their progress will be rapid when once they get constitutional government, as that has been the history of all new colonies which have been granted that blessing. It is a matter for serious consideration, in carving out new colonies, that they should not be made too large, but limited to manageable proportions. We have in Queensland an example of the difficulties that may arise where that has not been considered. Our territory is too large, and is not in manageable proportions. If it were cut in two both North and South would be benefited by the division. When federation took place in the United States some of the colonies were very large and some very small; no alteration has taken place since then, those states that were large are still large, and those that were small are still small. I look upon the action that is being taken by the House to-night as a step towards federation. The more colonies we have possessing responsible govern-

ment, the sooner shall we progress to that state of affairs which federation will bring about. It has been asked what is the meaning of federation? I look upon federation as the welding together of a number of colonies, or in the abstract the welding together of a number of separate independent entities into one whole. I trust that before many years we shall see that federation of the Australasian colonies from which we expect very great results. I am very glad indeed to see that both sides of the House are so cordially supporting the motion under consideration, and, with the hon. member for Townsville, I trust that when another attempt is made to gain for the North of Queensland the same blessing which we are now endeavouring to assist Western Australia to obtain, the House will be quite as unanimous in supporting a motion of that kind. There can be no doubt that the result would be a benefit to both the Northern and the Southern portions of Queensland. Instead of working against one another, they would work together, and their government as separate colonies would be more beneficial to both than their continuance as one colony as at present could possibly be. I am sure that the North and South would cordially pass any measure that would be for their reciprocal advantage. The history of separation in this colony has been such as to inspire a hope that when the North obtains separation it will progress five times as much as it would under the present régime. I trust that the people of Western Australia will gain their object, and that the blessing of constitutional government will be granted to them without delay.

The POSTMASTER-GENERAL said: Mr. Speaker,—I trust I may be pardoned for expressing a hope that we may have no more speeches in this discussion on the subject of separation. Our Northern friends may have many claims, but this is not the time for bringing them before the House. I do express a hope that we shall be unanimous, as I believe all Australians are at the present time, in the one purpose of assisting Western Australia in obtaining responsible government. For myself, I may say that I do not regret that Western Australia has not got responsible government before the present time, and I do not regret that she has not got it without a struggle, because I think, if proof were required that the Australasian colonies can act together unanimously when any less fortunate sister is in need, it is afforded by the united action which is being taken on the present occasion. I am sure we are perfectly unanimous in expressing the hope that the same privileges which we ourselves enjoy may be granted to Western Australia. There is no doubt that the time has arrived when Western Australia should have responsible government. There is one thing that is fresh in the minds of all colonists of long standing—the great progress that has been made in each of the colonies under responsible government. There is one thing that we have not had under responsible government, and I am sure we shall never have it, and that is great discontent among the people. What was the Ballarat riot brought about by? If there had been responsible government in Victoria we should never have had that riot, which was brought about by officialdom. If Victoria had been under responsible government then, many valuable lives would have been saved and much ill-feeling avoided. I believe, however, that after all, like many acts of Providence, that was brought about for the good of Australia. Experience was gained then that has been the guiding star of Australia ever since, and we have steadily gone forward until we can govern ourselves as well as any nation in the world. I am pleased to find that it requires a certain

amount of pressure to be brought to bear on the British Government to grant responsible government to Western Australia. It is hastening the cause of federation. My hon. friend the member for Barcoo said the other night, that he wished some calamity would occur to Australia, as he was certain it would have the effect of bringing her colonies together, but this is something better than a calamity. This is a sentiment that will show that Australasia is unanimous and that it will act unanimously, and this action will have the effect of strengthening the bonds of union that at present exist between the colonies. There is one great advantage to be gained. I am glad to see that New South Wales is taking the lead in the matter, because up to the present time she has stood out from the Federal Council, and we have lost the aid of some of the most able statesmen who could give us assistance in the direction of federation. The sooner that federation takes place the better, because difficulties will arise in the future that must be confronted. Now, while we are young is the time for federation, and I hope to live to see the day when we shall have a federal parliament of Australasia. I am sure that all Australians have aspirations in that direction. I, for one, have that feeling. I do not mean only Australians by birth. I am Australian by birth, but everyone who comes to this country and makes it a home is equally an Australian. We have all sprung from a great race, the greatest race that the world has ever seen, and here we may plant one of the greatest branches of civilisation that has ever been known. We can build up a great nation, because we contain the germs of a great nation, and I trust the time is not far distant when we shall have a federal parliament of Australasia. It does not require any expression of opinion on my part to say that this address shall have my hearty support. I am sure that it will be taken up most cordially by the whole of the colony, and by the people of all the colonies, and by our united efforts we shall show the old country that we are in earnest. I believe the people of the mother country are quite willing to do what they believe to be best for the colonies, but at the same time they may have bad advice. They do not know our aspirations and requirements, and it only requires that the good advice which we are able to give should be given, so that their efforts may be guided into the right path. As we are not able to give that advice directly, it is necessary that we should do so by united action, and show by our unanimity that we recognise the necessity that constitutional government should be granted to Western Australia.

