

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**FRIDAY, 7 DECEMBER 1894**

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## LEGISLATIVE COUNCIL.

FRIDAY, 7 DECEMBER, 1894.

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

## LOAN BILL.

## FIRST AND SECOND READINGS.

This Bill, received from the Assembly, was read a first and second time.

The POSTMASTER-GENERAL (Hon. A. J. Thynne) moved that the House go into committee to consider the Bill.

The HON. C. H. BUZACOTT: We have not yet had the Bill in our hands for two minutes, and, although the Standing Orders have been suspended, the practice is to proceed with the Bill at a later hour of the day. There are special reasons why this Bill should not be proceeded with at once, and so far as my experience goes a Loan Bill is the last business that comes before us. I appeal to the hon. gentleman to delay the Bill for a time; at any rate until after the Railway Bill, to which there can be no opposition, has been dealt with.

The HON. P. MACPHERSON: I think the Bill ought to be gone on with at once, so that we can get through the business before us, which has been dragging somewhat. I am certain that every man in the community who reads the papers knows what this Bill is for. Its object is apparent on the face of it—to retire certain loans and save interest. I see no reason for delay.

The HON. R. BULCOCK: I think we ought, at any rate, to have time to read the Bill. I have never seen it before.

Question put and passed.

## COMMITTEE.

Preamble postponed.

On clause 1—"Power to raise money for certain purposes"—

The POSTMASTER-GENERAL said the clause specified the objects for which it was desired to raise money. A loan of £765,000 fell due on 1st January, 1896; and three sets of Treasury bills, with a total of £1,128,000, fell due in January, April, and July, 1896. Then there was an item of £106,000 towards making good the deficits on previous loans and the expenses of this loan. There need be no great difficulty in understanding the clause.

The HON. C. H. BUZACOTT said he had been a long time in politics, and knew it was no use a Minister trying to get on with business unless he was prepared to give and take. There had been occasions when the Postmaster-General had had the Committee in the hollow of his hand, but he had the hon. gentleman in the hollow of his hand now. Only one hon. member had supported the hon. gentleman, who quietly determined to go on with the Bill, which action was an outrage upon any deliberative assembly. He would not consent to going on, and unless the hon. gentleman liked to give in he would proceed to comment upon the clause which would probably take him some three hours. It was without precedent in any Parliament that a Bill of £2,000,000 should be rushed through before anybody had time to read it. The loan of £765,000 which it was proposed to retire fell due on 1st January, 1896, and it seemed a long time in advance for the Treasurer to ask authority to borrow the money. Still, if the Treasurer had failed to adopt the course now proposed, he would have been open to the censure of the Parliament and the people. The Treasurer did not expect that the whole of the loan would be convertible, but there was no reason why it should not, if it were offered to the present

debenture-holders early and on favourable terms, and that would save great expense connected with the negotiation of a loan. If the Bank of England were asked to take charge of the loan, their commission for the use of the prestige of the name of the bank would amount to £1,200, which was a very large amount. If the course he suggested were adopted, and the present debenture-holders wanted the money, they could sell their debentures to those who would be prepared to convert them.

The Hon. T. MACDONALD-PATERSON: The Government will not take your advice in the matter.

The Hon. C. H. BUZACOTT was aware of that, and was astonished at his own presumption in daring to oppose the Postmaster-General, who had just returned from the Ottawa Conference—

The Hon. R. BULCOCK rose to a point of order. The hon. member was not confining his remarks to the question. He regretted having to call the hon. gentleman to order as he had himself thought there had been undue haste. During the hon. member's remarks he had read the Bill through and found nothing in it to which he could object. He was new to the House, and if the present course was the one usually adopted, he had no objection to make to it. The Hon. Mr. Buzacott must see that the Committee was against him, and he asked the hon. gentleman to stop and let them get on with the business.

The ACTING CHAIRMAN: I hope hon. gentlemen will confine their remarks to the question before the Committee.

The Hon. C. H. BUZACOTT could logically connect the Postmaster-General with clause 1. The power to raise £765,000 depended upon several things: the capacity of the people to meet the engagement, and the manner in which the Government conducted the business.

The ACTING CHAIRMAN: I call the attention of the hon. gentleman to the fact that the question is that the 1st clause stand part of the Bill, and I do not see what the ability of the Government has to do with the question.

The Hon. C. H. BUZACOTT: The entire success of the Bill depended upon it. The greater part of the money proposed to be raised was required to retire Treasury bills which had a history.

The ACTING CHAIRMAN: I must request the hon. gentleman to confine himself to clause 1 of the Bill.