Mr. SMYTH said: Mr. Speaker,—It is to be hoped that the Western Australians will get possession of some of our *Hansards* published to-morrow, and know that the members of this House are thoroughly united on this question. Not one member has spoken against the people of Western Australia getting the same constitution as our own. I am very sorry to think there are some members who cannot get up to speak on any occasion without dragging in the black-labour-separation-question. They do not mention black labour but they cannot speak without mentioning separation. The question before us is not separation but federation. We have four colonies in the group possessing constitutional Government. We have one colony that does not possess it. That colony may be called a Crown colony. We know that we wish that colony to possess the same privileges as we possess, and we hope that it will get them; and for what reasons? We know very well that the great number of Queenslanders, Victorians, and New South Wales people possess a large quantity of pastoral land in Western Australia, in the

vicinity of Cambridge Gulf. Large goldfields have been opened up, and, I believe, when the Federal Council sat, the idea was that Albany, in Western Australia, should be in the same position as Thursday Island, in North Australia. That was, that in the vicinity of Thursday Island there should be a quarantine station: a coaling station, and a military station, and coming from Great Britain to the Southern portion of the continent, there should be at Albany a coaling station, quarantine station, and fortifications, which would protect the South as Thursday Island would protect the North. Those ideas were pretty well agreed to by the various members representing the Australian colonies. If the colony of Western Australia is not to possess the same form of Government that we have, why should the Federal Council turn its attention to measures dealing with Western Australia? We know that that has been the last colony of the whole group to which convicts have been sent. I am very proud to say that that ceased a score of years ago, and I hope such a thing will never happen again in the history of Australia. The people in England know very little of Australia. We have had visits from a few of them, and Australian governors have gone home and instructed the heads of the Government there, but the Government, as at present constituted in Great Britain, or any Government that may follow it, have not the same knowledge of Australian matters that we possess, and, therefore, they should give way to us to a certain extent. The Western Australians have large gold and coal fields. They have an immense territory, and they have men with brains sufficient to govern their own colony, and why should the four colonies with responsible government allow the fifth colony to stand out? We want to get that colony in to say that Australia is one. We want to see five stars on the Australian flag. I do not know whether you include New Zealand; but we want the island continent as one whole. We may differ politically, our tariffs may vary, but in many ways we hope we may not differ, and that we may be one in many matters—one in defence, one in unity, and one in loyalty towards the throne of Great Britain. I did not intend to occupy so much of the time of the House, but I feel strongly on this matter. I have been in Western Australia, and have seen the great future of the colony. They possess the first port of call from Great Britain: they are constructing railways all over their colony, and we should do all we can to assist them. We are the youngest colony in the group possessing constitutional government, but we will give way to her, and assist her with all our power to become the youngest constitutionally governed colony of the Australian group.

Mr. AGNEW said: Mr. Speaker,—I rise only for the purpose of stating my hearty approval of the action of the Government in introducing this measure, and I think that the unanimous expression of opinion that has been given in this House will be a source of very great pleasure to the people of Western Australia. It will also convey to the minds of the English people, and the Government in Downing street, the unanimous desire that exists throughout Queensland, at all events, that the form of government which has been granted to us, and has been so successful here, shall also be granted to Western Australia. I do not know any argument that has been raised against the application of Western Australia, in the British Parliament, which was not advanced against the granting of responsible government to this colony. No form of government will be satisfactory which will not give a colony control over its own lands. It is like a man erecting a ball-

room and forgetting to have a band in it. I hope the Government at home will grant to Western Australia the form of Government which we are desirous it should have. We have seen the success of those colonies which have like ourselves responsible government, and I hope that before long we shall see another place enjoying the same privileges which we enjoy, and which we are desirous of seeing given to our immediate neighbour. I am thoroughly in accord with all that has been said up to the present, and trust that nothing will be said that will mar the unanimity with which this subject has been discussed on both sides of the House.

Mr. MACFARLANE said: Mr. Speaker,—I cannot help thinking that our discussion to-night will compare very favourably with some other discussions we have had. To-night we are a happy family. I feel that we have drawn nearer the other colonies, and nearer to Great Britain. Federation seems to be in the ascendant now, but it was not in that position a year ago, and I am happy to see the change of opinion which has taken place. If some hon. members of the House of Commons would come out here they would see the great progress that has been made, and it would be a good thing if some of us were to go to the old country and see what is doing there. I admired the Gladstone there, and I admire the Gladstone we have on this side of the House. I admired Lord Randolph Churchill, and we have our Randolph Churchill on the other side of the House, the Premier. If we could get an interchange of members from the other side of the world, and as many of us as could make it convenient went home, it would unite us together in a way we have no idea of. I believe this discussion will show the legislature at home that, while we have every respect for them, we have our own opinions. I was much taken with the remarks of a countryman of mine, the hon. member for Townsville, Mr. Philp, who put the matter in a way that a Scotchman generally does. If there is anything he wants to demand from anyone, he does not demand it in a boastful manner, but with a determination that wearies one, and which will ultimately carry the day. I simply wish to remind the hon. member for Townsville that when the people there are as united for separation as this House is to-night in favour of federation, no doubt if they continue to agitate in a peaceful way, with such a leader as the hon. member for Townsville, they cannot but succeed in their demand. I hope that this address will be successful, and that our action will have the effect of furthering the interests of Western Australia.

Mr. SAYERS said: Mr. Speaker,—I have listened with pleasure to the unanimous opinion of both sides of the House in regard to giving a constitution to Western Australia. I quite agree with what has fallen from various speakers both upon this subject and upon that of federation, and I should not even have spoken had it not been for some remarks which fell from some hon. members on the other side. I think the question of the separation of North Queensland should have been allowed to lie dormant when a matter of this kind is being discussed. It has been said that the cases of Western Australia and North Queensland are very nearly parallel. I say that is not the case. We are supporting this address because it is the unanimous wish of Western Australia that they should have responsible government, and be endowed with the same privileges as the rest of Australia. We are living under responsible government. Members are sent to this House from the North, and they sit upon both sides of the House. Members

who support separation have told us that nothing but black labour will suit their industries. But there is a number of people there who do not believe in black labour, and these people are opposed to separation on several grounds. The people in favour of black labour are also in favour of separation, and if I thought Western Australia was in favour of black labour I should vote against the address; but I am sure it is not. That is one of the reasons why I should let Western Australia have responsible government—that the people would be able to prevent the influx of Chinese or any other aliens into that colony. I should not have spoken upon the matter if the separation question had not been introduced into it. I am very sorry it has been.

Mr. O'SULLIVAN said: Mr. Speaker,—I must join in the unanimity that is going on with regard to Western Australia; still if we are going to ask the Government of England to give freedom to Western Australia we may as well add another word to the address and include Ireland. I do not wish to throw a firebrand into the discussion, and I may say I am with those who have already spoken in favour of freedom for Western Australia. But I am generous in the matter and wish for freedom for all. I agree with the hon. member for Bowen that small states govern themselves best, and I can assure him that any time he wishes to go in for separation for the North I will be with him, and I think I made that promise here before. The reason I get up to propose the addition of these two little words "and Ireland" is simply this: The Postmaster-General said he was not sorry that the feeling or wish for self-government amongst the Australian colonies was so marked, and particularly at one time in Victoria, when they were on the point of going in for a rebellion with only 70,000 people. Western Australia is pretty much in the same state at the present time, and all the other colonies are coming generously to her aid. Now, what I want to point out is that nothing can be said of Victoria or Western Australia that does not apply with equal force to Ireland. They have had to fight there, and their population is larger than the population of the whole of the Australian colonies together, and everything necessary to show a wish for separation has been shown by that country. The hon. member for Charters Towers, Mr. Sayers, says that he supports this motion because the people of Western Australia wish for responsible government, and I call upon him to vote for the inclusion of Ireland, because the people there wish it. The hon. member for Ipswich says with great joy that this will draw us nearer to the mother country, and I say it would draw Ireland nearer to the mother country. If he says there is Gladstone on one side and Churchill on the other, I say there should be Parnell on the third. I am quite sure they would agree wonderfully, and they are three very able men, more so than we find in these places. There is no use in my delaying the matter, and it is not worth while falling out for the sake of putting in the few words I mentioned.