The Hon. C. H. BUZACOTT said he was strictly in order. Parliament had authorised the issue of certain Treasury bills, not as an ordinary loan, but to cover a deficit in the revenue, and it was presumed that the amount would be recouped by sales of land under the Special Sales of Land Act of 1891. The entire amount, with the exception of about £20,000, was absorbed by the ordinary revenue. The authorisation of the borrowing of that money on securities having forty years' currency was a serious change in the course of legislation, and might reasonably be canvassed by hon. members. There was nothing which tended to create greater confidence in the finances of the country than when the Estimates and propositions of the Treasurer were realised. Anticipations which stood the test of time would greatly improve the position of the Government. He was sorry to detain hon. gentlemen, but it was necessary that a member should vindicate his privileges and position when they were assailed. Forcing that Bill forward before other business was transacted was contrary to practice, and involved taking the control of the affairs of the colony out of the hands of Parliament and

putting it into the hands of the Government. He had risen to speak for half an hour to make an emphatic vindication of his position, and to repeat and reiterate *ad nauseum* his protest against the Postmaster-General forcing the business of the House without consulting the wishes of hon. members. However, in deference to the feelings of the Committee, he would now conclude, but before doing so he would, as an old Minister and politician, who had very likely been at the business when the Postmaster-General was at school, remind the hon. gentleman of that essential principle in politics, give and take.

The POSTMASTER-GENERAL quite believed in the principle of give and take, but he did not believe in the principle of take all, and that was what the hon. gentleman seemed to aim at since he had been in the House. The course he had followed in regard to that Bill was the practice which had been invariably adopted during the thirteen years he had occupied a seat in the House. They all knew what the proposition was, and there was no justification for the wilful obstruction in which the hon. gentleman was indulging under the pretence that he was protecting the privileges of the House. The hon. gentleman was driven by some extraordinary development of his own brain to such extremes that, though he had tried, he was unable to do business seriously with the hon. gentleman. He could not understand how an hon. gentleman professing an extreme desire to support the Government in their measures could turn round on every opportunity and take advantage of the technical forms of the House to obstruct business. He preferred to look a man who was opposing him straight in the face, and would very much sooner the hon. gentleman took his seat on the other side of the House when he came there for the purpose of opposing the legitimate work of the Government. But he hoped that in that House hon. members would always be, as they had hitherto been, absolutely free from anything in the shape of allegiance to party or party organisations, and give all measures submitted to them unbiassed consideration. When they saw an hon. gentleman under the influence of extreme ideas making mistakes in the procedure of the House and in his own demeanour to such an extent that he afterwards humbly apologised, and assuming to himself a superior knowledge, it was time that that hon. gentleman was given to understand that that was not the place for such exhibitions.

The Hon. C. H. BUZACOTT said he would state a few facts which would be a sufficient answer to the hon. gentleman. On Wednesday evening the Postmaster-General obstructed the Railways Construction (Guarantee) Bill by raising abstruse quibbling legal points in regard to an amendment that was proposed. At about five minutes to 6 o'clock a distinct majority of the Committee wished him (Mr. Buzacott) to put an amendment he had submitted in a slightly different form, and the only way he could do it was by speaking till 6 o'clock. He appealed to the Postmaster-General to meet him and consider the matter during tea hour, but got no assent from him; and though he had his amendment ready at twenty minutes to 7 o'clock, he could not find the hon. gentleman anywhere until the Committee resumed at 7. He challenged the hon. gentleman to point to a single instance where the hon. gentleman had endeavoured to transact business with him, and he had not met him in a proper spirit. He was sure that no man in the community could say he had been unable to do business with him. When the Committee decided by 9 votes to 6 to accept his amendment the Postmaster-General said that was the last they would hear of the Bill this session.

The POSTMASTER-GENERAL: I said nothing of the kind. I was particularly guarded in my language, and said that possibly we might not hear of it again this session.

The HON. C. H. BUZACOTT withdrew the words, but had his own conviction nevertheless. He left it to hon. gentlemen to say whether it was propriety, after that clause in the Railways Construction (Guarantee) Bill had been carried by such a majority, that the Committee should be appealed to on the following evening to stultify itself and say that it had done wrong.

The HON. F. CLEWETT rose to a point of order. Were they discussing the business on the paper? He wished to see business proceeded with; and objected to time being wasted.

The HON. T. MACDONALD-PATERSON regretted the waste of time that had taken place. He must say that he had never found the Postmaster-General difficult to approach; and having had three years' experience of conducting the business of the Chamber, he might say that he would listen to no man who suddenly came upon him with amendments, especially when the pressure of work was so great as it had been here lately. The safest way was to resist such amendments when they were at the tail end of the session—within a few hours, he might say, of its close. With regard to the Bill now before the Committee, he hoped hon. gentlemen, and particularly the Hon. Mr. Buzacott, would allow it to proceed, so as not to endanger its passage elsewhere. He did not agree with the hon. gentleman that £1,200 was too much to pay the Bank of England for its assistance in obtaining this £2,000,000. Without the influence of the Bank of England, or some other powerful influence in the London money market, Queensland would make a very poor show in doing battle with the men on 'Change. In the name of common sense, let the Committee get on with the Bill, and by short and moderate speeches contribute to the restoration of harmony and concord.

The HON. C. H. BUZACOTT assured the Committee that he was not going to obstruct, and he would not have risen a second time if the Postmaster-General had not tried to cast a stigma on his capacity as a business man and a public man.

The POSTMASTER-GENERAL explained that what he said had reference only to the business of this Chamber.

Clause put and passed.

Clauses 2 to 7, inclusive, passed as printed.

On clause 8—

The HON. F. CLEWETT said that before the clause passed he should like to say a word with reference to what had taken place that afternoon. He had refrained from rising at an earlier stage, lest it might lead to further discussion. He was sorry to witness what had occurred, although possibly it might have a good effect; he hoped it would. He did not know that there was any actual necessity for it; but if it enabled them to understand their position better, and to conduct their business in a more satisfactory manner, it would not be without advantage. In whatever he had had to do with the Postmaster-General he had always found him most courteous; and if he could make a suggested concession or supply information in connection with the conduct of business, he was always most ready and willing to do so. His intercourse with the hon. gentleman had been nothing but satisfactory. Perhaps it was somewhat unfortunate that the Bill had been delayed to such a late period of the session; but he supposed that possibly there might be reasons for it which did not appear on the surface. He was satisfied that the Government were safeguarding the public interests in connection with their financial proposals in a very satisfactory manner. It

would certainly not be advisable to postpone the Bill to another session. The more time the Government had in which to do the business the better it would be for the country; and he sincerely hoped they would be successful in their operations. It was unfair to the Postmaster-General to impute that he was answerable for introducing the Bill into the House at the last moment.

The HON. C. H. BUZACOTT said that what he complained of was not that the Bill was introduced so late, but that it was taking precedence of other business on the paper.

The HON. F. CLEWETT said he had on previous occasions deprecated the fact of a rush of Bills coming in at a late stage of the session; but with regard to the present Bill there might be, as he had said, reasons for it which did not appear on the face of it. Indeed, the necessity and the merits of the Bill were so apparent that there was very little in it to take exception to. He was quite willing to support the Government and assist them in conducting the business in the manner submitted to the House.

Clause put and passed.

Clause 9 and preamble passed as printed.

The House resumed; and the Bill was reported without amendment.

### THIRD READING.

The Bill was read a third time, passed, and ordered to be returned to the Assembly.

### APPROPRIATION BILL No. 4.

#### FIRST READING.

This Bill, received from the Assembly, was read a first time.

#### SECOND READING.

The POSTMASTER-GENERAL said: In moving the second reading of this Bill, in order that hon. members may not be taken by surprise, I shall offer a few words of explanation. We have just passed a Loan Bill, authorising the issue of debentures to cover a sum of £2,000,000, and this is a Bill providing that the loan shall be devoted to the purposes for which it is to be raised. So far as my recollection goes there has not been an Appropriation Bill passed in connection with any previous Loan Bill, but the Government consider that an Appropriation Bill should accompany the Loan Bill, so that the disposition of the proceeds shall be clearly defined. I move that the Bill be now read a second time.

Question put and passed.

The Bill was then passed through its remaining stages without debate, and ordered to be returned to the Assembly.

### MINERAL LANDS (SALES) BILL.—MUSGRAVE WHARF EXTENSION BILL.

The PRESIDING CHAIRMAN read messages intimating that the Assembly had agreed to the amendments of the Council in these Bills.

#### PROBATE BILL.

The PRESIDING CHAIRMAN read a message intimating that the Assembly disagreed to the Council's proposed amendments in clauses 2 and 8 of this Bill, because they thought the amount of £500 should not be reduced; disagreed to the amendments in clause 1, and the new Part IV., and the amendments in the title, because they were outside the scope of the Bill; and agreed to the other amendments in the Bill.

Message ordered to be taken into consideration at a later hour of the day.

#### CRIMINAL LAW AMENDMENT BILL.

The PRESIDING CHAIRMAN read a message intimating that the Assembly did not insist upon their disagreement to the amendment upon which the Council insisted.

## RAILWAYS ACT OF 1888 AMENDMENT BILL.

## SECOND READING.

The POSTMASTER-GENERAL: This Bill is intended by the Government to be of somewhat temporary duration. One of the features of the Act of 1888, which hon. gentlemen are acquainted with, was an alteration in the policy of railway management, by the establishment of a board of commissioners, who were to take the control of the appointment of officers, and generally administer the affairs of the railways. I do not think it is necessary for me to dilate fully upon that policy, but unfortunately for the working of that Act some difficulties have arisen amongst the Commissioners, which have been made the subject of public comment and were brought by the Government under the notice of Parliament, the result being that both Houses joined in the formation of a committee to report—"(1) As to the reasons why the last annual report was not signed by the whole of the Commissioners; (2) as to the relations subsisting between the Commissioners in the management of the railways; and (3) as to the measures, if any, to be adopted in the public interest in view of such relations." The committee sat for a considerable time and took a great deal of evidence, and brought up a report. From that report, and the evidence upon which it is based, it is easy to see that the friction which exists between one of the Commissioners and his colleagues is of so strained a character that in the interests of the service they should not continue to work together. That is the second recommendation which the committee make in their report. They also recommend the retirement of Mr. Johnston. I will not weary the House by reading extracts from the evidence, or by referring to the points in dispute beyond saying that I am of opinion, after the most careful consideration of every word of the evidence, that the whole difficulty has arisen from one of those instances of incompatibility of temper which we occasionally see in persons so constituted that when they are strongly seized of a particular idea it is very difficult for them to cordially co-operate in the work which it is their joint duty to discharge. It is evident from the report that the greater portion of the trouble arose from one fault on the part of one of the Commissioners. It seems to me that Mr. Johnston was persistent in his insistence upon certain matters which he thought affected his reputation as an engineer, and he committed the mistake of subordinating his position as a Commissioner to his reputation as an engineer. All the difficulties occurring between the Commissioners may, I think, be attributed to that mistake and its consequences, which were persisted in rather more than the circumstances justified. I do not wish to reflect in any way upon his position as an engineer, and I am in sympathy with the expression of the joint committee that in making their recommendations there was no intention of casting any reflection upon Mr. Johnston's ability as an engineer, and they believed he worked cordially with the other Commissioners up to the point when the unfortunate differences arose. Unfortunately those differences went too far for the resuscitation of cordial business relations between Mr. Johnston and the other Commissioners. I point out that on the report of the committee it was not in the power of the Government or of Parliament to take any special action which would have the effect of removing the difficulties which had arisen. The only process provided under the Act for the removal of a Commissioner involves, first, a suspension by the Government upon specified grounds, followed by resolutions of both Houses of Parlia-