Mr. BARLOW said: Mr. Speaker,—I did not intend to address the House upon this question; but seeing that so many hon. members have spoken upon what I call a great national occasion—a great occasion that will live in the history of Australia—I must express my regret that the question of Northern separation, and another question to which I will not particularly allude, have been introduced. I regret that on an occasion like this, when we are seeking to obtain for Western Australia a measure of self-government, such questions should be introduced. On

such an occasion a measure concerning the disintegration of this colony should be allowed to stand over. As to the other question which has been introduced, if dealt with in this way, it is one upon which we might expect from the British Government, a slap in the face for interfering in matters that do not concern us. I am old enough to remember the day when, in the colony of New South Wales, before the separation of Victoria or Queensland, the people in just indignation protested against the shipping of the criminal rubbish of Great Britain to the shores of that grand country. I remember a meeting presided over by a man who afterwards took a considerable part in Australian affairs, a meeting addressed by the Hon. Robert Lowe, now Lord Sherbrooke, and by the present Premier of New South Wales, Sir Henry Parkes, then in a humble position, and just budding into political life. I remember on that occasion the indignant protest which the people of New South Wales made to the introduction of the criminal population of Great Britain to their shores. Nothing could be more gratifying to me, towards the close of a life of which nearly forty-one years have been uninterruptedly spent in Australia, than to have an opportunity of speaking in this Legislature of Queensland on a question of the admission to the privileges we enjoy of the last member of the Australian group. The colony of Western Australia has been too long the "poor sister"—the Cinderella living on the dust heap of the dominion of a Crown colony. I may mention that the hon. member for Cairns has put me in possession of a fact bearing upon this. When he was visiting Freemantle, ten years ago, an accident occurred through blasting by which a boy sustained serious injuries, and the hon. member saw this lad lying in a cart with his blood dripping to the ground, and when he asked why the boy was not taken to the hospital—there was no free hospital, only an hospital for convicts—the answer given was that a telegram had been sent to Perth for instructions. Could there be a more graphic commentary upon the present system than that? I look forward to the creation of a great Australia in the future, and I believe we shall see realised what was said more than sixty years ago by one of the greatest poets of the English race, when he spoke of—

"The pride to rear an independent shed,
And give the lips they love unborrowed bread;
And see a land, from shadowy forest won,
In youth and beauty wedded to the sun,
With laws from Gothic bondage burst,
And Church by chartered priesthood unaccursed—
Till Australasia rise, with flag unfurled,
A new Britannia in another world."

Mr. BUCKLAND said: Mr. Speaker,—I congratulate the leader of the Government upon introducing this address to Her Majesty, and upon the manner in which it has been received by both sides of the House. Although I cannot claim to be a native, I have been long enough in the colony to be able to say that I am an Australian, and that my sympathies are entirely Australian; and I only hope that the presentation of this address will have the effect of obtaining responsible government for Western Australia. The Minister for Mines and Works hit the right nail on the head when he said that without giving the Western Australian Government full control over the lands of the colony it will be useless to give them responsible government at all. It is evident from what I have read during the last two or three years that persons in London and other large cities in the old country are anxious to see large numbers of the pauper population of England sent out to Western Australia. I think we ought to protest against anything of that sort, and insist that Western Australia should have full

control over its lands, the same as we have in Queensland. We should also as colonists, as far as possible, protest against any possibility of the introduction of Chinese or coolies from the eastern parts of the world. The Postmaster-General expressed his belief that the Ballarat riots would never have occurred if Victoria at that time had had responsible government. I quite agree with him. I was in that colony at the time of the riots, although not present on the occasion. But I had been there previously, and I can bear witness to the arbitrary way in which Sir Charles Hotham carried out the collection of the licenses. The working diggers were pursued at the point of the bayonet, and in many instances on the very day they landed at the diggings, before they had time to get their licenses, they were arrested, taken before the court, and fined. There was no wonder, under such circumstances, that the Ballarat riots occurred. I sincerely trust that the address which is evidently about to be carried in this Assembly, and which was carried unanimously yesterday in the New South Wales Assembly, will have the effect of granting responsible government at a very early date to that portion of the continent known as Western Australia. I hope I shall live to see the day when the whole of Australia is federated into one grand colony. I believe that will be the case before many years, and that the federation will include, not only the continental colonies, but Tasmania and New Zealand as well. I congratulate the House on the unanimous way in which this address has been received, and I trust it will meet with favourable results when it arrives in the old country.