ment dismissing the Commissioner from his office on account of some impropriety or misconduct sufficient to justify Parliament in adopting that course. The report of the joint committee and the evidence taken disclose nothing to justify the adoption of that extreme course. It is unfortunate that the matter should have to be dealt with so late in the session, and, as a result, the only course open to the Government was to take such steps as would enable them to put an end to the present difficulty, reserving until next session the consideration of the main question of the future management of the railways. It is proposed under this Bill to give the Government power to declare by Order in Council that the office of any one or more, not exceeding two, of the existing Commissioners shall become vacant. Upon the publication of that order such office shall thereupon become vacant, and the duties shall devolve upon the Commissioner or Commissioners continued in office. The interests of any Commissioner whose office is so declared vacant are safeguarded by the provision that he is to receive the same salary as he would have received if the Bill had not been passed. No vacancy occurring in the office of any of the existing Commissioners shall be filled up so long as any one of them continues in office, and if by any unforeseen event the whole of the offices should become vacant the Government will have power to appoint one person to hold office in accordance with the provisions of the principal Act until the end of the unexpired term for which the existing Commissioners were appointed, and that will be some time in 1896. Hon. gentlemen will see that the Government propose to take the only step open to them to remove the existing difficulty which has brought about an unfortunate state of affairs which should not be allowed to continue; and, as I have said, they reserve the main question of the future management of our railways for serious debate and consideration during the next session of Parliament. I move that the Bill be now read a second time.

The HON. F. H. HART: It is my intention to support this Bill, which I look upon as consequent to a certain extent upon the report of the joint committee. As I had the honour of presenting the report of the committee to this House, it will be expected that I shall say something upon it. I have very little to say, because the evidence has been in the hands of hon. gentlemen for some time, and they have had an opportunity to go through it and form their own conclusions, and it has also been dealt with exhaustively by the Press. On behalf of the joint committee, I would say that in drawing up the report we endeavoured to keep within the limits of our instructions from Parliament. Parliament submitted three questions for our consideration, and we have as far as possible confined ourselves to answering them. To answer them we were obliged to take a vast amount of evidence, a great deal of which has no bearing whatever upon the question, but we were obliged to go into it to clear ourselves of any charge of partiality. Anyone who reads the evidence must come to the conclusion that the committee showed great patience in carrying out the inquiry. I do not think I need dwell upon any points in the report. It must be evident to hon. gentlemen that the seat of the disagreement was incompatibility of temper. In making their report the committee came to the conclusion that after what had taken place it would be impossible for Mr. Johnston and his colleagues to carry on business amicably in the future, and they had no alternative than to recommend that Mr. Johnston should retire. Mr. Johnston, you must understand, was not

upon his trial. No charge was brought against him. We were asked to find out why the report of the Commissioners had not been signed by the three of them, and we have done our best to ascertain that. Of course hon. gentlemen in going through the evidence will see that the main reason for the trouble was the differences and disagreements that occurred between Mr. Johnston and the Chief Engineer, but that was a matter entirely outside the scope of our inquiry. We had to listen to it, and take notice of it all, but we were not called upon to pass any opinion upon these quarrels and disagreements. We had simply to look to the relations between the Commissioners, and, if possible, make a recommendation which would enable the business to be properly carried on in future, and we have been compelled to come to the conclusion that it would be in the interests of the colony if Mr. Johnston retired. We have passed no reflection upon him. We were not called upon to pass any opinion upon him, and we have been careful in guarding our words, so that we might not be charged with partiality to one Commissioner more than another. We have strictly confined ourselves to the duty imposed upon us. We made the recommendation that Mr. Johnston should immediately retire, and that he be paid a sum equal to the amount of his present salary for the balance of his term of agreement. We were perfectly well aware that the Government could not dispense with Mr. Johnston's services, because there was no charge against him. He had done nothing which would justify Parliament or the Government in cancelling his agreement; and therefore he was entitled to his salary in full. Of course, the Government could have insisted upon making Mr. Johnston earn his salary; but how could the business of the Railway Commissioners be carried on if disagreements took place from day to day? It was therefore far better, in the opinion of the committee, that Mr. Johnston should be allowed to retire upon these terms. I do not know that I have anything more to say, except that I need hardly tell the House that the committee were placed in a very painful position. Nearly all of us were personal friends of the three Commissioners, and to have to listen to statements, cross-statements, and recrimination was very painful to me, and I am certain it was so to the rest of the committee. We have perhaps not expressed our opinions as strongly as some people would like. The public possibly thought that we would find some terrible scandal, and expose it, but we found no great scandal. We simply found there were differences, for which we recommend remedies. I think the Bill introduced will really meet the difficulty. The committee came to the conclusion, after great consideration, that it was desirable that divided responsibility should cease, and I think that is the opinion of most of the public. At all events, it is well that we should try some new system. I think the Bill will attain the desired result, and as far as I can judge I think the colony will be in a better position if it is passed. I shall have much pleasure in supporting the Bill.

The HON. A. C. GREGORY: The question before us is one of so much importance that it should not be passed over in silence. I have always held the opinion that the appointment of the three Commissioners was inherently defective. I have seen many other appointments of a similar kind, and I have always noticed that when co-ordinate powers are given difficulties subsequently arise. Unfortunately difficulties have arisen between the Railway Commissioners, and they have been inquired into by the joint committee, who I think have exercised a judicious discretion in their mode of dealing with the

whole subject. The Bill now before us is really the outcome of their deliberations. On the whole, when we look at the committee's report, I think we must conclude that they have done their duty in regard to the matters referred to them. This is not a convenient time to discuss the best method of managing our railways in the future. I do not mean the immediate future, because this Bill provides for that, but there must be some subsequent readjustment of the whole matter. I have pleasure in supporting the second reading of this Bill.

The HON. C. H. BUZACOTT: It is not my intention to occupy the time of the House at length on this question. In fact, I should not have spoken at all had it not been for particular reasons, which I explained to the House. I made no observation when the resolution was brought up from the Assembly some time ago for the appointment of four members of this House to the joint committee. From the very first moment I heard of the proposal to appoint a committee of both Houses to investigate the differences between the Commissioners, I felt that for the personal quarrels of such a body to be referred to a committee of politicians was an entire departure from the principles which guided Parliament in passing the Railways Act of 1888. With regard to the *personnel*, I have no complaint to make; in fact, I do not think that if any other means had been adopted for the selection of the committee a more competent committee could have been chosen from both Houses. The mistake was in referring the matter to a committee at all at that stage. It should have been referred to a commission of experts, presided over by one of the judges of the District Court. Then we should have had a legal and judicial inquiry into the matter, and no doubt we should have had a very much more satisfactory report than that which has been submitted by the joint committee. I say this with every respect for the committee. The report they have presented is quite as satisfactory as I anticipated it would be; it is the only kind of report they could have brought up under the circumstances. It has struck me all through that there has been an unfortunate series of circumstances from the very day of the passing of the Railways Act until now. In the first place, the Government determined to get two Commissioners from England, instead of getting one from England and one from the ranks of the men in this colony who have had large experience in public business. Had they imported a first-class man from England, and selected a first class man, like Mr. Gray, in the colony, I think it would have been possible to have made this scheme of railway management a success, though I had no faith in it from the first. I believe in the non-political management of our railways, but cannot say that I approve of this particular system. Then a mistake was made in appointing an engineer as one of the Commissioners. The moment I saw it stated that an engineer from England had been appointed, I said, "That is done with a view either to degrade Mr. Stanley or put him under some kind of control which he will not be able to submit to." You cannot put two engineers in such relative positions without their coming into conflict. I know from circumstances which came to my personal knowledge that there had existed a feeling among the Commissioners before they had been three years in the colony, that either Mr. Stanley or Mr. Johnston would have to go at the end of their seven years' term. The natural effect was that one engineer tried to gain an advantage over the other, as they could not work harmoniously together. The next mistake was made when Sir T. McIlwraith, the Secretary for Railways, was going to

Japan. He was appealed to by Mr. Stanley, and he requested the Commissioners to take Mr. Stanley from under the control of Mr. Commissioner Johnston. I have a great respect for Sir T. McIlwraith, and for his discretion and knowledge of business; but I think he was taken an unfair advantage of at that time, as no doubt he had his mind distracted by the thought of his journey. What ought to have been done was to have called on the Commissioners to reconcile Mr. Johnston and Mr. Stanley, or to make such recommendations with respect to the resignation of one or the other as would have put an end to their differences. The Commissioners should have been given to understand that unless the public service under their control could be conducted harmoniously, the Minister would intervene and exercise his power of suspension. With all respect to the Postmaster-General and the Hon. Mr. Hart, I think the Act gives full power to suspend in a case of that sort. It might not have been done at the particular stage to which the Hon. Mr. Hart referred; but the Minister ought to have put his foot down firmly and demanded that the interests of the colony should not be made subservient to personal feeling between the two engineers. Then a further mistake was made in the Minister not intervening when the scandal became public. The present Premier was Acting Secretary for Railways at the time, and I am sure he was actuated by a desire to conscientiously discharge his public duty, and by a feeling of kindness and consideration towards men placed in very high positions by a special Act of Parliament; but, notwithstanding that, I think that by taking a more decided course he would have served the colony better than he has done by leaving the matter to be dealt with by Parliament. The final mistake was in the Minister laying the matter before Parliament without any recommendation from him. There should have been an official inquiry instituted by the Minister for the thorough investigation of the matter, and he should then come down to Parliament with a recommendation, instead of referring the matter without any recommendation to a joint committee strange to all circumstances. There is no doubt that the Ministry for the time being are responsible for the conduct of the Commissioners, no matter how their independence may be hedged about by an Act of Parliament. We cannot, whatever legislation we may pass, relieve the Cabinet of responsibility. I do not wish these remarks to be regarded as censorious. I have only expressed opinions that I have conscientiously arrived at, and I think it is very much better that I should express them straightforwardly than to remain silent. With regard to the Bill, I have no objection to it whatever; and I agree with the Hon. Mr. Hart that the removal of Mr. Johnston under the circumstances casts no reflection on his engineering ability, though it may cast some reflection on his discretion. I am very glad that the Bill provides only for the remainder of the term of the present Commissioners; and we may expect that the Government will come down next session with a measure to place the railway commission on a more satisfactory footing. What we want is to have the department thoroughly well administered, and I hope that after the experience of the last five years we shall find means of attaining that object.