Mr. DALRYMPLE said: Mr. Speaker,—On this subject I am entirely at one with hon. members on both sides who have spoken. I am very glad indeed to see such accord. I should not, however, have risen to express that opinion, because I think it might have been taken for granted that we were all in accord; but that two hon. members on the other side have taken to task the hon. member for Townsville and the hon. member for Bowen because they made some observations with reference to separation. It was quite unnecessary for the hon. member for Ipswich, Mr. Barlow, to take upon himself, as he frequently does—I cannot say for what reason; it is not apparent to others, although it may be to himself—to take upon himself the duty of censor of hon. members on this side. I cannot see any reason for his criticisms. Allusion to the question of separation was, at any rate, not unnatural, when the subject before us is the benefit which another colony is likely to obtain by having power to administer its own affairs. It is a natural inference to draw, that if Western Australia is to be so greatly benefited by having the control of its own affairs, so would North Queensland. Therefore, to blame the hon. member for Townsville, who, as is well known, we, separationists, accept as our leader, was a perfectly unnecessary break into the harmony of the debate. The hon. member for Ipswich objected to the mention of separation on the ground that we were dealing with a national question. The question of separation may possibly be a question of no consequence to him, but it is of a great deal more consequence to the colony than that little story which he generally introduces into his speeches. The hon. member did not introduce the menagerie on this occasion; he only brought in a small child, whose importance I fail to see on a question which affects the relations of Australia with the mother country. To many persons in the North this question of separation is one of very great importance, although, of course, it cannot be debated, and has not been attempted to be debated, on such a resolution

as the one before us. It has merely been touched upon. The number of people to be benefited by conferring responsible government on Western Australia is estimated at 40,000. Well, there are 70,000 people in North Queensland, and out of those 70,000, there are, at least, 40,000 who would like, if it were possible, to manage their own affairs. I know it is opposed by some hon. members for purely local reasons, but it cannot be denied that the interests of North Queensland would be benefited by separation. As to those hon. members, and others who oppose it, we separationists look upon them as representatives, as it were, of the Southern garrison, not as representatives of the material interests of North Queensland. It is just possible that the feeling which animates those 40,000 persons in the North might not have arisen had there been fewer members of the stamp of the hon. member for Ipswich. The other hon. member who criticised this mild expression of opinion about separation was the hon. member for Charters Towers, Mr. Sayers, who, I may observe, speaks on every subject that is introduced into the House. I am not going to give an opinion as to the worth of what he says; that is for the House to judge. But he is not chary of speech, and he seems to consider it his business apparently, not only to look after the interests of the Towers—which I imagine is quite sufficient for him—not only to look after his own side, but actually to take us in charge also, and to tell us what we are to speak about and what we are not to speak about. But as long as we are here we are responsible to the House, to our constituents, and to you, Mr. Speaker; and we are not responsible, nor do we intend to be responsible, to other members. I should recommend those hon. members for the future to attend to their own constituents; and generally, I think, it would be a good thing if they kept their own breath to cool their own chestnuts.

Mr. HUNTER said: Mr. Speaker,—I must say that I am thoroughly in accord with what has fallen from both sides of the House with regard to the question now before it, and I congratulate the hon. gentleman at the head of the Government for bringing the matter forward so early. I must also congratulate the Northern separationists who have spoken, upon taking this happy opportunity of putting their grievances forward, and getting them into *Hansard* in the hope that they may be read very largely in the old country. But I deem it my duty, as one of the representatives of the largest population in the far North, to place on record also the fact that the majority of the representatives of the population of North Queensland are entirely opposed to the separation of the Northern portion of the colony.

Mr. PHILP: Not at all.

Mr. HUNTER: The hon. member for Charters Towers is, I believe, one of the representatives of the largest population in North Queensland; the other hon. member for that constituency had spoken previously and is therefore unable to give his opinion on the separation question. My colleague, the ex-Minister for Mines and Works, has also spoken on the question and cannot give his opinion on the separation question; and I will have it placed on record that the majority of the people of North Queensland are not agitating for territorial separation. There is an agitation for financial separation. We want to manage our own affairs as far as our finances are concerned, but we have not yet arrived at the time when we can make a unanimous appeal to this House for territorial separation. The hon. member for Ipswich, Mr. Macfarlane, said that

when Townsville was unanimous the House should consider their appeal; but I would like the country and the Imperial authorities to know that Townsville is a very small spot in North Queensland, and is exceeded in population by other parts of North Queensland, such as Charters Towers. And the representatives of these very large centres are strongly opposed to the separation of North Queensland. It has been stated that the claims of the North to separation are similar to those of Western Australia, but I maintain that they are entirely opposite. Western Australia is asking for responsible government, in order to enable them to keep a certain class of people from their shores, while a certain section of the people of North Queensland are agitating for separation for the very purpose of introducing the class of labour that Western Australia is trying to keep out. I am sure that when the labour question is set at rest the people will then be unanimous in asking for separation, but they will oppose that agitation as long as it is headed, as it is now, by the black labour party. To verify what I am saying, if any persons doubt my statement about black labour, let them look at the speeches delivered in this House on that question, and they will find that the very members who advocate separation now, because their remarks are likely to be read in the old country, are the very men who delivered the most able speeches in support of black labour for North Queensland. It was not my intention, Mr. Speaker, to have spoken on this subject, because it has been so thoroughly thrashed out, and also because I am thoroughly in accord with the leaders of the House as far as the desires of Western Australia are concerned. But I must refer to another point. I believe that the question of responsible government for Western Australia has been watched with greater interest in the Northern portion of the colony than it has been in the South, because it affects Northern interests far more than it does Southern interests, for this reason: As I indicated before, the great trouble we see in the future for Western Australia, in the event of their not getting responsible government, is the labour question, and we are sure that the principal part of that great trouble will take place in the northern part of that great colony. We were also told this evening that the northern portion of South Australia is in danger from the same cause; therefore it was only natural that the people of North Queensland were the first to look upon this matter as one likely to very seriously affect them. I shall not detain the House any longer; I only wish to place on record the fact that the majority of the people of North Queensland are strongly opposed to separation, and also to congratulate separationist members on having cleverly introduced by a side wind the subject of separation into a debate that is likely to be read in the old country.

Mr. MACFARLANE said: Mr. Speaker,—I rise to make an explanation. It has been said that I stated that when Townsville was unanimous on the separation question their appeal should be considered. What I said, or intended to say, was that when the North was unanimous their appeal should be considered.

Question put and passed.

On the motion of the PREMIER, the address was read by the Clerk, as follows:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it Please Your Majesty:

We, Your Majesty's loyal and dutiful subjects, the members of the Legislative Assembly of Queensland, in Parliament assembled, humbly approach Your Majesty with every assurance of our devotion to Your Majesty's Crown and person: Having in common with the other Australian colonies long enjoyed the advantages of

self-government, under which our material prosperity has been increased and our loyalty and devotion to Your Majesty have continued unabated, feeling that the same result will follow the granting of similar powers to our fellow-colonists in Western Australia, we humbly pray that Your Majesty will be pleased to speedily extend to Western Australia a full measure of responsible government, under a constitution similar to that of Your Majesty's other Australian colonies, and that Your Majesty will be pleased to direct that any territory which in Your Majesty's wisdom it may be deemed expedient to exclude from the new constitution may be reserved for settlement under a similar form of government and for the use of British people, thus advancing the cause of Australian federation and unity, and adding Western Australia to the group of loyal, contented, and autonomous colonies.

The PREMIER said: Mr. Speaker,—I move that the address, as read by the Clerk, be adopted by this House.

Question put and passed.

HONOURABLE MEMBERS on both sides: Hear, hear!

The PREMIER said: Mr. Speaker,—I beg to move that you do present the address, as adopted by this House, to His Excellency the Governor for transmission to Her Majesty.

Question put and passed.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I wish to suggest to the Premier that the address be transmitted by cable.

The PREMIER said: Mr. Speaker,—I may mention that immediate steps will be taken to-morrow morning—it is rather too late to-night—to have the address cabled through his Excellency to the Secretary of State for the Colonies, for presentation to Her Majesty. I beg to move that this House do now adjourn. I think we have done a very good night's work.

Question put and passed.

The House adjourned at ten minutes to 10 o'clock.