The HON. G. W. GRAY: Before the appointment of the Commissioners I had the privilege of being on the Royal Commission appointed to inquire into the working of the Civil Service; and one of the departments we investigated was the Railway Department, whose expenditure represents £17,000,000 of our public debt. We found that, in many respects, more skilled men were required to handle the department. In the

audit branch, for instance, we found a remarkable degree of laxity. There were only two auditors or inspectors to audit the accounts of over 300 railway stations. There was no book showing a record of their movements, and no one could tell us where those men were. Since then, however, the working of the department has been placed on a more satisfactory footing. It is unfortunate that the Commissioners have not been able to agree; and there is no doubt that the disagreement between Mr. Johnston and the Chief Engineer arose more out of sentiment than anything else, both being actuated by a laudable desire to get the credit of having effected the savings which is alleged to have been made. However, I think that whatever the Commissioners have cost, the country will benefit in the long run by the appointment of a railway commission. I have much pleasure in supporting the Bill.

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

The Bill was passed through its remaining stages without discussion, and ordered to be returned to the Assembly.

#### ORDER OF BUSINESS.

The POSTMASTER-GENERAL: As several hon. gentlemen have left the Chamber, not anticipating that the Railways Construction (Guarantee) Bill would be brought on before 7 o'clock, and as it is now not very far from the usual hour of adjournment for tea, I would suggest that the House resume at 7 o'clock. I am not prepared to go on with any other business. There is one message from the Legislative Assembly which I have not yet had time to read.

The House adjourned at half-past 5 o'clock until 7.

The House resumed at 7 o'clock.

#### RAILWAYS CONSTRUCTION (GUARANTEE) BILL.

##### COMMITTEE.

Clauses 6 and 7 put and passed.

On clause 8—"Publication of proposal to give guarantee"—

The HON. R. BULCOCK proposed an amendment to provide that notice of a proposal to give a guarantee should be forwarded to each ratepayer in the benefited area. Many ratepayers were not newspaper readers, they would never see the *Gazette*, and in a matter of so much importance to them it was essential that they should know what was going to be done.

The POSTMASTER-GENERAL said no one could question the object the hon. member had in view, or that it was desirable that every ratepayer should have notice of a proposed guarantee, but the consequence of inserting the amendment in the Bill was a different matter. It would mean that unless the Crown was in a position to prove at any future time when a question might arise about a guarantee that notice had been sent to every ratepayer they would not be in a position to establish a claim against a local authority. Questions would arise as to whether certain persons should or should not be on the roll as ratepayers, and whether every ratepayer had received notice.

The HON. A. C. GREGORY said the first difficulty could be got over by using the expression "forwarded by post," and the second did not exist, because clause 11 provided that the voters' roll or rate-book should be conclusive evidence as to who were ratepayers.

The HON. R. BULCOCK could not sit quietly and allow the ratepayers to be placed without their knowledge in a position that might be their ruin. If he might say so, he thought the remarks of the Postmaster-General were like special pleading. He submitted his amendment

in the amended form, "within the meaning of the Valuation Acts has been forwarded by post to each ratepayer in the benefited area and."

The HON. C. H. BUZACOTT said that the reference to the Valuation Acts would cover all that was required, and the words "by post" were unnecessary.

The POSTMASTER-GENERAL said the Valuation Act dealt with the sending of notices for rating purposes and did not affect the amendment, and in addition to that the notices under the Valuation Act dealt with matters between the ratepayers and the local authority and not with matters with which other persons were concerned. Clause 11 dealt only with the persons entitled to vote and the provision was restricted to the object of that clause, and could not be extended to any other purpose. He did not know whether something in the way of a certificate under the hand of the mayor or chairman of a local authority might not be considered conclusive evidence that the notices had been complied with. The amendment would hamper the operation of the Bill considerably.

The HON. W. F. TAYLOR said some such amendment as the one proposed was very desirable, as many ratepayers would never see the notices either in the *Gazette* or the newspapers. The matter might be dealt with in a new clause to the effect that a notice within the meaning of the Valuation Acts should be forwarded by post to each ratepayer in the benefited area whose name was on the voters' roll or rate-book for such area.

The HON. T. MACDONALD-PATERSON hoped the amendment would be accepted. He took the *Gazette* notice to be worth nothing, as the *Gazette* was worthless for general public information. Provision was made for two insertions of the notice in the local papers, but it should be inserted once a day for two months. Surely the ratepayers ought to have reasonable notice if it was not personal. He wished to emphasise the importance of full and ample, if not personal, notice being given.

The HON. C. H. BUZACOTT said the easiest way out of the difficulty would be to say that "notice under this Act shall be served in the same manner as prescribed by the Valuation Act."

The POSTMASTER-GENERAL suggested that the amendment should be withdrawn, and the following added at the end of the clause:—

A copy of such notice shall also be forwarded to each ratepayer in the benefited area in the same manner as notices are required to be served under the Valuation and Rating Act of 1890. A certificate under the hand of the chairman of the local authority to the effect that such notices have been duly forwarded shall be conclusive evidence thereof.

Amendment, by leave, withdrawn.

On the motion of the HON. R. BULCOCK, the substituted amendment was agreed to.

The HON. T. MACDONALD-PATERSON said the Postmaster-General had said nothing about the importance of advertising more than twice.

The POSTMASTER-GENERAL said the notice being published in the paper and sent to each individual would be sufficient. The proposition to give the guarantee would be very public in the locality concerned.

Clause, as amended, agreed to.

On clause 9—"Demand of poll"—

On the motion of the HON. R. BULCOCK, a verbal amendment was made.

The HON. C. H. BUZACOTT proposed the addition of the following words to the clause:—"In the event of any benefited area containing less than forty ratepayers, a demand under this section may be made by a majority of the ratepayers in the area." It was conceivable that there would not be so many as twenty ratepayers.

A square mile would only have one mile frontage to a line; and if a line was ten miles long, that would only give the exact number of twenty. He was quite sure some such amendment was necessary, and he thought there ought to be a majority at least.

The POSTMASTER-GENERAL said the amendment, if carried, would lead to an absurd conclusion. First of all, came the question whether there would ever be less than forty ratepayers. He thought that was almost out of the question. He did not see why if there were less than forty ratepayers it would be necessary for a majority to demand a poll. A majority could refuse the guarantee; and why, therefore, should it be necessary for a majority to make a request for a poll?

The HON. C. H. BUZACOTT said he was not wedded to the number forty. He would alter it by permission to thirty, but some such provision was necessary.

The POSTMASTER-GENERAL said the hon. gentleman really did not seem to know what he wanted. There would be something in the amendment if the hon. gentleman put the number at sixty, and then provided that one-third of the number might demand a poll. The hon. gentleman was demanding that the number of ratepayers who were to call for a poll should be really greater than the number who could prohibit the guarantee being given.

The HON. C. H. BUZACOTT said he had inserted the number forty, but intimated he would accept any number the Postmaster-General thought appropriate. In the event of there being only twenty ratepayers, and there was a demand for a poll, the majority being eleven would prevail. He could not see why the hon. gentleman should object to the amendment.

The POSTMASTER-GENERAL suggested that the hon. gentleman should withdraw his amendment, and propose instead that after the word "specified" there be inserted the words "or in case the number of ratepayers in the area should be less than sixty, one-third of the ratepayers," which would allow of a smaller number to demand a poll than were required to forbid the construction of a railway.

The HON. C. H. BUZACOTT said he was quite willing to accept the suggestion.

The HON. F. T. BRENTNALL did not think the amendment suggested by the Postmaster-General would answer the purpose the Hon. Mr. Buzacott had in view, as where there were only twenty ratepayers it would allow the small number of six to demand a poll. He thought it would be better to retain the original amendment, but to alter it so that instead of a majority not less than a half should be entitled to demand a poll.

The HON. C. H. BUZACOTT said it must not be supposed that because he accepted the Postmaster-General's suggestion he thought it was right, but as the hon. gentleman was the representative of the Government, and most hon. members did not seem to care how the matter went, it was no use his insisting on his amendment.

The HON. F. T. BRENTNALL did not think that was the proper attitude for the hon. gentleman to take up in regard to the Bill. If an hon. member had a conviction that a Bill was capable of being amended, it was his duty to do the very best he could in the way of amending it. He did not hesitate to say that the Bill as it came up to that Chamber was an exceedingly dangerous measure, which should be either amended or ended.

The HON. T. MACDONALD-PATERSON suggested that, in view of the present position of business, the Postmaster-General should move the Chairman out of the chair, and resume the debate at a later hour of the evening.



The POSTMASTER-GENERAL said he proposed to move the Chairman out of the chair when the messages which he was expecting from the Assembly had arrived; but in the meantime if they were serious in dealing with the Bill they might proceed with it. If they were not serious, it was no use continuing the discussion; but he hoped the Committee were serious, as some districts were appealing very strongly for the measure. There would be no more danger to ratepayers under that Bill than there was under the Local Works Loans Act or the Local Government Act, which enabled local authorities to borrow for public works. The reason for its introduction was that some local authorities had asked the Government to grant them a loan for the construction of railways. The Government, after considering the matter very carefully, came to the conclusion that it would be more economical for the country as well as for the local authorities, and more conducive to substantial work, if they constructed and worked the railways with their own officers, but entirely at the risk of the local authorities, than that each local authority should have a petty railway department of its own, and in order to do that it was necessary to pass a Bill of that character enabling the local authorities to give the required guarantee.

The HON. T. MACDONALD-PATERSON said the Committee were in the dark with regard to the applications the hon. gentleman referred to, and had no knowledge as to the localities in which it was proposed to construct the railways; but if certain persons or local authorities desired to construct local railways, why did not they bring them before Parliament in the same way as the Swanbank Colliery Bill and the Thomas Railway Bill had been submitted, instead of the Government introducing a measure which applied to the whole colony? He was against the principle of the Bill, and protested against such hasty legislation. It had not been shown that the measure was a desirable one, and no harm would result by allowing it to stand over a little longer.

The HON. C. H. BUZACOTT said that if the Postmaster-General could convince him that there would be no more danger under that Bill than under the Local Works Loans Act or the Local Government Act, his opposition to it would be gone, but he maintained that there was more danger under it, because while the Acts he had mentioned limited a special loan rate to 1d. in the £1, the Bill before the Committee placed no limit on the rate that might be levied.

The POSTMASTER-GENERAL could see that it would take him a longer time than was at their disposal this session to convince the Hon. Mr. Buzacott and some other members that there was no more danger under the Bill than there was under the Local Government Acts. He would point out, however, that the effect of postponing the passage of the Bill till next session would be that, as no preliminary steps for the construction of any of those local lines could be taken until the plans and books of reference were submitted to Parliament, the work would be practically postponed for two sessions. He moved that the Acting Chairman leave the chair.

The HON. C. H. BUZACOTT said the stoppage of the Bill now would not delay the construction of the railways, as the plans and specification and the Bill could be passed simultaneously next session.

The HON. T. MACDONALD-PATERSON wished to emphasise his objection that the principle of the Bill was bad, inasmuch as it provided that the Government should advance the money for building the railways and the local authorities guarantee the interest. The reverse would have been done, the local authority or

private persons providing the capital and the Government guaranteeing a certain portion of the interest.

The HON. F. T. BRETNALL had not said one word as to the principle involved in the Bill, but the experience of hon. members generally was like his own, and they were indisposed to leave too much power in the hands of local authorities. They suffered enough in cases in which the power left to them was limited, but the unlimited power proposed to be left to them under that Bill would be opposed by him as long as he had a voice to oppose it.

Question put and passed.

#### JOINT COMMITTEE ON HANSARD.

The PRESIDING CHAIRMAN read a message from the Assembly concurring in the resolution forwarded by the Council relative to the joint committee on *Hansard*, amended so as to read that the committee should continue to control during the recess the matters for which it was appointed.

The POSTMASTER-GENERAL: I move that a message be sent to the Assembly intimating the concurrence of the Council in the amendment made in the resolution. I understand that the provisions of the Standing Orders of the Assembly required the adoption of the resolution in the amended form.

Question put and passed.

#### MESSAGES FROM THE ASSEMBLY.

The PRESIDING CHAIRMAN read messages from the Assembly, intimating the concurrence of that House in the Council's amendments in the Pastoral Leases Extension Act Amendment Bill; the Civil Service Act Amendment Bill; the Meat and Dairy Produce Encouragement Act Amendment Bill; the Government Savings Bank Stock Bill; the Agricultural Lands Purchase Bill; and the Crown Lands Acts Amendment Bill.

#### ADJOURNMENT.

The POSTMASTER-GENERAL: I move that this House do now adjourn, and in doing so I offer my congratulations to hon. gentlemen upon coming to the close of a long and important session of the Parliament of this colony.

The HON. C. H. BUZACOTT: Before that is passed I would ask the hon. gentleman if he intends to take no action upon the message received from the Assembly about the Probate Bill. That is a very important Bill, likely to be of great advantage to the representatives of persons dying and leaving small amounts; and if we cannot get the clauses inserted by the Hon. Mr. Macpherson we might accept the Bill as sent up to us. It is not a fair thing, when the time of the House is taken up in perfecting Bills which the Assembly will not accept, that they should therefore be let lie. I hope the Postmaster-General will give the humble people of the colony the large privileges the Bill would confer.

The HON. T. MACDONALD-PATERSON: I am sure hon. members will agree with me in the expression of the opinion that the Hon. Walter Horatio Wilson, while leader of this Chamber, earned the gratitude and respect of hon. gentlemen for the manner in which he conducted the business of the House.

HONOURABLE GENTLEMEN: Hear, hear!

The HON. T. MACDONALD-PATERSON: We all regret the circumstances, not at all personal to himself, which led to his having to withdraw from that honourable position. I am sure he regretted very much himself having to sever his active association with the members of this Chamber, but he has been well succeeded in the person of the Hon. Mr. Thynne. I conclude with the expression of my pleasure that we have brought the session to so satisfactory a conclusion.

THE HON. A. C. GREGORY: I think we have also to thank the Hon. Postmaster-General, Mr. Thynne, for the way in which he has conducted the business, and for the courtesy we have always received from him under circumstances which were sometimes exceedingly trying.

HONOURABLE GENTLEMEN: Hear, hear!

Question put and passed.

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